

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SOLID OAK SKETCHES, LLC

Plaintiff-  
Counterdefendant,

v.

2K GAMES, INC. and TAKE-TWO  
INTERACTIVE SOFTWARE, INC.,

Defendants-  
Counterclaimants.

CASE NO. 1:15-cv-724-LTS-SDA

ECF Case

DECLARATION OF LEBRON JAMES

I, LeBron James, declare as follows:

1. I submit this declaration in support of Take-Two Interactive Software, Inc. and 2K Games, Inc. (collectively, "Take-Two").

**I. My Background**

2. Since 2003, I have been a professional basketball player with the National Basketball Association ("NBA"). I have played with the Cleveland Cavaliers and the Miami Heat.

3. Prior to joining the NBA, I played basketball at St. Vincent-St. Mary High School in Akron, Ohio, and I was selected first overall in the 2003 NBA draft by the Cleveland Cavaliers.

**II. My Tattoos**

4. I have a number of tattoos on my body. I understand that this case is about four of them. To the best of my recollection, all four of these tattoos were inked in Akron, Ohio. In each case, I had a conversation with the tattooist about what I wanted inked. Often, I supplied the pre-existing material that I wanted inked on my body.

5. For example, for the tattoo of one of my children, I brought a baby picture to the tattooist. I told the tattooist to copy that image, and he followed my instructions. Because this was a portrait of my child, I wanted the tattoo to look as realistic and close to my child's photograph as possible.

6. For the tattoo of a lion's head, I supplied the picture of the lion that I wanted inked. It was on the back of a deck of cards at a hotel that I once stayed in, and I liked the design. I instructed the tattooist to ink this lion's head, and he followed my instructions.

7. For my tattoo with doves, I remember discussing with the tattooist that I wanted to incorporate doves into the design, and he followed my instructions in doing so.

8. For my tattoo that has the numbers “330” with flames, I chose “330” because it is the area code of Akron, Ohio. Akron is my hometown.

9. Each of my tattoos was created to showcase parts of my life and things that are important to me.

### **III. My Rights to the Tattoos**

10. My understanding is that the tattoos are a part of my body and my likeness, and I have the right to have my tattoos visible when people or companies depict what I look like. I always thought that I had the right to license what I look like to other people for various merchandise, television appearances, and other types of creative works, like video games.

11. In the fifteen years since I’ve been playing professional basketball, this case is the first time that anyone has suggested to me that I can’t license my likeness without getting the permission of the tattooists who inked my tattoos. No tattooist has ever told me I needed their permission to be shown with my tattoos, even when it was clear I was a public basketball player.

12. My tattoos are a part of my persona and identity; if I am not shown with my tattoos, it wouldn’t really be a depiction of me.

### **IV. Take-Two’s Right to Portray Me with My Tattoos**

13. I granted Take-Two permission to use my likeness in its video game series *NBA 2K*.

14. Neither Solid Oak Sketches, LLC nor any tattooist has ever contacted me about this lawsuit or raised with me the idea that I needed to get permission before my tattoos are included in something depicting my likeness.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 31 day of JULY, 2018.

  
LeBron James