

To: Johnson, Christopher D.[CJohnson@ssd.com]; Earl Scudder[escudder@scudderlaw.com]; Jerry_Moyes@swifttrans.com[Jerry_Moyes@swifttrans.com];
Cc: Tom Salerno[TSalerno@ssd.com]; Kroop, Jordan A.[JKroop@ssd.com]; Susan Freeman[SFreeman@LRLaw.com];
Subject: Re: Revised APA
Sent: Thur 4/30/2009 10:12:41 PM
From: rrodier@richardrodierlaw.com

For the last time, I am not here in any capacity as an attorney, from Ontario or Arizona. I am here in m capacity as a senior officer of the General Partner of PSE Sports & Entertainment LP. Mr moyes contacted Jim and invited him to call. Jim is unreachable, and rather than not respond at all, I called Mr. Moyes to let him know. Mr. Moyes continued the conversation, as is his privilege as a sophisticated businessman, and most importantly as an adult. That being said, I am not going to debate these issues any more. If you are not satisfied, register your complaint with the Arizona Bar or the Law Society of Upper Canada or whatever.

It is clear that Mr. Moyes is not yet ready to seriously consider our proposal, and continues to pursue other deals. That is his privilege. However, it is Jim's privilege not to be a willing participant.

Mr. Moyes, if and when you become serious, you are welcome to contact Jim or me to see where (and indeed if) we go from here.

Good night to all.
A. Richard Rodier

From: "Johnson, Christopher D."
Date: Thu, 30 Apr 2009 21:30:31 -0700
To: <rrodier@richardrodierlaw.com>; <escudder@scudderlaw.com>; <Jerry_Moyes@swifttrans.com>
Subject: Re: Revised APA

Since your behavior would be a blatant violation of Arizona ethical rules, I assumed you were not licensed to practice here. Therefore, I was hardly suggesting that you should be worried about being disbarred in Arizona. You can also be assured that I am not concerned about any consequences you may suffer, so there is no need to thank me.

I doubt that your conduct passes muster under applicable Canadian rules of professional conduct, notwithstanding your belated and self-serving characterization of your role as a non-attorney in this matter. It would be much easier if you would simply honor the request not to contact our client without our presence, like every other reputable attorney that I've worked with in over thirty years of practice, from Canada or any other jurisdiction.

Christopher D. Johnson
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40 N. Central Avenue
Phoenix, Arizona 85004
Office Phone: (602) 528-4046
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From: rrodier@richardrodierlaw.com <rrodier@richardrodierlaw.com>
To: Johnson, Christopher D.; Richard Rodier <rrodier@richardrodierlaw.com>; Earl Scudder <escudder@scudderlaw.com>; jerry_moyes@swifttrans.com <jerry_moyes@swifttrans.com>
Cc: Salerno, Thomas J.; Kroop, Jordan A.; Susan Freeman <SFreeman@LRLaw.com>
Sent: Thu Apr 30 23:32:20 2009
Subject: Re: Revised APA

While I am a lawyer by profession, I am not a practicing lawyer, nor is my function in this matter that of an attorney.....nor do I think I need to be worried about being disbarred in AZ.....but thank you for your

concern.

As I said in my previous email.....I am able to deal with this tonight, or Tuesday.
Sent from my BlackBerry device on the Rogers Wireless Network

From: "Johnson, Christopher D."
Date: Thu, 30 Apr 2009 20:27:35 -0700
To: <rrodier@richardrodierlaw.com>; <escudder@scudderlaw.com>
Subject: Re: Revised APA

I don't know what rules you operate under in Canada, but here you can get disbarred for conducting substantive discussions with another lawyer's client without that lawyer's permission. Perhaps you should get Susan's input on the applicable US ethical rules. I'm sure that, as co-counsel, she would want those rules observed.

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From: rrodier@richardrodierlaw.com <rrodier@richardrodierlaw.com>
To: Earl Scudder <escudder@scudderlaw.com>; Johnson, Christopher D.; jerry_moyes@swifttrans.com <jerry_moyes@swifttrans.com>
Cc: Salerno, Thomas J.; Kroop, Jordan A.; Susan Freeman <>SFreeman@LRLaw.com>
Sent: Thu Apr 30 23:20:10 2009
Subject: Re: Revised APA

We will be sending you a revised APA in the next few minutes with the proposal I discussed with Mr. Moyes. Mr. Moyes is an adult, and if he didn't want to speak with me would have said so.

As I indicated before, Susan Freeman leaves tomorrow am, returning late Monday night. As such, I am unable to discuss the proposal tomorrow thru Monday, but remain willing and able to do so tonight. So please advise whether you are able to do so.
A. Richard Rodier

From: Earl Scudder
Date: Thu, 30 Apr 2009 22:10:09 -0500

To: 'rrodier@richardrodierlaw.com' <rrodier@richardrodierlaw.com>; Johnson, Christopher D. <CJohnson@ssd.com>; Susan Freeman <SFreeman@LRLaw.com>
Subject: RE: Revised APA

Mr. Rodier: Do not contact Jerry Moyes to attempt to negotiate directly with him. Your proposal will be considered over night, and, if there is to be any discussion, it will occur in the morning.
Earl Scudder

-----Original Message-----

From: rrodier@richardrodierlaw.com [mailto:rrodier@richardrodierlaw.com]
Sent: Thursday, April 30, 2009 9:25 PM
To: Johnson, Christopher D.; Richard Rodier; Susan Freeman
Cc: Earl Scudder; Tom Salerno; Kroop, Jordan A.
Subject: Re: Revised APA

We will go thru the agreement. Tomorrow am doesn't work. The night is still young.
Sent from my BlackBerry device on the Rogers Wireless Network

From: "Johnson, Christopher D."
Date: Thu, 30 Apr 2009 19:14:07 -0700
To: <rrodier@richardrodierlaw.com>; Freeman, Susan <SFreeman@lrlaw.com>
Subject: Revised APA

Richard and Susan:

Attached is a revised draft of the APA, marked against the draft you delivered earlier today. The attached draft has not been reviewed by Jerry Moyes or by Earl Scudder and remains subject to their comments and changes. Neither Jerry nor Earl is available until tomorrow morning. Since most of the remaining issues are business rather than legal issues, any further discussions regarding the remaining issues will have to wait until then.

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