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14 **IN THE UNITED STATES BANKRUPTCY COURT**
15 **FOR THE DISTRICT OF ARIZONA**

16 In re
17 DEWEY RANCH HOCKEY, LLC,
18 COYOTES HOLDINGS, LLC,
19 COYOTES HOCKEY, LLC, and
ARENA MANAGEMENT GROUP, LLC,
20 Debtors.

Chapter 11
Case No. 2:09-bk-09488-RTBP

**EMERGENCY MOTION TO AUTHORIZE
TEAM MANAGEMENT TO ENTER INTO
AGREEMENT WITH US AIRWAYS FOR
TEAM TRAVEL SERVICE**

21 This filing applies to:

- 22 All Debtors
 Specified Debtors

Hearing Date: Not Set
Hearing Time: Not Set
Location: Courtroom #703
230 N First Ave
Phoenix AZ 85003

23
24 The National Hockey League ("League" or "NHL"), through counsel, hereby requests entry of
25 an Order on an emergency basis granting team management authority to enter into a contract with US
26 Airways for flight services for the 2009-2010 season.

27 This Motion is filed pursuant to that certain "*Stipulated Order Among the Debtors and National*
28 *Hockey League Authorizing Interim Management of the Debtors business Affairs*" dated May 26, 2009

1 (the "Stipulated Order; Docket # 203). Pursuant to the Stipulated Order, the Debtors and the NHL
2 each appointed a representative (each a "Point Person") with whom the senior officers of the Debtors
3 including Mr. Don Maloney (each a "Senior Officer") may have direct communications regarding the
4 ordinary course operational affairs of the Debtors. The Debtors Point Person is Mr. Earl Scudder and
5 the NHL's Point Person is Mr. Bill Daly. Pursuant to ¶ 4(d) of the Stipulated Order, in the event either
6 Point Person disagrees with a Senior Officer, and after first attempting to resolve the disagreement in
7 good faith, either the NHL or the Debtors may apply to the court to resolve the matter.

8 There has arisen a dispute regarding team flight service for the 2009-2010 NHL season,
9 between team management (specifically, Rick Braunstein who oversees team travel and Don Maloney,
10 the general manager of the Phoenix Coyotes and a Senior Officer) and Mr. Bill Daly, as the NHL's
11 Point Person with respect to certain team management decisions, on the one hand, and Mr. Earl
12 Scudder, the personal attorney for Jerry Moyes and the Debtors' Point Person with respect to certain
13 team management decisions, on the other hand. Specifically, Mr. Scudder insists on the continued use
14 of Swift Air, an entity owned by Mr. Moyes,¹ to provide charter service for air travel during the
15 hockey season. In contrast, the teams' management, including its general manager Mr. Maloney,
16 prefers to contract with US Airways to for air travel service.²

17 The NHL, team management and Mr. Scudder have attempted, but failed, to negotiate an
18 agreement concerning the Club's travel arrangement for the 2009-2010 season. The team management,
19 has considered the charter costs it incurred with Swift Air during the 2008-2009 season totaling
20 \$2,576,401, has reviewed its travel requirements for the 2009-2010 season and has undertaken to
21 seriously study and consider various options for travel for the 2009-2010 season. Given the current
22 economic climate, both generally and with respect specifically to the Club, the team has sought a
23 carrier that would provide service commensurate with the professional standard required of all NHL
24 teams, while at the same time offering the best price possible for its airline services.

26 ¹ This illustrates one of several conflicts of interest which exist due to the status of Mr. Moyes in control of the Debtors and
27 his personal attorney, Mr. Scudder.

28 ² The e-mail dialogue between Mr. Scudder and Mr. Maloney/Mr. Braunstein is attached hereto as Exhibit "A" which is
redacted from the pleading filed with the court due to its highly confidential nature. An unredacted exhibit will be provided
to the court under seal.

1 Team management has received quotes from several commercial carriers and has determined
2 that US Airways offers the best alternative. This arrangement represents a substantial savings and is
3 clearly in the best interest of the estates. Additionally, US Airways currently serves a number of other
4 professional sport teams and Mr. Maloney is satisfied that US Airways will provide the necessary
5 service to the team together with a comfortable environment for the players. The team management,
6 which has extensive experience in providing travel arrangements for its players, has determined that it
7 should contract with US Airways for the 2009-2010 season. Mr. Scudder has rejected this proposal
8 and is insisting on the continued use of Swift Air for its air travel requirements.

9 The first game of the season is scheduled for October 1, 2009, while the first game of the
10 preseason is set for September 14, 2009. The dispute among the NHL, the team management and Mr.
11 Scudder must be resolved expeditiously in order for the team to take advantage of the price savings
12 offered by US Airways in time for the preseason.

13 WHEREFORE, the NHL respectfully requests entry of an Order on an emergency basis
14 granting team management authority to negotiate and to enter into a contract with US Airways for
15 flight services for the 2009-2010 season as determined by team management in its discretion, and for
16 such other relief as is just in the circumstances.

17 RESPECTFULLY SUBMITTED this August 10, 2009.

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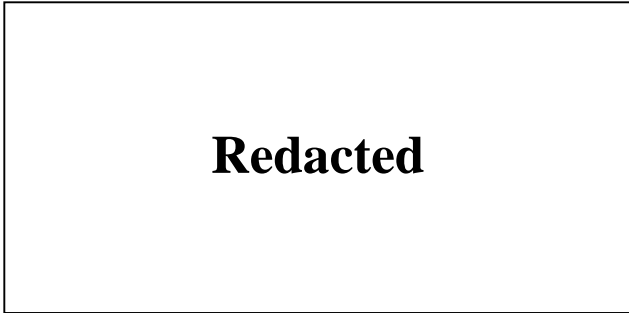
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Exhibit A



Redacted