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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

FILED

AUG 11 2009

UNITED STATES
BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

Minute Entry

Hearing Information:

Debtor: Dewey Ranch Hockey, LLC
Case Number: 2:09-bk-09488-RTBP **Chapter:** 11
Date / Time / Room: TUESDAY, AUGUST 11, 2009 01:30 PM 7TH FLOOR #703
Bankruptcy Judge: REDFIELD T. BAUM
Courtroom Clerk: LORRAINE DAVIS
Reporter / ECR: JUANITA PIERSON-WILLIAMS

Matters:

- 1) SCHEDULING HEARING IN RE: AUCTION SALE
R / M #: 0 / 0
- 2) EXPEDITED HEARING ON JOINT MOTION OF DEBTOR & PSE SPORTS FOR ORDER REQUIRING PRODUCTION OF DOCUMENTS FROM THE NHL & FOR ORDER REQUIRING GARY BETTMAN AND WILLIAM DALY TO APPEAR FOR DEPOSITIONS
R / M #: 0 / 0

Appearances:

SEE ATTACHED SIGN IN SHEET

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(continue)... 2:09-bk-09488-RTBP

TUESDAY, AUGUST 11, 2009 01:30 PM

Proceedings:

Mr. Goldfein advises the court that the parties have met and conferred as ordered by the court. The court is provided with a list of issues for scheduling and discussions ensue with regard to the various topics. Mr. Baldiga and Ms. Freeman join the discussions. A suggestion is made to have all motions on file by 8/18/09, with responses due by 8/25/09 and replies by 8/31/09. Concerns with regard to discovery are expressed by Ms. Freeman.

COURT: IT IS ORDERED all direct testimony of any expert witness is to be by written declaration. There will only
be live cross examination. The court expects the parties to work out the timing as far as providing the
declarations so the other side can prepare for cross.

Discussions continue with Mr. Gerbst, Mr. Goldfein, Mr. Baldiga, Mr. Kroop, Mr. Sala, Mr. Zachary, Ms. Johnsen, Ms. Freeman, Mr. Klein, Mr. Abramowitz & Mr. Milmoie with regard to which issues need to be scheduled prior to the sale hearing as well as what discovery needs to be taken. The parties discuss the bidding procedure order and the court directs the parties to file an agreed order, or if they are unable to do so, for each to file a separate order via ECF, but to also deliver a hard copy to chambers for review.

A recess is taken to allow the parties to discuss discovery issues.

The court reconvenes and Ms. Freeman asked the court to order NHL to produce the documents that are needed for expert witnesses regarding relocation..

COURT: IT IS ORDERED that by 10:00 a.m. on August 12, 2009, PSE will file a five page, or less, memo on what is specifically wanted, and by 1:00 p.m., NHL will file their five page, or less, position. PSE shall file their reply by 3:00 p.m.

IT IS FURTHER ORDERED that for the September 2nd hearing, issues 12, 13, and 14 are out. As to issue #5, the Glendale issue, the court will modify the briefing schedule and direct that for a motion to be considered it must be filed by August 18, 2009. Responses shall be filed by August 24th, or by 6:00 a.m. on August 25, 2009. Hard copies shall be delivered to chambers by 6:00 a.m. on August 25, 2009, and any reply shall be filed by August 31, 2009.

IT IS FURTHER ORDERED that there will be no further discovery, or depositions by the bidders.

SIGN UP SHEET

DATE: 8-11-09CASE NAME: Dewey HockeyCASE NUMBER: 09-9488 RTTB

<u>NAME</u>		<u>CLIENT</u>
Shepard Goldstein	Skidmore	NHC
J. Gregory McInnis	"	NHC
Anthony Clark	"	NHC
Von Durell	"	NHC
T Ashworth	SMH	"
A Meade	-	-
Susan Boswell	Quarles & Brady	Lee Edge
Don Cathay	Snell & Wilmer	SOF, et al
Stephen Abramowitz	Vinson & Elkins	"
Emily Malandra	"	"
ED ZACHARY	BLYNN CRE	Debtors' Committee Counsel
Ricky GURRST	SSD	Debtors
Susan Freeman	Lewis & Roca	PSE
Carlynn Bensen	JSS	Jerry Mayer
Peter Sorenson		
Paul DeL...	A&B	Committee
Cathy Klee	FC	City
JORDAN KROOP	SSD	Debtors
KELLY SINGER	SSD	Debtors
LARRY WATSON		

Issues for Scheduling:

1. Motion that debtors' interests in Coyotes may not be transferred to PSE which has been found by the NHL Board of Governors not to comply with Article 3.5 and By-Law 35 of the NHL Constitution and By-Laws (filed 8/7/09).

any time

- Debtors and PSE Rule 2004 Request

2. NHL renewed Motion for Control over Coyotes.

encl

3. OSC to Remove Moyes from the sales process.

4. Have the debtors and Moyes complied with their fiduciary obligations? Have they chilled bidding and colluded with Mr. Balsillie to sell this team to one bidder?

4/20/09

5. Glendale Lease Rejection Issues:

a. Whether that the Lease is a lease that can be rejected by the Debtors under Bankruptcy Code § 365(a) subject to the Court's approval;

b. Whether that the City is entitled to injunctive relief in the form or specific performance for breach of the Lease; and

c. Whether that all claims for damages resulting from rejection of the Lease are capped under Bankruptcy Code § 502(b)(6).

*not
done*

6. Can the Bankruptcy Court compel the NHL to accept transfer of the team to a location different than Phoenix?

(i) Can the Debtor assume and assign the NHL Constitution and By-Laws without the consent and territorial location provision set forth therein under § 365 of the Bankruptcy Code?

(ii) Can the debtors provide adequate assurance of future performance?

(iii) Is there a bona fide dispute?

7. As a matter of law and fact, can adequate assurance be demonstrated if the assignee has violated or intends to violate the Constitution and By-Laws by virtue of his conduct in the past and in this Bankruptcy Court?

8. Are the debtors/PSE's breaches of the Constitution and By-Laws material and curable by money damages alone? If so, in what amounts. If not, what are the legal implications?
9. What pecuniary losses may the NHL and its member clubs suffer if the Coyotes are sold in breach of the Constitution and By-Laws and other NHL agreements. What are the cure costs to the NHL if this team is relocated (in addition to the relocation fee) over its objections? *Relocation Fee Determination*

10. Whether the Coyotes can relocate for the 09-10 NHL season? _____ ?

11. Opposition to Scudder/Fairview role as the independent marketer/consultant of the Debtor.

[12. Should Moyes claims be equitably subordinated or otherwise restricted?

- In determining the best interests of creditors and balancing of benefits and harms to creditors for purposes of the above, is the Moyes's and other owner claims/investments properly considered by the Court as 'creditor claims,' given all the facts of these cases, including the presence of then-pending or otherwise asserted proceedings seeking claim recharacterization, equitable subordination and judgments on counterclaims (including on theories of breach of fiduciary duty and various avoidance actions) and the Moyes personal guaranty of the claims of other creditors in the case?

[13. Is Gretzky's claim a claim against the debtors?

[14. Given that the sale suggested by the Debtors is one of all or substantially assets of at least some of these estates, and is therefore subject to the 'fair and equitable' standard of confirmation of a plan imposed by Section 1129, has the conduct of these cases and the sale process been in all respects compliant with the Code and fair and equitable, under all of the facts and circumstances of the cases, including especially the conduct of the auction?

City @ 9/10