

ESTABLISHMENT OF THE NBA “BUBBLE” GUIDELINES FOR THE RESUMPTION OF THE 2019-20 SEASON

Eric Zilber*

TABLE OF CONTENTS[†]

<i>Introduction</i>	1
<i>COVID-19 Background</i>	2
<i>The Challenges Facing the NBA</i>	4
<i>Initial Planning</i>	8
<i>The “Bubble” Emerges as a Front-Runner</i>	11
<i>“Bubble” Plans Solidify and the Protocols</i>	13
<i>Phase One</i>	14
<i>Phase Two</i>	15
<i>Phase Three</i>	21
<i>Phase Three-A</i>	28
<i>Phase Four</i>	32
<i>Phase Five</i>	50
<i>Phase Six</i>	52
<i>Conclusion</i>	56
Exhibit A – Spread of COVID-19	58
Exhibit B – ESPN Wide World of Sports (“WWOS”) Map	59
Exhibit C – Testing Timeline for Players and Essential Staff	60
Exhibit D – Participant Tiers	61
Exhibit E – Masks/Face Coverings During Games	63
Exhibit F – COVID-19 Testing and Monitoring Requirements	65

* J.D., Harvard Law School, 2022; B.S., *summa cum laude*, Cornell University, 2016. First, the author would like to thank Jeffrey B. Gewirtz and Russell Yavner for their mentorship and leadership in the sports industry and for giving him the opportunity to work with the Brooklyn Nets for more than two years while attending Harvard Law. He would also like to thank Professor Peter A. Carfagna for his guidance in the sports law field. Further, he is forever grateful for the love and support of his wife, Maeve Forti, and father, David Zilber. Finally, the author dedicates this paper to his best friend and late mother, Mariya Kleynner, who always encouraged him to pursue his dreams.

Introduction

On March 11, 2020, the 2019-20 National Basketball Association (“NBA”) Season hung in the balance after Rudy Gobert tested positive for coronavirus prior to the tip-off of a game between the Utah Jazz and Oklahoma City Thunder.¹ At the time, the United States was starting to learn about the SARS-CoV-2 (“COVID-19”) virus that would impact daily life for the foreseeable future. While the World Health Organization (“WHO”) declared COVID-19 a pandemic on the same date,² the gravity of the situation to many was still unclear because, at this point, the U.S. had only detected approximately 1,000 cases of COVID-19.³ Despite this, the NBA took swift action that night by suspending gameplay.⁴ Across the sporting landscape: March Madness was canceled,⁵ MLB negotiations stalled resulting in a shortened season,⁶ the Kentucky

† While this paper was published with the express permission of the NBA, it was not written in collaboration with the NBA. Further, all material was derived from publicly available sources, and is not attributable to the NBA. The NBA had no input on the content.

¹ Shams Charania (@ShamsCharania), TWITTER (Mar. 11, 2020, 9:27 AM), https://twitter.com/ShamsCharania/status/1237913057596026881?ref_src=twsrc%5Etfw%7Ctwamp%5Etweetembed%7Ctwterm%5E1237913057596026881%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.nbc.com%2Fnorthwest%2Fportland-trail-blazers%2Fnba-suspends-season-indefinitely-after-rudy-gobert-tests-positive-covid-19 [https://perma.cc/3PFK-WXMB].

² WHO Director-General’s Opening Remarks at the Media Briefing on COVID-19, (Mar. 11, 2020), <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020> [https://perma.cc/FK8U-9CBF].

³ Veronica Rocha, *March 11 Coronavirus News*, CNN, (Mar. 12, 2020, 12:02 AM), <https://www.cnn.com/world/live-news/coronavirus-outbreak-03-11-20-intl-hnk/index.html> [https://perma.cc/HGE5-59D8].

⁴ Press Release, NBA, NBA to Suspend Season Following Tonight’s Games, (Mar. 11, 2020), <https://pr.nba.com/nba-to-suspend-season-following-tonights-games/> [https://perma.cc/ARH8-JWHK].

⁵ Laurel Wamsley, *No More March: NCAA Cancels Men’s and Women’s Basketball Tournaments*, NPR, (Mar. 12, 2020, 4:49 PM), <https://www.npr.org/2020/03/12/815115557/no-march-madness-ncaa-cancels-mens-and-women-s-basketball-tournaments> [https://perma.cc/936G-PGPR].

⁶ R.J. Anderson, *MLB 2020 Season: Timeline of How Testy Negotiations Led to Rob Manfred Mandating a 60-Game Schedule*, CBS, (June 23, 2020, 10:56 PM), <https://www.cbssports.com/mlb/news/mlb-2020-season-timeline-of-how-testy-negotiations-led-to-rob-manfred-mandating-a-60-game-schedule/> [https://perma.cc/B2ZN-AU2B].

Derby was postponed,⁷ and the 2020 Summer Olympics were delayed a year.⁸ By contrast, on June 5, the NBA's Board of Governors had approved by a 29-1 vote a 22-team format for restarting the season at the Disney Campus outside Orlando, Florida.⁹ Upon reaching the conclusion of the NBA Finals on October 11 (after 107 days and 172 games),¹⁰ there were a total of zero positive player COVID-19 cases for the duration of the bubble.¹¹ This paper explores how the NBA navigated the challenges of COVID-19, first and foremost, ensuring the safety of all participating players, coaches, and staff.

COVID-19 Background

To begin understanding the gargantuan task of safely resuming any activity, let alone a contact sport, requires a rewind to the state of the public health crisis in early 2020. COVID-19 was first identified among patients with severe respiratory infections in late December 2019 in

⁷ *2020 Kentucky Derby Postponed, Rescheduled for Sept 5*, AMERICA'S BEST RACING, (Mar. 17, 2020), <https://www.americasbestracing.net/the-sport/2020-2020-kentucky-derby-postponed-rescheduled-sept-5> [<https://perma.cc/YXE2-WHF6>].

⁸ Kelly Cohen, *Tokyo 2020 Olympics officially postponed until 2021*, ESPN (Mar. 24, 2020, 09:01 AM), https://www.espn.com/olympics/story/_/id/28946033/tokyo-olympics-officially-postponed-2021 [<https://perma.cc/PB8D-EDZR>].

⁹ Tim Reynolds, *NBA Board of Governors Approves 22-Team Restart of 2019-20 Season*, NBA, (June 5, 2020, 8:33 AM), <https://www.nba.com/news/bog-approves-22-team-season-restart> [<https://perma.cc/3774-PDNZ>].

¹⁰ Jeff Zillgitt, *Meet the Eight Key Figures Who Helped Make the NBA Bubble a Success*, USA TODAY, (Oct. 13, 2020, 6:40 PM), <https://www.usatoday.com/story/sports/nba/2020/10/13/nba-bubble-succeeded-because-eight-key-figures-adam-silver/3640236001/> [<https://perma.cc/B4KL-43BX>].

¹¹ Kelcie Pegher, *Coronavirus Today: The NBA's Bubble Worked*, LOS ANGELES TIMES, (Oct. 12, 2020, 7:58 PM), <https://www.latimes.com/science/newsletter/2020-10-12/coronavirus-today-nba-bubble-success-covid-lakers-coronavirus-today> [<https://perma.cc/NCT9-R2YP>]; Reese Oxner, *Lakers Win NBA Finals; No Coronavirus Cases Reported In Bubble*, NPR, (Oct. 12, 2020, 6:28 PM), <https://www.npr.org/2020/10/12/923064484/lakers-win-nba-finals-no-coronavirus-cases-reported-in-bubble> [<https://perma.cc/WLJ8-55JS>]; Kate Baggagley, *The NBA Bubble Was a One-of-a-Kind COVID-19 Success Story*, POPULAR SCIENCE, (Oct. 15, 2020, 3:00 PM), <https://www.popsci.com/story/health/nba-coronavirus-bubble-success-science/> [<https://perma.cc/9D2Q-JNGD>].

Wuhan, China.¹² On January 19, 2020, the first United States-identified case of COVID-19 was diagnosed in a man who had days earlier traveled from Wuhan to the State of Washington.¹³ By February, there were fifteen cases, all tied to China.¹⁴ However, it was estimated that those individuals had likely infected over 2,000 others throughout major cities in the United States.¹⁵ Nonetheless, nationwide travel restrictions from identified outbreak hotspots – China,¹⁶ Iran,¹⁷ the Schengen Area comprised of twenty-six European states,¹⁸ and the United Kingdom and Ireland¹⁹ – were established. President Trump also invoked the National Emergencies Act²⁰ to declare the pandemic a national emergency,²¹ thereby freeing funds for emergency aid to state and local governments. States responded in the form of stay-at-home orders, but varied significantly in terms of their start date (e.g., California: March 19, South Carolina: April 7), restrictiveness (i.e., advisory vs. mandatory), and duration.²² As the COVID-19 health crisis continued to envelop the

¹² Ana S. Gonzalez-Reiche, ET AL., *Introductions and Early Spread of SARS-CoV-2 in the New York City Area*, SCIENCE, July 17, 2020, at 369.

¹³ Michelle L. Holshue, ET AL., *First Case of 2019 Novel Coronavirus in the United States*, N. ENGL. J. MED, Mar. 5, 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7092802/> [<https://perma.cc/H9WW-DRUP>].

¹⁴ Press Release, CENTERS FOR DISEASE CONTROL AND PREVENTION, CDC Confirms 15th Case of Coronavirus Disease (COVID-19), (Feb. 13, 2020), <https://www.cdc.gov/media/releases/2020/s0213-15th-coronavirus-case.html> [<https://perma.cc/LB5C-5YFL>].

¹⁵ Derek Watkins, ET AL., *How the Virus Won*, THE NEW YORK TIMES, (June 24, 2020), <https://www.nytimes.com/interactive/2020/us/coronavirus-spread.html> [<https://perma.cc/M38E-Y9MV>].

¹⁶ Proclamation No. 9984, 84 Fed. Reg 6,709 (Jan. 31, 2020).

¹⁷ Proclamation No. 9992, 85 F.R. 12,855 (Mar. 4, 2020).

¹⁸ *Id.* at 15,045.

¹⁹ Proclamation No. 9996, 85 F.R. 15,341 (Mar. 18, 2020).

²⁰ Pub. L. No. 94-412, 90 Stat. 1255 (1976), codified as amended at 50 U.S.C. §§1601-1651.

²¹ Proclamation No. 9994, 85 Fed. Reg. 15,337 (Mar. 13, 2020).

²² *Morbidity and Mortality Weekly Report*, CENTERS FOR DISEASE CONTROL AND PREVENTION, (Sept. 4, 2020), <https://www.cdc.gov/mmwr/volumes/69/wr/mm6935a2.htm> [<https://perma.cc/Z5MX-PKHD>].

United States, restrictions grew in tandem, making it more difficult to envision how a return to “normal” could be achieved.

The Challenges Facing the NBA

After suspending its season, the NBA had to examine what a “return to play” could look like and how to address various concerns of the relevant parties properly. A central issue was the cascading effect of any player, coach, or staff testing positive for the virus.²³ To this end, the research found that prolonged, unprotected close contact (within six feet of a confirmed COVID-19 infected individual for at least fifteen minutes)²⁴ – a given in any basketball competition – resulted in the greatest likelihood of transmitting the virus.²⁵ Not only would a player testing positive have to be sidelined, but practically any other player on the court at the same time would need to quarantine for fourteen days.²⁶ Another challenge included coaches,²⁷ half of which were

²³ See Exhibit A.

²⁴ *Updated Guidance on Evaluating and Testing Persons for Coronavirus Disease 2019 (COVID-19)*, CENTERS FOR DISEASE CONTROL AND PREVENTION, (Mar. 8, 2020), <https://emergency.cdc.gov/han/2020/HAN00429.asp> [<https://perma.cc/BW5W-HN38>].

²⁵ Arman Azad, ‘Prolonged, Unprotected Contact’ Led to First Known Person-to-Person Coronavirus Transmission in US, Study Says, CNN, (Mar. 12, 2020, 6:10 PM), https://www.cnn.com/2020/03/12/health/person-to-person-coronavirus-illinois-study/index.html?utm_source=twCNN&utm_term=link&utm_content=2020-03-13T01%3A31%3A02&utm_medium=social [<https://perma.cc/5H8L-AHKJ>].

²⁶ SCIENCE BRIEF: OPTIONS TO REDUCE QUARANTINE FOR CONTACTS OF PERSONS WITH SARS-CoV-2 INFECTION USING SYMPTOM MONITORING AND DIAGNOSTIC TESTING, CENTERS FOR DISEASE CONTROL AND PREVENTION (2020) (later decreased to 10 days if certain conditions met).

²⁷ Logan Newman, *Thunder Coach Mark Daigneault is Young. Here’s the List of NBA Coaches by Age.*, THUNDERWIRE, (Mar. 12, 2020, 8:57 PM), <https://okcthunderwire.usatoday.com/gallery/thunder-coach-mark-daigneault-is-young-heres-the-list-of-nba-coaches-by-age/> [<https://perma.cc/6PDX-9TJF>]; Baxter Holmes, *GMs Concerned about Coronavirus Risk for Older Coaches, Staff if NBA Resumes Play*, ESPN, (May 2, 2020), https://www.espn.com/nba/story/_/id/29126844/general-managers-concerned-older-coaches-staff-exposed-nba-resumes-play [<https://perma.cc/KD2S-PL9U>]; Ryan Young, *Adam Silver: NBA May Not Let Older Coaches Sit on Bench During Games ‘To Protect Them’*, YAHOO! SPORTS, (June 4, 2020), <https://sports.yahoo.com/nba-adam-silver-may-restrict-older-coaches-coronavirus-covid19-pandemic-disney-world-020012678.html> [<https://perma.cc/N4P2-AG97>].

older than fifty, and a few of which were over 65, causing them to be at greater risk for COVID-19 complications. Doctors also warned about the long-term effects of the virus on players' lungs and hearts.²⁸ Other conditions – including sickle cell disease, COPD, immunocompromised state, diabetes, and thalassemia – with increased risk for severe COVID-19 illness had to be monitored.²⁹ Centers for Disease Control and Prevention (“CDC”) guidance in mid-March warned against gatherings of fifty people or more,³⁰ dimming the prospect of any professional sporting competition (with or without fans). Players and staff also had to deal with mental health issues related to being confined at home and dealing with ailing or deceased family members,³¹ all the while continuing to remain in shape during the hiatus.³² Another undeniably challenging situation was determining what the appropriate role of basketball and its players should be vis-à-vis the

²⁸ Colin Ward-Henninger, *NBA Trade Deadline's Secret Winners: Six Players Benefiting from Moves Their Teams Made*, CBS, (Mar. 28, 2021, 11:02 AM), <https://www.cbssports.com/nba/news/nba-trade-deadlines-secret-winners-six-players-benefiting-from-moves-their-teams-made/> [<https://perma.cc/Q9Y7-36QR>].

²⁹ *Medical Conditions*, CENTERS FOR DISEASE CONTROL AND PREVENTION, (Feb. 10, 2023), <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html> [<https://perma.cc/BH5B-ZMEH>]; *COVID-19: Who's at Higher Risk of Serious Symptoms?*, MAYO CLINIC, (Sept. 27, 2022), <https://www.mayoclinic.org/diseases-conditions/coronavirus/in-depth/coronavirus-who-is-at-risk/art-20483301> [<https://perma.cc/33SW-H7NM>].

³⁰ Emma Bowman, *CDC Recommends Against Gatherings Of 50 Or More; States Close Bars and Restaurants*, NPR, (Mar. 15, 2020, 9:03 PM), <https://www.npr.org/2020/03/15/816245252/cdc-recommends-suspending-gatherings-of-50-or-more-people-for-the-next-8-weeks> [<https://perma.cc/9PR3-L45U>].

³¹ Adam Wells, *Karl-Anthony Towns Says He Lost 7 Family Members to COVID-19, Including His Mom*, BLEACHER REPORT, (Dec. 4, 2020), <https://bleacherreport.com/articles/2920980-karl-anthony-towns-says-he-lost-7-family-members-to-covid-19-including-his-mom> [<https://perma.cc/F2F8-TDXD>].

³² Mark Medina, *How NBA Players are Handling Mental Health Issue During Coronavirus Crisis*, USA TODAY, (Mar. 26, 2020, 3:50 PM), <https://www.usatoday.com/story/sports/nba/2020/03/26/coronavirus-how-nba-players-handling-mental-health-during-hiatus/5076589002/> [<https://perma.cc/P6SH-SV5F>].

social justice movement³³ in the aftermath of the Breonna Taylor and George Floyd killings.³⁴ Some players donated considerable time and resources³⁵ to the Black Lives Matter movement, while others advanced whether it was even appropriate to play at all.³⁶ All of these factions and concerns needed to be addressed in the ultimate iteration of the NBA “Bubble.”

After Commissioner Silver suspended the season, an omnipresent concern related to effect of the 2017 Collective Bargaining Agreement’s (“CBA’s”)³⁷ *force majeure* clause.³⁸ Generally speaking, a *force majeure* (derived from French for “superior force”) provision excuses a party’s performance under a contract (or CBA) when an “act of God” or some other extraordinary event

³³ Liz Roscher, *Over 1,400 Athletes, Coaches, Executives Sign Players Coalition Letter to End Police Immunity*, YAHOO! SPORTS, (June 10, 2020), <https://sports.yahoo.com/over-1400-athletes-coaches-executives-sign-players-coalition-letter-to-end-police-immunity-150408851.html> [<https://perma.cc/S8TN-EZ22>].

³⁴ *Breonna Taylor is Killed by Police in Botched Raid*, HISTORY.COM (Mar. 10, 2021), <https://www.history.com/this-day-in-history/breonna-taylor-is-killed-by-police> [<https://perma.cc/9ALV-UXQU>]; Evan Hill, ET AL., *How George Floyd Was Killed in Police Custody*, THE NEW YORK TIMES, (May 31, 2020), <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html> [<https://perma.cc/N385-HME5>].

³⁵ Associated Press, *Atlanta Hawks' Trae Young Speaks at Peaceful Protest in Oklahoma*, ESPN, (June 1, 2020), https://www.espn.com/nba/story/_/id/29253389/atlanta-hawks-trae-young-speaks-peaceful-protest-oklahoma [<https://perma.cc/RU2C-QB2P>]; Bobby Manning, *Jaylen Brown Marks New Era of Celtics Leaders*, SB NATION, (June 16, 2020, 12:32 PM), <https://www.celticsblog.com/2020/6/16/21293073/jaylen-brown-new-era-of-celtics-leaders-boston-celtics-black-lives-matter-bill-russell-kyrie-lebron> [<https://perma.cc/33C4-ANRW>].

³⁶ Selbe, *Report: Kyrie Irving Calls for Players to Skip NBA's Orlando Return*, SPORTS ILLUSTRATED, (June 12, 2020), <https://www.si.com/nba/2020/06/13/kyrie-irving-nba-season-restart-orlando> [<https://perma.cc/J3TW-2LVB>].

³⁷ NBA CBA (hereafter “CBA”) made available at <https://cosmic-s3.imgix.net/3c7a0a50-8e11-11e9-875d-3d44e94ae33f-2017-NBA-NBPA-Collective-Bargaining-Agreement.pdf> [<https://perma.cc/SMF4-Y8C7>].

³⁸ Bryan Toporek, *What If The 2019-20 NBA Season Is Over? Explaining The ‘Force Majeure’ Clause*, FORBES, (Mar. 13, 2020), <https://www.forbes.com/sites/bryantoporek/2020/03/13/what-if-the-2019-20-nba-season-is-over-explaining-the-force-majeure-clause/?sh=53f5248259ed> [<https://perma.cc/LLM9-NCPM>].

precludes a party from fulfilling its obligations.³⁹ Per the NBA CBA, a *force majeure* event includes the occurrence of an epidemic⁴⁰ or any governmental order or action provided that either: “(i) makes it impossible for the NBA to perform its obligations under [the CBA], or (ii) frustrates the underlying purpose of [the CBA], or (iii) makes it economically impracticable for the NBA to perform its obligations under [the CBA].”⁴¹ The above is modified to provide that the triggering event of the *force majeure* clause could not be within the reasonable control of the NBA or a team.⁴² Of significant importance to players was that if a *force majeure* event resulted in any “missed Exhibition, Regular Season, or Playoff game during such period that was not rescheduled and replayed,” each missed game would reduce a player’s compensation by 1/92.6th for that respective season.⁴³ At this point in the season, all teams had played their exhibition games, but

³⁹ 77A C.J.S *Sales* § 370 (2020); 1 Am. Jur. 2d *Act of God* § 13 (2020). Common force majeure events include: natural disasters, war, government acts (i.e., eminent domain), labor activities (i.e., strikes), power shortages, epidemics, and quarantines; see also *Black’s Law Dictionary* (9th ed. 2009) explaining that a *force majeure* clause “is meant to protect the parties in the event that a contract cannot be performed due to causes which are outside the control of the parties and could not be avoided by exercise of due care.”

⁴⁰ Cf. NFL CBA made available at

<https://nflpaweb.blob.core.windows.net/website/PDFs/CBA/March-15-2020-NFL-NFLPA-Collective-Bargaining-Agreement-Final-Executed-Copy.pdf> [<https://perma.cc/BG2D-CH2V>] (which lacks an explicit force majeure clause); MLB CBA made available at [https://d39ba378-ae47-4003-86d3-](https://d39ba378-ae47-4003-86d3-147e4fa6e51b.filesusr.com/ugd/b0a4c2_95883690627349e0a5203f61b93715b5.pdf)

[147e4fa6e51b.filesusr.com/ugd/b0a4c2_95883690627349e0a5203f61b93715b5.pdf](https://perma.cc/PGA8-ZDDN)

[<https://perma.cc/PGA8-ZDDN>] (also lacks force majeure clause). *But see* MLS CBA: Associated Press, *MLS Invokes Force Majeure Clause, Setting Up Another CBA Negotiation*, SPORTS ILLUSTRATED, (Dec. 30, 2020), <https://www.si.com/soccer/2020/12/30/mls-players-union-cba-negotiations-force-majeure-clause> [<https://perma.cc/KQX9-GF6L>]; Jeff Carlisle, *MLS Labor Negotiation: What Does Force Majeure Mean for CBA, Players, 2021 Season?*, ESPN, (Jan. 11, 2021), <https://www.espn.com/soccer/major-league-soccer/story/4282033/mls-labor-negotiation-what-does-force-majeure-mean-for-cbaplayers2021-season> [<https://perma.cc/9XBZ-XBZJ>] (inclusion of force majeure clause in 2020 CBA).

⁴¹ CBA Article XXXIX, § 5(a).

⁴² *Id.*

⁴³ CBA Article XXXIX, § 5(b). 92.6 was determined based on each team’s playing five Exhibition games, eighty-two Regular Season game, and 5.6 Playoff games during each Season. For reference, Stephen Curry of the Golden State Warriors (the NBA’s highest-paid player in the

only 64 to 67 of their 82 regular season games (79-83%) and no playoff games.⁴⁴ Notice to the NBA Players Association (“NBPA”) of a *force majeure* event was required within sixty days of said event, after which the NBA would have another sixty days to terminate the CBA.⁴⁵ It was unclear when, specifically, the triggering event occurred though likely dates were March 11, when the 2019-20 season was suspended,⁴⁶ or March 13, when President Trump declared a national emergency.⁴⁷ Either way, the future did not seem promising, and it remained uncertain whether a season of any kind was feasible.

Initial Planning

Following March, the COVID-19 landscape in the United States continued to worsen, and the NBA began taking its first major steps during the hiatus. Rumors swirled about a possible single-site location without fans for a season continuation and playoffs, which included locations in Las Vegas, the Bahamas, Orlando, Atlantic City, Hawaii, and Louisville.⁴⁸ At the same time, to offset a projected decrease in revenue,⁴⁹ the NBA’s top 100 executives and senior leaders

2019-20 season) could stand to lose approx. \$435,000 per game not played, while a two-way contract converted to a regular NBA deal for this season would lose \$9,700 per game: Tim Reynolds, *Commissioner Adam Silver: NBA Hiatus Will Likely Last ‘At Least’ 1 Month*, NBA, (Mar. 12, 2020, 9:00 PM), <https://www.nba.com/news/nba-hiatus-likely-last-least-one-month-ap> [<https://perma.cc/GG8F-LZ5U>].

⁴⁴ Michael McCain, *NBA, NBPA Agreement Doesn't Preclude Future Labor Issues if Coronavirus Drags On*, SPORTS ILLUSTRATED, (Apr. 17, 2020), <https://www.si.com/nba/2020/04/17/nba-nbapa-pay-cut-agreement-coronavirus> [<https://perma.cc/EG8G-Y6C8>].

⁴⁵ CBA Article XXXIX, § 5(d).

⁴⁶ NBA, *supra* note 4.

⁴⁷ Proclamation No. 9994, *supra* note 21.

⁴⁸ Marc Berman, *The Playoff Scenarios NBA is Discussing for Hopeful Return*, NEW YORK POST, (Mar. 30, 2020), <https://nypost.com/2020/03/30/the-playoff-scenarios-nba-is-discussing-for-hopeful-return/> [<https://perma.cc/DRT8-DLEJ>].

⁴⁹ Ben Golliver, *Coronavirus Could Cost NBA \$1 Billion, Bring about Record Salary Cap Drop*, THE WASHINGTON POST, (Mar. 21, 2020, 8:00 AM), <https://www.washingtonpost.com/sports/2020/03/21/coronavirus-could-cost-nba-1-billion-bring-about-record-salary-cap-drop/> [<https://perma.cc/WND3-GQKH>].

received a twenty percent pay cut.⁵⁰ Fortunately, and as United States unemployment rates edged towards fifteen percent,⁵¹ said NBA cuts would not impact support or administrative staff across the organization.⁵² Soon, the idea of a “bubble” gathered momentum as the NBA had some experience, through the MGM Resorts G League Winter Showcase in Las Vegas, of hosting a fan-less competition with 28 G League teams present.⁵³ Eyes then turned to the world’s only professional basketball league that was continuing to operate during COVID-19, the Taiwanese Super Basketball League (“SBL”).⁵⁴ Unlike the NBA, only five teams participated in the SBL, but the SBL’s safety measures – maximum arena capacity of 100, facemask adherence by non-athletes, and temperature checks for players – were viewed favorably.⁵⁵ Similar “bubble” plans

⁵⁰ Adrian Wojnarowski, *Sources: NBA's Top Executives to Have Salaries Reduced by 20%*, ESPN, (Mar. 26, 2020), https://www.espn.com/nba/story/_/id/28959044/nba-top-executives-salaries-reduced-20-percent [<https://perma.cc/G2SY-BKKX>]; *see also*, Jenna West, *Report: NHL to Temporarily Cut Salaries in League Office During Coronavirus Crisis*, SPORTS ILLUSTRATED, (Mar. 24, 2020), <https://www.si.com/nhl/2020/03/24/nhl-league-office-salary-reductions-coronavirus-crisis> [<https://perma.cc/TK7X-HCXP>] (NHL league office employees’ salaries cut by 25%); Ronald Blum, *MLB Cuts Senior Staff Pay by 35% Pays All Staff Through May*, THE COURIER, (Apr. 14, 2020), https://wfcourier.com/sports/baseball/mlb-cuts-senior-staff-pay-by-35-pays-all-staff-through-may/article_605533b9-de7e-552c-adcc-462221dd1ed8.html [<https://perma.cc/TVK4-Z8SA>] (MLB senior staff salaries cut by average of 35%); Jenna Fryer, *NASCAR Orders Pay Cuts for Employees of the Racing Series*, ASSOCIATED PRESS (Mar. 24, 2020), <https://apnews.com/article/c129cf3fe550f01357510a3aebb7d3a2> [<https://perma.cc/24UC-4UZB>] (NASCAR executive salaries cut by 25%, while all other employees received a reduction of 20%).

⁵¹ *Unemployment Rate Rises to Record High 14.7 Percent in April 2020*, U.S. BUREAU OF LABOR STATISTICS, (May 13, 2020), <https://www.bls.gov/opub/ted/2020/unemployment-rate-rises-to-record-high-14-point-7-percent-in-april-2020.htm> [<https://perma.cc/YA3G-8E8Z>].

⁵² Adrian Wojnarowski, *Sources: NBA’s Top Executives to Have Salaries Reduced by 20%*, ESPN (Mar. 26, 2020), https://www.espn.com/nba/story/_/id/28959044/nba-top-executives-salaries-reduced-20-percent [<https://perma.cc/2EUW-RLEX>].

⁵³ Tom Haberstroh, *NBA’s ‘Bubble’ Idea Has Major Holes*, NBC Sports (Apr. 3, 2020), <https://www.nbcsports.com/philadelphia/nba-insider-tom-haberstroh/nbas-bubble-idea-has-major-holes> [<https://perma.cc/W9HW-M6A2>].

⁵⁴ Marc Stein, *Can the N.B.A. Learn From Taiwan’s Basketball Bubble?*, THE NEW YORK TIMES, (Apr. 13, 2020), <https://www.nytimes.com/2020/04/10/sports/basketball/taiwan-pro-basketball.html> [<https://perma.cc/J85F-H8TZ>].

⁵⁵ *Id.*

(i.e., two locations, multiple daily temperature tests, and no fan attendance)⁵⁶ were being considered by the Chinese Basketball Association even as the Chinese government issued orders restricting group sporting events.⁵⁷ Weeks prior, LeBron James had balked at playing in a fan-less arena, stating, “We play games without the fans? Nah, that’s impossible.”⁵⁸ Many doctors and epidemiologists, for different reasons too, viewed the “bubble” as far-fetched, citing: the difficulty of properly quarantining players in a closed community, the strain of being separated from families, and the lack of COVID-19 testing capabilities, among other issues.⁵⁹

As the year of COVID-19 progressed, the NBA and NBPA continued taking steps to ensure some return-to-play could be achieved.⁶⁰ Many players lacked access to adequate training space as teams shut down their practice and training facilities in March,⁶¹ and public health clubs, fitness centers, gyms, college facilities, or the like remained off-limits.⁶² As a starting point, and

⁵⁶ Jasmyn Wimbish, *Coronavirus: China Orders Chinese Basketball Association, Other Sports to Delay Return, Per Report*, CBS SPORTS, (Apr. 1, 2020, 9:56 AM), <https://www.cbssports.com/nba/news/coronavirus-china-orders-chinese-basketball-association-other-sports-to-delay-return-per-report/> [<https://perma.cc/5HWY-LSH9>].

⁵⁷ Mike Chiari, *China Restricting Resumption of Team Sports amid COVID-19, Delays Restart of CBA*, BLEACHER REPORT, (Mar. 31, 2020), <https://bleacherreport.com/articles/2884275-china-restricting-resumption-of-team-sports-delays-restart-of-cba> [<https://perma.cc/GH92-GRPY>].

⁵⁸ Brian Mahoney, *NBA Tells Teams to Plan for Empty Arenas; LeBron Says No Way*, NBA, (Mar. 7, 2020, 9:44 AM), <https://www.nba.com/news/coronavirus-lebron-wont-play-empty-arenas> [<https://perma.cc/8HY8-3LMJ>].

⁵⁹ Haberstroh, *supra* note 53.

⁶⁰ Compare with MLB PA’s war with MLB: Jeff Passan, *Passan's 20 Questions: Why Financial Battle over 2020 MLB Season is About to Get Really, Really, Ugly*, ESPN, (May 12, 2020), https://www.espn.com/mlb/story/_/id/29161983/passan-20-questions-why-financial-battle-2020-mlb-season-get-really-really-ugly [<https://perma.cc/B4RR-UCJR>].

⁶¹ Tim Bontemps, *Sources: NBA Directs Teams to Close Practice Facilities*, ESPN, (Mar. 19, 2020), https://www.espn.com/nba/story/_/id/28927212/sources-nba-directs-teams-close-practice-facilities [<https://perma.cc/S79M-RUT6>].

⁶² Marc Stein and Scott Cacciola, *Many N.B.A. Stars Lack Home Court Advantage: Basketball Hoops*, THE NEW YORK TIMES, (June 17, 2020), <https://www.nytimes.com/2020/05/04/sports/basketball/coronavirus-nba-hoop.html> [<https://perma.cc/HL36-KKX3>].

depending on state and local restrictions, teams were advised that practice facilities could reopen on May 8 with various limitations (e.g., no more than four players at the facility at a time, prohibitions on group activity, and no coaches).⁶³ Later in May, Commissioner Silver addressed that “[the] CBA was not built for an extended pandemic,” causing the NBA and NBPA to agree to extend the league’s right to terminate the CBA until September.⁶⁴ A postponement seemed reasonable as the salary cap and luxury tax thresholds depended on NBA revenue, approximately 40% of which derived from game-night receipts.⁶⁵ Both parties hoped to avoid a lengthy play stoppage, which could result from a CBA termination.

The “Bubble” Emerges as a Front-Runner

Eventually, the ESPN Wide World of Sports at Walt Disney World near Orlando, Florida emerged as a front-runner for hosting the remainder of the NBA season through exploratory conversations.⁶⁶ Ties between the NBA and Disney, were well-documented⁶⁷ and the Disney-owned ESPN would stand to benefit from any major return to sports broadcasting.⁶⁸ As health and

⁶³ Press Release, NBA, NBA targets May 8 as earliest date to allow some limited workouts in select cities, (April 27, 2020, 3:23 PM), <https://www.nba.com/news/nba-targeting-may-8-limited-workouts-official-release> [<https://perma.cc/4SNX-MLR4>].

⁶⁴ Adrian Wojnarowski, *Sources: NBA, NBPA Agree to Extend CBA Termination Deadline Through September*, ESPN, (May 11, 2020), https://www.espn.com/nba/story/_/id/29161104/nba-nbpa-agree-extend-cba-termination-deadline-september [<https://perma.cc/LZ38-3KCH>].

⁶⁵ Adrian Wojnarowski, *Why NBA Stars and Billionaire Owners are Letting Adam Silver Lead the League's Revival*, ESPN, (May 15, 2020), https://www.espn.com/nba/story/_/id/29180323/why-nba-stars-billionaire-owners-letting-adam-silver-lead-league-revival [<https://perma.cc/UP5H-KRRP>].

⁶⁶ Ramona Shelburne, *NBA in Talks to Resume Play at Disney's ESPN Wide World of Sports Complex*, ESPN, (May 23, 2020), https://www.espn.com/nba/story/_/id/29213517/nba-talks-resume-play-disney-espn-wide-world-sports-complex [<https://perma.cc/QW37-TXTX>].

⁶⁷ Blake Schuster, *Woj: Disney World 'Gaining Momentum' as Site for NBA to Finish Season*, BLEACHER REPORTER, (May 1, 2020), <https://bleacherreport.com/articles/2889730-woj-disney-world-gaining-momentum-as-site-for-nba-to-finish-season> [<https://perma.cc/G2TC-XFRQ>].

⁶⁸ Brooks Barnes, *Why the N.B.A. Is Planning on Going to Disney World*, THE NEW YORK TIMES, (June 2, 2020), <https://www.nytimes.com/2020/06/02/sports/basketball/disney-world-nba-sports-complex.html> [<https://perma.cc/Q5SA-B2FU>].

safety continued to be the priority, a 220-acre complex, equipped with three arenas (see Exhibit B) and plentiful hotel accommodations, could also greatly limit outside exposure.⁶⁹ As it related to COVID-19, the number of cases in Florida continued to climb⁷⁰ causing some concern about infiltration of the “bubble” by third parties and, thereby, infection of players.⁷¹ On the other hand, Florida’s more flexible approach to COVID-19⁷² reduced some challenges of hosting the “bubble” as compared to other states. Conveniently, even in Phase One of Florida’s reopening, professional sports venues could remain operational and host trainings, competitions, events, and games.⁷³ By June 4, the NBA’s board of governors approved via a 29-1 vote (with Portland as the lone team voting against the plan) a 22-team format to resume the 2019-20 season at Disney World on July 31, including 8 games, play-in tournament, and playoffs for the top 16 seeds.⁷⁴ The following day, the NBPA Board of Player Representatives approved further negotiations with the NBA on a return

⁶⁹ Jim Sergent and Mark Medina, *How the NBA Bubble Has Taken Shape in Disney World*, USA TODAY, (July 21, 2020, 8:35 AM), <https://www.usatoday.com/in-depth/sports/2020/07/09/nba-bubble-takes-shape-disney-world/5387760002/> [<https://perma.cc/5ZHS-KK8R>].

⁷⁰ *Florida Department of Health Updates New COVID-19 Cases, Announces Thirty-Four Deaths Related to COVID-19*, FLORIDA HEALTH, (May 30, 2020), <http://www.floridahealth.gov/newsroom/2020/05/053020-1300-covid19.pr.html> [<https://perma.cc/7ZMH-HH62>]; Douglas S. Wood, *What’s Behind the Surge of Covid-19 Cases in Florida*, CNN, (June 24, 2020, 3:48 PM), <https://www.cnn.com/2020/06/24/us/florida-coronavirus-cases-surge/index.html> [<https://perma.cc/7U5S-7ZC3>].

⁷¹ Baxter Holmes and Zach Lowe, *Concern Throughout NBA Grows as Coronavirus Cases Spike in Florida*, ESPN, (June 20, 2020), https://www.espn.com/nba/story/_/id/29341659/concern-nba-grows-coronavirus-cases-spike-florida [<https://perma.cc/X2RA-UJE6>].

⁷² See, e.g., WFLA Staff, *No Florida Mask Mandate: DeSantis Trusting People to ‘Make Good Decisions’ as Coronavirus Cases Spike*, WFLA NEWS CHANNEL, (June 26, 2020, 8:11 PM), <https://www.wfla.com/news/florida/no-florida-mask-mandate-desantis-trusting-people-to-make-good-decisions-as-coronavirus-cases-spike/> [<https://perma.cc/UF6R-TC8Q>] (no mask mandate); but see, FL. Executive Order 20-82 (requiring individuals to quarantine if arriving from location of substantial community spread).

⁷³ FL. Executive Order 20-123, § 2.

⁷⁴ Adrian Wojnarowski, *NBPA Reps Vote to Approve 22-Team Format to Finish Season*, ESPN, (June 5, 2020), https://www.espn.com/nba/story/_/id/29272443/sources-nbpa-reps-approve-22-team-format-finish-season [<https://perma.cc/YPE3-8PYW>].

to play.⁷⁵ Another significant step by the NBA and NBPA involved focusing the goal of the “bubble” in Orlando on taking collective action against systemic racism and promoting social justice.⁷⁶ The next major building block of the “bubble” was developing and releasing the health and safety guidelines.

“Bubble” Plans Solidify and the Protocols

After months of development, the NBA released its 113-page *Health and Safety Protocols for the Resumption of the 2019-20 NBA Season* (the “Protocols”) on June 16.⁷⁷ Players were given until June 24 to report to their teams whether they planned to participate in the “bubble.”⁷⁸ The prospective date for the resumption of games was set for July 30. In the background, Florida reported its largest one-day increase in COVID-19 cases, though Governor DeSantis remained resolute about not “shutting down” the state.⁷⁹ For the “bubble” to function, all relevant personnel would need to progress through six phases necessary for restart, with the last phase being the

⁷⁵ *Id.*

⁷⁶ *NBA and NBPA Advance Talks on Social Justice Efforts*, NATIONAL BASKETBALL PLAYERS ASSOCIATION, (June 24, 2020), <https://nbpa.com/news/nba-and-nbpa-advance-talks-on-social-justice-efforts> [<https://perma.cc/5L8C-GNHJ>].

⁷⁷ Tim Bontemps, *In Documents, NBA Details Coronavirus Testing Protocols, Including 2-Week Resting Period for Positive Tests*, ESPN, (June 16, 2020), https://www.espn.com/nba/story/_/id/29321006/in-documents-nba-details-coronavirus-testing-process-orlando-campus-life [<https://perma.cc/3NJB-5D59>].

⁷⁸ Kurt Helin, *Deadline Day: By June 24 NBA Players Reportedly Must Tell Teams They Will Not Play in Restart*, NBC SPORTS, (June 16, 2020, 6:47 PM), <https://nba.nbcsports.com/2020/06/16/deadline-day-by-june-24-nba-players-reportedly-must-tell-teams-they-will-not-play-in-restart/> [<https://perma.cc/5BGD-GL9E>].

⁷⁹ *Honduran President Tests Positive*, THE NEW YORK TIMES, (June 23, 2020), <https://www.nytimes.com/2020/06/16/world/coronavirus-live-updates.html?smid=nytcore-ios-share> [<https://perma.cc/T9D9-E2UL>].

“bubble.”⁸⁰ Notably, the *Protocols* were developed based on prevailing CDC and medical expert guidance, as well as from similar protocols created by other sports leagues.⁸¹

Phase One

To begin Phase One (from June 12–22) of the return process, players residing internationally would need to return to their respective market by June 15 and domestic players by June 22, subject to government restrictions.⁸² Essential staff members – those training, coaching, or providing medical services for players in the team market or “bubble” campus – needed to do the same.⁸³ If barred entry due to government restrictions, teams were to assist said individuals.⁸⁴ While traveling, players and essential staff members were advised to heed recommended precautions (e.g., cleaning hands frequently, wearing a face covering, keeping physical distance).⁸⁵ Individuals (and household members) were then to self-quarantine at home, with the exception of visiting a team facility, essential activities, or commuting.⁸⁶ Particularly, crowded settings were to be avoided, except that engagement in protests was acceptable if properly donning a face covering and engaging in hand hygiene.⁸⁷ To ensure the NBA accounted for individuals (players, staff, and household members) with characteristics or medical conditions that might render one at

⁸⁰ Health and Safety Protocols for the Resumption of the 2019-20 NBA Season (“hereafter *Protocols*”) 2-3 (June. 25, 2020) (on file with author); Jeff Zillgitt, *NBA Players Union Memo Outlines Health and Safety Precautions for 2020 Season Restart at the ESPN Wide World of Sports*, USA TODAY, (June 16, 2020, 8:04 PM), <https://www.usatoday.com/story/sports/nba/2020/06/16/nba-disney-world-restart-extensive-covid-19-safety-restrictions/3202943001/> [<https://perma.cc/2YZ8-3TJN>].

⁸¹ *Protocols*, *supra* note 80, at 1.

⁸² *Id.* at 4.

⁸³ *Id.*

⁸⁴ *Id.* at 5.

⁸⁵ *Id.* at 4.

⁸⁶ *Id.* at 5; *see also Pistons to Reopen Practice Facilities*, NBA, (June 4, 2020, 12:24 PM), <https://www.nba.com/roundup-nba-team-practice-facilities-reopen> [<https://perma.cc/E8RF-YHN8>].

⁸⁷ *Protocols*, *supra* note 80, at 5.

higher risk of COVID-19 complications, all needed to complete a medical history questionnaire.⁸⁸ Given many players were living with other household members, for both sides' safety, teams were to offer these members virtual education and information sessions to promote an understanding of best practices for reducing the risk of infection and spread of COVID-19.⁸⁹ Teams, if not restricted by state or local guidance, could continue making their facilities available for workouts or treatments on a voluntary, individual basis.⁹⁰ These measures were intended to begin the process of bringing NBA personnel into their team markets and continuing the COVID-19 education process.

Phase Two

Following Phase One, Phase Two (June 23–30) would begin with a focus on COVID-19 testing to determine an infection baseline within the league. All players and essential staff members were required to undergo, on June 23, a PCR and serology/antibody (blood) test through an approved testing provider.⁹¹ From this mandatory testing, 16 out of a pool of 302 players tested

⁸⁸ *Id.* at 4.; Kurt Helin, *NBA Sends Teams Medical Questionnaire for Players, Staff Going to Orlando*, NBC SPORTS, (June 16, 2020, 9:00 AM), <https://nba.nbcsports.com/2020/06/16/nba-sends-teams-medical-questionnaire-for-players-staff-going-to-orlando/> [<https://perma.cc/8FVZ-6MJQ>]; Sam Quinn, *NBA Physicians Will Be Able to Prevent Players, Coaches with Health Risks from Participating in Orlando Bubble*, CBS SPORTS, (June 18, 2020, 11:04 AM), <https://www.cbssports.com/nba/news/nba-sends-questionnaire-to-players-coaches-to-determine-if-they-are-healthy-enough-for-restart-per/> [<https://perma.cc/SLU9-2T3Y>].

⁸⁹ *Protocols*, *supra* note 80, at 6.

⁹⁰ *Id.* at 4; Kurt Helin, *NBA to Allow Team Practice Facilities to Open Friday in States That Are Re-opening*, NBC SPORTS, (May 6, 2020, 7:44 AM), <https://nba.nbcsports.com/2020/05/06/nba-to-allow-team-practice-facilities-to-open-friday/> [<https://perma.cc/H8EB-66FM>].

⁹¹ *Protocols*, *supra* note 80, at 7; *see also* Michael Shapiro, *NBA Announces 25 Positive COVID-19 Tests Since June 23*, SPORTS ILLUSTRATED, (July 2, 2020), <https://www.si.com/nba/2020/07/02/nba-announces-25-positive-coronavirus-tests> [<https://perma.cc/5PLV-XS3J>]; Ben DuBose, *Rockets to Begin Mandatory COVID-19 Testing on Tuesday*, ROCKETS WIRE, (June 22, 2020, 11:57 AM), <https://rocketswire.usatoday.com/2020/06/22/rockets-to-begin-mandatory-covid-19-testing-on-tuesday/> [<https://perma.cc/HVJ2-LG82>].

positive for coronavirus, with none experiencing serious illness.⁹² PCR testing would continue to be conducted on an every-other-day basis, but with serology/antibody testing only in the case of a positive result.⁹³ While the NBA sought to maximize the testing of players, it did not do so in a vacuum and addressed some of the worries about preferential treatment for professional athletes.⁹⁴ Tests were not to be administered if they would adversely impact the availability of testing for healthcare workers, first responders, symptomatic individuals, or high-priority groups in a team's community.⁹⁵ Free COVID-19 testing for community members would also be set up through collaboration with the National Urban League and community partners in the respective team's city.⁹⁶ During COVID-19 testing, teams needed to ensure the following: physician availability to answer questions or concerns, a properly cleaned and distanced testing area (if possible, outdoors), and appropriate personal protective equipment ("PPE") for all test administrators.⁹⁷ If any player returned a positive PCR test, said player would be required to self-isolate and complete the required

⁹² ESPN News Services, *16 out of 302 NBA Players Test Positive for Coronavirus*, ESPN, (June 26, 2020), https://www.espn.com/nba/story/_/id/29369877/16-302-nba-players-test-positive-coronavirus [<https://perma.cc/4RTA-VVTA>].

⁹³ *Protocols*, *supra* note 80, at 7; Scott Davis, *16 NBA Players Tested Positive for COVID-19 12 Days before the League Begins its Disney 'Bubble'*, BUSINESS INSIDER, (June 26, 2020, 11:17 PM), <https://www.businessinsider.in/sports/news/16-nba-players-tested-positive-for-covid-19-12-days-before-the-league-begins-its-disney-bubble/articleshow/76651425.cms> [<https://perma.cc/2V2F-JG22>].

⁹⁴ *See, e.g.*, Jessica Golden, *Doctors and Patients Wonder if the NBA is Getting Special Treatment with Coronavirus Tests*, CNBC, (Mar. 19, 2020, 5:40 PM), <https://www.cnbc.com/2020/03/19/doctors-wonder-if-nba-getting-special-treatment-with-coronavirus-tests.html> [<https://perma.cc/6FBV-3PUZ>]; Megan Twohey, ET AL., *Need a Coronavirus Test? Being Rich and Famous May Help*, THE NEW YORK TIMES, (Mar. 18, 2020), <https://www.nytimes.com/2020/03/18/us/coronavirus-testing-elite.html> [<https://perma.cc/WA58-APHM>].

⁹⁵ *Protocols*, *supra* note 80, at 7.

⁹⁶ *Id.*; *see also* Press Release, NBA, *NBA extends community testing program as part of 2019-20 Season Restart in Orlando*, (July 29, 2020), <https://www.nba.com/news/nba-extends-community-covid-19-testing-program> [<https://perma.cc/37SX-ET75>].

⁹⁷ *Protocols*, *supra* note 80, at 9–10.

procedures for return (see Exhibit F).⁹⁸ A team physician would then need to notify the league of any positive PCR result as well.⁹⁹ Due to possible cardiac complications, any player testing positive for COVID-19 would additionally need to complete a cardiac screening and refrain from exercise training for two weeks from the later of a positive test or resolution of viral symptoms.¹⁰⁰ For completeness, during any test days or before voluntary workouts, players and essential staff needed to be temperature-screened and report any COVID-19 symptoms.¹⁰¹ Each player, if requested, would also be required to submit to a physical examination.¹⁰² Team-designated physicians needed to review players' (and traveling staff members') medical history questionnaires and clear said players for competition while also identifying any higher-risk individuals and necessary restrictions.¹⁰³

Specific guidelines also existed for designating players as non-participating (including "Higher-Risk," "Excused," and "Protected" per below) as well as the ramifications of this status. No player was required to participate, could be coerced into doing so, or disciplined for not

⁹⁸ *Id.* at 10. Required procedures for positive PCR results involved: hospitalization (if needed), immediate isolation, retesting to confirm a positive result, reporting to public health authorities as required by law, cleaning and disinfecting procedures, management of close contact(s) of the infected individual, medical care, and return-to-play medical clearance. *Id.* at 71–76.

⁹⁹ *Id.* at 10.

¹⁰⁰ *Id.*; see also Jeff Zillgitt, *Cardiac Screening Crucial for NBA Players Who Tested Positive for COVID-19*, USA TODAY (Jul. 19, 2020, 1:51 PM), <https://www.usatoday.com/story/sports/nba/2020/07/19/nba-covid-19-positive-cardiac-screening-disney-bubble/5467847002/> [<https://perma.cc/98LX-SAFG>]; see generally Arun Samidurai & Anindita Das, *Cardiovascular Complications Associated with COVID-19 and Potential Therapeutic Strategies*, 21 INT. J. MOLECULAR SCIENCE 6790 (2020); Brit Long, William J. Brady, Alex Koyfman & Michael Gottlieb, *Cardiovascular Complications in COVID-19*, 38 AMERICAN J. EMERGENCY MED. 1504 (2020) (detailing cardiac complications associated with COVID-19).

¹⁰¹ *Protocols*, *supra* note 80, at 11.

¹⁰² Uniform Player Contract, Paragraph 7(f).

¹⁰³ *Protocols*, *supra* note 80, at 11–13.

participating by his team.¹⁰⁴ For players worried about transmitting COVID-19 to higher-risk household members, teams could provide separate housing so that the player could attend team functions through Phase 3.¹⁰⁵ However, players (not designated as “Excused” or “Protected”) who failed or refused to provide their services “without proper and reasonable cause or excuse”¹⁰⁶ would have their compensation reduced.¹⁰⁷ In some cases, the matter could be referred to a three-physician panel who would determine based on relevant medical information whether a player was a “Higher-Risk” individual and therefore “Excused.”¹⁰⁸ An appeals process existed to overturn any arbitrary and capricious panel determinations.¹⁰⁹ For any player that contracted COVID-19 during Phase 4 and desired not to continue participating in the “bubble,” said player would be “Excused” so long as, within the past two weeks, they had not left the campus or had prohibited contact with non-team personnel.¹¹⁰ If a team determined that a player’s risk factors (per

¹⁰⁴ *Id.* at 13; Nick Selbe, *Report: NBA Not Requiring Players to Finish Season, No Discipline for Staying Home*, SPORTS ILLUSTRATED (Jun. 10, 2020), <https://www.si.com/nba/2020/06/10/nba-not-requiring-players-participate-orlando-season-restart> [<https://perma.cc/S8AP-B4Z3>].

¹⁰⁵ *Protocols*, *supra* note 80, at 13.

¹⁰⁶ CBA, Article VI, § 1.

¹⁰⁷ *Protocols*, *supra* note 80, at 14; Rob Goldberg, *Report: NBA Players Must Notify Teams of Restart Participation by June 24*, BLEACHER REPORT (Jun. 16, 2020), <https://bleacherreport.com/articles/2896455-report-nba-players-must-notify-teams-of-restart-participation-by-june-24> [<https://perma.cc/N3CR-XXEL>]; *see also* CBA Article XXXIX, § 5(b), *supra* note 43.

¹⁰⁸ *Protocols*, *supra* note 80, at 14–15; Dan Woike & Tania Ganguli, *Health Concerns Will Be Front and Center for NBA Players, Teams*, LOS ANGELES TIMES (Jun. 24, 2020), <https://www.latimes.com/sports/story/2020-06-24/health-concerns-front-and-center-for-nba-players-like-javale-mcgee> [<https://perma.cc/27B8-GD3M>]; Dave McMenamin, *Lakers Assistant Lionel Hollins Deemed Higher-Risk, Won’t Go to Orlando*, ABC NEWS (Jul. 3, 2020, 9:29 PM), <https://abcnews.go.com/Sports/lakers-assistant-lionel-hollins-deemed-higher-risk-orlando/story?id=71604040> [<https://perma.cc/2R4U-3QRA>]; Tom Westerholm, *NBA Rumors 2020: Panel Will Determine Coronavirus Risk to Individual Personnel before Restart in Orlando*, MASS LIVE (Jun. 10, 2020, 5:01 PM), <https://www.masslive.com/celtics/2020/06/nba-rumors-2020-panel-will-determine-coronavirus-risk-to-individual-personnel-before-restart-in-orlando.html> [<https://perma.cc/P29D-85CF>].

¹⁰⁹ *Protocols*, *supra* note 80, at 14–15.

¹¹⁰ *Id.* Related disputes would be resolved based on Article XXXI of the CBA.

questionnaire or medical history) would present a direct threat to his health, the team would protect the player by excluding him from competition and classifying him as “Protected.”¹¹¹ Again, this designation could be subject to a physician panel review.¹¹² Traveling staff members would also be expected to participate in the “bubble” unless found to be at “Higher-Risk” or “Protected” under similar procedures as the players.¹¹³ In advance of Phase 3, to ensure players’ and essential staff’s compliance with the *Protocols*, a virtual educational session had to be held by teams covering COVID-19-related topics.¹¹⁴

A few other conditions for return related to facilities and the traveling party had to be met before the beginning of Phase 3. To the extent facilities were not yet open, a team’s Facility Hygiene Officer (or someone in their stead) had to conduct a walkthrough of the facilities prior to a resumption of team activities.¹¹⁵ Specifically, facilities were to have mapped optimal paths of travel and closed areas where individuals might be prone to clustering.¹¹⁶ To do so, various visual cues could facilitate movement through the facility.¹¹⁷ Any high-trafficked areas and facility spaces used by players or team staff needed to be cleaned and disinfected if used by any staff within a week of reopening.¹¹⁸ In advance of traveling to the “bubble,” teams needed to provide a

¹¹¹ *Id.* at 15.

¹¹² *Id.* at 16–17.

¹¹³ *Id.* at 17–18.

¹¹⁴ *Id.* at 18–19. Topics included: COVID-19 symptoms, testing and screening protocols, safer travel recommendations, physical distancing rules, hand and respiratory hygiene, face covering protocol, behavioral modifications (e.g., licking fingers, touching mouthguards), health monitoring requirements, ways to protect family and friends, and available mental health resources.

¹¹⁵ *Id.* at 19; Kyle Goon, *For Lakers Support Staff, the Bubble has Been a Frantic, Collaborative Effort*, THE ORANGE COUNTY REGISTER (Aug. 7, 2020, 3:18 PM), <https://www.ocregister.com/2020/08/07/for-lakers-support-staff-the-bubble-has-been-a-frantic-collaborative-effort/> [<https://perma.cc/YFG8-BYE3>].

¹¹⁶ *Protocols*, *supra* note 80, at 19.

¹¹⁷ *Id.*

¹¹⁸ *Id.* at 20.

“Traveling Party” list of no more than thirty-seven individuals.¹¹⁹ Between thirteen and seventeen players were required to attend, with the understanding that no guests could accompany the players for the “bubble’s” opening.¹²⁰ Besides players, select athletic trainers, strength and conditioning coach, equipment manager, and team security staff needed to attend.¹²¹ To assist with resolving issues at the “bubble” in real-time, a senior executive from each team’s basketball operations department had to accompany the team.¹²² At each team’s discretion, one member of a player’s private security staff, personal trainer, or massage therapist could be included in the Traveling Party if approved by the league.¹²³ Teams were also allowed to bring one staff member from each of the social content and basketball communications departments.¹²⁴ When choosing which individuals to include for traveling to the “bubble,” teams were told to identify members who could serve cross-functional purposes in the event that one member became unavailable.¹²⁵ Given the difficulty of ensuring each team would have appropriate medical care, the NBA arranged for team

¹¹⁹ *Id.*; Tim Reynolds, *NBA Teams at Disney Had Tough Travel-Party Decisions to Make*, NBA (Jul. 10, 2020), <https://www.nba.com/news/ap-teams-disney-travel-party-decisions> [<https://perma.cc/H43V-G83U>].

¹²⁰ *Protocols*, *supra* note 80, at 20; Tim Reynolds, *NBA Preparing for Restart at Disney in Florida with Testing, Technology*, 12NEWS (Jun. 18, 2020), <https://www.12news.com/article/news/health/coronavirus/nba-prepares-for-disney-with-testing-and-technology/507-f9f1e9fb-759f-46f7-a867-33edf798a042> [<https://perma.cc/MUT9-K685>].

¹²¹ *Protocols*, *supra* note 80, at 20; Ethan Strauss, ‘Tamperpalooza’ and Other Considerations for the NBA’s Orlando Bubble, THE ATHLETIC (Jun. 18, 2020), <https://theathletic.com/1879945/2020/06/18/tamperpalooza-and-other-considerations-for-the-nbas-orlando-bubble/> [<https://perma.cc/7ZSN-2MES>].

¹²² *Protocols*, *supra* note 80, at 20.

¹²³ *Id.* at 20–21.

¹²⁴ *Id.* at 21; Eddie Moran, *NBA Bubble Teams Using Social Media to Satisfy Sponsor Needs*, FRONT OFFICE SPORTS (Aug. 6, 2020, 10:56 AM), <https://frontofficesports.com/nba-bubble-social-media/> [<https://perma.cc/3SW6-QFQW>].

¹²⁵ *Protocols*, *supra* note 80, at 21.

physicians to provide coverage and on-site mental health professionals.¹²⁶ For reinforcement before the start of the playoffs, the NBA and NBPA were to jointly discuss teams being able to bring two staff members after the first round and Conference Semifinals; also, some team staff members might be able to rotate with others.¹²⁷ If permitted, all newly admitted (to the “bubble”) team members would need to be cleared for travel two weeks in advance and some period of quarantine, monitoring, and testing upon arrival to the campus.¹²⁸ Lastly, each team’s planned operations (for Phases 2 and 3) had to be permissible under prevailing state or local laws or regulations.¹²⁹

Phase Three

This next phase (July 1 – July (9–11)) is related to teams that required their players to participate in workouts or treatments at a practice, training, or league-approved facility. All players and essential staff needed to be PCR tested every other day through the day of travel to a campus.¹³⁰ Particularly, testing of asymptomatic individuals remained an important tool for reducing the introduction of COVID-19 into the facilities.¹³¹ Testing would be permitted so long as it did not disadvantage at-risk populations in each team’s home community.¹³² Any positive PCR test results

¹²⁶ *Id.*; Chris Cason, *Inside a Day in the Life of a Physician in the NBA Bubble*, FORBES (Aug. 17, 2020, 12:33 PM), <https://www.forbes.com/sites/chriscason/2020/08/17/inside-a-day-of-a-physician-in-the-nba-bubble/> [<https://perma.cc/764Q-BPX2>].

¹²⁷ *Protocols*, *supra* note 80, at 21. Such a decision would be communicated by the NBA in a forthcoming memo.

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.* at 22; Reuters Staff, *NBA Players, Staff to have COVID-19 Tests Every Other Day*, REUTERS (Jun. 14, 2020, 12:48 PM), <https://www.reuters.com/article/us-basketball-nba-coronavirus-test/nba-players-staff-to-have-covid-19-tests-every-other-day-idUSKBN23L0N9> [<https://perma.cc/S8S9-ELLW>].

¹³¹ *Protocols*, *supra* note 80, at 22.

¹³² *Id.*; Tom Haberstroh, *COVID Testing Priority a Potential Issue for NBA*, NBC SPORTS (Jul. 9, 2020), <https://www.nbcsports.com/philadelphia/nba-insider-tom-haberstroh/covid-testing-priority-potential-issue-nba> [<https://perma.cc/PBD4-382N>].

would result in that individual's self-isolation until they satisfied the requisite protocol, see Exhibit F.¹³³ Alongside regular testing, players, and staff could voluntarily participate in a study with the Yale School of Public Health that sought to develop a COVID-19 saliva-based test available to the general population.¹³⁴ In this case, the NBA tried its best to use its unique COVID-19-testing market position to help others in need.

Extensive precautions remained in place throughout this phase. In-person group activities remained off-limits, though teams could engage in virtual workout sessions from players' homes.¹³⁵ Teams were encouraged to stagger workout and treatment sessions throughout their facilities to reduce player interactions and to allow for proper cleaning.¹³⁶ Except for during testing, a limit of eight players could be present at a facility at any given time.¹³⁷ To reduce interactions, no more than two (tested) team staff members could provide in-person supervision for individual workouts.¹³⁸ Teams were also encouraged to assign staff to players to reduce the number of staff that each player is exposed to.¹³⁹ Unless approved by the NBA, players could not

¹³³ *Protocols*, *supra* note 80, at 72; Meredith Cash, *Here's What Happens if a Player Tests Positive for COVID-19 Inside the NBA Bubble*, INSIDER (Jun. 17, 2020, 1:24 PM), <https://www.insider.com/what-happens-if-an-nba-player-tests-positive-covid-19-2020-6> [<https://perma.cc/RD5G-VPA3>].

¹³⁴ *Protocols*, *supra* note 80, at 22; Michael Greenwood, *Yale and NBA Partner to Study Efficacy of New COVID-19 Test*, YALE NEWS (Jun. 22, 2020), <https://news.yale.edu/2020/06/22/yale-and-nba-partner-study-efficacy-new-covid-19-test> [<https://perma.cc/NJK5-VHSB>].

¹³⁵ *Protocols*, *supra* note 80, at 23; Tim Bontemps & Tim MacMahon, *When There's Nowhere to Work Out, NBA Teams are Bringing the Gym to the Players*, ESPN (Mar. 26, 2020), https://www.espn.com/nba/story/_/id/28954151/when-there-nowhere-work-nba-teams-bringing-gym-players [<https://perma.cc/3VV6-6B5P>].

¹³⁶ *Protocols*, *supra* note 80, at 23.

¹³⁷ *Id.*; Dan Woike, *NBA Unveils Elaborate COVID-19 Battle Plan for Season's Return*, LOS ANGELES TIMES (Jun. 17, 2020), <https://www.latimes.com/sports/story/2020-06-17/nba-unveils-health-plan-for-combating-covid-19> [<https://perma.cc/V49Y-EQ6H>].

¹³⁸ *Protocols*, *supra* note 80, at 23.

¹³⁹ *Id.*

use facilities other than those operated by their team.¹⁴⁰ As needed, staff members could provide individual treatments to players so long as physical contact was minimized, treatment tables were disinfected, and substances (e.g., creams, gels) from shared containers were not used.¹⁴¹ At all times – except when at home, in a car, or exercising outdoors – players and staff must continue to wear masks or face coverings.¹⁴² Staff must wash their hands before engaging in any physical contact with players and wear gloves, if asked to do so by a player.¹⁴³ In most instances (excluding certain strength and conditioning activities), twelve feet of distance had to be maintained at all times in the team facility.¹⁴⁴ No more than one player could use a basket at a time.¹⁴⁵ As a greater precaution, further disinfecting and cleaning procedures were necessary for training/practice equipment, mouthpieces, linens/personal items (e.g., deodorant), and hot/cold tubs.¹⁴⁶ Steam

¹⁴⁰ *Id.*; Virgil Villanueva, *NBA Releases Details to Training Facility Reopening Guidelines As Soon As This Week*, CLUTCHPOINTS (May 6, 2020, 11:12 PM), <https://clutchpoints.com/nba-news-league-releases-details-to-training-facility-reopening-guidelines/> [<https://perma.cc/B4HQ-GUWS>].

¹⁴¹ *Protocols*, *supra* note 80, at 24.

¹⁴² *Id.*; Tim Bontemps, *Memo: NBA Players Must Decide by June 24 Whether to Participate in Orlando*, ABC NEWS (Jun. 17, 2020, 12:29 AM), <https://abcnews.go.com/Sports/memo-nba-players-decide-june-24-participate-orlando/story?id=71290843> [<https://perma.cc/9GLW-YZ92>].

¹⁴³ *Protocols*, *supra* note 80, at 24.

¹⁴⁴ *Id.*; Tim Daniels, *Timberwolves to Open Team Facility for Individual Workouts Amid COVID-19*, BLEACHER REPORT (May 20, 2020), <https://bleacherreport.com/articles/2892589-timberwolves-to-open-team-facility-for-individual-workouts-amid-covid-19> [<https://perma.cc/AC6Z-ELCX>].

¹⁴⁵ *Protocols*, *supra* note 80, at 25; Tim Reynolds, *The NBA is Proceeding with Extreme Caution Amid Coronavirus Outbreak*, THE DENVER POST (May 6, 2020, 2:10 PM), <https://www.denverpost.com/2020/05/06/nba-proceeding-extreme-caution-coronavirus/> [<https://perma.cc/AGN2-RA99>].

¹⁴⁶ *Protocols*, *supra* note 80, at 25; Jeff Zillgitt & Mark Medina, *NBA Safety Protocols Include Interesting Rules: No Licking Hands on Court; Ping-Pong Limited to Two Players*, USA TODAY (Jun. 17, 2020, 1:09 PM), <https://www.usatoday.com/story/sports/nba/2020/06/17/nba-safety-protocols-players-interesting-rules-no-licking-hands-court/3206460001/> [<https://perma.cc/8ASQ-SB7P>].

rooms and dry saunas remained prohibited.¹⁴⁷ Food or beverages were not to be shared by players and staff.¹⁴⁸ Further, no food was to be provided for consumption at the team facility except for individually-bottled beverages and single-use food items in areas that are not shared.¹⁴⁹ If teams opted to provide meals for players to consume at home, pre-packaged meals in individual containers could be delivered or picked up by players while at the facility.¹⁵⁰

Additional requirements ranging from cleaning protocols to facilities changes were required of participating teams. Unsurprisingly, external media was not permitted in this phase; all interviews had to be done virtually.¹⁵¹ Facilities cleaning and disinfecting guidance per the CDC and EPA¹⁵² was to be followed and regularly monitored for changes. High-traffic areas (e.g., doorknobs, restrooms, tables) were to be cleaned at least twice daily; all areas of the practice facilities where players were present need to be sanitized as well.¹⁵³ All players and staff needed

¹⁴⁷ *Protocols*, *supra* note 80, at 25; AP, *NBA Pushes Plan to Reopen Facilities Until May 8 at Earliest*, USA TODAY (Apr. 27, 2020, 3:32 PM), <https://www.usatoday.com/story/sports/nba/2020/04/27/nba-pushes-plan-to-reopen-facilities-until-may-8-at-earliest/111629996/> [<https://perma.cc/Z9XY-K8L9>].

¹⁴⁸ *Protocols*, *supra* note 80, at 26.

¹⁴⁹ *Id.*; Jeff Zillgitt, *NBA Teams Face Extreme Safety Requirements from the League to Open Practice Facilities*, USA TODAY (Apr. 28, 2020, 2:57 PM), <https://www.usatoday.com/story/sports/nba/2020/04/28/nba-teams-extreme-safety-measures-open-practice-facilities/3041388001/> [<https://perma.cc/44EV-3RW6>].

¹⁵⁰ *Protocols*, *supra* note 80, at 26.

¹⁵¹ *Id.*; Kayla Osby, *Denver Nuggets Tweet of the Week: Paul Millsap Comments on the New Way that Media Interviews are Being Conducted*, DENVER STIFFS (Aug. 1, 2020, 10:00 AM), <https://www.denverstiffs.com/2020/8/1/21350459/denver-nuggets-tweet-of-the-week-paul-millsap-comments-on-new-way-that-interviews-are-being-done> [<https://perma.cc/3D46-PDRJ>].

¹⁵² *How to Clean and Disinfect a Facility*, CENTERS FOR DISEASE CONTROL AND PREVENTION (last visited Apr. 3, 2023), https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fprepare%2Fdisinfecting-building-facility.html [<https://perma.cc/DEQ3-8S4Y>]; *About List N: Disinfectants for Coronavirus (COVID-19)*, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (last visited Apr. 3, 2023), <https://www.epa.gov/coronavirus/about-list-n-disinfectants-coronavirus-covid-19-0> [<https://perma.cc/E32E-JV2E>].

¹⁵³ *Protocols*, *supra* note 80, at 27–28.

to clean their hands upon entry to the facility, every hour at the facility, and between workouts/treatments.¹⁵⁴ If any individual felt sick or exhibited any COVID-19 symptoms, they needed to report this occurrence to medical staff or an HR contact.¹⁵⁵ Teams needed to have protocols for isolating individuals with COVID-19 symptoms, administering testing, and treating any such symptoms.¹⁵⁶ Medical care should be provided at home until cleared to leave isolation.¹⁵⁷ Teams must notify a designated NBA contact, local public health authorities (as needed), and individuals present at the facility when the infected player was there.¹⁵⁸ All individuals should enter the facilities on their own after having traveled in a private or team-provided vehicle.¹⁵⁹ Before entry and later in the day (if present for a full day), individuals' temperatures and symptoms must be taken and individuals monitored by the team.¹⁶⁰ At-home screening may also be completed by individuals if done at approximately the same time daily.¹⁶¹ All frequently touched objects possessed by individuals should be cleaned and disinfected upon entry.¹⁶²

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*; Reuters Staff, *NBA: Sixteen Players in 'Self-Isolation' After Testing Positive for COVID-19*, REUTERS (Jun. 26, 2020, 12:02 PM), <https://www.reuters.com/article/us-health-coronavirus-basketball-nba/nba-sixteen-players-in-self-isolation-after-testing-positive-for-covid-19-idUSKBN23X2AJ> [<https://perma.cc/Y3DT-YUSZ>].

¹⁵⁷ *Protocols*, *supra* note 80, at 28.

¹⁵⁸ *Id.* at 29; Mike Rosenstein, *Coronavirus Spreads in the NBA: Kevin Durant Among 4 Nets Players Who Test Positive, Team Placed in Isolation*, NJ.COM (Mar. 17, 2020, 4:03 PM), <https://www.nj.com/sports/2020/03/coronavirus-spreads-in-the-nba-4-nets-players-test-positive.html> [<https://perma.cc/3NND-7KUG>].

¹⁵⁹ *Protocols*, *supra* note 80, at 29; Duane Rankin, *Phoenix Suns Look to Have Individual Workouts May 16 at the Earliest Amid COVID-19*, AZ CENTRAL (May 3, 2020, 4:24 PM), <https://www.azcentral.com/story/sports/nba/suns/2020/05/03/suns-prepared-have-individual-workouts-may-16-earliest-amid-covid-19-pandemic/3075669001/> [<https://perma.cc/5TCS-NNUC>].

¹⁶⁰ *Protocols*, *supra* note 80, at 30.

¹⁶¹ *Id.*

¹⁶² *Id.*; CENTERS FOR DISEASE CONTROL AND PREVENTION, *GUIDANCE FOR CLEANING AND DISINFECTING* (2020), https://www.cdc.gov/coronavirus/2019-ncov/community/pdf/reopening_america_guidance.pdf [<https://perma.cc/T3TF-GA4G>].

If not previously done, teams must meet various facilities and health-related requirements. HVAC and filtration/circulation systems should be updated to increase airflow and fresh air within the facility.¹⁶³ Doors and windows must be opened regularly, where possible the facility should be automated or no-touch, precautionary signage should be posted, and non-essential group spaces should be closed.¹⁶⁴ There should be a health-related check-in process for players prior to traveling to the facility.¹⁶⁵ Known COVID-19 cases should be monitored and coordinated by a team physician and infectious disease specialist to determine an appropriate return timeline.¹⁶⁶ To avoid various muscle and bone stress injuries, conditioning should be ramped up with input from coaching and health and performance staff.¹⁶⁷ Mental health resources should be made readily available, and individuals are encouraged to access resources through the NBPA.¹⁶⁸

A few miscellaneous protocols rounded out the team requirements through Phase 3 of the “bubble.” Parking spaces were to be designated to promote social distancing among individuals.¹⁶⁹

¹⁶³ *Protocols, supra* note 80, at 31; Jeff Zillgitt, *NBA Teams Face Extreme Safety Requirements from the League to Open Practice Facilities*, USA TODAY (Apr. 28, 2020, 2:57 PM), <https://www.usatoday.com/story/sports/nba/2020/04/28/nba-teams-extreme-safety-measures-open-practice-facilities/3041388001/> [<https://perma.cc/UH8Z-BTPP>]; Kevin Reichard, *Thunder Unveil Arena COVID-19 Mitigation Plans*, ARENA DIGEST (Nov. 11, 2020), <https://arenadigest.com/2020/11/11/thunder-unveil-arena-covid-19-mitigation-plans/> [<https://perma.cc/Z7LD-AJPZ>].

¹⁶⁴ *Protocols, supra* note 80, at 31.

¹⁶⁵ *Id.*; Kevin Arnovitz, *Inside the Excitement and Uncertainty as NBA Players Return to Facilities*, ESPN (May 28, 2020), https://www.espn.com/nba/story/_/id/29231318/inside-portland-trail-blazers-training-facility-nba-age-coronavirus [<https://perma.cc/A3YV-JWHY>].

¹⁶⁶ *Protocols, supra* note 80, at 32.

¹⁶⁷ *Id.*; Kurt Helin, *Will the NBA Allow Enough Time with the Restart of Games to Avoid Injuries?*, NBC SPORTS (Apr. 3, 2020, 1:11 PM), <https://nba.nbcsports.com/2020/04/03/nba-restart-games-avoid-injuries/> [<https://perma.cc/SNT6-54XW>].

¹⁶⁸ *Protocols, supra* note 80, at 32; Brett Martel, *Mental Health, Wellness Key in NBA’s Restart*, THE REGISTER-GUARD (Jul. 4, 2020, 12:53 PM), <https://www.registerguard.com/story/sports/nba/2020/07/04/mental-health-wellness-key-in-nbars-quos-restart/112687772/> [<https://perma.cc/345M-VDU3>].

¹⁶⁹ *Protocols, supra* note 80, at 32.

For purposes of monitoring compliance with all protocols, teams were to designate a Facility Hygiene Officer and up to two designees.¹⁷⁰ All areas with required face-to-face interaction should have a partition installed.¹⁷¹ To maintain a proper flow of movement, separate entrances were to be used, as well as visual markers to designate foot traffic direction.¹⁷² Cleaning staff should be assigned to sections of the facility for exposure reduction, and a checklist should be maintained to ensure disinfection of high-touch/frequently used equipment.¹⁷³ Soft and porous materials (e.g., fabric chairs, rugs) should be removed to avoid cleaning challenges.¹⁷⁴ Players should be discouraged from showering or changing clothes at the facility and, if permitted, distancing must be maintained, and clean practice gear can be provided.¹⁷⁵ Towels and other sweat-absorbing items should be provided to reduce players touching their faces.¹⁷⁶ Laundering of used cloth materials should be done after every use and on the warmest appropriate setting.¹⁷⁷ When possible,

¹⁷⁰ *Id.*

¹⁷¹ *Protocols*, *supra* note 80, at 33; Angela Eykelbosh, *Physical Barriers for COVID-19 Infection Prevention and Control in Commercial Settings*, NATIONAL COLLABORATING CENTRE FOR ENVIRONMENTAL HEALTH (May 13, 2020), <https://nccch.ca/content/blog/physical-barriers-covid-19-infection-prevention-and-control-commercial-settings> [<https://perma.cc/BJ9Q-YKNU>].

¹⁷² *Protocols*, *supra* note 80, at 33; Brevity & Wit, *Library of Behavioral Nudges Being Used to Combat Coronavirus*, MEDIUM (Apr. 1, 2020), <https://medium.com/usabilitygeek/library-of-behavioral-nudges-being-used-to-combat-coronavirus-10d0de898538> [<https://perma.cc/LU3M-CNGT>].

¹⁷³ *Protocols*, *supra* note 80, at 33.

¹⁷⁴ *Id.* at 34; AARON GREEN, CHEN SHEN & YANEER BAR-YAM, CORONAVIRUS GUIDELINES FOR CLEANING AND DISINFECTING TO PREVENT COVID-19 TRANSMISSION (2020), <https://necsi.edu/coronavirus-guidelines-for-cleaning-and-disinfecting-to-prevent-covid-19-transmission> [<https://perma.cc/BA43-VT44>].

¹⁷⁵ *Protocols*, *supra* note 80, at 34; David Wharton, *Coronavirus Makes Locker Rooms Potential Danger Zones*, LOS ANGELES TIMES (Jun. 12, 2020, 5:00 AM), <https://www.latimes.com/sports/story/2020-06-12/coronavirus-makes-sports-locker-rooms-danger-zone> [<https://perma.cc/U5QM-YPHN>].

¹⁷⁶ *Protocols*, *supra* note 80, at 34.

¹⁷⁷ *Id.*; Rachel Rabkin Peachman, *How to Prevent the Spread of COVID-19 While Doing Laundry*, CONSUMER REPORTS (Mar. 25, 2020), <https://www.consumerreports.org/laundry/prevent-spread-of-covid-19-while-doing-laundry-a3919570368/> [<https://perma.cc/C8X3-797E>].

equipment should be provided to players on an individual basis especially items that are absorbent and difficult to disinfect.¹⁷⁸ With respect to food preparation, such areas should be sanitized daily before and after cooking; staff must wear disposable gloves and a facemask at all times.¹⁷⁹ Food deliveries to the facility should be limited as much as possible to reduce contact with external individuals.¹⁸⁰ Similarly, players should only eat at their residence and with household members.¹⁸¹ In event that a substitute player is signed by a team after July 1, 2020, he must undergo a medical history review and relevant COVID-19 testing before engaging in any team activities.¹⁸²

Phase Three-A

Teams were next expected to travel in cohorts to Orlando over the course of three days (July (7–9) – July (9–11)).¹⁸³ During the transition, every traveling member took part in a second virtual education and training session led by the team physician and infectious disease specialist.¹⁸⁴ Teams needed to arrive either by charter flight or by bus to the ESPN campus.¹⁸⁵ Only individuals

¹⁷⁸ *Protocols*, *supra* note 80, at 34.

¹⁷⁹ *Id.* at 35.

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² *Id.* at 36; Bobby Marks, *2020 NBA Restart Key Dates: Playoffs, Draft and Free-Agency Schedule*, ESPN (Jul. 21, 2020), https://www.espn.com/nba/story/_/id/29256760/2020-nba-restart-key-dates-playoffs-draft-free-agency-schedule [<https://perma.cc/X9AT-XVUN>]; *No Celtics Have Opted Out of Orlando, Brad Stevens Says*, NBC Sports (Jul. 01, 2020), <https://www.nbcsports.com/boston/celtics/2020-nba-restart-no-celtics-have-opted-out-orlando-brad-stevens-says> [<https://perma.cc/ZK2R-QMWH>]; Michael Kaskey-Blomain, *NBA Transaction Window Closed: Tracking All Team Moves, Players Signed, Top Free Agents Remaining*, CBS SPORTS (Jul. 1, 2020), <https://www.cbssports.com/nba/news/nba-transaction-window-closed-tracking-all-team-moves-players-signed-top-free-agents-remaining/> [<https://perma.cc/45RQ-R6VB>].

¹⁸³ *Protocols*, *supra* note 80, at 37.

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*; Kurt Helin, *NBA Orlando Restart: What Players Can Expect As They Arrive at the Bubble*, NBC SPORTS (Jul. 7, 2020, 8:00 AM), <https://nba.nbcsports.com/2020/07/07/nba-orlando-restart-what-players-can-expect-as-they-arrive-at-bubble/> [<https://perma.cc/3BF2-AYEF>].

who had only tested negative via PCR test or had discontinued isolation (after a positive result) could attend if they had no COVID-19 symptoms and were not otherwise exposed to COVID-19.¹⁸⁶ In relation to traveling, teams needed to discuss best practices for hand and respiratory hygiene, conduct a temperature/symptom screening, require masks or face covering, and maximize physical distancing.¹⁸⁷ To reduce touchpoints, if food service was necessary, only individual pre-packaged servings and bottled beverages could be provided.¹⁸⁸ Prior to using the plane and/or bus, transportation vendors ensured thorough cleaning and disinfecting.¹⁸⁹ All transportation personnel had to be temperature checked and masked with appropriate PPE.¹⁹⁰ Out of an abundance of caution, teams rear-loaded their players out of the team buses installed a driver-passenger barrier, and employed a designated luggage handler.¹⁹¹ Buses with cloth seats were to be avoided.

¹⁸⁶ *Protocols*, *supra* note 80, at 37; C. Brandon Ogbunu, *The NBA Bubble is a Grand Experiment in Epidemiology*, ANDSCAPE (Jul. 30, 2020), <https://andscape.com/features/the-nba-bubble-is-a-grand-experiment-in-epidemiology/> [<https://perma.cc/7BKQ-A9WK>]; Dan Woike, *Five NBA Teams Begin Practices in Orlando Bubble: 'Honestly, It Feels Strange'*, Los Angeles Times (Jul. 9, 2020, 6:32 PM), <https://www.latimes.com/sports/story/2020-07-09/nba-teams-settle-into-orlando-bubble-complaints-and-comforts> [<https://perma.cc/D9UM-XZC2>].

¹⁸⁷ *Protocols*, *supra* note 80, at 37–38.

¹⁸⁸ *Id.* at 38; GQ Staff, *The Food from the NBA's Orlando Bubble is Being Described As Fyre Fest 2.0*, GQ AUSTRALIA (Jul. 9, 2020), <https://www.gq.com.au/fitness/sport/the-food-from-the-nbas-orlando-bubble-is-being-described-as-fyre-fest-20/news-story/9d83cac0fcaffc98eaa8407ae6f093b6> [<https://perma.cc/J5TT-SZJE>]; Ahiza Garcia-Hodges, *'This Ain't It': NBA Players React to Being in the Walt Disney World Bubble*, NBC News (Jul. 10, 2020), <https://www.nbcnews.com/news/sports/ain-t-it-nba-players-react-being-walt-disney-world-n1233396> [<https://perma.cc/B4VP-J35H>].

¹⁸⁹ *Protocols*, *supra* note 80, at 38; Ben Cohen, *This Week Will Decide the Rest of the NBA Season*, THE WALL STREET JOURNAL (Jul. 7, 2020, 8:00 AM), <https://www.wsj.com/articles/nba-bubble-entry-virus-disney-world-11594101142> [<https://perma.cc/J7WK-48RE>].

¹⁹⁰ *Protocols*, *supra* note 80, at 38; James Herbert, *Florida's COVID-19 Cases are Surging, and That Could Ruin the NBA's Disney World Bubble Plan*, CBS SPORTS (Jun. 23, 2020, 9:07 AM), <https://www.cbssports.com/nba/news/floridas-covid-19-cases-are-surging-and-that-could-ruin-the-nbas-disney-world-bubble-plan/> [<https://perma.cc/F2MP-YYS6>].

¹⁹¹ *Protocols*, *supra* note 80, at 38.

Otherwise, they had to be vacant for five days prior to use.¹⁹² Upon arrival at the airport, two buses transported each team directly to campus; luggage traveled separately.¹⁹³ Once on campus, all individuals were required to wash their hands properly.¹⁹⁴

Precautions continued to extend during the teams' arrival. All individuals had to undergo PCR testing coordinated by a league-affiliated testing provider.¹⁹⁵ In the event of any positive test result, said individual could not participate in team activities on campus and had to follow the associated protocols, see Exhibit F.¹⁹⁶ During the period between July 7 and 13, only two out of the 322 players that arrived at the "bubble" returned confirmed positive test results; both players left the bubble to self-isolate.¹⁹⁷ MagicBands¹⁹⁸ were also distributed for use on campus.¹⁹⁹

¹⁹² *Id.*; AMERICAN PUBLIC TRANSPORTATION ASSOCIATION STANDARDS DEVELOPMENT PROGRAM, CLEANING AND DISINFECTING TRANSIT VEHICLES AND FACILITIES DURING A CONTAGIOUS VIRUS PANDEMIC (2020), https://www.apta.com/wp-content/uploads/APTA_WP_Cleaning_and_Disinfecting_Transit_Vehicles_and_Facilities_During_a_Contagious_Virus_Pandemic_FINAL_6-22-2020.pdf [<https://perma.cc/7BDJ-3TZN>].

¹⁹³ *Protocols*, *supra* note 80, at 39.

¹⁹⁴ *Id.*; Cohen, *supra* note 189.

¹⁹⁵ *Protocols*, *supra* note 80, at 39; Cohen, *supra* note 189.

¹⁹⁶ *Protocols*, *supra* note 80, at 39.

¹⁹⁷ *Two NBA Players Test Positive for COVID-19 Since Entering the Bubble*, NBC SPORTS (Jul. 13, 2020), <https://www.nbcsports.com/northwest/portland-trail-blazers/two-nba-players-test-positive-covid-19-entering-bubble> [<https://perma.cc/RJH7-7RPK>]; Keith Pompey, *Two NBA Players Test Positive for Coronavirus at Walt Disney World*, THE PHILADELPHIA INQUIRER (Jul. 14, 2020), <https://www.inquirer.com/sports/coronavirus-nba-players-test-positive-bubble-extra-quarantine-20200714.html> [<https://perma.cc/RAG7-YE3T>]; Chris Cwik, *NBA Announces Two out of 322 Coronavirus Tests Came Back Positive As Players Report to Bubble*, YAHOO! SPORTS (Jul. 13, 2020), <https://www.yahoo.com/now/nba-announces-two-out-of-322-coronavirus-tests-came-back-positive-as-players-report-to-bubble-211439355.html> [<https://perma.cc/6DLL-6E6E>].

¹⁹⁸ Wristbands that acted as a passport inside the NBA campus. With a tap, these bands would act as a key to open doors (even to individual rooms). The MagicBands were specifically reprogrammed to the specifications of the NBA campus, e.g., by not permitting entry to practice or arena facilities if one did not record their temperature and health chart daily; Shaun Powell, *Disney World Diary: MagicBand Passports Reprogrammed to Keep Campus Safe*, NBA (Jul. 23, 2020), <https://www.nba.com/news/disney-world-diary-day-11> [<https://perma.cc/M6XG-WGQT>].

¹⁹⁹ *Protocols*, *supra* note 80, at 39; Jessica Golden, *Inside the NBA's Plan to Use Smart Technology and Big Data to Keep Players Safe from Coronavirus*, CNBC (Jun. 17, 2020, 1:40

Appropriate distance between individuals had to be maintained during check-in.²⁰⁰ For the duration of their stay, players, coaches, and health/performance staff were not to share elevators with other individuals from the team.²⁰¹ If possible, staggered elevator rides were encouraged.²⁰² Disinfected luggage and personal belongings were to be picked up by their owners, assisted by a team's staff member(s), and/or potentially Disney hotel staff.²⁰³ Disney cast members were not to deliver luggage inside a player's or staff's room.²⁰⁴ An in-room quarantine followed until the check-in PCR test returned negative, and another PCR test was taken (at least 24 hours after the first) and returned negative.²⁰⁵ In total, individuals were to be expected remain in their rooms for approximately 36 to 48 hours.²⁰⁶ All meals during this time would be delivered directly to the respective room.²⁰⁷

PM), <https://www.cnn.com/2020/06/17/nba-coronavirus-plan-smart-technology-to-keep-players-safe.html> [<https://perma.cc/JD3K-FNHD>].

²⁰⁰ *Protocols*, *supra* note 80, at 39.

²⁰¹ *Id.*; Bruce Arthur, *Ready or Not, the NBA Has Given Us 113 Pages on How to Play During a Pandemic*, TORONTO STAR (Jun. 17, 2020), <https://www.thestar.com/sports/opinion/2020/06/17/ready-or-not-the-nba-has-given-us-113-pages-on-how-to-play-during-a-pandemic.html> [<https://perma.cc/YJ9W-H7V2>].

²⁰² *Protocols*, *supra* note 80, at 39.

²⁰³ *Id.*

²⁰⁴ *Protocols*, *supra* note 80, at 39; Mark Medina, *How Disney Employees Will Work Inside the NBA's Campus Bubble Site*, USA TODAY (Jun. 28, 2020, 12:22 AM), <https://www.usatoday.com/story/sports/nba/2020/06/28/how-disney-world-employees-work-inside-nba-bubble-campus/3273427001/> [<https://perma.cc/K6MN-WXBQ>].

²⁰⁵ *Protocols*, *supra* note 80, at 40; Kathleen Elkins, *The NBA is Set to Resume Its Season at Disney World This Month—Here's What Life for Players Will Look Like on Campus*, CNBC (Jul. 8, 2020, 2:21 PM), <https://www.cnn.com/2020/07/08/what-life-for-nba-players-will-look-like-at-disney-world.html> [<https://perma.cc/K42T-D6DJ>].

²⁰⁶ *Protocols*, *supra* note 80, at 40; Marc Stein, *Swabs and Sensors: Memos Offer Details of Life in NBA 'Bubble'*, THE NEW YORK TIMES (Jun. 16, 2020), <https://www.nytimes.com/2020/06/16/sports/basketball/nba-bubble-coronavirus-disney-world.html> [<https://perma.cc/93VC-ZSGQ>].

²⁰⁷ *Protocols*, *supra* note 80, at 40; Brittanie Shey, *Houston Restaurateur Tilman Fertitta's Culinary Empire is Feeding NBA Players in Quarantine*, EATER HOUSTON (Jul. 9, 2020, 10:36 AM), <https://houston.eater.com/2020/7/9/21317358/tilman-fertitta-landrys-feeding-nba-quarantine-midtown-houston-fiesta-closing> [<https://perma.cc/8DHW-38RD>]; Ben Golliver,

Phase Four

After Phase Three-A, teams that participated in team activities in the “bubble” needed to abide by further protocols from July 9–21. Given that teams arrived at the campus on staggered dates, and to ensure equal time for team activities, teams would play their first games in a sequential order (e.g., teams arriving as part of the July 9 cohort would play one another).²⁰⁸ Players and team staff (Tiers 1 and 2) continued to be subject to regular PCR testing, with testing administered by the league.²⁰⁹ Test samples would be collected via a non-nasopharyngeal swab, with a possibility of saliva testing depending on research conducted via Phase Three. To reduce turnaround times, samples from players, coaches, and referees would be collected in the evening, with results ideally produced by morning.²¹⁰ Each campus hotel would have swabbing capabilities throughout the day with rolling testing.²¹¹ To increase the surrounding community’s testing capacity, the league would donate some of its own.²¹² Any positive PCR test result could

Inside the NBA’s Health Plan to Safely Hold Games at Disney World Bubble, THE WASHINGTON POST (Jun. 17, 2020, 6:00 AM), <https://www.washingtonpost.com/sports/2020/06/17/inside-nbas-health-plan-safely-hold-games-disney-world-bubble/> [<https://perma.cc/9ZEC-DMTP>].

²⁰⁸ *Protocols*, *supra* note 80, at 41; Sopan Deb & Scott Cacciola, *The NBA is Coming Back*.

There are 113 Pages of New Rules., THE NEW YORK TIMES (Jun. 17, 2020),

<https://www.nytimes.com/article/nba-return-health-rules.html> [<https://perma.cc/RM26-RCKY>].

²⁰⁹ *Protocols*, *supra* note 80, at 41.

²¹⁰ *Protocols*, *supra* note 80, at 41; Joe Vardon, *Inside the NBA Bubble: The Truths about*

COVID-19 Testing and the League, THE ATHLETIC (Jul. 14, 2020),

<https://theathletic.com/1927220/2020/07/14/inside-the-nba-bubble-the-truths-about-covid-19-testing-and-the-league/> [<https://perma.cc/C2SD-TQAB>].

²¹¹ *Protocols*, *supra* note 80, at 41; Ben Golliver, *What’s It Like in the NBA’s Disney Bubble?*

For Me, Hotel Room Workouts and Lots of Time to Think, THE WASHINGTON POST, (Jul. 18,

2020, 5:34 PM), <https://www.washingtonpost.com/sports/2020/07/16/nba-bubble-disney-hotel-quarantine/> [<https://perma.cc/W59S-7W4W>].

²¹² *Protocols*, *supra* note 80, at 41; Blake Schuster, *NBA Announces Program Providing COVID-*

19 Tests to Marginalized Communities, BLEACHER REPORT (Jul. 29, 2020),

<https://bleacherreport.com/articles/2902279-nba-announces-program-providing-covid-19-tests-to-marginalized-communities> [<https://perma.cc/GG8G-ALV3>]; Jessica Golden, Meg Tirrell &

Leanne Miller, *NBA Says It’s Adding Coronavirus Testing Resources in Florida, Not Taking Them Away from the Community*, CNBC (Jul. 15, 2020, 1:59 PM),

immediately result in a team physician’s being notified and the potentially infected individual not being permitted to participate in team activities until they follow the requisite process, see Exhibit F.²¹³ Non-team campus residents (Tiers 2 and 6) had to complete regular PCR testing. Meanwhile, Disney cast members residing off-campus wore face coverings.²¹⁴ Further, cast members could not be in the same room with a player or team staff member without maintaining six feet of distance.²¹⁵ Beyond PCR, the league was examining research options for Tier 1 personnel to participate in point-of-care testing (if available) on campus.²¹⁶ Results and associated preparations would support ongoing COVID-19 research.²¹⁷ Such testing would happen two to four hours before a practice or game, with positive test results also barring participation in team activities.²¹⁸

Players and team staff needed to engage in “Daily Health Monitoring,” which included daily temperature recordings as well as checking vital signs, symptoms, and blood oxygen saturation (pulse oximetry).²¹⁹ Multiple screening stations were erected by the league at the

<https://www.cnbc.com/2020/07/15/nba-adding-coronavirus-testing-resources-not-taking-them-away.html> [<https://perma.cc/ACN4-8UMM>].

²¹³ *Protocols*, *supra* note 80, at 41.

²¹⁴ *Id.* at 42; Mark Medina, *How Disney Employees Will Work Inside the NBA’s Campus Bubble Site*, USA TODAY (Jun. 28, 2020, 12:22 AM),

<https://www.usatoday.com/story/sports/nba/2020/06/28/how-disney-world-employees-work-inside-nba-bubble-campus/3273427001/> [<https://perma.cc/WZ99-5RL9>].

²¹⁵ *Protocols*, *supra* note 80, at 42; Medina, *supra* note 214.

²¹⁶ *Protocols*, *supra* note 80, at 42; Mike Florio, *NBA Explains Its Partnership with BioReference for COVID-19 Testing*, NBC SPORTS (Jul. 10, 2020, 12:05 PM),

<https://profootballtalk.nbcsports.com/2020/07/10/nba-explains-its-partnership-with-bioreference-for-covid-19-testing/> [<https://perma.cc/2TXX-WK46>].

²¹⁷ *Protocols*, *supra* note 80, at 42; Lisa Eadicicco, *The NBA Bubble Has Rolled Out Some Wild Technology to Help Keep Players, Coaches, and Staff COVID-free—Including a \$300 Smart Ring That Can Monitor Biometric Data*, BUSINESS INSIDER (Aug. 26, 2020, 2:04 PM),

<https://www.businessinsider.com/nba-bubble-oura-smart-ring-used-by-quarter-of-campus-2020-8> [<https://perma.cc/9SPQ-F8B8>].

²¹⁸ *Protocols*, *supra* note 80, at 42.

²¹⁹ *Id.* at 42; Andrew Greif, *What the Lakers and Clippers Can Expect During Game Day in the Bubble*, LOS ANGELES TIMES (Jun. 18, 2020), <https://www.latimes.com/sports/story/2020-06-18/what-the-lakers-and-clippers-can-expect-during-gameday-in-the-bubble>

WWOS Complex and campus hotel entrances, along with COVID-19 testing areas, to monitor the daily health of individuals prior to entering a facility.²²⁰ Testers will don PPE, and test subjects will wear a face covering while maintaining physical distance from other subjects.²²¹ All campus residents will additionally receive an individual smart thermometer that can record temperatures for the league.²²² Self-reporting of symptoms continued to be required, and if symptoms were present, it would result in that individual's not participating in team activities as well as quarantine.²²³ Residents would also be provided with a pulse oximeter that takes and records blood oxygen saturation levels for the league.²²⁴ Players and essential staff could optionally participate in using a wearable device (a ring) that creates a wellness assessment based on metrics including

[<https://perma.cc/8ZLJ-D2WV>]; Samantha Previte, *NBA to Use 'Smart Rings,' Big Data to Fight Coronavirus in Disney Bubble*, NEW YORK POST (Jun. 19, 2020, 10:04 AM), <https://nypost.com/2020/06/19/nba-to-use-smart-rings-to-detect-coronavirus-within-bubble/> [<https://perma.cc/JM24-Z7AC>].

²²⁰ *Protocols*, *supra* note 80, at 42; Mark Medina, *Inside the NBA Bubble: What is Life Like for the Media on the Disney World Campus?*, USA TODAY (Jul. 13, 2020, 8:00 AM), <https://www.usatoday.com/story/sports/nba/columnist/mark-medina/2020/07/13/inside-nba-bubble-reporters-media-disney-world-campus/5424935002/> [<https://perma.cc/3VEQ-MSFS>].

²²¹ *Protocols*, *supra* note 80, at 42; Gary Washburn, *How the NBA Created a COVID-Free Bubble and Made It the Safest Place on Earth*, THE BOSTON GLOBE (Nov. 2, 2020, 7:50 PM), <https://www.bostonglobe.com/2020/11/02/sports/with-careful-planning-total-commitment-nba-constructed-safest-place-earth/> [<https://perma.cc/6CHZ-6P4K>].

²²² *Protocols*, *supra* note 80, at 43; Kevin Maney, *What Made the NBA Bubble Work? Data*, STRATEGY + BUSINESS (Nov. 24, 2020), <https://www.strategy-business.com/blog/What-made-the-NBA-bubble-work-Data> [<https://perma.cc/L8DG-XUPR>]; Marc Stein, *I Spent 54 Days in the NBA Bubble. Here's the Gear I Couldn't Live Without.*, THE NEW YORK TIMES (Sep. 17, 2020), <https://www.nytimes.com/wirecutter/blog/marc-stein-nba-quarantine-gear/> [<https://perma.cc/BE7W-W3WY>]; Mark Medina, *How NBA is Using Technology to Help with Health and Safety Protocols Inside Orlando Bubble*, USA TODAY (Jul. 16, 2020, 7:00 AM), <https://www.usatoday.com/story/sports/nba/2020/07/16/nba-2020-return-disney-world-bubble-safety-aided-technology/5448594002/> [<https://perma.cc/G363-4KPM>].

²²³ *Protocols*, *supra* note 80, at 43; Shams Charania, *Inside the NBA Bubble: Details from NBPA Memo Obtained by The Athletic*, THE ATHLETIC (Jun. 16, 2020), <https://theathletic.com/1876737/2020/06/16/inside-the-nba-bubble-details-from-nbpa-memo-obtained-by-the-athletic/> [<https://perma.cc/J9SM-RTG5>].

²²⁴ *Protocols*, *supra* note 80, at 43; Maney, *supra* note 222; Stein, *supra* note 222; Medina, *supra* note 222.

temperature, respiratory metrics, and heart rate.²²⁵ Teams were required to document the above information in a league health platform.²²⁶ All residents needed to always wear a Disney MagicBand, except when exercising, and scan it to gain access to most areas on campus (e.g., hotel room, COVID-19 testing).²²⁷ Disney, however, was prohibited from accessing location-based or health information for any player.²²⁸ With respect to securing entry into various campus facilities, the NBA considered using an access control software that would determine access after syncing with an individual's latest test results, status, and Daily Health Monitoring inputs.²²⁹ Other individuals on campus residing on campus underwent the same Daily Health Monitoring.²³⁰ Disney Category 1 and 2 cast members not residing on-campus or coming in close proximity to

²²⁵ *Protocols*, *supra* note 80, at 43; Ben Cohen, *Why Every NBA Player is Getting a Ring*, THE WALL STREET JOURNAL (Jun. 22, 2020, 6:04 AM), <https://www.wsj.com/articles/nba-oura-ring-disney-bubble-11592809399> [<https://perma.cc/87B2-ZNVK>]; Aaron Mak, *What the NBA's \$300 COVID-Detecting Rings Can Actually Accomplish*, SLATE (Jun. 22, 2020, 5:59 PM), <https://slate.com/technology/2020/06/nba-coronavirus-oura-ring-orlando.html> [<https://perma.cc/9MZ9-YMAH>].

²²⁶ *Protocols*, *supra* note 80, at 43; Shams Charania & Sam Amick, *Details Inside NBA's 113-Page Health and Safety Manual Obtained by The Athletic*, THE ATHLETIC (Jun. 17, 2020), <https://theathletic.com/1877377/2020/06/17/details-inside-nbas-113-page-health-and-safety-manual-obtained-by-the-athletic/> [<https://perma.cc/3JXY-949R>].

²²⁷ *Protocols*, *supra* note 80, at 43; TJ Muscaro, *NBA to Use Disney Magic Bands to Monitor Health*, INSIDE THE MAGIC (Jun. 23, 2020), <https://insidethemagic.net/2020/06/nba-disney-world-magicbands-tm1/> [<https://perma.cc/Q4GE-TE3V>]; Jordan Rose, *Here's the 'Smart Ring' NBA Players Will Wear to Monitor COVID-19 Symptoms While in Orlando*, COMPLEX, (Jun. 18, 2020), <https://www.complex.com/sports/2020/06/nba-players-to-wear-smart-ring-to-monitor-covid-19-symptoms> [<https://perma.cc/3JWM-M2GK>].

²²⁸ *Protocols*, *supra* note 80, at 43.

²²⁹ *Id.* at 44.; Jessica Golden, *Inside the NBA's Plan to Use Smart Technology and Big Data to Keep Players Safe from Coronavirus*, CNBC (Jun. 17, 2020, 1:40 PM), <https://www.cnbc.com/2020/06/17/nba-coronavirus-plan-smart-technology-to-keep-players-safe.html> [<https://perma.cc/W5VY-EE9W>].

²³⁰ *Protocols*, *supra* note 80, at 44; Tim Krasniewski, *NBA Hotels Revealed; Grand Floridian Among Them*, DVCNEWS (Jun. 17, 2020), <https://dvcnews.com/resorts/grand-floridian/news/4786-nba-hotels-revealed-grand-floridian-among-them> [<https://perma.cc/KB9C-7VY9>].

players or team staff will use Disney’s screening/self-assessment and not the NBA’s.²³¹ Coaches, health and performance staff, and players were instructed to be mindful of conditioning, with a focus on preventing ligament, tendon, muscle, and bone stress injuries.²³² Mental health resources were made available, and players were encouraged to utilize these resources, particularly for anxiety and stress related to being away from their household/family members.²³³ Telehealth access was required for teams that did not include a clinician as part of their Traveling Party; NBA was exploring an on-site mental health resource for direct player services.²³⁴

²³¹ *Protocols*, *supra* note 80, at 44; Paul Kasabian, *Report: NBA Players Have COVID-19 Test Concerns for Disney Staff Leaving Bubble*, BLEACHER REPORT (Jun. 21, 2020), <https://bleacherreport.com/articles/2897065-report-nba-players-have-covid-19-test-concerns-for-disney-staff-leaving-bubble> [<https://perma.cc/MR9W-U76F>]; *How Disney Employees Will Work Inside the NBA’s Campus Bubble Site*, HEAD TOPICS (Jun. 28, 2020, 9:30 AM), <https://headtopics.com/us/how-disney-employees-will-work-inside-the-nba-s-campus-bubble-site-13964474> [<https://perma.cc/J3B7-ZJKE>].

²³² *Protocols*, *supra* note 80, at 44; *see generally*, Nicole S. Belkin, *Why Athletes are More Susceptible to Injuries Amid the Pandemic—and How to Prevent Getting Hurt*, HEALTH MATTERS (last visited Apr. 20, 2023), <https://healthmatters.nyp.org/why-athletes-are-more-susceptible-to-injuries-amid-the-covid-pandemic-and-how-to-prevent-them/amp/> [<https://perma.cc/2QBJ-KLA6>]; Alex Kennedy, *Study: There Were Significantly Fewer Injuries in NBA Bubble*, BASKETBALL NEWS (Nov. 7, 2020, 3:55 AM), <https://www.basketballnews.com/stories/nba-bubble-injuries-fewer-hurt-out-games-missed-playoffs-study-orlando-players> [<https://perma.cc/3Y5D-TYG3>]; Zach Lowe, *The Enormous Risks and Stakes Driving the NBA’s Safety Discussions*, ESPN (Jun. 12, 2020), https://www.espn.com/nba/story/_/id/29303051/the-enormous-risks-stakes-driving-nba-safety-discussions [<https://perma.cc/LY3Z-63MW>].

²³³ *Protocols*, *supra* note 80, at 44; Baxter Holmes, *Navigating the Mental Aspects of Life in the NBA Bubble*, ESPN (Jul. 17, 2020), https://www.espn.com/nba/story/_/id/29478260/navigating-mental-aspects-life-nba-bubble [<https://perma.cc/F4MN-USHC>]; Amit Kamath, *NBA: How League, Players Association Helped Athletes Deal with Mental Health Issues in Bubble*, FIRST POST (Oct. 3, 2020, 9:09 AM), <https://www.firstpost.com/sports/nba-how-league-players-association-helped-athletes-deal-with-mental-health-issues-in-bubble-8874191.html> [<https://perma.cc/AH9W-UAGC>].

²³⁴ *Protocols*, *supra* note 80, at 44; Jeff Zillgitt, *NBA Increasing Mental Health Resources for Players During Season Restart*, USA TODAY (Jul. 7, 2020, 7:00 AM), <https://www.usatoday.com/story/sports/nba/2020/07/07/nba-mental-health-resource-plan-for-season-restart/5388316002/> [<https://perma.cc/9ABJ-Y4L7>]; Alex Wong, *Maintaining Mental Health a Daily Challenge for Those Inside NBA Bubble*, YAHOO! (Sept. 7, 2020),

Generally, individuals remained on campus. That said, no one was precluded from leaving, although the expectation was that it would only occur under extenuating circumstances and with prior league approval.²³⁵ Security checkpoints on campus monitored individuals and vehicles entering or leaving. The campus will include WWOS Complex (see Exhibit B), practice court set-ups, any hotel secured by NBA, any auxiliary sites secured by NBA for player or staff use (e.g., golf course), and any other sites designated by NBA for medical purposes.²³⁶ Players or staff that left campus were subject to a re-entry protocol: including enhanced testing (via nasopharyngeal swab) and quarantine.²³⁷ Quarantine meant ten (up to fourteen, if directed by NBA physician) days in a hotel room or campus property.²³⁸ If a player left campus after receiving league approval,

<https://www.yahoo.com/now/maintaining-mental-health-a-daily-challenge-for-those-inside-the-nba-bubble-163615581.html> [<https://perma.cc/RED5-NQFP>].

²³⁵ *Protocols*, *supra* note 80, at 45. E.g., medical care off-campus, birth of a child, severe illness or death in family, or previously scheduled family wedding; Jordan Greer, *What Happens If an NBA Player Leaves the Bubble? Here are the Rules for Coronavirus Testing & Compliance*, SPORTING NEWS (Jul. 30, 2020), <https://www.sportingnews.com/us/nba/news/nba-bubble-rules-coronavirus-testing/1cjny9bfluaqb18fhcyucus7kk> [<https://perma.cc/5F48-YSHZ>].

²³⁶ *Protocols*, *supra* note 80, at 45; *Photos: first Look at NBA Orlando Bubble Facilities, Courts*, NBC SPORTS (last visited Apr. 21, 2023), <https://www.nbcsports.com/chicago/bulls/photos-first-look-nba-orlando-bubble-facilities-courts> [<https://perma.cc/C2BV-CX44>]; Tim Bontemps & Brian Windhorst, *The NBA in a Bubble: The Blueprint for How the League Could finish the 2019-20 Season*, ESPN (May, 24, 2020), https://www.espn.com/nba/story/_/id/29120877/the-nba-bubble-blueprint-how-league-finish-2019-20-season [<https://perma.cc/L6TM-DM2R>]; TJ Muscaro, *WDW NBA Update: Hotels and Player Perks Announced*, INSIDE THE MAGIC (Jun. 16, 2020), <https://insidethemagic.net/2020/06/nba-disney-world-update-tml/> [<https://perma.cc/6EA8-X7TZ>].

²³⁷ *Protocols*, *supra* note 80, at 45; *see, e.g.*, Jason Owens, *Kings' Richaun Holmes Placed in Quarantine After Breaking Bubble for Food Delivery*, YAHOO! (Jul. 13, 2020), <https://www.yahoo.com/lifestyle/kings-richaun-holmes-placed-in-quarantine-after-breaking-nba-bubble-for-takeout-food-205057060.html> [<https://perma.cc/NM2V-EZ8Y>]; Cindy Boren, *Lou Williams, Back from Quarantine, Regrets Stopping for Wings at a Strip Club*, THE WASHINGTON POST (Aug. 05, 2020), <https://www.washingtonpost.com/sports/2020/08/05/lou-williams-back-quarantine-regrets-stopping-wings-strip-club/> [<https://perma.cc/DG3J-TSLF>].

²³⁸ *Protocols*, *supra* note 80, at 45; Rob Goldberg, *Report: Excused NBA Bubble Absence Requires 4 Days Quarantine, 10 for Unexcused*, BLEACHER REPORT (Jul. 3, 2020), <https://bleacherreport.com/articles/2898787-report-excused-nba-bubble-absence-requires-4-days-quarantine-10-for-unexcused> [<https://perma.cc/2RZS-QQZE>]; Markham Heid, *How the NBA*

the player's quarantine would be four (subject to extension by physician) days provided that the player had: i) negative daily PCR test result for all days off-campus or ii) negative daily PCR test for preceding seven days.²³⁹ To exit quarantine a player had to undergo a final PCR test via nasopharyngeal swab.²⁴⁰ Pay was adjusted for any missed games while off-campus or in quarantine if the absence was not due to an extenuating circumstance.²⁴¹

Various restrictions were instituted to lessen the probability of coronavirus infection. Until the conclusion of Phase 4, each campus hotel served as a "zone," with residents not permitted to intermingle with different zones.²⁴² Limits would also be placed on the number of individuals on a shuttle to access another zone.²⁴³ Group workouts, practices, meetings, skills or conditioning sessions, and other team activities were to be held on-campus and scheduled with the NBA.²⁴⁴ Teams could conduct practices on two side-by-side courts and had access to a training and weight room within a short walk of the practice courts.²⁴⁵ Teams were given three-hour windows of

Bubble Works, POPULAR MECHANICS (Aug. 25, 2020), <https://www.popularmechanics.com/science/health/a33796756/nba-bubble/> [<https://perma.cc/9F95-MLQC>].

²³⁹ *Protocols*, *supra* note 80, at 45; Goldberg, *supra* note 238.

²⁴⁰ *Protocols*, *supra* note 80, at 45.

²⁴¹ *Id.*, at 46; Bill DiFilippo, *Report: NBA Players Who Leave the Bubble League Without Permission Will Have 'Reduced Compensation'*, UPROXX (Jun. 16, 2020), <https://uproxx.com/dimemag/report-nba-players-leave-bubble-league-rules-reduced-compensation-details/> [<https://perma.cc/ZH2A-4RRD>]; Greer, *supra* note 235.

²⁴² *Protocols*, *supra* note 80, at 46; Mary Harris, *The Bizarre Stories of Everyday Life Within the NBA Bubble*, SLATE (Jul. 22, 2020, 3:55PM), <https://slate.com/culture/2020/07/nba-bubble-coronavirus-orlando-life.html> [<https://perma.cc/S49G-5PLE>].

²⁴³ *Protocols*, *supra* note 80, at 46.

²⁴⁴ *Id.* at 46; Marc Stein, *Swabs and Sensors: Memos Offer Details of Life in N.B.A. 'Bubble'*, THE NEW YORK TIMES (Jun. 16, 2020), <https://www.nytimes.com/2020/06/16/sports/basketball/nba-bubble-coronavirus-disney-world.html> [<https://perma.cc/3F9B-3C5F>].

²⁴⁵ *Protocols*, *supra* note 80, at 46; NBC SPORTS, *supra* note 236; Mark Medina, *Inside the NBA's Bubble Setup at the ESPN Wide World of Sports Complex During Resumed 2020 Season*, USA TODAY (Jun. 16, 2020, 8:28, PM),

exclusive use of each practice court, after which Disney would clean and disinfect the equipment.²⁴⁶ About four teams shared the use of a practice court, with only one team permitted to use the court at a time.²⁴⁷ The NBA made available individual workout spaces that could be reserved for up to six players from the same team or hotel after team practices finished.²⁴⁸ Teams were granted access to two rooms to use for team meetings and video sessions, although physical distancing and face coverings rules still applied.²⁴⁹ Disney cast members disinfected and frequently cleaned training and practice equipment in accordance with the *Protocols*, but at a minimum, in between uses by different teams.²⁵⁰ NBA, NBPA, teams, and Disney were working to provide recovery services (NormaTec and Game Ready) and would distribute guidance once finalized.²⁵¹

<https://www.usatoday.com/story/sports/nba/2020/06/16/nba-disney-world-bubble-inside-espn-wide-world-sports-setup/3203198001/> [https://perma.cc/3EAR-3BVJ].

²⁴⁶ *Protocols*, *supra* note 80, at 46; Tim Reynolds, *NBA Lays Out Specific Plans for Restart to Teams, Players*, NBA (Jun. 16, 2020, 7:47 PM), <https://www.nba.com/news/nba-plans-disney-restart-teams-players> [https://perma.cc/5AAR-KGS5]; Jake Fischer, *How the NBA Built Its Bubble Courts*, GQ SPORTS (Jul. 31, 2020), <https://www.gq.com/story/nba-bubble-courts-2020> [https://perma.cc/53LN-A229]; Tim Reynolds, *NBA Teams Prepare for Return to Practice in Orlando*, NBA (Jul. 7, 2020), <http://global.nba.com/news/nba-teams-prepare-for-return-to-practice-in-orlando/> [https://perma.cc/H59H-2JF6].

²⁴⁷ *Protocols*, *supra* note 80, at 46.

²⁴⁸ *Id.* at 46.

²⁴⁹ *Protocols*, *supra* note 80, at 47; Dan Woike, *Concerts, Comedy and Private Disney Rides? NBA Life in the Bubble Might Not Be So Bad*, LOS ANGELES TIMES (Jun. 16, 2020, 4:32 PM), <https://www.latimes.com/sports/story/2020-06-16/nba-gives-teams-more-details-on-return-to-play-life-in-the-bubble> [https://perma.cc/BP9L-7PFH].

²⁵⁰ *Protocols*, *supra* note 80, at 47; Mark Medina, *How Disney Employees Will Work Inside the NBA's Campus Bubble Site*, USA TODAY (Jun. 28, 2020, 12:22 AM), <https://www.usatoday.com/story/sports/nba/2020/06/28/how-disney-world-employees-work-inside-nba-bubble-campus/3273427001/> [https://perma.cc/ABZ9-QG5J].

²⁵¹ *Protocols*, *supra* note 80, at 47; Tim Chan, *NBA Star Paul George Talks Returning to the Court during COVID, New Partnership with Theragun*, ROLLING STONE (Jul. 21, 2020), <https://www.rollingstone.com/product-recommendations/lifestyle/paul-george-theragun-therabody-1031037/> [https://perma.cc/Y33Y-9QHN]; Amanda Scurlock, *Pro Basketball Players Share Their Lives in the Bubble*, LOS ANGELES SENTINEL (Aug. 6, 2020),

Unique hygienic provisions were implemented, given the ongoing pandemic. Players and staff were prohibited from sharing any personal items (e.g., food, towels, clothing), and during games, the NBA was investigating assigning players seats on the bench and an individual caddy for placing personal belongings.²⁵² Players and team staff were instructed to refrain from the following during practices or games: spitting, clearing nose, wiping ball with jersey, licking hands (and touching other items), and playing with or unnecessarily touching their mouthguard.²⁵³ The NBA would provide an awareness program prior to Phase 3 and with updates over the season to educate about these COVID-19 prevention behaviors.²⁵⁴ Oral objects (e.g., mouthguards) would need to be sterilized before and after each individual use, could not be shared, and should not be regularly handled.²⁵⁵ Linens and personal items (e.g., deodorant) should continue to not be shared among players.²⁵⁶ The NBA would have a process for washing used gear using Disney's facilities

<https://lasentinel.net/pro-basketball-players-share-their-lives-in-the-bubble.html>
[<https://perma.cc/TA5T-ZYZ7>].

²⁵² *Protocols*, *supra* note 80, at 48; Marc Stein, *For the N.B.A., A Long, Strange Road Trip to the Finals*, THE NEW YORK TIMES (Jul., 27, 2020), <https://www.nytimes.com/2020/07/27/sports/basketball/coronavirus-nba-season-bubble-disney-world.html> [<https://perma.cc/E422-JQ3N>]; Marc Stein, *Swabs, Sensors and Personal Gatorade: Snapshots of NBA's Bubble Life*, THE BALTIMORE SUN (Aug. 06, 2020, 1:26 PM), <https://www.baltimoresun.com/sports/national-sports/sns-nyt-nba-bubble-life-coronavirus-20200806-qrby36mvffhlnkyot45hk7hqha-story.html> [<https://perma.cc/N6U5-GFQL>].

²⁵³ *Protocols*, *supra* note 80, at 48; Colin Ward-Henninger, *NBA Disney Bubble Rule Highlights: Most Likely to be Broken, Hardest to Follow, and Other Superlatives*, CBS SPORTS (Jun. 18, 2020, 10:40 AM), <https://www.cbssports.com/nba/news/nba-disney-bubble-rule-highlights-most-likely-to-be-broken-hardest-to-follow-and-other-superlatives/> [<https://perma.cc/55D8-E6SE>]; Beth Kowitt, *What Business Can Learn from the NBA Bubble*, FORTUNE (Oct. 19, 2020, 5:30 AM), <https://fortune.com/2020/10/19/reinvent-podcast-nba-bubble/> [<https://perma.cc/V63N-LNS6>]; Ben Golliver, *Inside the NBA's Health Plan to Safely Hold Games at Disney World Bubble*, THE WASHINGTON POST (Jun. 17, 2020), <https://www.washingtonpost.com/sports/2020/06/17/inside-nbas-health-plan-safely-hold-games-disney-world-bubble/> [<https://perma.cc/7UHU-GWWL>].

²⁵⁴ *Protocols*, *supra* note 80, at 48.

²⁵⁵ *Id.*; Ward-Henninger, *supra* note 253.

²⁵⁶ *Protocols*, *supra* note 80, at 48; Deb, *supra* note 208.

and receiving clean gear, while teams would be responsible for individual laundry (though hotel linens will be done by Disney).²⁵⁷ Showers would only be in individual hotel rooms, with none at the WWOS Complex.²⁵⁸ Individuals on-campus wore face coverings at all times except: while eating/drinking, in their individual rooms, while outdoors or during physical activity, if physically distanced.²⁵⁹ Players, the head coach, and up to four assistant coaches would be exempt from the face covering rule during individual or team workouts.²⁶⁰ Prior to and after having direct physical contact with a player, the staff member in question must wash his or her hands.²⁶¹ If requested for therapy or treatment sessions, the staff member must use single-use gloves.²⁶²

Outside of emergencies, only a coach or a health and performance staff member could come within six feet of a player during team workouts and games; the physical distance was to be maintained except during meals outdoors and approved activities.²⁶³ Referees were not required

²⁵⁷ *Protocols*, *supra* note 80, at 48; Steven Kubitzka, *Here's What It's Like to do Laundry in the NBA Bubble*, FANSIDED, <https://fansided.com/2020/07/16/nba-bubble-laundry/> [<https://perma.cc/VK5Q-XQGZ>].

²⁵⁸ *Protocols*, *supra* note 80, at 48; Reuters Staff, *Report: No Fashion Statements Inside NBA Bubble*, REUTERS (Jul. 13, 2020, 1:48 AM), <https://www.reuters.com/article/us-basketball-nba-fashion-uniforms/report-no-fashion-statements-inside-nba-bubble-idUSKCN24E0FW> [<https://perma.cc/BR3Z-KN7P>].

²⁵⁹ *Protocols*, *supra* note 80, at 48; Stein, *supra* note 206; Chris Bengel, *Dwight Howard Doesn't Think NBA Players Need to Wear a Mask Inside the Bubble*, CBS SPORTS (Jul. 21, 2020, 4:23 PM), <https://www.cbssports.com/nba/news/dwight-howard-doesnt-think-nba-players-need-to-wear-a-mask-inside-the-bubble/> [<https://perma.cc/KJ7K-APWM>].

²⁶⁰ *Protocols*, *supra* note 80, at 48; Mark Medina, *Longtime NBA Coaches Mike D'Antoni, Alvin Gentry Wear Masks Coaching in Games at Bubble*, USA TODAY (Jul. 26, 2020, 8:56 AM), <https://www.usatoday.com/story/sports/nba/2020/07/26/mike-dantoni-alvin-gentry-wear-masks-nba-bubble-exhibition-games/5513749002/> [<https://perma.cc/CD8L-6JGS>].

²⁶¹ *Protocols*, *supra* note 80, at 48; Page Leggett, *What the NBA Can Teach Us All About COVID-19*, HEALTHY HEADLINES (Oct. 06, 2020), <https://www.novanthealth.org/healthy-headlines/what-the-nba-can-teach-us-all-about-covid-19> [<https://perma.cc/B4HW-XBMU>].

²⁶² *Protocols*, *supra* note 80, at 48; Golliver, *supra* note 211.

²⁶³ *Protocols*, *supra* note 80, at 49; Rob Schaefer, *NBA, NBPA Update COVID-19 Health and Safety Protocols after Wave of Cases*, NBC SPORTS (Jan. 12, 2021), <https://www.nbcsports.com/chicago/bulls/nba-nbpa-update-covid-19-health-and-safety-protocols-after-wave-cases> [<https://perma.cc/NYD9-KFYU>].

to maintain physical distancing during games.²⁶⁴ Different guidance pertained to physical distancing outside of team workouts and games. Teammates were to refrain from unnecessary physical contact²⁶⁵ and maintain physical distancing other than at meals outdoors or during approved activities.²⁶⁶ Individuals from different NBA teams were to always maintain physical distance, except during meals outdoors.²⁶⁷ Players and team staff maintained as much distance as possible from non-team personnel (e.g., referees, league staff, and ESPN Arena staff), and when proper physical distancing could not be maintained due to related work, such contact was limited to the time necessary to complete said task.²⁶⁸ Category 1 Disney cast members²⁶⁹ who do not need to be in the same room as a player or team or league staff to do their job had processes to remain away from the room when said individual is present.²⁷⁰ Category 2 Disney cast members²⁷¹ who needed to be in the same room as a player or team or league member only did so when required, donning a face covering, and maintaining as much physical distancing as possible (no less than 6 feet).²⁷²

Another set of rules related to proximity alarms, contact tracing, and food/beverages. To promote physical distancing, the NBA would investigate a system where all staff would be

²⁶⁴ *Protocols*, *supra* note 80, at 49; Deb, *supra* note 208.

²⁶⁵ E.g., high fives, handshakes, fist bumps, hugs.

²⁶⁶ *Protocols*, *supra* note 80, at 50; Golliver, *supra* note 211; Charania, *supra* note 223.

²⁶⁷ *Protocols*, *supra* note 80, at 50; Elkins, *supra* note 205.

²⁶⁸ *Protocols*, *supra* note 80, at 50; Dan Woike & Andrew Greif, *NBA Health Protocols: 25 Most Interesting Takeaways*, LOS ANGELES TIMES (Jun. 17, 2020, 12:25 PM), <https://www.latimes.com/sports/story/2020-06-17/nba-health-protocols-25-takeaways> [<https://perma.cc/37WD-DDWX>].

²⁶⁹ E.g., culinary staff, housekeeping, maintenance, facility management.

²⁷⁰ *Protocols*, *supra* note 80, at 50; Medina, *supra* note 204; Charania, *supra* note 226. This category of cast members can only be in the same room as a player or team or league staff member if agreed upon or for exigent circumstances.

²⁷¹ E.g., catering leader, servers and bartenders, concierge and hotel staff, security, custodial, etc.

²⁷² *Protocols*, *supra* note 80, at 50; Charania, *supra* note 226.

required to wear a small device that would function as a proximity alarm.²⁷³ An audio alert would be generated when less than six feet apart from an impermissible person.²⁷⁴ Players would be given the option to wear a proximity alarm device, which will not collect data on movements or locations.²⁷⁵ The NBA would not access information from a player's device to determine the identities of any individual within six feet of the player.²⁷⁶ All players and staff participated in a contact tracing program administered by the NBA and/or Orange and Osceola County Health Departments.²⁷⁷ Players and staff refrained from sharing food or beverages; during workouts, players had access to single-use beverages in low/no-touch dedicated areas.²⁷⁸ Teams should label individual items and provide receptacles for disposal in a low/no-touch manner.²⁷⁹ Following quarantine clearance, players and staff could eat individually or with individuals residing at the

²⁷³ *Protocols*, *supra* note 80, at 51; Jessica Golden, *Here's the Device the NFL and NBA are Using for Coronavirus Contact Tracing and Social Distancing*, CNBC (Jul. 21, 2020, 3:09 PM), <https://www.cnbc.com/2020/07/21/nfl-nba-to-use-safezone-tags-for-coronavirus-contact-tracing.html> [<https://perma.cc/6VRY-VU4G>]; Previte, *supra* note 219; Jack Maloney, *NBA Offering High-Tech Gadgets to Players in Effort to Protect Them from Coronavirus in Orlando*, *Per Report*, CBS SPORTS (Jun. 16, 2020, 6:41 PM), <https://www.cbssports.com/nba/news/nba-offering-high-tech-gadgets-to-players-in-effort-to-protect-them-from-coronavirus-in-orlando-per/> [<https://perma.cc/JP9X-Q3UB>].

²⁷⁴ *Protocols*, *supra* note 80, at 51; Golden, *supra* note 273; Previte, *supra* note 219; Maloney, *supra* note 273.

²⁷⁵ *Protocols*, *supra* note 80, at 51; Dave Muoio, *NBA's Summer COVID-19 Protocols Include Oura Rings for Players*, MOBI HEALTH NEWS (Jun. 17, 2020, 11:59 AM), <https://www.mobihealthnews.com/news/nbas-summer-covid-19-protocols-include-oura-rings-players> [<https://perma.cc/67EM-9SPW>]; Stein, *supra* note 222.

²⁷⁶ *Protocols*, *supra* note 80, at 51; Ben Dowsett, *Sources: NBA to Use KINEXON Sensor Technology for Distancing on Orlando Campus*, FORBES (Jul. 9, 2020, 6:51 PM), <https://www.forbes.com/sites/bendowsett/2020/07/09/sources-nba-to-use-kinexon-sensor-technology-for-distancing-on-orlando-campus/?sh=52932fb2afe4> [<https://perma.cc/2YS4-Y4AY>].

²⁷⁷ *Protocols*, *supra* note 80, at 51; Charania, *supra* note 226.

²⁷⁸ *Protocols*, *supra* note 80, at 51; Golliver, *supra* note 207.

²⁷⁹ *Protocols*, *supra* note 80, at 51; *Restaurantware's Ballin'*, RESTAURANTWARE (Jul. 22, 2020), <https://www.restaurantware.com/blog/post/restaurantware-is-ballin/> [<https://perma.cc/2SQD-MAGM>].

same hotel.²⁸⁰ Generally, meals were eaten outside when possible or with six feet of separation if indoors.²⁸¹ Disney provided teams with its own dedicated culinary team (under the guidance of an executive chef) to create individualized menus, support dietary needs, and ensure guidelines are followed.²⁸² Each team had its own meal room, ideally open 24/7, for pick-up of meals, beverage, and single-use food items.²⁸³ Until the Restart Phase, players and staff could receive off-campus food delivery if prepared by a team or personal chef and meets certain guidelines or a designated restaurant approved by the NBA and NBPA.²⁸⁴ Disney food and beverage staff wore appropriate protective equipment at all times and maintained physical distance from players and staff.²⁸⁵ To enhance the on-campus experience and promote mental health and wellness, the NBA arranged

²⁸⁰ *Protocols*, *supra* note 80, at 52; Sarah Todd, *Report: NBPA Sends NBA Players a Manual Detailing What Life in Orlando Will Be Like*, DESERET NEWS (Jun. 16, 2020, 9:35 PM), <https://www.deseret.com/sports/2020/6/16/21292290/nbpa-nba-players-manual-games-orlando-disney-world-basketball> [<https://perma.cc/X4NA-744R>].

²⁸¹ *Protocols*, *supra* note 80, at 52; Charania, *supra* note 223.

²⁸² *Protocols*, *supra* note 80, at 52; Abby Narishkin & Clayton Dyer, *How Chefs in the NBA Bubble Make 4,000 Meals a Week*, BUSINESS INSIDER (Oct. 5, 2020, 12:06 PM), <https://www.businessinsider.com/how-chefs-in-nba-bubble-make-4000-meals-a-week-2020-10> [<https://perma.cc/4UUM-MPE8>]; Tim Bontemps, *In Documents, NBA Details Coronavirus Testing Protocols, Including 2-Week Resting Period for Positive Tests*, ESPN (Jun. 16, 2020), https://www.espn.com/nba/story/_/id/29321006/in-documents-nba-details-coronavirus-testing-process-orlando-campus-life [<https://perma.cc/P85Z-UXMX>].

²⁸³ *Protocols*, *supra* note 80, at 52; Tadd Haislop, *NBA Bubble, Explained: A Complete Guide to the Rules, Teams, Schedule & More for Orlando Games*, SPORTING NEWS (Aug. 26, 2020), <https://www.sportingnews.com/us/nba/news/nba-bubble-rules-teams-schedule-orlando/zhap66a9hcwq1kxmcex3ggabo> [<https://perma.cc/EBQ5-FBXY>].

²⁸⁴ *Protocols*, *supra* note 80, at 52; Jeff Zillgitt, *NBA Players' Bubble Life Improves after Quarantine*, USA TODAY (Jul. 10, 2020), <https://www.pressreader.com/usa/usa-today-us-edition/20200710/281947430144163> [<https://perma.cc/954S-RZNZ>]; Amanda Drane & Jonathan Feigen, *Fertitta's Landry's Lands Contract to Feed NBA Players in 'Bubble'*, HOUSTON CHRONICLE (Jul. 09, 2020), <https://www.houstonchronicle.com/business/article/Fertitta-s-Landry-s-lands-contract-to-feed-15397655.php> [<https://perma.cc/VHX8-TKAR>]; Amy Drew Thompson, *Local Food Pros Feed the Need Inside the NBA Bubble*, ORLANDO SENTINEL (Aug. 15, 2020, 10:03 AM), <https://www.orlandosentinel.com/food-restaurants/os-et-local-minority-chefs-tapped-to-feed-nba-inside-disney-bubble-20200815-cvlpmpuwznba2vglwyuvddshpsi-story.html> [<https://perma.cc/V9KX-S6KE>].

²⁸⁵ *Protocols*, *supra* note 80, at 53.

for social activities or amenities in secured locations consistent with the health and safety principles of the *Protocols*.²⁸⁶ These activities included a game room or player lounge at each hotel, golf, swimming, fishing, other water sports, movie screenings, concerts, running trails, bike ride, and other excursions.²⁸⁷ The NBA made arrangements for personal services, which the NBPA proposed and both sides discussed and agreed upon.²⁸⁸ Individuals could not congregate in each other's hotel rooms; to address a lack of gathering space, the NBA explored the availability of other spaces on-campus.²⁸⁹ Social interactions were restricted to residents of the same hotel.²⁹⁰ For indoor activities, a face covering should be always worn by all individuals.²⁹¹ Individuals could not consume food while participating in the activity.²⁹² Hand hygiene and physical

²⁸⁶ *Id.*; *The Very Best of the NBA's Bubble Activities*, ESPN (Jul. 27, 2020), https://www.espn.com/nba/story/_/id/29520530/the-very-best-nba-bubble-activities [<https://perma.cc/D5X6-FVLY>].

²⁸⁷ *Protocols*, *supra* note 80, at 53; Megan Armstrong, *How Players Relax Inside the NBA Campus*, TICKETMASTER (Aug. 18, 2020), <https://blog.ticketmaster.com/nba-bubble-life-players-campus/> [<https://perma.cc/2P3H-E5BN>].

²⁸⁸ *Protocols*, *supra* note 80, at 53; Ben Pickman, *The Life of Barbers in the NBA Bubble*, SPORTS ILLUSTRATED (Aug. 20, 2020), <https://www.si.com/nba/2020/08/20/nba-bubble-barbershop-essential-service> [<https://perma.cc/KR58-VARF>].

²⁸⁹ *Protocols*, *supra* note 80, at 53; Brian Windhorst & Tim Bontemps, *Inside the NBA's 100-Page Safety Plan: Big Questions and Key Details*, ESPN (Jun. 17, 2020), https://www.espn.com/nba/story/_/id/29320883/inside-nba-100-page-safety-plan-big-questions-key-details [<https://perma.cc/3F3P-VC GK>].

²⁹⁰ *Protocols*, *supra* note 80, at 54; Colin Ward-Henninger, *NBA Disney World Rules: Details of How the Bubble Will Work with League Set to Resume Play in Orlando*, CBS SPORTS (Jul. 30, 2020, 3:50 PM), <https://www.cbssports.com/nba/news/nba-disney-world-rules-details-of-how-the-bubble-will-work-with-league-set-to-resume-play-in-orlando/> [<https://perma.cc/X5BN-LYC9>].

²⁹¹ *Protocols*, *supra* note 80, at 54; Mark Medina, *Inside the NBA Bubble: What is Life Like for the Media on the Disney World Campus?*, USA TODAY (Jul. 13, 2020, 8:00 AM), <https://www.usatoday.com/story/sports/nba/columnist/mark-medina/2020/07/13/inside-nba-bubble-reporters-media-disney-world-campus/5424935002/> [<https://perma.cc/3MZZ-MY4B>].

²⁹² *Protocols*, *supra* note 80, at 54.

distancing was maintained as much as possible.²⁹³ Frequently touched items were cleaned and disinfected often, even as much as in between each use.²⁹⁴

Certain activities had specific rules laid out by the NBA. For card games, physical distancing at six feet is not possible, but individuals were to refrain from unnecessary physical contact and maintain as much distance as possible; games limited to smaller groups were encouraged.²⁹⁵ After each game, the card packs were discarded.²⁹⁶ Players needed to maintain six feet of distance while playing video games and communal headsets would not be available.²⁹⁷ Ping Pong equipment was picked up after disinfection, table surfaces were disinfected prior to use, and doubles play was restricted.²⁹⁸ For golf, clubs and golf balls were not to be shared and caddies

²⁹³ *Id.*; Tim Reynolds & Stephen Whyno, *In Virus Era, Bubbles Provide Game-Changing Lessons Learned*, NBA (Nov. 04, 2020, 5:33 PM), <https://www.nba.com/news/in-virus-era-bubbles-provide-game-changing-lessons-learned> [<https://perma.cc/RT36-WM2G>]; Golliver, *supra* note 207; Len Strazewski, *What the NBA “Bubble” Can Teach Us about COVID-19*, AMERICAN MEDICAL ASSOCIATION (Jul. 08, 2021), <https://www.ama-assn.org/delivering-care/public-health/what-nba-bubble-can-teach-us-about-covid-19> [<https://perma.cc/A3QJ-J3LN>].

²⁹⁴ *Protocols*, *supra* note 80, at 54; Golliver, *supra* note 207; Scott Davis, *The NBA’s ‘Bubble’ Environmental Will Be So Strict That Playing Cards Will Be Thrown Out and Replaced after Every Use*, BUSINESS INSIDER (Jun. 18, 2020), <https://www.insider.com/nba-bubble-rules-playing-cards-thrown-out-2020-6> [<https://perma.cc/CDL9-SLGN>].

²⁹⁵ *Protocols*, *supra* note 80, at 55; Rick Thomas, *NBA Players Can Be Suspended for Breaking the Rules in the Bubble*, SPORTSCASTING (Jun. 30, 2020), <https://www.sportscasting.com/nba-players-can-be-suspended-for-breaking-the-rules-in-the-bubble/> [<https://perma.cc/9S6S-VFZE>].

²⁹⁶ *Protocols*, *supra* note 80, at 55; Davis, *supra* note 294.

²⁹⁷ *Protocols*, *supra* note 80, at 55; Aaron Dodson, *‘Gaming Has Saved a Lot of Guys’: Inside the NBA Bubble’s Favorite Pastime*, ANDSCAPE (Aug. 26, 2020), <https://theundefeated.com/features/inside-nba-bubble-favorite-pastime-gaming/> [<https://perma.cc/L25P-VNBR>]; Shandel Richardson, *Video Games Could Be Key to NBA Players Surviving ‘Bubble’ Life in Orlando*, SPORTS ILLUSTRATED (Jun. 22, 2020, 11:03 AM), <https://www.si.com/nba/heat/miami-news/miami-heat-video-games-quarantine-madden> [<https://perma.cc/BWQ7-F8PY>].

²⁹⁸ *Protocols*, *supra* note 80, at 55; *No Doubles Ping Pong? NBA Restart Includes These Odd Safety Protocols*, NBC SPORTS (June 17, 2020), <https://www.nbcsports.com/boston/celtics/no-doubles-ping-pong-nba-restart-includes-these-odd-safety-protocols> [<https://perma.cc/UK7B-C9U3>]; Christian Clark, *No Doubles in Pingpong or Reusing Playing Cards: NBA Outlines Safety and Health Protocol in Extensive Memo*, NOLA (Jun. 17, 2020),

will not be permitted.²⁹⁹ Golf carts needed to be cleaned prior to each use and players and staff could only use carts individually.³⁰⁰ Individuals could not share pool equipment (e.g., goggles, snorkels) and all loungers, chairs, and tables would be disinfected prior to use.³⁰¹ Following a seven-day quarantine, barber services were available to players starting July 9.³⁰² Occupancy limits were in place along with staggered appointments to allow for sufficient cleaning between sessions. Communal objects (e.g., newspapers) were removed and plexiglass installed, where possible (e.g., manicurist), between service providers and recipients.³⁰³

Other steps were taken to enhance the likelihood of these Protocols being successfully implemented. Teams were to identify one staff member as a “Team Campus Health Officer,” as well as a backup officer, who would ensure that every team individual complied with the *Protocols* and participated in regular COVID-19 testing and Daily Health Monitoring for the entirety of the Team’s stay.³⁰⁴ Officers needed to be well-versed on the *Protocols* and communicate daily with

https://www.nola.com/sports/pelicans/article_23d38bb2-b0ce-11ea-aac7-8777ab077074.html
[<https://perma.cc/7CQ4-9HHU>].

²⁹⁹ *Protocols*, *supra* note 80, at 55; Deb, *supra* note 208; Amy Jeter Hansen, *Life in the NBA Bubble: Stanford Med Alum Kept COVID-19 Away from Players*, STANFORD MEDICINE (Oct. 13, 2020), <https://scopeblog.stanford.edu/2020/10/13/life-in-the-nba-bubble-stanford-med-alum-kept-covid-19-away-from-players/> [<https://perma.cc/CXX6-ZNXM>].

³⁰⁰ *Protocols*, *supra* note 80, at 56.

³⁰¹ *Id.*; Jack Maloney, *NBA Restart: What We Learned from the League’s 113-Page Health and Safety Document*, CBS SPORTS (Jun. 21, 2020, 10:48 AM), <https://www.cbssports.com/nba/news/nba-restart-what-we-learned-from-the-leagues-113-page-health-and-safety-document/> [<https://perma.cc/E9JU-URKH>].

³⁰² *Protocols*, *supra* note 80, at 56; Baxter Holmes & Eric Woodyard, *How the NBA Picked the Barbers for the Bubble*, ESPN (Jul. 09, 2020), https://www.espn.com/nba/story/_/id/29431358/how-nba-picked-barbers-bubble [<https://perma.cc/CYE7-BNQT>]; Yang-Yi Goh, *Inside the Barbershops Keeping the NBA Shaped Up in the Bubble*, GQ SPORTS (Aug. 17, 2020), <https://www.gq.com/story/nba-bubble-barbershop> [<https://perma.cc/7R6Y-JD6R>].

³⁰³ *Protocols*, *supra* note 80, at 56; Holmes, *supra* note 302.

³⁰⁴ *Protocols*, *supra* note 80, at 56; David D. Dodge, *NBA’s Restart Requires Health and Safety “Compliance Program in a Bubble”*, THE COMPLIANCE & ETHICS BLOG (Jul. 01, 2020),

the league office regarding compliance with them.³⁰⁵ The league office and ESPN also designated Campus Health Officers to ensure compliance by their staff.³⁰⁶ Within three days of commencing team workouts on-campus, all teams held another session to discuss the *Protocols* with players and staff.³⁰⁷ Limited media personnel may have resided on-campus and will undergo similar COVID-19 and Daily Health Monitoring processes as other residents.³⁰⁸ Media were required to comply with the *Protocols*, particularly adhering to the defined media availability periods and residing at a different hotel than players or team staff.³⁰⁹ Pets were prohibited from being on-campus, although certified service animal requests would be considered by the NBA and NBPA.³¹⁰

A few other campus conditions were pertinent prior to the beginning of scrimmages. Certain medical care would be provided on-site, to reduce exits from campus, via a medical clinic operated by local staff, clinicians, and NBA-engaged physicians.³¹¹ Said clinic would include the ability to conduct x-rays, ultrasounds, address urgent care needs, and engage with sub-specialty consultants on-campus.³¹² Separate areas were provided for players versus other campus residents

<https://complianceandethics.org/nbas-restart-requires-health-and-safety-compliance-program-in-a-bubble/> [<https://perma.cc/2Z83-Q2Z5>].

³⁰⁵ *Protocols*, *supra* note 80, at 56; Greif, *supra* note 219; Charania, *supra* note 226.

³⁰⁶ *Protocols*, *supra* note 80, at 57.

³⁰⁷ *Id.*; Dodge, *supra* note 304.

³⁰⁸ *Protocols*, *supra* note 80, at 57; Windhorst, *supra* note 289.

³⁰⁹ *Protocols*, *supra* note 80, at 57; Stein, *supra* note 206.

³¹⁰ *Protocols*, *supra* note 80, at 57; Tania Ganguli, *Beyond Basketball, Life in NBA's Anti-Coronavirus 'Bubble' Tests Players in Many Ways*, LOS ANGELES TIMES (Aug. 11, 2020, 4:00 AM), <https://www.latimes.com/sports/story/2020-08-11/nba-bubble-orlando-coronavirus-lebron-james-lakers-clippers> [<https://perma.cc/9XAK-XCN4>]; Melissa Rohlin, *Danny Green Says He Wishes Dogs Were Allowed in the NBA Bubble*, SPORTS ILLUSTRATED (Aug. 31, 2020, 8:13 PM), <https://www.si.com/nba/lakers/news/danny-green-says-he-wishes-dogs-were-allowed-in-the-nba-bubble>.

³¹¹ *Protocols*, *supra* note 80, at 57; Hansen, *supra* note 299.

³¹² *Protocols*, *supra* note 80, at 57; Gavin Evans, *Here's a Glimpse of What Life Will Be Like in NBA Orlando Bubble When Season Starts*, COMPLEX (Jun. 16, 2020), <https://www.complex.com/sports/2020/06/glimpse-of-what-life-will-be-like-in-nba-orlando-bubble-season-restart> [<https://perma.cc/9UA6-R6QN>]; Reynolds, *supra* note 246.

in order to reduce close contact.³¹³ If emergency care was needed, a resident would be transported to a designated hospital and emergency department.³¹⁴ An MRI Center on campus was made available, while prescription medication was delivered in coordination with local physicians.³¹⁵ Random testing via urine sample commenced July 7, 2020 though only the presence of SPEDs and Diuretics will be tested.³¹⁶ Doping control officers assisting with the test collection wore a face covering and face shield, gloves, and other appropriate PPE.³¹⁷

Disney implemented its own enhanced health and safety protocols. The number of people involved in supporting the campus would be minimized, with cast members assigned to a specific property (rather than rotated) and restricted from being at in-use facilities unless necessary.³¹⁸ A multi-day training course would be required for housekeeping staff, who would also need to wear appropriate PPE and not come in close contact with campus residents.³¹⁹ Staff were assigned up to a few floors to service and did so weekly to minimize contact with players and staff.³²⁰ If used, gloves were not reused between rooms.³²¹ At least one Disney senior point of contact would be designated as the Disney Campus Health Officer to oversee compliance with the *Protocols* by cast

³¹³ *Protocols*, *supra* note 80, at 57.

³¹⁴ *Id.*; Greer, *supra* note 235.

³¹⁵ *Protocols*, *supra* note 80, at 58; Sandy Cohen, *Lakers Life Inside the NBA's COVID-19 Bubble*, UCLA HEALTH (Oct. 09, 2020), <https://connect.uclahealth.org/2020/10/09/lakers-life-inside-the-nbas-covid-19-bubble/> [<https://perma.cc/K3JW-GNVA>].

³¹⁶ *Protocols*, *supra* note 80, at 58; Charania, *supra* note 223.

³¹⁷ *Protocols*, *supra* note 80, at 58.

³¹⁸ *Id.*; Ryan Gillespie, *Disney Workers Won't Stay in NBA Bubble—and Many Live in Coronavirus Hot Spots*, ORLANDO SENTINEL (Jul. 02, 2020, 7:03 PM), <https://www.orlandosentinel.com/coronavirus/os-ne-coronavirus-nba-mls-disney-workers-20200702-jr7zrunlwr55dadnwnabns3tm-story.html> [<https://perma.cc/AS6A-3XPP>].

³¹⁹ *Protocols*, *supra* note 80, at 58–59; Medina, *supra* note 204.

³²⁰ *Protocols*, *supra* note 80, at 59.

³²¹ *Id.*; Ben Golliver, *The NBA Has Arrived at Disney. Here's What It Looks Like Inside the Florida Bubble.*, THE WASHINGTON POST, (July 13, 2020, 10:23 AM), <https://www.washingtonpost.com/sports/2020/06/17/inside-nbas-health-plan-safely-hold-games-disney-world-bubble/> [<https://perma.cc/6TV4-ZN2G>].

members.³²² Disney would go above and beyond the cleaning and disinfecting procedures already specified by increasing the availability of hand washing and sanitizing stations, cleaning “as needed” areas and items before and after use by a team, and sanitize high-touch surfaces approximately every two hours.³²³ Each room on-campus would have a dedicated outside air system, fan coil unit, and bathroom exhaust fan so that air is not recirculated between rooms.³²⁴ All three arenas at WWOS Complex would have their air filters replaced prior to the resumption of the season.³²⁵ Disney and the NBA will post signage, markings, and decals throughout campus facilities to promote compliance with these Protocols.³²⁶

Phase Five

On or around July 22 and lasting through July 29, teams played in three inter-squad scrimmages (against teams in the same hotel) as preparation for the season.³²⁷ For individual workouts, up to six players (regardless of team or hotel) could shoot on a basket.³²⁸ All residents underwent daily temperature, symptom, and pulse oximetry checks (i.e., Daily Health Monitoring), as well within a reasonable time prior to the inter-squad scrimmage.³²⁹ Residents had the option

³²² *Protocols*, *supra* note 80, at 59.

³²³ *Id.*; Golliver, *supra* note 321.

³²⁴ *Protocols*, *supra* note 80, at 59.

³²⁵ *Id.*; *Safe Returns to Sports: How HVAC & Technology Impacts the NBA’s Return*, TEC INC. ENGINEERING & DESIGN, (July 30, 2020), <https://www.tecinceng.com/post/safe-returns-to-sports-how-hvac-technology-impacts-the-nba-s-return> [<https://perma.cc/QK4Q-DPY6>].

³²⁶ *Protocols*, *supra* note 80, at 59.

³²⁷ *Id.* at 60; *Everything You Need to Know about the 2019-20 NBA Season Restart*, NBA, (July 22, 2020, 10:24 PM), <https://www.nba.com/nba-returns-2020-faq> [<https://perma.cc/M8MG-NQBZ>]; David Fucillo, *Full Schedule of NBA Scrimmage Games before Season Restart*, THE NEW YORK TIMES, (July 5, 2020, 8:50 AM), <https://dknation.draftkings.com/nba/2020/7/5/21313841/nba-season-restart-2020-scrimmage-games-schedule-dates-times-location-orlando> [<https://perma.cc/CS68-2LDC>].

³²⁸ *Protocols*, *supra* note 80, at 60.

³²⁹ *Id.*; Chris Mannix, *Free from Quarantine: The NBA Bubble Is A Unique Experience*, SPORTS ILLUSTRATED, (July 21, 2020), <https://www.si.com/nba/2020/07/21/nba-bubble-unique-experience-disney> [<https://perma.cc/5TH9-9D72>].

to participate in the use of a wearable device to generate personalized wellness assessments.³³⁰ Players, head coaches and up to four assistant coaches, did not need to wear a face covering during workouts or scrimmages.³³¹ MagicBands were to be worn at all times by residents, except for players during workouts or scrimmages.³³² Individuals would now be permitted to access other hotels on campus, either for meals or social activities.³³³ Players and team staff remained prohibited from sharing food or beverages, but may eat with any other player or team staff on-campus.³³⁴ However, meals between players from different teams were eaten outside.³³⁵ When

³³⁰ *Protocols*, *supra* note 80, at 60; Lisa Eadiciccio, *The NBA Bubble Has Rolled Out Some Wild Technology to Help Keep Players, Coaches, and Staff COVID-Free — Including a \$300 Smart Ring That Can Monitor Biometric Data*, BUSINESS INSIDER, (Aug. 26, 2020, 2:04 PM), <https://www.businessinsider.com/nba-bubble-oura-smart-ring-used-by-quarter-of-campus-2020-8> [<https://perma.cc/C6YD-TEUW>]; Ben Pickman, *The Story Behind the Ring That Is Key to the NBA's Restart*, SPORTS ILLUSTRATED, (July 1, 2020), <https://www.si.com/nba/2020/07/01/oura-ring-nba-restart-orlando-coronavirus> [<https://perma.cc/FEY2-RTKH>].

³³¹ *Protocols*, *supra* note 80, at 60; Joe Vardon, *Inside the NBA Bubble: Nasal Swabs, My Four Walls and Dwight Parties Alone*, THE ATHLETIC, (July 13, 2020), <https://theathletic.com/1925047/2020/07/13/inside-the-nba-bubble-nasal-swabs-my-four-walls-and-dwight-parties-alone/> [<https://perma.cc/86MT-7W58>]; Mark Medina, *Longtime NBA Coaches Mike D'Antoni, Alvin Gentry Wear Masks Coaching in Games at Bubble*, USA TODAY, (July 26, 2020), <https://www.usatoday.com/story/sports/nba/2020/07/26/mike-dantoni-alvin-gentry-wear-masks-nba-bubble-exhibition-games/5513749002/> [<https://perma.cc/D22A-ZJ7B>].

³³² *Protocols*, *supra* note 80, at 60; Shaun Powell, *Disney World Diary: MagicBand Passports Reprogrammed to Keep Campus Safe*, NBA, (July 23, 2020, 9:29 AM), <https://www.nba.com/news/disney-world-diary-day-11> [<https://perma.cc/5VYR-SLRG>]; Jessica Golden, *Inside the NBA's Plan to Use Smart Technology and Big Data to Keep Players Safe from Coronavirus*, CNBC, (June 17, 2020, 1:40 PM), <https://www.cnbc.com/2020/06/17/nba-coronavirus-plan-smart-technology-to-keep-players-safe.html> [<https://perma.cc/XX5S-FC8T>].

³³³ *Protocols*, *supra* note 80, at 60.

³³⁴ *Id.* at 61; Ben Golliver, *Inside the NBA's Health Plan to Safely Hold Games at Disney World Bubble*, THE WASHINGTON POST, (June 17, 2020, 6:00 AM), <https://www.washingtonpost.com/sports/2020/06/17/inside-nbas-health-plan-safely-hold-games-disney-world-bubble/> [<https://perma.cc/5TMX-NVB9>].

³³⁵ *Protocols*, *supra* note 80, at 61; Mike Singer, *Life Inside the NBA Bubble: What to Know from the NBA's 113-Page Memo*, THE DENVER POST, (June 17, 2020, 11:10 AM), <https://www.denverpost.com/2020/06/17/nba-bubble-memo-breakdown/> [<https://perma.cc/9DXD-29K8>].

eating indoors, six feet of distance must be maintained between individuals.³³⁶ Social activities mentioned in Phase 4 could still be engaged in, as well as among players or staff from different teams or hotels, so long as individuals abided by rules regarding face coverings, physical distancing, and hand and respiratory hygiene.³³⁷

Phase Six

On July 30, the 2019-20 season officially restarted with requirements and conditions from Phase 5 remaining in place, unless superseded.³³⁸ Besides regular PCR testing, all Tier 1 Personnel participating in a game would, if available, undergo point-of-care PCR testing on-campus two to four hours prior to the game.³³⁹ If any individual returned a positive PCR test result, they would be prohibited from participating in the game and team activities on-campus until they completed the required procedures for positive PCR results, see Exhibit F.³⁴⁰ Policies established in Phase 5 regarding individual workout spaces, interaction between members from different hotel zones, meals, social activities, face coverings, and MagicBands remained in effect.³⁴¹ Besides the *Protocols* discussed, the NBA will develop and distribute updated basketball operations policies³⁴² prior to Phase Six.³⁴³

³³⁶ *Protocols*, *supra* note 80, at 61.

³³⁷ *Id.*; Dan Woike, *Concerts, Comedy and Private Disney Rides? NBA Life in the Bubble Might Not Be So Bad*, THE LOS ANGELES TIMES, (June 16, 2020, 4:32 PM), <https://www.latimes.com/sports/story/2020-06-16/nba-gives-teams-more-details-on-return-to-play-life-in-the-bubble> [<https://perma.cc/8BBV-MFWV>].

³³⁸ *Protocols*, *supra* note 80, at 62.

³³⁹ *Id.*; Henry Abbott, *The NBA Bubble Is Safe So Far. But the League's Lessons Won't Work for Schools and Businesses.*, GQ SPORTS, (Aug. 10, 2020), <https://www.gq.com/story/keeping-covid-outside-the-nba-bubble-truehoop> [<https://perma.cc/RRG2-68CS>].

³⁴⁰ *See supra* note 98.

³⁴¹ *Protocols*, *supra* note 80, at 62–63.

³⁴² Illness and injury reporting procedure updates; modifications to courtside seating; limitations on individuals present in locker rooms.

³⁴³ *Protocols*, *supra* note 80, at 63.

An additional wrinkle relevant to Phase Six was the ability for teams that advanced past the first round of the playoffs to reserve up to seventeen guest rooms (depending on players present on campus) for Player Guests to travel to and stay on-campus.³⁴⁴ Each player could have up to two rooms for guests, who may include any individual that fulfills the requisite participate requirements and is not a certified agent (unless said agent is a family member of the player).³⁴⁵ Player Guests must quarantine at home for at least one week, except for essential activities, before commencing the initial quarantine (see below).³⁴⁶ All Player Guests must submit a clearance form via a physician attesting that they do not have any COVID-19 risk factors and have not had any related symptoms or exposures.³⁴⁷ Prior to beginning the initial quarantine, each team must hold at least one virtual education and training session regarding the *Protocols* for the Player Guests in a manner consistent with the session provided for players and staff.³⁴⁸ Prior to traveling to the campus, Player Guests underwent an initial quarantine of at least three days either at a house or hotel in the player's team's market or in Orlando.³⁴⁹ Any Player Guest (and potentially others in

³⁴⁴ *Id.*; Jeff Zillgitt, *NBA Will Allow Guests to Visit Players in Bubble After First Round of Playoffs. Here is How it Will Work.*, USA TODAY, (Aug. 12, 2020, 1:25 PM), <https://www.usatoday.com/story/sports/nba/2020/08/12/nba-players-coronavirus-visits-bubble-playoffs/3355587001/> [<https://perma.cc/UV29-6H79>]; Tadd Haislop, *NBA Bubble, Explained: A Complete Guide to the Rules, Teams, Schedule & More for Orlando Games*, THE SPORTING NEWS, (Aug. 26, 2020), <https://www.sportingnews.com/us/nba/news/nba-bubble-rules-teams-schedule-orlando/zhap66a9hcwq1khmcex3ggabo> [<https://perma.cc/CWJ4-CUEZ>].

³⁴⁵ *Protocols*, *supra* note 80, at 63; Zillgitt, *supra* note 344.

³⁴⁶ *Protocols*, *supra* note 80, at 64; Mike Chiari, *Report: Rules Revealed for NBA Player Guests in Bubble During 2020 Playoffs*, BLEACHER REPORT, (Aug. 12, 2020), <https://bleacherreport.com/articles/2904221-report-rules-revealed-for-nba-player-guests-in-bubble-during-2020-playoffs> [<https://perma.cc/V4G8-SYNP>].

³⁴⁷ *Protocols*, *supra* note 80, at 64; Jasmyn Wimbish, *NBA Announces Zero Players Tested Positive for COVID-19 Inside Disney Bubble for Fifth Straight*, CBS SPORTS, (Aug. 19, 2020, 3:42 PM), <https://www.cbssports.com/nba/news/nba-announces-zero-players-tested-positive-for-covid-19-inside-disney-bubble-for-fifth-straight-week/> [<https://perma.cc/XH88-HCJX>].

³⁴⁸ *Protocols*, *supra* note 80, at 64.

³⁴⁹ *Id.* at 64; Wimbish, *supra* note 347.

his/her party) testing positive during this period would not be permitted to travel to the campus.³⁵⁰ After clearing the initial quarantine, each Player Guest would travel directly to campus and head to their assigned hotel without engaging with other individuals.³⁵¹ Upon arrival on-campus, each Player Guest would undergo PCR and serology/antibody testing coordinated by a league-affiliated testing provider.³⁵² A team physician would be notified of any Player Guest positive test result and such Guest will self-isolate in league-provided accommodations.³⁵³

Prior to full inclusion on-campus, Player Guests were subject to at least a four-day quarantine, monitoring, and testing period (subject to extension by NBA-designated physician).³⁵⁴ During this quarantine, Player Guests must remain in their room³⁵⁵ and refrain from interacting with any other individual (including the Player they are visiting).³⁵⁶ Player Guests would also undergo daily temperature, symptom, and pulse oximetry screening and PCR testing.³⁵⁷ Following the four-day quarantine, if asymptomatic and only negative PCR tests, a physician would clear Player Guest to relocate on-campus and interact, or even reside, with the player.³⁵⁸ Prior to departing for the campus, Player Guests would certify that they adhered and will continue to adhere

³⁵⁰ *Protocols*, *supra* note 80, at 64.

³⁵¹ *Id.*; Jack Blakey, *Managing Coronavirus in the NBA: A Success Story*, SQUIRE PATTON BLOGS, (Aug. 11, 2020), <https://www.sports.legal/2020/08/managing-coronavirus-in-the-nba-a-success-story/> [<https://perma.cc/8PP2-MWWC>].

³⁵² *Protocols*, *supra* note 80, at 64; Jack Maloney, *NBA Adds Antibody Test to return Protocol for Players, Staff Recovered from COVID-19, Per Report*, CBS SPORTS, (June 15, 2020, 3:44 PM), <https://www.cbssports.com/nba/news/nba-adds-antibody-test-to-return-protocol-for-players-staff-recovered-from-covid-19-per-report/> [<https://perma.cc/2CMB-CBTK>].

³⁵³ *Protocols*, *supra* note 80, at 65.

³⁵⁴ *Id.*; Haislop, *supra* note 344.

³⁵⁵ NBA may look into hotel exclusively for Player Guests, in which case there may be opportunities to leave the room if donning a face covering and physically distanced.

³⁵⁶ *Protocols*, *supra* note 80, at 65.

³⁵⁷ *Id.*; Zillgitt, *supra* note 349.

³⁵⁸ *Protocols*, *supra* note 80, at 65; Zillgitt, *supra* note 344.

to the same campus rules as players and team staff, including: remaining on-campus at all times,³⁵⁹ undergoing regular PCR testing, wearing face covering according to the *Protocols*, physical distancing, undergoing Daily Health Monitoring, complying with contact tracing, and regularly handwashing.³⁶⁰ The NBA and NBPA would evaluate whether to put a process in place for Player Guests to arrive seven days before the beginning of the second round and options at the beginning of each of the Finals.³⁶¹ Incoming individuals, such as team or league staff, would be subject to a seven-day in-room quarantine, testing, and monitoring period.³⁶² As an exception, health-related staff would only be subject to four days, if, for at least seven days, prior to traveling to campus the member tests negative via PCR test on an every-other-day basis.³⁶³ Such staff would need to test negative via PCR at least three times, with the final time via nasopharyngeal swab prior to exiting quarantine.³⁶⁴ Based on a traveler's point of origin, the NBA had discretion to determine that an extended period of quarantine is appropriate.³⁶⁵ For the utmost safety of players' and staffs'

³⁵⁹ Re-entry will not be permitted for Player Guests.

³⁶⁰ *Protocols*, *supra* note 80, at 65–66; Anthony Chiang, *What will Disney life be like for the Heat? Details from the NBA's 113-page safety plan*, MIAMI HERALD, (June 17, 2020, 3:14 PM), <https://www.miamiherald.com/sports/nba/miami-heat/article243588032.html>.

³⁶¹ *Protocols*, *supra* note 80, at 66. Subject to limits of 17 guest rooms per team and two guest rooms per player; Marc J. Spears, *NBA Players Await Ultimate Second-Round Prize: Reuniting with Family*, ANDSCAPE, (Aug. 30, 2020), <https://theundefeated.com/features/nba-players-await-ultimate-second-round-prize-reuniting-with-family/> [<https://perma.cc/E4D3-6HX3>].

³⁶² *Protocols*, *supra* note 80, at 67; Tim Reynolds, *NBA will allow team staff to bring guests to Disney campus*, NBA, (Sept. 8, 2020), <https://www.nba.com/news/nba-staff-allowed-guests-nba-campus> [<https://perma.cc/AHU2-9QUU>].

³⁶³ *Protocols*, *supra* note 80, at 67.

³⁶⁴ *Id.*; Reid Orvedahl, *Keeping COVID Bubbles from Bursting*, CBS NEWS, (Aug. 16, 2020, 9:27 AM), <https://www.cbsnews.com/news/keeping-covid-bubbles-from-bursting-coronavirus-nba-tyler-perry-studios/> [<https://perma.cc/3CLC-VL27>].

³⁶⁵ *Protocols*, *supra* note 80, at 67.

households, a resident must return a negative PCR test within 24 hours prior to their departure time from Orlando.³⁶⁶

Conclusion

At a time when America (and the world as a whole) was brought to its knees by a raging COVID-19 pandemic, the NBA met the challenge head-on. At the beginning of the pandemic, live sports were almost nonexistent as various leagues sought to find the best way to return to play.³⁶⁷ However, by June 2020, Commissioner Silver explained to reporters, “We’re coming back because sports matter in our society. They bring people together when they need it the most.”³⁶⁸ Indeed “sports as an escape” was more important than ever during the pandemic as individuals were primarily bound to their homes.³⁶⁹ After all was said and done, the NBA “bubble” was deemed a success as the Los Angeles Lakers were crowned champions and, most importantly, no

³⁶⁶ *Id.*; Jeff Zillgitt, NBA Players Union Memo Outlines Health and Safety Precautions for 2020 Season Restart at the ESPN Wide World of Sports, USA Today (Jun. 16, 2020, 7:43 PM), <https://www.usatoday.com/story/sports/nba/2020/06/16/nba-disney-world-restart-extensive-covid-19-safety-restrictions/3202943001/> [<https://perma.cc/FA7K-67KW>]; TJ Muscaro, *Zero Positive Cases in NBA Disney Bubble as Games Resume*, INSIDE THE MAGIC, (Aug. 5, 2020), <https://insidethemagic.net/2020/08/nba-disney-zero-positive-cases-tm1/> [<https://perma.cc/8GMC-LZLD>].

³⁶⁷ *The Media, Entertainment and Culture Industry’s Response and Role in a Society in Crisis*, WORLD ECONOMIC FORUM, (June 2020), https://www3.weforum.org/docs/WEF_Media_Entertainment_Report_2020.pdf [<https://perma.cc/RRB7-JE53>]; Kelcie Pegher, *Coronavirus Today: The NBA’s bubble worked*, THE LOS ANGELES TIMES, (Oct 12, 2020, 7:58 PM), <https://www.latimes.com/science/newsletter/2020-10-12/coronavirus-today-nba-bubble-success-covid-lakers-coronavirus-today> [<https://perma.cc/3Z85-5T33>].

³⁶⁸ Tim Layden, *Escapism by Sports certainly Welcomed, but Tricky, in a Year Full of Uncertainty*, NBC SPORTS, (July 8, 2020), <https://sports.nbcsports.com/2020/07/08/sports-returning-escape-covid-pandemic-tim-layden/> [<https://perma.cc/6M68-5ZN8>].

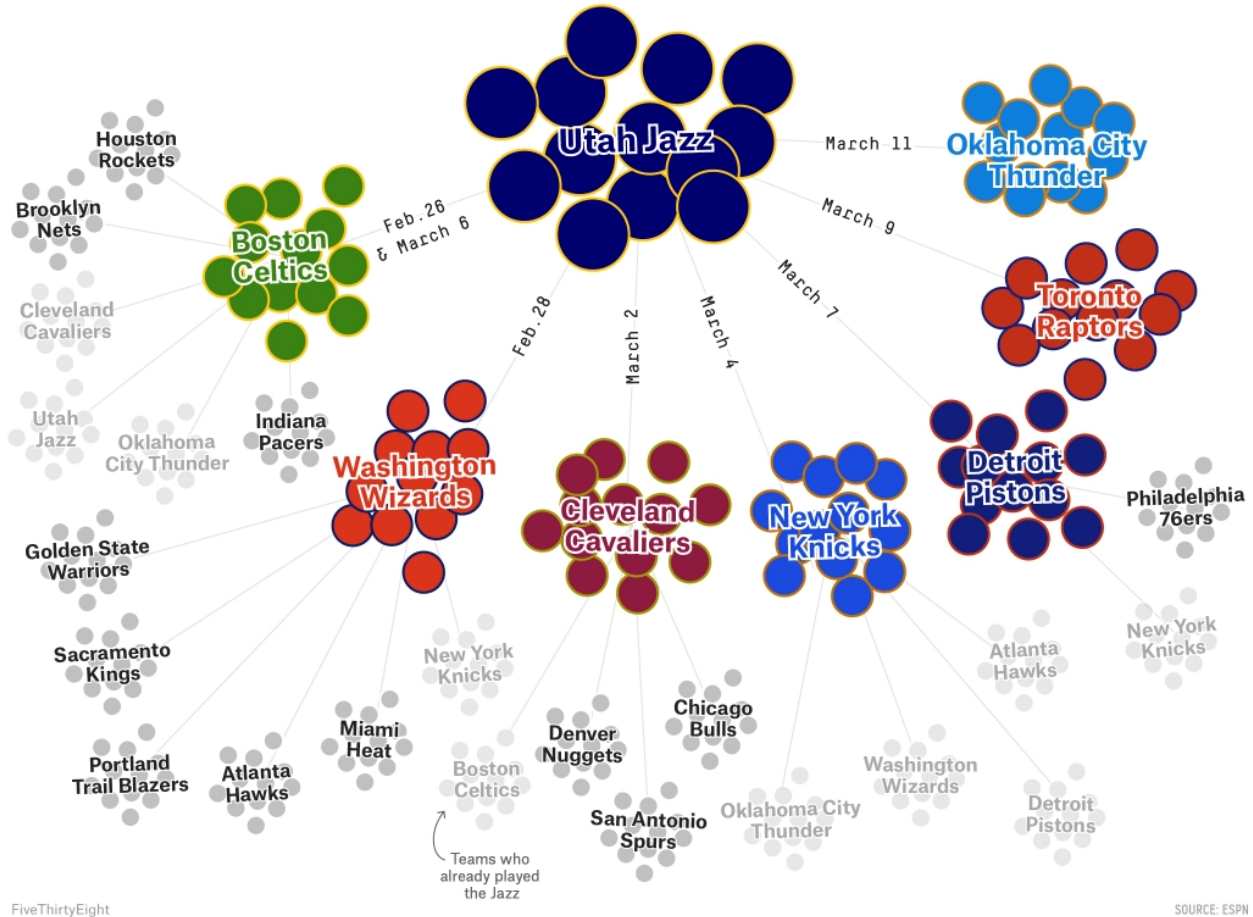
³⁶⁹ Rohan Nadkarni, *Sports Aren’t Just an Escape for Everyone*, SPORTS ILLUSTRATED, (Mar. 13, 2020), <https://www.si.com/nba/2020/03/14/sports-arent-just-an-escape-workers>.

COVID-19 cases were reported inside the “bubble.”³⁷⁰ As evidenced above, this feat was no coincidence but the direct result of the meticulously planned and executed *Protocols*. In the midst of a pandemic, the NBA, NBPA, and Disney teamed up to do what many viewed as impossible and found a way to resume (and finish) the 2019-20 NBA Season.

³⁷⁰ Reese Oxner, *Lakers Win NBA Finals; No Coronavirus Cases Reported in Bubble*, NPR, (Oct. 12, 2020), <https://www.npr.org/2020/10/12/923064484/lakers-win-nba-finals-no-coronavirus-cases-reported-in-bubble> [<https://perma.cc/2PFS-3ESB>].

Exhibit A – Spread of COVID-19³⁷¹

The Utah Jazz shared arenas with seven NBA teams in the two weeks before the season shuttered – and those teams faced 12 more



FiveThirtyEight

SOURCE: ESPN

³⁷¹ Jared Dubin & Anna Wiederkehr, *Why It Only Took One Player with Coronavirus to Shutter Sports*, FIVETHIRTYEIGHT (Mar. 13, 2020), <https://fivethirtyeight.com/features/why-it-only-took-one-player-with-coronavirus-to-shutter-sports/> [https://perma.cc/V6JU-E3AR].

Exhibit B – ESPN Wide World of Sports (“WWOS”) Map

Depicted, collectively, is the “WWOS Complex”:

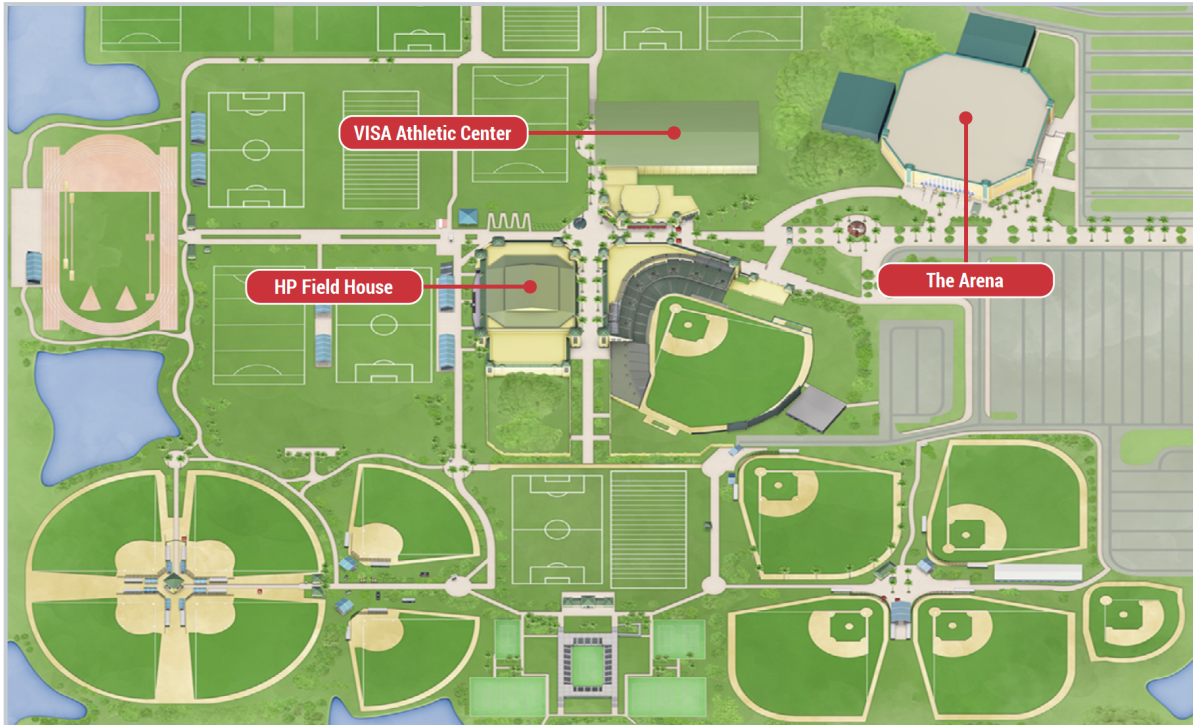


Exhibit C – Testing Timeline for Players and Essential Staff

	PCR TESTING	SEROLOGY/ANTIBODY TESTING	POINT-OF-CARE TESTING
Phase 1	N/A	N/A	N/A
Phase 2	Regular	1 week prior to Phase 3	N/A
Phase 3	Regular	N/A	N/A
Phase 4	Regular (Increased)	N/A	N/A
Phase 5	Regular (Increased)	N/A	Pre-scrimmage* (potentially pre-practice)
Restart Phase	Regular (Increased)	N/A	Pregame* (potentially pre-practice)

* Players and on-court team staff only (in addition to referees and any other Tier 1 individuals)

Exhibit D – Participant Tiers³⁷²

Tier	Individuals	Additional Applicable Rules
1 (on-court personnel essential to resumption of the 2019-20 season or individuals in close contact with mask-less on-court personnel)	Players, coaches, health and performance staff, team’s senior basketball executive, equipment managers and attendants, referees	Access to “Restricted Areas,” ³⁷³ hand hygiene, and masks/face coverings during games
2 (individuals who may be in close contact with Tier 1 individuals or may need access to Restricted Areas)	Team security, team front office staff, team PR/communications staff, team social content staff, other team staff not listed in Tier 1, certain league staff, ESPN arena staff, courtside staff, player guests, NBPA staff, NBPA-retained film crew, individuals need for social activities or amenities	Hand hygiene, access to Restricted Areas or limited contact with Tier 1, player guest limitations (e.g., distanced seating, no access to locker rooms or training/weight rooms), and media policies (e.g., seating areas, limited player interaction)
3 (individuals providing essential services, who will not come in close contact with Tier 1 individuals, but may need access to Restricted Areas when Tier 1 individuals not present)	Disney Category 1 and 2 cast members, transportation vendors, outside service providers who may need isolated access to Restricted Areas, Emergency Medical Services	Face coverings/gloves, hand hygiene, minimal access to Restricted Areas, physical distancing from other tiers, emergency medical services only if needed, barriers to separate transportation vendors from players
4 (individuals present for games/practices, but will not reside on campus and cannot have close contact with Tier 1 or 2 personnel)	Governors, select senior team executives, NBA/NBPA executive staff, injured player observing a game, select sponsors, media residing off-campus, external service providers without access to Restricted Areas	Reside off campus, no regular COVID-19 testing, temperature/symptom screened, separate entrances/exits, required masks/face coverings, observation area (> 25 feet from the court), no contact with other Tiers
5 (individuals providing services, but not residing on	Member of broadcast compound residing	Reside off campus, periodic COVID-19 testing, no regular daily health monitoring,

³⁷² *Protocols*, *supra* note 80, at 78–82.

³⁷³ “Restricted Areas” are: areas of campus facilities frequented by players, coaches, referees, and other on-court team staff, including locker rooms, practice and game courts, training and weight rooms, medical evaluation and treatment areas, designated team areas for film study, meetings, or meals, player lounges, hotel rooms, and like spaces.

campus nor entering any Restricted Areas)	separately, certain PR/security staff	required masks/face coverings, limited access to Restricted Areas, no contact with other Tiers
6 (individuals residing on campus, but (unless permitted by NBA) not entering Restricted Areas when Tier 1 or 2 personnel are present nor coming in close contact with said personnel	IT, other support staff	Regular COVID-19 testing and daily health monitoring, limited access to Restricted Areas

Exhibit E – Masks/Face Coverings During Games³⁷⁴

GROUP	ARE FACE COVERINGS REQUIRED DURING GAMES?
First row bench (participating players + coaches)	<p>No, including:</p> <ul style="list-style-type: none"> ● During pregame warmups or shootaround ● Locker room in between warmups and game ● Postgame – until they have to travel back to the hotel (masks required when traveling) <p>Though not required, it is recommended that coaches wear face coverings pre- or post-game where feasible (e.g., in situations where a face covering does not unduly interfere with the coach’s ability to do his or her job).</p>
Second row bench (other players + coaches)	<p>Yes, at all times (except any active players who are dressed for the game and eligible to participate, but need to sit in the second row to promote distancing, will not be required to wear a mask)</p>
Medical/training staff (e.g., athletic trainer, physician)	<p>Yes, at all times</p>
Referees	<p>No including:</p> <ul style="list-style-type: none"> ● During pregame preparation ● Locker room in between warmups and game ● Postgame – until they have to travel back to the hotel (masks required when traveling) <p>Though not required, it is recommended that referees wear face coverings pre- or post-game where feasible (e.g., in situations where a face covering does not unduly interfere with the referee’s ability to do his or her job).</p>
Scorer’s table crew (e.g., official scorer, game clock operator)	<p>Yes, at all times</p>
Ball boys/equipment attendants	<p>Yes, at all times</p>
Statistician (in stands or behind scorer’s table)	<p>No (however, face coverings are required before/after games and during halftime)</p>

³⁷⁴ *Protocols, supra* note 80, at 102.

PA announcer	No (however, face coverings are required before/after games and during halftime)
Any other team staff (e.g., social content, communications)	Yes , at all times
Any on-court broadcast staff (e.g., camera operators, utility staff)	Yes , at all times
Any other staff present at the arena	Yes , at all times
Any individuals observing games (e.g., Player Guests, media, governors, etc.)	Yes , at all times

Exhibit F – COVID-19 Testing and Monitoring Requirements³⁷⁵

- I. Required COVID-19 Testing
 - A. Players and essential team staff must undergo prior to and during season resumption.
 - B. League staff and Player Guests must undergo during season resumption (but no serology testing on individuals < 18 years old).
 - C. Regular PCR by nasal swab or saliva collection and limited amount of serology/antibody testing (prior to Phase Four) by blood draw / spot. Rapid molecular or antigen testing if available and appropriate.
 - D. Nasopharyngeal swab will not be regularly undergone, only occasionally.
 - E. Testing samples will not be used in research inconsistent with Protocols, without written consent.
 - F. Test results will be shared with individual, team, NBA, and NBPA.
 - G. Those refusing to undergo testing are prohibited from Phase Four and may be required to permanently leave campus.
- II. Required Health Monitoring
 - A. Players and essential team staff must undergo prior to and during season resumption.
 - B. League staff and Player Guests must undergo during season resumption at intervals determined by NBA.
 - C. Includes: checking body temperature, COVID-19 symptom check, measuring blood oxygen saturation, and other monitoring.
 - i. Offered to optionally use a wearable ring device to collect information relevant to COVID-19 assessment. If illness probability score indicates individual at higher COVID-19 risk, team physician may be contacted.
 - ii. Wearable ring device will be voluntary, its data fully accessible by player, and cannot be used in games. Further, no player data will be made available to public.
 - D. Information from monitoring will be shared with individual, team, NBA, and NBPA.
 - E. Any individual refusing to undergo monitoring will be prohibited from Phase Four and may be required to permanently leave campus.
 - F. Player testing and monitoring will be migrated to the league-wide EMR and deleted within four week following the conclusion of the 2019-20 season.
- III. Other campus residents (e.g, ESPN Arena Staff) must undergo regular COVID-19 testing and Daily Health Monitoring. Refusal may result in individual being required to permanently leave campus.
- IV. Negative PCR test result, along with being asymptomatic allows continued participation in the current Phase.
- V. Any positive COVID-19 test results (player, staff, household members) prior to arrival on-campus must be reported by physician to NBA.
- VI. NBA and NBPA will share results regarding positive PCR test results at all Phases.
- VII. Required procedures for positive PCR test results:

³⁷⁵ *Protocols*, supra note 80, at 68–76.

- A. Hospitalization, if needed
- B. Immediate isolation in NBA-designated Isolation Housing
- C. PCR retesting to confirm positive:
 - i. If PCR tests match, individual must remain in Isolation Housing and beginning process for monitoring, management, and resolution.
 - ii. If PCR tests do not match, individual must remain in Isolation Housing for 24 hours and retest a third time
 - iii. If third PCR test is negative, and individual is asymptomatic, can exit isolation after determination by physician
- D. Protocol for confirmed positive cases:
 - i. Informing Florida Department of Health
 - ii. PPE must be worn while caring for infected individual
 - iii. Disney will clean and disinfect locations where individual was present in past day or prior to symptom onset.
 - iv. Cleaning will be done at periodic intervals and meals delivered daily to Isolation Housing
 - v. Local medical care will be arranged
 - vi. Isolation cannot be discontinued until individual is: asymptomatic, satisfies CDC's test-based strategy (currently two consecutive negative PCR test results > 24 hours apart), and medically cleared by physician.
 - vii. Players will undergo cardiac screening prior to resuming participation in season
- E. Management of close contacts of infected individual
 - i. Contact tracing process
 - ii. Close contacts are individuals spending 15+ minutes while closer than six feet apart with infected individual or direct contact with infected individual's secretions or excretions.
 - iii. Close contacts will be informed.
 - iv. Tier 1 Personnel, who are a close contact, can participate fully in campus activities, after consultation with a physician, if they meet all of the below:
 - 1. Asymptomatic
 - 2. Negative PCR test result
 - 3. Daily PCR testing with negative results
 - 4. Enhanced health monitoring, including self-isolation if any associated symptoms
 - 5. Use of face coverings
 - 6. Physical distancing requirements
 - 7. Eat meals individually for at least five days
 - 8. Refrains from group social activities for at least five days
 - v. Non-Tier 1 Personnel, who are a close contact, can participate fully in campus activities, after consultation with a physician, if they meet all of the below:
 - 1. Meet all conditions for Tier 1 Personnel (above)
 - 2. May be directed to enter quarantine for a period of days
 - vi. NBA may modify management of close contact to account for unique risks, evolving clinical evidence, or other medical considerations

- VIII. Sequencing and analysis of positive PCR test results by medical experts to understand relationship between positive cases and inform Protocols (and other measures)
- IX. Given significance of IgG antibodies is not yet fully understood, anyone with a positive IgG test due to serology/antibody testing along with a negative PCR test result, will undergo same testing and Daily Health Monitoring as players without presence of IgG antibodies.
- X. Additionally, COVID-19 testing may be required as determined by physician (in accordance with infectious disease specialist or due to applicable local/state guidelines) or league office (in consultation with health experts or due to applicable local/state guidelines).