



INTERCOLLEGIATE ATHLETICS GAME CONTRACT BETWEEN
THE REGENTS OF THE UNIVERSITY OF NEW MEXICO ("UNM")
and EASTERN NEW MEXICO UNIVERSITY ("ENMU")

SPORT: Men's Basketball

GAME SITE: University Arena - Albuquerque, NM

DATE/TIME: Friday, December 29, 2023, at a time TBD MM
MM

1. The parties agree to participate in an athletic contest ("Game") between their Men's Basketball teams on the date and at the time set forth above.
2. In consideration for playing in the Game, UNM shall pay to ENMU the sum of five-thousand dollars (\$5,000.00).
3. Officials for the Game shall be assigned by the Mountain West Conference.
4. The eligibility rules governing participation in the Exhibition Game shall be those established by the faculties of the respective institutions and the Athletic Conferences involved.
5. ENMU will be allowed 50 complimentary tickets for the above contest.
6. UNM retains all rights to broadcast the Game on radio, television, the internet, and any other medium.
7. ENMU grants to UNM the non-exclusive, worldwide, irrevocable, transferable (without consent), sublicensable (without consent, and through multiple tiers of sublicensees), royalty-free right and license to use (i) the trademarks, service marks and other indicia of and relating to any teams participating in said Game and (ii) the names, images, likenesses, biographical details, privacy rights, publicity rights, and all other indicia of identity of participants and other individuals involved in the conduct of the Game for the purposes of broadcasting, advertising and promoting the Game.
8. The parties agree that if either institution breaches this contract by refusing to play at the time and place agreed upon, the non-breaching party shall sustain damages that are difficult (if not impossible) to calculate. Therefore, the parties agree that in the event one party refuses to play at the time and place agreed upon, it shall pay to the other party, the sum of five-thousand dollars (\$5,000.00). Such payment shall be offset, dollar for dollar, by any amount UNM may have already paid ENMU at the time of the breach.
9. **Force Majeure:** No party shall be liable or responsible to the other party, nor be deemed to have defaulted under or breached this contract, for any failure or delay in fulfilling or performing any term of this Agreement, when and to the extent such failure or delay is caused by or results from acts beyond the impacted party's ("Impacted Party") reasonable control, including, without limitation, the following force majeure events ("Force Majeure Event(s)"): (a) acts of God; (b) tornado, (c) haboob, (d) drought, (e) flood, (f) fire, (g) earthquake, (h) explosion; (i) war, (j) invasion, (k) hostilities (whether war is declared or not),

(l) terrorist threats or acts, (m) riot or other civil unrest; (n) government order or law; (o) embargoes or blockades in effect on or after the date of this Agreement; (p) action by any governmental authority that makes performance impractical or impossible; (q) declaration of a national, regional or local emergency; (r) strikes, labor stoppages or slowdowns or other industrial disturbances; (s) shortage of adequate power or transportation facilities; (t) pandemic or other health emergency; and, (u) other similar events beyond the reasonable control of the Impacted Party.

10. **Other Considerations:** Both parties agree that the game date/time may be flexed to Saturday, December 30, 2023, based on the release of the Mountain West conference schedule in late Summer 2023.

[END: SIGNATURES FOLLOW]

Signature: Matt McKernan
Matt McKernan (Jun 20, 2023 14:39 MDT)

Email: mckmatt@unm.edu

FOR: THE UNIVERSITY OF NEW MEXICO

David Williams
David Williams (Jun 20, 2023 16:19 MDT)
Sport Coordinator _____ Date

Richard Pitino
Richard Pitino (Jun 20, 2023 17:32 MDT)
Coach _____ Date

Eduardo Nunez
Eduardo Nunez (Jul 20, 2023 21:06 MDT)
Athletic Director or Designee _____ Date

FOR: EASTERN NEW MEXICO UNIVERSITY

Brent Owen
Brent Owen (Jun 30, 2023 11:48 MDT)
Coach _____ Date

Paul Weir
Paul Weir (Jul 12, 2023 20:24 MDT)
Athletic Director or Designee _____ Date