

EXHIBIT 1

1
2 UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

3 ----- X
IN RE: DEWEY RANCH HOCKEY, LLC)
4 COYOTES HOLDINGS, LLC, COYOTES) CASE NO.
HOCKEY, LLC AND ARENA) 2:09-BK-09-09488
5 MANAGEMENT GROUP, LLC,) (JOINTLY ADMINISTERED
) CHAPTER 11)
6 DEBTORS.)
----- X

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12 ***CONTAINS HIGHLY CONFIDENTIAL PORTIONS***

13 DEPOSITION OF GARY BETTMAN

NEW YORK, NEW YORK

14 AUGUST 20, 2009
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21 REPORTED BY:

JUDI JOHNSON, RPR, CRR, CLR

22 JOB NO.: 24398
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<p style="text-align: right;">Page 2</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>FOUR TIMES SQUARE NEW YORK, NEW YORK</p> <p>AUGUST 20, 2009 9:00 A.M.</p> <p>DEPOSITION OF GARY BETTMAN, HELD AT THE OFFICES OF SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP, FOUR TIMES SQUARE, NEW YORK, NEW YORK, PURSUANT TO NOTICE, BEFORE JUDI JOHNSON, A REGISTERED PROFESSIONAL REPORTER, A CERTIFIED REALTIME REPORTER, A CERTIFIED LIVENOTE REPORTER AND NOTARY PUBLIC OF THE STATE OF NEW YORK.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 3</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>GARY BETTMAN APPEARANCES: JENNINGS STROUSS & SALMON, PLC ATTORNEY FOR JERRY MOYES 201 E. WASHINGTON STREET PHOENIX, ARIZONA 85004-2385</p> <p>BY: PETER W. SORENSEN, ESQ.</p> <p>SQUIRE SANDERS & DEMPSEY L.L.P. ATTORNEY FOR THE DEBTORS 40 NORTH CENTRAL AVENUE PHOENIX, ARIZONA 85004-4498</p> <p>BY: GEORGE BRANDON, ESQ. (VIA TELEPHONE)</p> <p>BROWN RUDNICK LLP ATTORNEY FOR THE CITY OF GLENDALE ONE FINANCIAL CENTER BOSTON, MASSACHUSETTS 02111</p> <p>BY: ALLYSON PICARD, ESQ. (VIA TELEPHONE) CHERYL PINARCHICK, ESQ. (VIA TELEPHONE)</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 4</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>GARY BETTMAN APPEARANCES CONTINUED: SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP ATTORNEY FOR THE NATIONAL HOCKEY LEAGUE FOUR TIMES SQUARE NEW YORK, NEW YORK 10036</p> <p>BY: SHEPARD GOLDFEIN, ESQ.</p> <p>-AND- STINSON MORRISON HECKER, LLP 1850 NORTH CENTRAL AVENUE - SUITE 2100 PHOENIX, ARIZONA 85004-4584</p> <p>BY: (NOT PRESENT)</p> <p>ALLEN, SALA & BAYNE PLC ATTORNEY FOR THE COMMITTEE 1850 NORTH CENTRAL AVENUE - SUITE 150 PHOENIX, ARIZONA 85004</p> <p>BY: THOMAS H. ALLEN, ESQ. (VIA TELEPHONE)</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 5</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>GARY BETTMAN APPEARANCES CONTINUED: KATTEN MUCHIN ROSEMAN LLP ATTORNEY FOR THE GLENDALE HOCKEY, GLENDALE ARENA JERRY REINSdorf 575 MADISON AVENUE NEW YORK, NEW YORK 10022-2585</p> <p>BY: (NOT PRESENT)</p> <p>DEWEY LEBOEUF, LLP ATTORNEY FOR PSE 1301 AVENUE OF THE AMERICAS NEW YORK, NEW YORK 10019-6092</p> <p>BY: JEFFREY KESSLER, ESQ. HUGH SANDLER, ESQ.</p> <p>ALSO PRESENT: RICHARD RODIER</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 18</p> <p>1 GARY BETTMAN</p> <p>2 MR. KESSLER: I WAS READING,</p> <p>3 MR. GOLDFEIN, THE LAST SENTENCE OF THE RULE.</p> <p>4 I WAS NOT IN THE SENTENCE YOU WERE DIRECTING</p> <p>5 HIM TO.</p> <p>6 THE WITNESS: PAUSE FOR A SECOND.</p> <p>7 START FROM THE TOP SO THAT THERE'S NO</p> <p>8 CONFUSION.</p> <p>9 BY MR. KESSLER:</p> <p>10 Q IS IT CORRECT THAT ANY AMENDMENT OF</p> <p>11 ARTICLE 4 HAS TO BE EVIDENCED BY AN INSTRUMENT</p> <p>12 IN WRITING SIGNED BY ALL MEMBERS OF THE LEAGUE?</p> <p>13 A NOT NECESSARILY.</p> <p>14 Q NOT NECESSARILY. AND WHY WOULD THAT</p> <p>15 BE?</p> <p>16 A WELL, THERE ARE A COUPLE OF REASONS.</p> <p>17 ONE, WHEN YOU'RE REFERRING TO ARTICLE 4 OF THE</p> <p>18 CONSTITUTION, IT NEEDS TO BE RECONCILED WITH</p> <p>19 BYLAW 36; AND SECONDLY, I HAVE ON REPEATED</p> <p>20 OCCASIONS ADVISED THE BOARD THAT THERE'S AN</p> <p>21 ASPECT OF ARTICLE 4 OF THE CONSTITUTION WHICH IS</p> <p>22 UNENFORCEABLE AND WILL NOT BE APPLIED.</p> <p>23 Q THAT'S A VERY -- THAT'S NOT MY</p> <p>24 QUESTION, OKAY.</p> <p>25 WHAT AUTHORITY DO YOU OR ANYONE ELSE</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 19</p> <p>1 GARY BETTMAN</p> <p>2 HAVE TO SAY THAT THIS PARTICULAR SENTENCE OF THE</p> <p>3 CONSTITUTION, THIS SENTENCE THAT SAYS IT HAS TO</p> <p>4 BE EVIDENCED BY AN INSTRUMENT IN WRITING BY ALL</p> <p>5 MEMBERS OF THE LEAGUE, DOESN'T APPLY? WHAT</p> <p>6 GIVES YOU THE AUTHORITY AS COMMISSIONER TO DO</p> <p>7 THAT?</p> <p>8 A SINCE YOU HAVE THE DOCUMENT IN FRONT</p> <p>9 OF YOU, I POINT YOU TO 6.3 D OF THE</p> <p>10 CONSTITUTION.</p> <p>11 Q OKAY. 6.3 D SAYS YOU CAN INTERPRET</p> <p>12 LEAGUE RULES. DO YOU VIEW THAT TO MEAN -- IT</p> <p>13 SAYS YOU SHALL HAVE THE AUTHORITY TO INTERPRET</p> <p>14 AND ESTABLISH POLICIES REGARDING THE</p> <p>15 CONSTITUTION AND BYLAWS. DO YOU VIEW THAT THAT</p> <p>16 YOU CAN INTERPRET THE LEAGUE RULES, THAT YOU CAN</p> <p>17 CHANGE PROVISIONS OF THE CONSTITUTION BY YOUR</p> <p>18 INTERPRETATION?</p> <p>19 A IF THEY NEED TO BE RECONCILED EITHER</p> <p>20 WITH OTHER DOCUMENTS, RESOLUTIONS AND APPLICABLE</p> <p>21 LAW, YES.</p> <p>22 Q SO, AGAIN, I JUST WANT TO UNDERSTAND</p> <p>23 WHAT YOU VIEW AS THE LIMITS OF YOUR AUTHORITY.</p> <p>24 IF THE CONSTITUTION, FOR EXAMPLE, SAYS SOMETHING</p> <p>25 HERE REQUIRES A THREE-QUARTER VOTE, YOU CAN</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 20</p> <p>1 GARY BETTMAN</p> <p>2 INTERPRET THREE-QUARTERS TO SAY MAJORITY?</p> <p>3 A WELL, THE WAY YOU'RE THROWING YOUR</p> <p>4 HAND AROUND, YOU MAKE IT SOUND LIKE THAT WOULD</p> <p>5 BE A WILLY-NILLY EXERCISE. IF I HAVE A GOOD</p> <p>6 REASON, MY POWERS ARE PRETTY BROAD TO INTERPRET</p> <p>7 THE CONSTITUTION, BYLAWS, LEAGUE RULES.</p> <p>8 Q OKAY. LET'S TAKE A LOOK AT 4.3.</p> <p>9 A (WITNESS COMPLIES.)</p> <p>10 Q 4.3 IS THE TERRITORIAL RIGHTS OF</p> <p>11 MEMBERS PROVISION. I KNOW YOU'RE VERY FAMILIAR</p> <p>12 WITH THIS PROVISION.</p> <p>13 A HOW WOULD YOU KNOW THAT?</p> <p>14 Q AND IT'S -- AS YOU KNOW, IT SAYS IN</p> <p>15 THE VERY LAST SENTENCE, I'LL FOCUS ON FOR THE</p> <p>16 MOMENT, "NO FRANCHISE SHALL BE GRANTED FOR A</p> <p>17 HOME TERRITORY WITHIN THE HOME TERRITORY OF A</p> <p>18 MEMBER WITHOUT THE WRITTEN CONSENT OF SUCH</p> <p>19 MEMBER."</p> <p>20 I'M ASKING YOU A VERY NARROW QUESTION.</p> <p>21 HAS THERE EVER BEEN A WRITTEN AMENDMENT TO THAT</p> <p>22 PROVISION OF THE CONSTITUTION SIGNED BY ALL</p> <p>23 MEMBERS OF THE LEAGUE?</p> <p>24 A REPEAT THE QUESTION, PLEASE.</p> <p>25 (WHEREUPON, THE REQUESTED PORTION WAS</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 21</p> <p>1 GARY BETTMAN</p> <p>2 READ BACK BY THE COURT REPORTER: AND</p> <p>3 IT'S -- AS YOU KNOW, IT SAYS IN THE VERY</p> <p>4 LAST SENTENCE, I'LL FOCUS ON FOR THE MOMENT,</p> <p>5 "NO FRANCHISE SHALL BE GRANTED FOR A HOME</p> <p>6 TERRITORY WITHIN THE HOME TERRITORY OF A</p> <p>7 MEMBER WITHOUT THE WRITTEN CONSENT OF SUCH</p> <p>8 MEMBER."</p> <p>9 I'M ASKING YOU A VERY NARROW QUESTION.</p> <p>10 HAS THERE EVER BEEN A WRITTEN AMENDMENT TO</p> <p>11 THAT PROVISION OF THE CONSTITUTION SIGNED BY</p> <p>12 ALL MEMBERS OF THE LEAGUE?)</p> <p>13 A I DON'T BELIEVE SO, BUT THAT SHOULDN'T</p> <p>14 MATTER BECAUSE I'VE ADVISED THE BOARD --</p> <p>15 Q YOU'VE ANSWERED MY QUESTION.</p> <p>16 MR. GOLDFEIN: HE CAN ANSWER THE</p> <p>17 QUESTION.</p> <p>18 A -- ON REPEATED OCCASIONS THAT WE ARE</p> <p>19 NOT ENFORCING THAT PROVISION, AND THERE HASN'T</p> <p>20 BEEN ANY OBJECTION TO THAT. AND IN FACT, THE</p> <p>21 COMPETITION BUREAU IN CANADA HAS AFFIRMED OUR</p> <p>22 POLICY AND PRACTICE IN THAT REGARD.</p> <p>23 Q HAVE YOU EVER HAD A DISCUSSION WITH</p> <p>24 ANY REPRESENTATIVE OF THE TORONTO TEAM AS TO</p> <p>25 WHAT THEIR POSITION IS WITH RESPECT TO ARTICLE</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

Redacted

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1 GARY BETTMAN
2 RIGHT?
3 A I VAGUELY RECALL THAT. I WOULDN'T
4 SWEAR TO IT. BUT I VAGUELY RECALL IT.
5 Q YES. THAT WAS OPPOSITE OF THE
6 POSITION OF THE LEAGUE, RIGHT?
7 A THE LAW WAS A LITTLE MORE UNSETTLED ON
8 THE ISSUE OF SINGLE ENTITIES 20 YEARS AGO,
9 JEFFREY. YOU KNOW THAT AS WELL AS ANYBODY.
10 Q THE LEAGUE'S POSITION WAS IT WAS A
11 SINGLE ENTITY AT THE TIME, RIGHT?
12 A YES.
13 Q IT'S ALSO CORRECT, ISN'T IT, THAT
14 MR. REINSDORF'S LAWSUIT COST THE NBA OVER
15 \$10 MILLION IN LEGAL DEFENSE COSTS?
16 A I DON'T REMEMBER.
17 Q YOU RECALL IT WAS MILLIONS OF DOLLARS,
18 RIGHT?
19 A BIG LAW FIRMS LIKE YOURS AND
20 MR. GOLDFEIN'S TEND TO RUN UP BILLS PRETTY GOOD.
21 Q SO HAVE YOU YET TAKEN ANY ACTION ON
22 THE APPLICATION OF MR. LEBLANC'S GROUP?
23 A NO.
24 Q NOW, WAS ANY INFORMATION PRESENTED TO
25 THE EXECUTIVE COMMITTEE ABOUT MR. REINSDORF'S
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1 GARY BETTMAN
2 AGREEMENT BETWEEN A SPORTS LEAGUE AND ITS UNION,
3 AND THE COLLUSION -- THE, QUOTE, COLLUSION CASE
4 WAS A GRIEVANCE UNDER THE COLLECTIVE BARGAINING
5 AGREEMENT.
6 Q I TAKE IT NHL POLICY IS TO COMPLY WITH
7 COLLECTIVE BARGAINING AGREEMENTS, NOT VIOLATE
8 THEM, RIGHT?
9 A WE GET MORE THAN OUR FAIR SHARE OF
10 GRIEVANCES FILED AGAINST US.
11 Q BUT YOUR POLICY WOULD BE TO COMPLY
12 WITH THEM, RIGHT?
13 A TO THE BEST OF OUR ABILITY. BUT AS
14 YOU KNOW, IN THIS INDUSTRY THERE ARE ALWAYS LOTS
15 OF DISPUTES AS TO WHETHER OR NOT COMPLIANCE IS
16 IN FACT COMPLIANCE.
17 Q IS THERE AN ANTI-COLLUSION PROVISION
18 IN THE NHL COLLECTIVE BARGAINING AGREEMENT?
19 A I'M NOT SURE.
20 MR. GOLDFEIN: I'M NOT SURE EITHER.
21 A YOU KNOW THERE'S SOMETHING. IT ISN'T
22 LIKE THE BASEBALL ONE. THERE'S SOMETHING, BUT
23 IT'S NOT WHAT I WOULD CALL ANTI-COLLUSION.
24 Q LET ME DIRECT YOUR ATTENTION TO PAGE 2
25 OF THIS DOCUMENT.
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1 GARY BETTMAN
2 ROLE WITH RESPECT TO THE ARBITRATION DECISION
3 FINDING THE BASEBALL OWNERS GUILTY OF COLLUSION?
4 MR. GOLDFEIN: OBJECTION. I OBJECT AS
5 TO FORM.
6 A THE BASEBALL COLLUSION CASE WAS AN
7 ARBITRATION AWARD BASED ON A GRIEVANCE UNDER THE
8 COLLECTIVE BARGAINING AGREEMENT. IT WAS SPELLED
9 OUT IN THE MEMORANDUM BECAUSE IT GOT SOME
10 NOTORIETY, AND IT WAS IN HERE FOR THE OWNERS TO
11 SEE, BUT I DON'T RECALL THAT ANYBODY QUESTIONED
12 MR. REINSDORF ON THAT PARTICULAR ISSUE.
13 Q YOU BELIEVE -- WELL, MY DISCUSSION OF
14 MR. REINSDORF IS REDACTED, SO I DON'T KNOW THE
15 ANSWER.
16 MR. GOLDFEIN: THAT'S CORRECT.
17 BY MR. KESSLER:
18 Q SO YOU BELIEVE IT WAS DESCRIBED THERE?
19 A YES.
20 Q DID ANYBODY IN THE -- ANY OWNERS ASK
21 ANY QUESTIONS ABOUT THAT?
22 A NO, I DON'T BELIEVE THEY DID. AS I
23 SAID, AS YOU KNOW FROM YOUR VARIETY OF
24 EXPERIENCES, IT'S FAIRLY COMMON FOR THERE TO BE
25 LOTS OF GRIEVANCES UNDER A COLLECTIVE BARGAINING
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1 GARY BETTMAN
2 A (WITNESS COMPLIES.) OKAY.
3 Q IF YOU TAKE A LOOK AT EIGHT LINES UP
4 IN THE FULL PARAGRAPH THAT COMES OVER, IT SAYS,
5 "WE ALSO WILL NOT BE DISCUSSING."
6 A UH-HUH.
7 Q OKAY. IT SAYS, "WE ALSO WILL NOT BE
8 DISCUSSING OR CONSIDERING MR. BALSILLIE'S
9 APPLICATION TO TRANSFER THE COYOTES HOME
10 TERRITORY TO HAMILTON, ONTARIO, AND IT WOULD BE
11 INAPPROPRIATE TO CONSIDER THE FACT THAT
12 MR. BALSILLIE WOULD LIKE TO MOVE THE CLUB WHEN
13 EVALUATING HIS APPLICATION WITH RESPECT TO THE
14 TRANSFER OF OWNERSHIP AND HIS QUALIFICATIONS TO
15 BE AN OWNER OF AN NHL FRANCHISE."
16 WHO DETERMINED IT WOULD BE
17 INAPPROPRIATE?
18 MR. GOLDFEIN: I'M GOING TO OBJECT TO
19 THE EXTENT -- YOU CAN ANSWER THE QUESTION,
20 BUT NOT TO THE EXTENT THAT IT WOULD REQUIRE
21 THE DISCLOSURE OF ANY ATTORNEY-CLIENT
22 COMMUNICATIONS.
23 A ULTIMATELY, ME.
24 Q IN PRIOR TIMES, HAVE YOU
25 SIMULTANEOUSLY CONSIDERED AN APPLICATION, WHILE
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<p style="text-align: right;">Page 70</p> <p>1 GARY BETTMAN</p> <p>2 YOU'VE BEEN COMMISSIONER, FOR AN OWNERSHIP</p> <p>3 TRANSFER AND A RELOCATION AT THE SAME TIME?</p> <p>4 A ONLY WHEN THEY'VE BEEN APPROPRIATELY</p> <p>5 AND TIMELY TEED UP.</p> <p>6 Q SO WHAT IS THE REASON IT WAS</p> <p>7 INAPPROPRIATE HERE WHILE IT WAS APPROPRIATE IN</p> <p>8 OTHER CASES?</p> <p>9 A WELL, FIRST OF ALL, THERE ARE A</p> <p>10 VARIETY OF FACTORS IN THIS CIRCUMSTANCE. ONE,</p> <p>11 THE APPLICATION FOR RELOCATION UNDER BYLAW 36</p> <p>12 WASN'T COMPLETE. SECONDLY, IT WAS UNTIMELY</p> <p>13 BECAUSE IT WAS FILED AFTER JANUARY 1st. UNDER</p> <p>14 BYLAW 36, THAT'S THE DEADLINE YOU HAVE TO DO IT</p> <p>15 BY FOR THE NEXT SEASON. WE WEREN'T GOING TO</p> <p>16 HAVE A RELOCATION FOR THE 10, 11 SEASON UNDER</p> <p>17 ANY CIRCUMSTANCES - 9, 10 SEASON, I'M SORRY,</p> <p>18 UNDER ANY CIRCUMSTANCES. AND WE DIDN'T WANT TO</p> <p>19 BE IN A SITUATION WHERE WE HAD TO GET INTO ANY</p> <p>20 DISCUSSIONS OR ARGUMENTS OVER WHETHER OR NOT THE</p> <p>21 FACT THAT THIS APPLICANT MIGHT WANT TO BE MOVING</p> <p>22 THE FRANCHISE. WE WANTED IT CONSIDERED ON THE</p> <p>23 MERITS UNDER ARTICLE 3.5 AND BYLAW 35 WITHOUT</p> <p>24 REGARD TO ANY OF THE OTHER CONSIDERATIONS.</p> <p>25 Q YOU LISTED THREE THINGS. ONE, YOU</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 71</p> <p>1 GARY BETTMAN</p> <p>2 SAID IT WAS INCOMPLETE?</p> <p>3 A YES.</p> <p>4 Q DO YOU KNOW -</p> <p>5 A AND THERE'S ONE MORE. AND BASED ON</p> <p>6 THE TIME FRAME THAT WE WERE DEALING WITH SET BY</p> <p>7 THE JUDGE IN TERMS OF HOW WE WERE SUPPOSED TO BE</p> <p>8 PROCEEDING UNDER THE BANKRUPTCY PROCEEDINGS IN</p> <p>9 PHOENIX, WE WERE TRYING AS BEST WE COULD UNDER</p> <p>10 VERY DIFFICULT CIRCUMSTANCES FROM A TIMING</p> <p>11 STANDPOINT TO EFFECTUATE OUR RULES AS BEST WE</p> <p>12 COULD, AND OUR PROCEDURES AS WELL.</p> <p>13 Q I'LL ASK YOU ABOUT EACH OF THESE.</p> <p>14 A OKAY.</p> <p>15 Q ON INCOMPLETE, IS IT YOUR POSITION</p> <p>16 THAT AS OF JULY 27th, 2009, THE LEAGUE HAD</p> <p>17 INFORMED MR. BALSILLIE'S GROUP THAT THE</p> <p>18 RELOCATION APPLICATION WAS INCOMPLETE IN SOME</p> <p>19 WAY?</p> <p>20 MR. GOLDFEIN: OBJECTION TO THE FORM</p> <p>21 OF THE QUESTION.</p> <p>22 Q I JUST WANT TO KNOW IF YOU KNOW IF</p> <p>23 MR. BALSILLIE WAS INFORMED THAT IT WAS</p> <p>24 INCOMPLETE AS OF THAT DATE.</p> <p>25 A I WOULDN'T KNOW. I WOULDN'T HAVE BEEN</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 72</p> <p>1 GARY BETTMAN</p> <p>2 THE ONE WHO WAS HANDLING THAT.</p> <p>3 Q WITH RESPECT TO JANUARY 1ST, DID YOU</p> <p>4 PRESENT TO THE BOARD OF GOVERNORS WHETHER OR NOT</p> <p>5 A MAJORITY OF THEM WOULD BE WILLING TO CONSIDER</p> <p>6 WAIVING THE JANUARY 1 DATE? WAS THAT ISSUE</p> <p>7 PRESENTED TO THEM?</p> <p>8 A NO.</p> <p>9 Q YOU AGREE WITH ME THAT THE LEAGUE HAS</p> <p>10 THE POWER TO WAIVE THAT DATE? IT HAS WAIVED IT</p> <p>11 IN THE PAST IN SOME CASES.</p> <p>12 A BASED ON THE TIME FRAME WE WERE</p> <p>13 DEALING WITH, IT WOULD BE IMPOSSIBLE AND IS</p> <p>14 IMPOSSIBLE TO DO A RELOCATION FOR NEXT SEASON.</p> <p>15 Q MY QUESTION WAS: YOU WILL AGREE WITH</p> <p>16 ME THAT, FIRST, THE LEAGUE HAS THE POWER TO</p> <p>17 WAIVE THAT DATE?</p> <p>18 A THE BOARD OF GOVERNORS HAS THE POWER</p> <p>19 TO VOTE FOR WHATEVER IT WANTS TO UNDER THE</p> <p>20 CONSTITUTION AND BYLAWS.</p> <p>21 Q AND, TWO, YOU WOULD ALSO AGREE WITH ME</p> <p>22 THAT ON SOME CASES IN THE PAST, THE LEAGUE HAS</p> <p>23 WAIVED THE JANUARY 1 REQUIREMENT. CORRECT?</p> <p>24 A I BELIEVE THAT'S CORRECT</p> <p>25 Q THE THIRD REASON YOU GAVE WAS THAT YOU</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 73</p> <p>1 GARY BETTMAN</p> <p>2 WANTED IT TO BE A PURE DETERMINATION UNDER THE</p> <p>3 TRANSFER OF OWNERSHIP PROVISION, NOT MIXED IN</p> <p>4 WITH THE RELOCATION DECISION. WHY DID YOU WANT</p> <p>5 THAT?</p> <p>6 MR. GOLDFEIN: OBJECT TO THE FORM OF</p> <p>7 THE QUESTION.</p> <p>8 A I WANTED TO DO IT FOR TWO REASONS.</p> <p>9 ONE, WE WEREN'T READY TO DO THE RELOCATION</p> <p>10 PROCEDURES. FROM A TIMING STANDPOINT, THE</p> <p>11 PROCEDURE ITSELF IS CUMBERSOME AND TIME</p> <p>12 CONSUMING. IT WASN'T READY. TWO, WE WERE</p> <p>13 TRYING TO COMPLY WITH THE JUDGE'S EXPEDITED</p> <p>14 TIMETABLE, WHICH WAS MAKING IT DIFFICULT TO</p> <p>15 APPLY OUR RULES AND PROCEDURES. AND THREE, THE</p> <p>16 OWNERS HAVE AN ABSOLUTE RIGHT TO DETERMINE WHO</p> <p>17 THEY WANT AS PARTNERS IN THE LEAGUE, AND</p> <p>18 WHATEVER DEBATES WE WANT TO HAVE ABOUT THE LEGAL</p> <p>19 STANDARDS ON RELOCATION ISSUES. THE FACT IS THE</p> <p>20 LAW, IN MY VIEW, IS CRYSTAL CLEAR ON THE ISSUE</p> <p>21 OF OWNERSHIP.</p> <p>22 Q OKAY. I JUST WANT TO GET CLARIFIED,</p> <p>23 TO BE SURE. IT WAS NOT YOUR BELIEF THAT THE</p> <p>24 JUDGE WAS REQUIRING YOU IN ANY WAY TO SEPARATE</p> <p>25 THE RELOCATION DECISION FROM THE OWNERSHIP</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 110</p> <p>1 GARY BETTMAN</p> <p>2 AS TO WHETHER A MOVE OF THE PHOENIX COYOTES, A</p> <p>3 PROPOSED MOVE OF THE PHOENIX COYOTES TO HAMILTON</p> <p>4 WOULD BE LAWFULLY SUBJECT TO SECTION 4.2 OF THE</p> <p>5 CONSTITUTION?</p> <p>6 A ARE YOU ASKING ME WHETHER OR NOT WE'RE</p> <p>7 GOING TO APPLY, IF WE EVER GET TO THAT POINT --</p> <p>8 Q NO, NO.</p> <p>9 A -- A MAJORITY --</p> <p>10 Q IF YOU LISTEN TO MY QUESTION, I KNOW</p> <p>11 YOU'RE BRILLIANT, YOU CAN REALLY UNDERSTAND MY</p> <p>12 WORDS. SO PLEASE FOCUS, AND I KNOW YOU CAN DO</p> <p>13 IT, GARY, OKAY?</p> <p>14 MR. GOLDFEIN: STOP BEING SO</p> <p>15 ARGUMENTATIVE, JEFF, AND BADGERING OF THE</p> <p>16 WITNESS.</p> <p>17 MR. KESSLER: IF HE WOULD ANSWER A</p> <p>18 SIMPLE QUESTION, WE COULD DO THIS SO EASILY.</p> <p>19 BY MR. KESSLER:</p> <p>20 Q HAVE YOU GOTTEN AN OPINION OF COUNSEL,</p> <p>21 ANY OPINION OF COUNSEL, WITH REGARD TO THE</p> <p>22 LEGALITY OF APPLYING SECTION 4.2 OF THE</p> <p>23 CONSTITUTION SPECIFICALLY FOR A MOVE OF THE</p> <p>24 COYOTES TO HAMILTON? THAT'S MY ONLY QUESTION.</p> <p>25 A BASED ON MY INTERPRETATION OF 36.4 C</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 111</p> <p>1 GARY BETTMAN</p> <p>2 AND THE PRACTICE OF THIS BOARD, AS I'VE</p> <p>3 ARTICULATED, WE DO NOT NEED IT IN ORDER TO APPLY</p> <p>4 A MAJORITY VOTE. THE MAJORITY VOTE WILL BE</p> <p>5 APPLIED.</p> <p>6 Q OKAY. THAT'S ALL I WANTED. AND</p> <p>7 BECAUSE YOU DON'T NEED IT, YOU HAVEN'T GOTTEN</p> <p>8 IT?</p> <p>9 A DON'T NEED IT BECAUSE IT'S A MAJORITY</p> <p>10 VOTE.</p> <p>11 Q AND BECAUSE YOU DON'T NEED IT, YOU</p> <p>12 HAVEN'T GOTTEN IT?</p> <p>13 A AS TO THE PHOENIX COYOTES?</p> <p>14 Q CORRECT.</p> <p>15 A YES.</p> <p>16 Q THAT'S ALL. SEE HOW EASY THAT IS?</p> <p>17 LET'S TAKE A LOOK, PLEASE, AT 36.6.</p> <p>18 36.6 IS THE PROVISION REGARDING</p> <p>19 RELOCATION FEES AND INDEMNIFICATION; IS THAT</p> <p>20 CORRECT?</p> <p>21 A LET ME READ IT.</p> <p>22 Q SURE.</p> <p>23 A YES.</p> <p>24 Q AND THIS SAYS, "ANY SUCH CONSENT BY</p> <p>25 THE MEMBER CLUBS MAY BE MADE SUBJECT TO</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 112</p> <p>1 GARY BETTMAN</p> <p>2 REASONABLE AND APPROPRIATE CONDITIONS, INCLUDING</p> <p>3 PAYMENT TO THE LEAGUE OF A TRANSFER FEE TO</p> <p>4 REFLECT THE GOODWILL DEVELOPED BY THE LEAGUE IN</p> <p>5 THE NEW LOCATION AND/OR PAYMENT OF AN</p> <p>6 INDEMNIFICATION FEE OR FEES TO REFLECT THE</p> <p>7 GOODWILL DEVELOPED BY A NEIGHBORING MEMBER OR</p> <p>8 MEMBERS IN THE NEW LOCATION."</p> <p>9 I WANT YOUR UNDERSTANDING TO MAKE SURE</p> <p>10 YOU HAVEN'T INTERPRETED DIFFERENTLY. THE CLUBS</p> <p>11 MAY OR MAY NOT DECIDE TO IMPOSE SUCH FEES; IS</p> <p>12 THAT CORRECT?</p> <p>13 A THE WORD "MAY" IS PERMISSIVE.</p> <p>14 Q I UNDERSTAND. I JUST WANT TO MAKE</p> <p>15 SURE YOU DON'T HAVE A DIFFERENT INTERPRETATION.</p> <p>16 A YOU READ IT VERY WELL.</p> <p>17 Q OKAY. AND IT'S, IN FACT, TRUE THAT</p> <p>18 SINCE YOU'VE BEEN COMMISSIONER, SOMETIMES</p> <p>19 RELOCATION FEES HAVE BEEN IMPOSED WHEN A CLUB IS</p> <p>20 RELOCATED AND SOMETIMES THEY HAVE NOT, CORRECT?</p> <p>21 A THERE HAVE BEEN INSTANCES WHERE THERE</p> <p>22 HAVE BEEN AGREED-UPON FEES PAID, AND THERE HAS</p> <p>23 BEEN AT LEAST ONE INSTANCE THAT COMES TO MIND</p> <p>24 WHERE, FOR A VARIETY OF REASONS, THERE WAS NO</p> <p>25 FEE PAID.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 113</p> <p>1 GARY BETTMAN</p> <p>2 Q I'LL COME TO THIS IN A LITTLE BIT, BUT</p> <p>3 ONE EXAMPLE THAT HAPPENS TO BE AT LEAST</p> <p>4 HISTORICALLY RELEVANT IS WHEN THE JETS CAME TO</p> <p>5 PHOENIX, SO WITH THE PREDECESSOR OWNERS IN THIS</p> <p>6 LINE OF OWNERS OF THE COYOTES, THEY DID NOT PAY</p> <p>7 ANY RELOCATION FEE FOR MOVING IT TO PHOENIX,</p> <p>8 CORRECT?</p> <p>9 A THAT IS CORRECT, PURSUANT TO A PRIOR</p> <p>10 AGREEMENT AND UNDERSTANDING BETWEEN THE LEAGUE</p> <p>11 AND THE THEN OWNERS OF THE WINNIPEG JETS.</p> <p>12 Q RIGHT.</p> <p>13 A NO, NO, YOU DON'T UNDERSTAND THE</p> <p>14 RIGHT. THE RIGHT WAS, I BELIEVE IN 1992, THERE</p> <p>15 WAS A REALIGNMENT ISSUE; AND IN ORDER TO INDUCE</p> <p>16 THE JETS, WHO AT THE TIME WERE GETTING</p> <p>17 PROVINCIAL SUPPORT AND TRYING TO GET A NEW</p> <p>18 BUILDING, TO AGREE TO BE IN A NEW DIVISION THAT</p> <p>19 THEY DIDN'T NECESSARILY WANT TO BE IN, THE BOARD</p> <p>20 AGREED THAT IF THEY'D GO INTO THAT DIVISION AND</p> <p>21 THEY HAD TO MOVE IN THE NEXT SEVEN YEARS, THEY</p> <p>22 WOULDN'T BE CHARGED A FEE FOR THAT MOVE. SO</p> <p>23 THERE WAS CONSIDERATION GIVEN FOR THAT.</p> <p>24 Q DID THE JETS HAVE A RIGHT TO VETO WHAT</p> <p>25 DIVISION THEY'D BE IN JUST BY THEMSELVES OR</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 182</p> <p>1 GARY BETTMAN</p> <p>2 Q RIGHT. AND MY QUESTION IS, YOU DON'T</p> <p>3 RECALL ANYBODY SPECIFICALLY FORMALLY APPLYING TO</p> <p>4 MOVE TO HAMILTON AS LONG AS YOU'VE BEEN IN THE</p> <p>5 LEAGUE?</p> <p>6 A I DON'T THINK SO, BUT I DON'T RECALL</p> <p>7 SPECIFICALLY.</p> <p>8 Q YOU DON'T RECALL ANYONE APPLYING FOR</p> <p>9 AN EXPANSION TEAM IN HAMILTON AS LONG AS YOU'VE</p> <p>10 BEEN IN THE LEAGUE, CALLING THE LEAGUE AND</p> <p>11 SAYING I WANT TO APPLY --</p> <p>12 A THERE WAS A TEAM IN THE EXPANSION</p> <p>13 PROCESS. I JUST TOLD YOU THAT.</p> <p>14 Q NO. YOU SAID THEY HAD --</p> <p>15 A THEY APPLIED, THEY PUT UP THE</p> <p>16 \$100,000, BUT THERE WAS NO OWNER ULTIMATELY WHO</p> <p>17 THOUGHT ENOUGH OF HAMILTON TO WANT TO OWN A TEAM</p> <p>18 THERE.</p> <p>19 Q GREAT. MY QUESTION IS -- I'M NOT</p> <p>20 TRYING TO TRICK YOU -- THERE'S NEVER BEEN AN</p> <p>21 OWNER WHO THOUGHT ENOUGH OF HAMILTON, IN YOUR</p> <p>22 VIEW -- NOT IN YOUR VIEW, IN YOUR EXPERIENCE, TO</p> <p>23 APPLY FOR AN EXPANSION TEAM IN HAMILTON?</p> <p>24 MR. GOLDFEIN: OBJECT TO THE FORM OF</p> <p>25 THE QUESTION.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 183</p> <p>1 GARY BETTMAN</p> <p>2 A YOU'RE NOT LISTENING TO ME. SOMEBODY,</p> <p>3 AND I FORGET WHO IT WAS, FILED AN APPLICATION,</p> <p>4 PUT UP THE \$100,000 TO BE CONSIDERED FOR AN</p> <p>5 EXPANSION FRANCHISE IN HAMILTON, BUT IN THE</p> <p>6 FINAL ANALYSIS, THEY COULDN'T PUT TOGETHER</p> <p>7 ENOUGH OF AN OWNERSHIP GROUP TO DO IT. BEFORE I</p> <p>8 WAS COMMISSIONER, I SEEM TO RECALL -- AND THIS</p> <p>9 IS BASED ON GENERAL KNOWLEDGE, NEWSPAPER</p> <p>10 STORIES. I THINK RON JOYCE APPLIED FOR AN</p> <p>11 EXPANSION TEAM IN HAMILTON AS WELL. AND THAT</p> <p>12 PREDATES ME AS COMMISSIONER.</p> <p>13 Q SINCE YOU'VE BEEN COMMISSIONER, NO ONE</p> <p>14 AT LEAST HAS FORMALLY APPLIED --</p> <p>15 A I KEEP TELLING YOU -- YOUR JUMPING</p> <p>16 OVER ME DOESN'T HELP. NOBODY WHO ULTIMATELY HAD</p> <p>17 THE WHEREWITHAL TO BE AN OWNER STEPPED UP IN THE</p> <p>18 EXPANSION PROCESS IN '97.</p> <p>19 Q THANK YOU. OR IN ANY OTHER TIME?</p> <p>20 A NO. BUT OVER TIME, PEOPLE HAVE</p> <p>21 EXPRESSED INTEREST.</p> <p>22 Q RIGHT. BUT NO FORMAL OWNERSHIP GROUP</p> <p>23 WHO HAD THE WHEREWITHAL HAS APPLIED TO MOVE INTO</p> <p>24 HAMILTON?</p> <p>25 A NOT FILED THE FORMAL APPLICATION.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 184</p> <p>1 GARY BETTMAN</p> <p>2 Q THAT'S ALL I WAS LOOKING FOR. THANK</p> <p>3 YOU.</p> <p>4 TAKE A LOOK AT PAGE 2 OF THIS</p> <p>5 DOCUMENT. THERE'S A REFERENCE, AND I'LL ASK IF</p> <p>6 THIS IS CORRECT OR NOT. IT SAYS MR. BALSILLIE,</p> <p>7 IN THE SECOND PARAGRAPH UNDER TEAM VETOES,</p> <p>8 CONFIRMED TO LEOPOLD THAT YOU HAD TOLD HIM THERE</p> <p>9 WAS NO TEAM VETOES. AND I GUESS --</p> <p>10 A WE SHOULD'VE DONE THIS EARLIER TODAY.</p> <p>11 IT COULD HAVE SAVED US A LOT OF QUESTIONS.</p> <p>12 Q AND MY QUESTION IS WHETHER OR NOT YOU</p> <p>13 TOLD THAT TO MR. BALSILLIE PRIOR TO</p> <p>14 FEBRUARY 27th, 2007?</p> <p>15 A I DON'T HAVE A SPECIFIC RECOLLECTION</p> <p>16 OF THE CONVERSATION, BUT IF IT CAME UP, I'M SURE</p> <p>17 THAT'S WHAT I TOLD HIM. IT WAS A MAJORITY VOTE.</p> <p>18 Q IT THEN SAYS MR. LEOPOLD AT THE END</p> <p>19 SEEMED VERY SURPRISED BY BALSILLIE'S</p> <p>20 CONVERSATION WITH BETTMAN ON THE ISSUE AND SAID</p> <p>21 HE HAD ALWAYS BEEN UNDER THE IMPRESSION THAT</p> <p>22 THERE WAS A HOME TERRITORY VETO.</p> <p>23 AND I'M ASKING YOU, HAVE YOU EVER</p> <p>24 HEARD MR. LEOPOLD EXPRESS THE VIEW THAT HE</p> <p>25 THOUGHT THERE WAS A HOME TERRITORY VETO?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 185</p> <p>1 GARY BETTMAN</p> <p>2 A NO.</p> <p>3 Q LET ME DIRECT YOUR ATTENTION NEXT, IN</p> <p>4 EXHIBIT 12 --</p> <p>5 A THIS DOCUMENT IS FASCINATING, THOUGH.</p> <p>6 Q YOU CAN STUDY IT AT A LATER TIME.</p> <p>7 A I'M LIKING MY PERSONAL AGENDA. I'M</p> <p>8 DISTRESSED TO LEARN THAT I DON'T HAVE MANY</p> <p>9 FRIENDS.</p> <p>10 Q THOSE WERE NOT MY COMMENTS.</p> <p>11 A BY THE WAY, THIS OBVIOUSLY IS A PIECE</p> <p>12 OF FICTION.</p> <p>13 Q OKAY. EXHIBIT 12, LOOKING AT</p> <p>14 EXHIBIT 15, THIS IS AN E-MAIL YOU READ FROM THE</p> <p>15 BOTTOM UP. THAT'S HOW E-MAILS GO. THE E-MAIL</p> <p>16 FIRST FROM MR. LEOPOLD TO YOU DATED MAY 7, 2007.</p> <p>17 AND I APOLOGIZE IT'S A LITTLE DIFFICULT TO READ,</p> <p>18 BUT THIS IS THE WAY IT WAS PRODUCED. HE SAYS --</p> <p>19 IT'S BASICALLY INFORMING YOU OF A \$220 MILLION</p> <p>20 CASH OFFER FROM MR. BALSILLIE TO PURCHASE THE</p> <p>21 PENGUINS. DO YOU SEE THAT? DO YOU RECALL</p> <p>22 GETTING THIS E-MAIL?</p> <p>23 A WHAT YOU JUST DESCRIBED, I THINK ONCE</p> <p>24 AGAIN IS INCORRECT. YOU SAID IT WAS ABOUT</p> <p>25 PURCHASING THE PENGUINS, JEFFREY.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 210</p> <p>1 GARY BETTMAN</p> <p>2 Q YOU CAN ASSUME, YOU ARE FIRMLY ON THE</p> <p>3 RECORD THAT YOU DON'T THINK IT CAN BE DONE?</p> <p>4 A NO, I KNOW IT CAN'T BE DONE.</p> <p>5 Q YOU KNOW IT CAN'T BE DONE. YOU ARE</p> <p>6 FIRMLY ON THE RECORD?</p> <p>7 A CORRECT.</p> <p>8 MR. KESSLER: LET THE RECORD REFLECT</p> <p>9 THAT THAT IS MR. BETTMAN'S TESTIMONY.</p> <p>10 BY MR. KESSLER:</p> <p>11 Q WHAT I WANT TO ASK IS JUST A FACTUAL</p> <p>12 QUESTION, WHICH IS THAT ARE THERE ANY STEPS THAT</p> <p>13 YOU ARE AWARE OF SINCE MAY 5TH OF 2009 THAT THE</p> <p>14 LEAGUE HAS TAKEN TO TRY TO PREPARE FOR A</p> <p>15 POSSIBLE RELOCATION IN CASE, FOR EXAMPLE, THE</p> <p>16 COURT HAD ORDERED YOU THAT YOU HAVE TO RELOCATE?</p> <p>17 MR. GOLDFEIN: YOU'RE LIMITING YOUR</p> <p>18 QUESTION JUST TO THE SCHEDULING ISSUE HERE?</p> <p>19 THAT'S MY OBJECTION. THAT QUESTION IS A FAR</p> <p>20 BROADER QUESTION.</p> <p>21 MR. KESSLER: I'LL FIRST DO</p> <p>22 SCHEDULING, AND THEN I MAY ASK EVERYTHING</p> <p>23 OTHER THAN LEGAL ADVICE.</p> <p>24 BY MR. KESSLER:</p> <p>25 Q I'LL BE VERY CLEAR. I'M NOT ASKING</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 211</p> <p>1 GARY BETTMAN</p> <p>2 YOU, LIKE, HAVE YOU CONFERRED ON COULD YOU SEEK</p> <p>3 APPEALS OR COULD YOU SEEK STAYS. I'M NOT ASKING</p> <p>4 FOR ANY LEGAL ADVICE. I'M LOOKING FOR BUSINESS</p> <p>5 STEPS. SO I'LL START FIRST WITH SCHEDULING.</p> <p>6 SINCE MAY 5TH, 2009, HAVE ANY STEPS</p> <p>7 BEEN TAKEN TO PREPARE A POSSIBLE SCHEDULE IN</p> <p>8 CASE THE COURT WERE TO ORDER RELOCATION FOR THIS</p> <p>9 SEASON?</p> <p>10 A TO PREPARE A SCHEDULE?</p> <p>11 Q YES.</p> <p>12 A I DON'T BELIEVE SO. TO LOOK AT</p> <p>13 WHETHER OR NOT IT WAS EVEN POSSIBLE, I THINK SO.</p> <p>14 BUT THE BEST PERSON TO ANSWER THAT QUESTION WILL</p> <p>15 BE MR. DALY TOMORROW.</p> <p>16 Q OKAY. DO YOU KNOW OF ANY OTHER STEPS</p> <p>17 THAT THE LEAGUE HAS TAKEN, FACTUAL STEPS TO</p> <p>18 PREPARE FOR JUST THE POSSIBILITY THAT THE COURT</p> <p>19 WOULD ORDER A RELOCATION FOR THIS SEASON, SUCH</p> <p>20 AS RENEGOTIATING DIFFERENT CHARTER ARRANGEMENTS</p> <p>21 OR TALKING TO THE NETWORKS ABOUT THIS</p> <p>22 POSSIBILITY OR ANY OTHER STEPS TO AMELIORATE ANY</p> <p>23 OTHER CONSEQUENCES IN THE CASE THE COURT ORDERED</p> <p>24 THIS?</p> <p>25 A IT CAN'T BE DONE.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 212</p> <p>1 GARY BETTMAN</p> <p>2 Q WE'LL STIPULATE THAT'S YOUR VIEW.</p> <p>3 A IT'S A FACT. TALK TO MR. DALY</p> <p>4 TOMORROW. HE DEALS WITH MR. HATZE PETROS.</p> <p>5 Q I JUST WANT YOUR KNOWLEDGE.</p> <p>6 A MY KNOWLEDGE WHAT YOU'RE ASKING IS</p> <p>7 WHAT YOU'RE ASKING IS IMPOSSIBLE, AND EVEN, WITH</p> <p>8 ALL DUE RESPECT TO THE JUDGE, IF HE ORDERED IT,</p> <p>9 IT COULDN'T HAPPEN.</p> <p>10 Q SO WITH ALL RESPECT TO THE JUDGE,</p> <p>11 BECAUSE OF YOUR STRONG BELIEF THAT IT'S</p> <p>12 IMPOSSIBLE, WHICH I UNDERSTAND, IS IT FAIR TO</p> <p>13 SAY THE LEAGUE HAS NOT TAKEN ANY STEPS TO TRY TO</p> <p>14 PREPARE FOR THIS BECAUSE YOU BELIEVE IT'S</p> <p>15 IMPOSSIBLE?</p> <p>16 A FOR THE FIFTH TIME, ASK MR. DALY.</p> <p>17 Q BUT YOU DON'T KNOW OF ANY?</p> <p>18 A OTHER THAN, I BELIEVE, IN A GENERAL</p> <p>19 WAY, MY INSTRUCTIONS WERE FINISH THE SCHEDULE,</p> <p>20 IT HAD TO GET DONE, AND THEN TAKE A LOOK TO SEE</p> <p>21 IF IT'S DOABLE.</p> <p>22 Q DOES THE LEAGUE -- AT THIS POINT, IS</p> <p>23 IT FAIR TO SAY, TO YOUR KNOWLEDGE, MR. REINSORF</p> <p>24 AND HIS GROUP DO NOT HAVE AN APA? THEY DON'T</p> <p>25 HAVE AN ASSET PURCHASE AGREEMENT; IS THAT</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 213</p> <p>1 GARY BETTMAN</p> <p>2 CORRECT?</p> <p>3 MR. GOLDFEIN: LOOK, THE JUDGE SAID</p> <p>4 THE BIDDERS, QUESTIONING ABOUT THE BIDDERS</p> <p>5 IS OFF LIMITS.</p> <p>6 MR. KESSLER: I'LL ASK IT A DIFFERENT</p> <p>7 WAY.</p> <p>8 BY MR. KESSLER:</p> <p>9 Q HAVE YOU MADE ANY PREPARATIONS OR</p> <p>10 STEPS TO CONSIDER WHAT TO DO WITH THE TEAM THIS</p> <p>11 SEASON IF THERE IS NO BIDDER OTHER THAN</p> <p>12 MR. BALSILLIE?</p> <p>13 A WELL, THERE ARE A HOST OF THINGS THAT</p> <p>14 MAY OR MAY NOT HAPPEN THAT APPEAR TO BE BEYOND</p> <p>15 ALL OF OUR CONTROL OTHER THAN THE FACT THAT IF</p> <p>16 THE TEAM'S GOING TO PLAY, IT'S GOTTA PLAY IN</p> <p>17 PHOENIX. IF ULTIMATELY MR. BALSILLIE CHOOSES TO</p> <p>18 BUY THE CLUB AND IS APPROVED BY THE COURT OVER</p> <p>19 OUR OBJECTION, HE'LL BE OPERATING THE CLUB IN</p> <p>20 PHOENIX.</p> <p>21 Q THAT'S NOT MY QUESTION.</p> <p>22 A AND IF THERE'S NO OTHER BIDDER, WE</p> <p>23 WILL CONTINUE THE DIP FINANCING THAT WE'VE BEEN</p> <p>24 DOING.</p> <p>25 Q THAT'S WHAT I WANTED TO KNOW.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 214</p> <p>1 GARY BETTMAN</p> <p>2 A WELL, WHY DIDN'T YOU ASK ME THAT</p> <p>3 QUESTION?</p> <p>4 Q WELL, I'M TRYING TO, OKAY?</p> <p>5 A IT'S THE COMPOUNDING QUESTIONS. IF</p> <p>6 YOU JUST ASK SIMPLE QUESTIONS, I'LL ANSWER.</p> <p>7 Q AGAIN, JUST TO CONFIRM. SO IF THE</p> <p>8 COURT DOES NOT OVERTURN YOUR REJECTION TO</p> <p>9 MR. BALSILLIE, WHICH YOU'VE REJECTED HIM, AND IF</p> <p>10 THERE'S NO OTHER BIDDER THAT EMERGES FOR THE</p> <p>11 TEAM, THEN YOUR CURRENT PLAN WOULD BE TO</p> <p>12 CONTINUE DIP FINANCING IN THE BANKRUPTCY TO FUND</p> <p>13 THE OPERATIONS OF THE TEAM?</p> <p>14 A AND AT THE SAME TIME TRY TO SELL IT IN</p> <p>15 A CALM, SENSIBLE, PROFESSIONAL, RATIONAL</p> <p>16 PROCESS.</p> <p>17 Q HOW MUCH DID IT COST THE LEAGUE LAST</p> <p>18 YEAR TO FUND THE OPERATIONS AT PHOENIX?</p> <p>19 A I THINK WE'VE LENT THE CLUB - UP TO</p> <p>20 NOW? GIVE ME A TIME FRAME.</p> <p>21 Q FOR LAST SEASON THROUGH NOW.</p> <p>22 A LAST SEASON THROUGH NOW?</p> <p>23 Q YES.</p> <p>24 A I THINK WE'VE LENT THE CLUB ABOUT</p> <p>25 \$30 MILLION.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 215</p> <p>1 GARY BETTMAN</p> <p>2 Q WOULD YOU ANTICIPATE THAT IF YOU HAD</p> <p>3 TO DO DIP FINANCING FOR ANOTHER SEASON, IT WOULD</p> <p>4 BE AT LEAST THAT MUCH AGAIN?</p> <p>5 A YOU KNOW WHAT, WE'RE NOT CERTAIN</p> <p>6 BECAUSE A LOT OF DAMAGE HAS BEEN DONE TO THE</p> <p>7 CLUB'S BUSINESS IN PHOENIX SINCE THE FILING OF</p> <p>8 THE PETITION. THE FRICTION OVER HOW THE CLUB</p> <p>9 SHOULD BE RUN, THE SANDBAGGING ON THE SALE</p> <p>10 PROCESS, THE MAILING TO SEASON TICKET HOLDERS OF</p> <p>11 THINGS THEY NEVER SHOULD'VE GOTTEN, THE LEAKING</p> <p>12 OF HIGHLY CONFIDENTIAL INFORMATION HAS BEEN</p> <p>13 EXTREMELY DISRUPTIVE TO THE PROSPECTS OF THE</p> <p>14 TEAM. WE WILL HOPEFULLY BE IN A POSITION WHERE</p> <p>15 IF WE GIVE THE FANS HOPE THAT THE TEAM WILL BE</p> <p>16 THERE, GIVE THEM THE SENSE WE CAN PROVIDE</p> <p>17 STABILITY, THAT BUSINESS WILL COME BACK QUICKLY.</p> <p>18 I'M HOPING WE CAN OPERATE IT BETTER AND MORE</p> <p>19 EFFICIENTLY THAN IT HAS BEEN ONCE WE GET OUT</p> <p>20 FROM UNDER THIS CLOUD AND WE PUT IN NEW</p> <p>21 MANAGEMENT.</p> <p>22 Q SO IT'S POSSIBLE IT COULD BE MORE THAN</p> <p>23 ANOTHER 30 OR LESS THAN ANOTHER 30 MILLION, YOU</p> <p>24 JUST DON'T KNOW?</p> <p>25 A PURE SPECULATION AT THIS POINT. BUT</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 216</p> <p>1 GARY BETTMAN</p> <p>2 WE'LL DO WHAT'S NECESSARY TO PRESERVE THE ASSET.</p> <p>3 Q LET ME NEXT SHOW YOU A COPY OF -- IT'S</p> <p>4 EXHIBIT 12, BETTMAN 12, EXHIBIT 21. LOOK AT</p> <p>5 THAT, PLEASE.</p> <p>6 A (WITNESS COMPLIES.)</p> <p>7 Q AND YOU'LL SEE THIS IS THE MINUTES OF</p> <p>8 THE BOARD OF GOVERNORS MEETING HELD HERE IN</p> <p>9 TIMES SQUARE ON JUNE 20th, 2007. DO YOU</p> <p>10 RECOGNIZE THIS AS BEING THE MINUTES OF THE BOARD</p> <p>11 OF GOVERNORS?</p> <p>12 A THAT'S WHAT IT LOOKS LIKE TO ME. I</p> <p>13 HAVE NO REASON TO BELIEVE IT'S ANYTHING OTHER</p> <p>14 THAN THAT.</p> <p>15 Q AND YOU ATTENDED THIS MEETING?</p> <p>16 A THAT'S WHAT IT SAYS.</p> <p>17 Q OKAY. TAKE A LOOK AT PAGE 4 OF THESE</p> <p>18 MINUTES, AND AGAIN, THESE ARE NOT THE COMPLETE</p> <p>19 MINUTES. YOU JUST PRODUCED A PORTION RELATING</p> <p>20 TO THE PREDATORS. AND IT SAYS UNDER NASHVILLE</p> <p>21 PREDATORS THAT "COMMISSIONER BETTMAN NEXT</p> <p>22 REPORTED ON THE STATUS OF THE NASHVILLE</p> <p>23 PREDATORS. HE REPORTED THAT CRAIG LEOPOLD, THE</p> <p>24 OWNER OF THE PREDATORS, HAD ENTERED INTO A</p> <p>25 NON-BINDING, ACCORDING TO MR. LEOPOLD, TERM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 217</p> <p>1 GARY BETTMAN</p> <p>2 SHEET TO SELL THE PREDATORS TO JIM BALSILLIE."</p> <p>3 AND DO YOU RECALL REPORTING THAT TO</p> <p>4 THE BOARD?</p> <p>5 A I HAVE NO REASON TO DOUBT THAT WHAT</p> <p>6 THIS SAYS ISN'T ACCURATE.</p> <p>7 Q AND IN FACT, MR. LEOPOLD HAD TOLD YOU</p> <p>8 IT WAS NON-BINDING, CORRECT?</p> <p>9 A THAT'S WHAT IT SAYS. THAT'S WHAT IT</p> <p>10 SAYS.</p> <p>11 Q BUT YOU DON'T HAVE ANY DIFFERENT</p> <p>12 RECOLLECTION?</p> <p>13 A NO, I DON'T.</p> <p>14 Q AND IT SAYS, "COMMISSIONER BETTMAN</p> <p>15 STATED THAT THE BOARD WAS NOT BEING ASKED AT THE</p> <p>16 CURRENT TIME TO CONSIDER THE PROSPECTIVE SALE OF</p> <p>17 THE PREDATORS TO MR. BALSILLIE BECAUSE, AMONG</p> <p>18 OTHER REASONS, MR. LEOPOLD AND BALSILLIE HAVE TO</p> <p>19 DATE BEEN UNABLE TO CONCLUDE NEGOTIATIONS FOR A</p> <p>20 BINDING AGREEMENT FOR THE SALE OF THE CLUB."</p> <p>21 AND THAT'S CORRECT, YOU REPORTED THAT</p> <p>22 AS WELL, RIGHT?</p> <p>23 A I HAVE NO REASON TO DOUBT THIS IS</p> <p>24 INACCURATE. I HAVE NO REASON TO DOUBT ITS</p> <p>25 ACCURACY. I USED A DOUBLE NEGATIVE, AND I</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

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<p style="text-align: right;">Page 342</p> <p>1 GARY BETTMAN</p> <p>2 BE TRUE?</p> <p>3 Q YOU WOULD AGREE THAT A WITNESS AT A</p> <p>4 DEPOSITION WHO IS NONRESPONSIVE TO DIRECT</p> <p>5 QUESTIONS OR IS EVASIVE IN ANSWERS, THAT WOULD</p> <p>6 REFLECT ON THE INTEGRITY OF THE WITNESS, RIGHT?</p> <p>7 MR. GOLDFEIN: I'M GOING TO OBJECT TO</p> <p>8 THE FORM OF THE QUESTION, AND I'M GOING TO</p> <p>9 INSTRUCT YOU NOT TO ANSWER.</p> <p>10 MR. KESSLER: OKAY.</p> <p>11 MR. GOLDFEIN: THAT'S NOT A FACT</p> <p>12 QUESTION. THAT'S AN ARGUMENTATIVE QUESTION.</p> <p>13 JEFF.</p> <p>14 MR. KESSLER: HE RAISED THE ISSUE. I</p> <p>15 DIDN'T RAISE THE ISSUE.</p> <p>16 BY MR. KESSLER:</p> <p>17 Q WITH RESPECT TO THE CREDITORS</p> <p>18 SITUATION, WAS IT CORRECT THAT JUST A FEW DAYS</p> <p>19 AFTER MR. BALSILLIE OFFERED THE DEPOSITS FOR THE</p> <p>20 TICKETS IN HAMILTON, THAT THE LEASE -- THE</p> <p>21 NOTICE OF TERMINATING THE PREDATORS LEASE WAS</p> <p>22 GIVEN BY MR. LEOPOLD?</p> <p>23 A I DON'T REMEMBER THE TIME SEQUENCE.</p> <p>24 Q DO YOU RECALL IT WAS JUST LITERALLY</p> <p>25 WITHIN A FEW DAYS?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 343</p> <p>1 GARY BETTMAN</p> <p>2 A AS I SAID, I DON'T REMEMBER THE TIME</p> <p>3 SEQUENCE.</p> <p>4 Q DO YOU RECALL THAT BOTH MR. BALSILLIE</p> <p>5 AND YOU, FROM OUR PRIOR TESTIMONY, KNEW THAT</p> <p>6 MR. LEOPOLD HAD ALREADY DECIDED TO GIVE NOTICE</p> <p>7 OF TERMINATION OF THE LEASE BEFORE MR. BALSILLIE</p> <p>8 OFFERED THE TICKETS IN HAMILTON?</p> <p>9 A I'M NOT SURE OF THE TIMING, AS I SAID.</p> <p>10 BUT AGAIN, THE NOTICE OF TERMINATION WAS TO</p> <p>11 TRIGGER A PERIOD DURING WHICH IF THE FANS HAD A</p> <p>12 CERTAIN LEVEL OF ATTENDANCE, THE LEASE WASN'T</p> <p>13 GOING TO BE OVER AND I HAD SPECIFICALLY, ON</p> <p>14 MORE THAN ONE OCCASION, TOLD MR. BALSILLIE THAT</p> <p>15 THIS LEAGUE ISN'T GOING TO BE A PART OF</p> <p>16 UNDERMINING A TEAM'S PRESENCE IN A MARKET AND</p> <p>17 TRYING TO SABOTAGE LEASE PROVISIONS, THAT WE</p> <p>18 WERE GOING TO TRY AND CURE THIS, LET THE CITY</p> <p>19 CURE IT IN GOOD FAITH.</p> <p>20 Q LET ME ASK YOU THIS. DO YOU AGREE</p> <p>21 THAT THE TERMINATION OF -- A NOTICE OF EARLY</p> <p>22 TERMINATION OF A LEASE WOULD GIVE OUT THE</p> <p>23 INFORMATION THAT IF THE CONDITIONS WERE NOT MET</p> <p>24 FOR A CURE, IN EFFECT, THAT FANS WOULD KNOW THAT</p> <p>25 THE TEAM WAS GOING TO MOVE?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 344</p> <p>1 GARY BETTMAN</p> <p>2 A IF YOU SIMPLY GAVE A NOTICE OF</p> <p>3 TERMINATION THAT SAYS WE NEED 14,000 PAID PEOPLE</p> <p>4 SO THE LEASE STAYS IN EFFECT AND THE TEAM STAYS</p> <p>5 HERE, THE FANS HAVE INCENTIVE. IF THE FANS</p> <p>6 THINK IT'S A FOREGONE CONCLUSION THE CLUB IS</p> <p>7 GOING TO MOVE, PROPOSALS, AMONG OTHER THINGS,</p> <p>8 TICKETS ARE BEING SOLD SOMEPLACE ELSE ALREADY,</p> <p>9 IT MIGHT CAUSE FANS TO FEEL IT'S HOPELESS AND</p> <p>10 GIVE UP.</p> <p>11 Q WOULD YOU AGREE WITH ME THAT SOME</p> <p>12 FANS, WHEN THEY HEARD THAT THE LEASE WAS</p> <p>13 TERMINATED, WOULD ALSO HAVE THE VIEW, WELL, GEE,</p> <p>14 THE TEAM MAY MOVE IF WE DON'T ACHIEVE THESE</p> <p>15 NUMBERS? THAT'S FAIR, ISN'T IT?</p> <p>16 A THEN I THINK, IF I UNDERSTAND WHAT YOU</p> <p>17 ASKED, IT'S THAT ONCE IT WAS OUT THERE THAT THEY</p> <p>18 WERE IN THE CURE PERIOD, THE FANS KNEW THAT THE</p> <p>19 TEAM NEEDED A CERTAIN LEVEL OF ATTENDANCE,</p> <p>20 OTHERWISE THERE WAS A RISK THE TEAM MIGHT BE OUT</p> <p>21 OF ITS LEASE AND MOVE.</p> <p>22 MR. KESSLER: I DON'T HAVE ANY FURTHER</p> <p>23 QUESTIONS.</p> <p>24 (Continued on next page)</p> <p>25</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 345</p> <p>1 MR. GOLDFEIN: ANYBODY ELSE?</p> <p>2 (TIME NOTED 5:16 P.M.)</p> <p>3</p> <p>4 <u>GARY BETTMAN</u></p> <p>5 SUBSCRIBED AND SWORN TO BEFORE ME</p> <p>6 THIS DAY OF , 2009</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 346</p> <p>1 PROCEEDINGS 2 CERTIFICATE 3 4 I, JUDI JOHNSON, RPR, CRR, CLR, A NOTARY PUBLIC IN 5 AND FOR THE STATE OF NEW YORK, DO HEREBY CERTIFY: 6 THAT THE WITNESS WHOSE TESTIMONY IS HEREINBEFORE 7 SET FORTH, WAS DULY SWORN BY ME; AND 8 THAT THE WITHIN TRANSCRIPT IS A TRUE RECORD 9 OF THE TESTIMONY GIVEN BY SAID WITNESS. I FURTHER 10 CERTIFY THAT I AM NOT RELATED, EITHER BY BLOOD OR 11 MARRIAGE, TO ANY OF THE PARTIES TO THIS ACTION; AND 12 THAT I AM IN NO WAY INTERESTED IN THE OUTCOME OF 13 THIS MATTER. 14 IN WITNESS WHEREOF, I HAVE HEREUNTO SET 15 MY HAND THIS 20TH DAY OF AUGUST, 2009. 16 17 18 JUDI JOHNSON, RPR, CRR, CLR 19 20 21 22 23 24 25</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 347</p> <p>1 PROCEEDINGS 2 INDEX 3 ATTORNEY PAGE 4 BY MR. KESSLER 7 5 BY MR. SORENSEN 308 6 BY MR. GOLDFEIN 329 7 BY MR. KESSLER 337 8 9 10 11 INDEX OF BETTMAN EXHIBITS 12 I.D. DESCRIPTION PAGE 13 Exhibit 10 CONSTITUTION 10 14 Exhibit 11 BY-LAWS 34 15 Exhibit 12 THE MEMORANDUM TO THE NHL 46 16 EXECUTIVE COMMITTEE DATED JULY 27th, 17 2009 WITH A LARGE NUMBER OF EXHIBITS 18 ATTACHED TO IT 19 Exhibit 13 BATES DOCUMENT NHL 1142-1166 47 20 Exhibit 11A BY-LAWS 92 21 Exhibit 14 DECLARATION A TO MR. DALY'S 121 22 SECOND DECLARATION 23 Exhibit 15 A MEMORANDUM DATED FEBRUARY 173 24 27, 2007 FROM LOREN GREENSPOON TO 25 THE FILE</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 348</p> <p>1 PROCEEDINGS 2 INDEX OF BETTMAN EXHIBITS CONTINUED 3 I.D. DESCRIPTION PAGE 4 Exhibit 16 TERM SHEET 189 5 Exhibit 17 A DECLARATION OF MR. SCUDDER 231 6 Exhibit 18 DECLARATION OF GARY B. BETTMAN 236 7 Exhibit 19 DECLARATION DATED JUNE 9, 2009 241 8 Exhibit 20 MEMO DATED JUNE 17, 1997 249 9 Exhibit 21 THE MINUTES REGARDING THE SALE 253 10 OF NORDIQUES IN JUNE OF 1995 11 Exhibit 22 A NEWS STORY QUOTING YOU DATED MAY 6TH, 2009 12 Exhibit 23 A NEWS ARTICLE 268 13 Exhibit 24 FEBRUARY 22001 CONSENT AGREEMENT 75 14 Exhibit 25A BATES DOCUMENT NHL 2448 286 15 Exhibit 25B BATES DOCUMENT NHL 2449 286 16 Exhibit 26 NHL RINK CAPACITY AND TICKET 293 17 PRICING REPORT 2007-08 SEASON 18 Exhibit 27 THE DOCUMENTS RELATED TO THE 294 19 EXPANSION COMMITTEE, I GUESS. MEETING ON 20 FEBRUARY 18th, 1997 21 22 23 24 25</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 349</p> <p>1 ERRATA SHEET 2 NAME OF CASE: In Re Dewey Ranch Hockey 3 DATE OF DEPOSITION: AUGUST 20, 2009 4 NAME OF WITNESS: GARY BETTMAN 5 6 REASON CODES: 7 1. TO CLARIFY THE RECORD. 8 2. TO CONFORM TO THE FACTS 9 3. TO CORRECT THE TRANSCRIPTION 10 ERRORS. 11 PAGE _____ LINE _____ REASON _____ 12 FROM _____ TO _____ 13 PAGE _____ LINE _____ REASON _____ 14 FROM _____ TO _____ 15 PAGE _____ LINE _____ REASON _____ 16 FROM _____ TO _____ 17 PAGE _____ LINE _____ REASON _____ 18 FROM _____ TO _____ 19 PAGE _____ LINE _____ REASON _____ 20 FROM _____ TO _____ 21 PAGE _____ LINE _____ REASON _____ 22 FROM _____ TO _____ 23 24 25 GARY BETTMAN</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>