

EXHIBIT 2

1 UNITED STATES BANKRUPTCY COURT
2 FOR THE DISTRICT OF ARIZONA

3 In re:

4 DEWEY RANCH HOCKEY, LLC,
5 COYOTES HOLDINGS, LLC,
6 COYOTES HOCKEY, LLC, and
7 ARENA MANAGEMENT GROUP, LLC,
8 Debtors.

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

10
11
12 Deposition of CRAIG LEIPOLD
13 Wednesday, August 26th, 2009

14 9:05 a.m.

15 at

16 Johnson Bank
17 555 Main Street
Racine, Wisconsin

18
19
20 Reported by Sarah M. Sondag, RPR, RMR
21
22
23
24
25

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1 Deposition of CRAIG LEIPOLD, a witness in
2 the above-entitled action, taken at the instance of
3 PSE, pursuant to the Federal Rules of Civil
4 Procedure, pursuant to notice, before Sarah M.
5 Sondag, Registered Professional Reporter, Registered
6 Merit Reporter and Notary Public, State of Wisconsin,
7 at 555 Main Street, Racine, Wisconsin, on the 26th
8 day of August, 2009, commencing at 9:05 a.m. and
9 concluding at 5:24 p.m.

10 APPEARANCES:

11 SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP, by
12 Mr. Shepard Goldfein
13 4 Times Square
14 New York, New York 10036
15 Appeared on behalf of the National Hockey
16 League.

17 SHERRARD & ROE, P.L.C., by
18 Mr. Christopher C. Whitson
19 424 Church Street
20 Nashville, Tennessee 37219
21 Appeared on behalf of Craig Leipold.

22 DEWEY & LeBOEUF, LLP, by
23 Mr. Aldo A. Badini
24 Ms. Amelia Lister
25 1301 Avenue of the Americas
New York, New York 10019
Appeared on behalf of PSE.

Page 3

1 APPEARANCES: (continued)
2 SQUIRE SANDERS, by
3 Mr. George Brandon
4 Two Renaissance Square
5 40 North Central Avenue, Suite 2700
6 Phoenix, Arizona 85004
7 Appeared via telephone
8 on behalf of the Debtors.

9 JENNINGS STROUSS, by
10 Ms. Julie LaFave
11 201 East Washington Street
12 11th Floor
13 Phoenix, Arizona 85004
14 Appeared via telephone
15 on behalf of Jerry Moyes.

16 ALLEN, SALA & BAYNE, P.L.C., by
17 Mr. Kevin McCoy
18 1850 N. Central Avenue, Suite 1150
19 Phoenix, Arizona 85004
20 Appeared via telephone on behalf of the
21 Unsecured Creditors Committee.

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1 EXAMINATION
2 By Mr. Badini 5
3 By Mr. Goldfein 235
4 By Mr. Badini 269
5 Confidential portion.....57-60

6 EXHIBITS

7 EXHIBIT NO. PAGE IDENTIFIED

8
9 No. 1 Copy of handwritten notes 12
10 No. 2 Declaration of Craig Leipold with 15
11 attachments
12 No. 3 Email thread, Highly Confidential 57
13 No. 4 Memorandum from Loren Greenspoon 75
14 No. 5 Series of emails, May 23, 2007 111
15 No. 6 Email string, May 4/5, 2007 122
16 No. 7 Email string, May 6, 2007 127
17 No. 8 Email string, May 6, 2007 136
18 No. 9 Email string, May 7/8, 2007 166
19 No. 10 Copy of newspaper article 219
20 No. 11 Email, May 17, 2007 235
21 No. 12 Email, May 23, 2007 239

22 (Exhibits retained by the reporter.
23 Original exhibits attached to the original
24 transcript. Exhibit copies attached to transcript
25 copies.)

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1 TRANSCRIPT OF PROCEEDINGS
2 CRAIG LEIPOLD, called as a witness herein,
3 having been first duly sworn on oath, was examined
4 and testified as follows:

5 EXAMINATION

6 BY MR. BADINI:
7 Q Good morning, Mr. Leipold.
8 A Good morning. As you may know, I'm representing PSE
9 in this deposition. My name is Aldo Badini.
10 (Witness sworn.)

11 BY MR. BADINI:
12 Q As I was saying, my name is Aldo Badini, I'm an
13 attorney at Dewey & LeBoeuf. I'm here with my
14 colleague, Amelia Lister, and I'm going to be asking
15 you a few questions. As you know, you've just been
16 sworn to tell the truth. Do you understand that?

17 A Yes, I do.
18 Q Have you ever had your deposition taken before?
19 A Yes, I have.
20 Q How many times?
21 A I would say three times.
22 Q And briefly what were those matters relating to?
23 A A legal matter at a company called Rainfair roughly
24 12 years ago. I owned that company. A -- with
25 the -- when I owned the Nashville Predators there was

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1 the viability of southern Ontario as a possible
 2 destination for a second hockey team?
 3 MR. GOLDFEIN: What was the time frame on
 4 that question? Just read it back.
 5 (Question read aloud by the reporter.)
 6 MR. GOLDFEIN: So you're asking about the
 7 entire calendar year as opposed to the period prior
 8 to this meeting?
 9 MR. BADINI: Yes.
 10 THE WITNESS: The answer would be yes.
 11 BY MR. BADINI:
 12 Q What were those discussions and who were they with?
 13 A To clarify, we're now going off this document because
 14 we're talking about events that occurred after this?
 15 Q Not necessarily. Could have been before.
 16 MR. GOLDFEIN: That's why I asked.
 17 BY MR. BADINI:
 18 Q Before or after?
 19 A Let me be clear because I think that's important
 20 relative to this document. I have some -- I have
 21 recollections of having conversations with people
 22 about the Hamilton market. All of those
 23 conversations would have happened after this meeting.
 24 none before.
 25 Q Okay.

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1 A Okay.
 2 Q What conversations do you recall on that topic?
 3 A I recall a conversation with Bill Wirtz at a lunch I
 4 had with Bill. Bill liked the Hamilton market, had
 5 no problem with Hamilton. That didn't mean that he
 6 was -- you know, he was approving any -- he would
 7 vote for it, but he liked the Hamilton market. I
 8 remember him having a positive opinion of Hamilton
 9 and didn't have negative opinion of the Hamilton
 10 market. It was a positive opinion.
 11 Q Who is Bill Wirtz?
 12 A Bill Wirtz is now deceased. He was the owner of the
 13 Chicago Blackhawks.
 14 Q So you had this conversation when he was an owner of
 15 the Blackhawks?
 16 A That's correct.
 17 Q Do you remember what he said about why he liked the
 18 Hamilton market?
 19 A Large hockey market, Toronto. He was -- he was
 20 positive about Hamilton. He was positive about two
 21 teams being in Toronto. This --
 22 Q Do you remember when this took place?
 23 A This conversation would have been after July 1 of
 24 '07.
 25 Q And why do you focus on July 1?

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1 A Because I know that the Balsillie offer was -- was
 2 off the table and he was no longer involved in -- we
 3 were no longer having negotiations with Balsillie.
 4 We shut it down.
 5 The only other conversation I recall
 6 having would have been at an Executive Committee
 7 meeting that would have been, if I can -- can I refer
 8 to my --
 9 Q Yes. Just tell me where you're referring.
 10 A Yes. Okay. It would have been at the May 23rd
 11 Executive Committee meeting. And that was the
 12 meeting that I was -- there was discussion of Jim
 13 Balsillie as an owner. And --
 14 Q Again, May 23rd, 2007, right?
 15 A May 23rd, 2007. Yeah.
 16 Q Okay.
 17 A And this was prior to the Executive Committee
 18 starting. We were still getting our coffee, Gary was
 19 not in the room. The Executive Committee was -- was
 20 kind of coming in and we were talking about "Hey, how
 21 is it going with the sale? What's happening?" And
 22 there was just social dialogue and there was people
 23 talking about, "Well, Hamilton probably could be an
 24 okay market." Again, I remember Bill Wirtz was one
 25 that at this meeting was positive about Hamilton.

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1 Harley Hotchkiss was positive about Hamilton.
 2 Q Who is Harley Hotchkiss?
 3 A He was the governor from Calgary, owner in Calgary.
 4 Q What team is that? I'm sorry.
 5 MR. GOLDFEIN: That's not nice.
 6 THE WITNESS: Where are you from? Calgary
 7 Flames.
 8 BY MR. BADINI:
 9 Q Okay.
 10 A Calgary Flames.
 11 Q Just a New Yorker, what can I say.
 12 A All right. And those are the only two -- in the
 13 discussion, those are two people that said something
 14 positive about Hamilton. Then Gary and Bill Daly
 15 kind of came in the room, we started to have the
 16 meeting and there was kind of just some bantering
 17 going on and Gary said, "Listen, we're here to talk
 18 about one thing and that is Jim Balsillie as an owner
 19 that we're here to talk about and a sale of the
 20 Predators to Jim Balsillie."
 21 "And have no discussion -- I don't
 22 want you to think out of your mind of what he might
 23 do with the team. This is -- this is about an
 24 ownership transfer, a franchise transfer from one
 25 owner to another owner and that's all we're going to

<p style="text-align: right;">Page 102</p> <p>1 talk about. And if you don't like Hamilton, don't</p> <p>2 vote against it because there is nothing on Hamilton.</p> <p>3 This is about Jim Balsillie as a purchaser of the</p> <p>4 Nashville Predators." So those are -- those are the</p> <p>5 only two times that I recall where Hamilton came up</p> <p>6 in a discussion.</p> <p>7 Q Do you recall specifically what -- Harley Hotchkiss</p> <p>8 is it?</p> <p>9 A Hotchkiss.</p> <p>10 Q Hotchkiss?</p> <p>11 A Hotchkiss. Hotchkiss.</p> <p>12 Q What he said about Hamilton?</p> <p>13 A My recollection was that Harley was raised around</p> <p>14 there, Harley is 80 and my recollection is that it</p> <p>15 was more of a sentimental thing that -- good people,</p> <p>16 love hockey. And that's my recollection, is that</p> <p>17 that's where he was from, in that market.</p> <p>18 Q Did he make my comments about the ability of Hamilton</p> <p>19 to support a hockey team in that market?</p> <p>20 A I don't -- I don't think he did. I mean, I'm -- I --</p> <p>21 he -- he may have alluded to it by a good market,</p> <p>22 good fans, good fan support. But it wasn't a -- it</p> <p>23 wasn't specific about -- about whether Hamilton is a</p> <p>24 good market to put an NHL team.</p> <p>25 Q Do you have any recollection of any NHL owners saying</p>	<p style="text-align: right;">Page 104</p> <p>1 seemed very surprised by Balsillie's conversations</p> <p>2 with Bettman on issue, and said he had always been</p> <p>3 under the impression that there was a 'Home</p> <p>4 Territory' veto."</p> <p>5 Is there anything inaccurate in that</p> <p>6 transcription of what was said at the meeting?</p> <p>7 A Well, the only -- in reading this, the term "home</p> <p>8 territory veto" is not a -- is not a term that I</p> <p>9 would use. I -- I did not -- I cannot believe that I</p> <p>10 would have used a term of "home territory veto" and</p> <p>11 the issue of -- of whether that -- that would imply</p> <p>12 that one team can veto someone moving into their</p> <p>13 territory.</p> <p>14 Q What term would you have used?</p> <p>15 A I probably would have said that a team -- if -- well,</p> <p>16 that a team can -- well, what I would use it would</p> <p>17 take a majority vote for a team to be able to</p> <p>18 transfer into the territory of an existing team.</p> <p>19 That it would take a majority vote.</p> <p>20 Q So do you --</p> <p>21 A I don't believe that to be true, but you're asking me</p> <p>22 what -- how would I describe this situation where one</p> <p>23 team can stop another team from coming into their</p> <p>24 market. I would not have described it as a "home</p> <p>25 territory veto." I would have described it as it</p>
<p style="text-align: right;">Page 103</p> <p>1 anything negative about southern Ontario as a market</p> <p>2 for another hockey team?</p> <p>3 MR. GOLDFEIN: Object to the form of the</p> <p>4 question. Southern Ontario.</p> <p>5 THE WITNESS: Yeah. I think the answer --</p> <p>6 I mean, I don't -- I don't recall anybody saying</p> <p>7 anything negative about southern Ontario.</p> <p>8 BY MR. BADINI:</p> <p>9 Q Do you recall anybody saying anything negative about</p> <p>10 Hamilton in particular as a potential destination for</p> <p>11 a hockey team?</p> <p>12 A I -- I would say that I recall the issue of Copps</p> <p>13 Coliseum being an issue, the -- the state of the</p> <p>14 facility, the size of the facility, the lack of the</p> <p>15 suites, that Copps Coliseum may not be NHL quality</p> <p>16 arena.</p> <p>17 Q Other than --</p> <p>18 A I don't recall who said that, it just -- I recall</p> <p>19 that as a topic. But that's the only negative thing</p> <p>20 I can recall.</p> <p>21 Q Let's turn to the second page of this memorandum,</p> <p>22 which again is Leipold 4. And in particular, the</p> <p>23 section entitled "Team Veto/Resolution to Move." I</p> <p>24 would like to direct your attention to the last</p> <p>25 sentence of the first paragraph, which says, "Leipold</p>	<p style="text-align: right;">Page 105</p> <p>1 would take a majority vote.</p> <p>2 Q You just said you don't believe it to be true. You</p> <p>3 don't believe what to be true?</p> <p>4 A I don't believe it takes a majority vote to move into</p> <p>5 somebody's market.</p> <p>6 Q Okay. And how long have you had this view?</p> <p>7 MR. GOLDFEIN: Would you read back the last</p> <p>8 question and answer before this question?</p> <p>9 (Requested portion read aloud by the</p> <p>10 reporter.)</p> <p>11 THE WITNESS: Okay. Okay. My -- my -- the</p> <p>12 word rather the majority vote was unanimous vote. So</p> <p>13 in other words -- and thank you for raising that</p> <p>14 question. The issue of home territory --</p> <p>15 MR. BADINI: Or coaching.</p> <p>16 THE WITNESS: No. No.</p> <p>17 MR. BADINI: Yes.</p> <p>18 MR. GOLDFEIN: Objection.</p> <p>19 MR. BADINI: Yes, absolutely.</p> <p>20 THE WITNESS: Absolutely not. That's</p> <p>21 absolutely not true.</p> <p>22 BY MR. BADINI:</p> <p>23 Q Okay. Go ahead.</p> <p>24 A The issue of rather than -- rather than saying here</p> <p>25 that it would take one vote to cancel out a move to</p>

<p style="text-align: right;">Page 210</p> <p>1 A That I don't think I heard.</p> <p>2 Q Okay. Have you had any discussions with other NHL</p> <p>3 members about whether or not it is possible to</p> <p>4 relocate the Coyotes for the 2009-2010 season?</p> <p>5 A No. No.</p> <p>6 Q Are you aware of any NHL work that has been done to</p> <p>7 assess whether that is possible or not?</p> <p>8 A I am not aware of any -- any NHL work to assess</p> <p>9 whether that's possible or not. No.</p> <p>10 Q Have you expressed your views on that issue to</p> <p>11 anyone?</p> <p>12 MR. GOLDFEIN: I'm going to object to the</p> <p>13 extent that it would require the disclosure of</p> <p>14 attorney/client communications.</p> <p>15 MR. BADINI: Sure.</p> <p>16 MR. GOLDFEIN: Other than with attorneys.</p> <p>17 THE WITNESS: Other than attorneys. Yes.</p> <p>18 BY MR. BADINI:</p> <p>19 Q Okay. What views have you expressed and to whom?</p> <p>20 A They were -- there is a conversation with our own</p> <p>21 local people in Minnesota.</p> <p>22 Q You mean your team people?</p> <p>23 A My team people, my team operations, they raised it</p> <p>24 with me wanting to know whether this is truly</p> <p>25 something that is a possibility. I just said there</p>	<p style="text-align: right;">Page 212</p> <p>1 That's a bad question. Let me withdraw it.</p> <p>2 Did you have any discussions at the</p> <p>3 NHL with respect to what the terms of that bid would</p> <p>4 be?</p> <p>5 A Can he help me understand "terms"? What do we mean</p> <p>6 by "terms"?</p> <p>7 Q That's also a bad question. Must be late in the day.</p> <p>8 Did you have any discussions at the</p> <p>9 NHL with respect to whether such a bid should be</p> <p>10 made?</p> <p>11 MR. GOLDFEIN: I'll object to the form of</p> <p>12 the question.</p> <p>13 THE WITNESS: Can you ask the question a</p> <p>14 little differently? Is there an implied statement</p> <p>15 that I'm doing the discussing, that I am actually</p> <p>16 part of a -- that I'm part of a dialogue of this?</p> <p>17 BY MR. BADINI:</p> <p>18 Q Let me -- let me try a different one.</p> <p>19 When did you first hear mention of</p> <p>20 this potential bid?</p> <p>21 A Well, I -- I heard that there was discussion of a</p> <p>22 bid, not necessarily this one, but there was</p> <p>23 discussion of a bid I would say probably four weeks</p> <p>24 ago.</p> <p>25 Q So I'm looking at my calendar. So that would have</p>
<p style="text-align: right;">Page 211</p> <p>1 is just no way in the world, it just is an absolute</p> <p>2 impossibility that it could happen. It just --</p> <p>3 And there was a brief discussion on --</p> <p>4 they raised it in terms of do we need to start</p> <p>5 planning for something. We've got -- we've begun</p> <p>6 negotiating airline charter jets going everywhere.</p> <p>7 And if we're playing in Dallas and go to Phoenix the</p> <p>8 next day, we've got to go to Hamilton and then got to</p> <p>9 go back to San Jose, everything gets blown out. Do</p> <p>10 we need to go doing anything in preparation? And I</p> <p>11 just, "Guys, just hold on. There is -- this is --</p> <p>12 just -- logistically can't happen."</p> <p>13 Q So you told them not to undertake any such</p> <p>14 preparation?</p> <p>15 A I told them, my own people, don't start working on</p> <p>16 any new charter deals, don't look at hotels, don't</p> <p>17 figure out what it's going to do to our -- to our,</p> <p>18 you know, charter business. It's -- just wait and</p> <p>19 see what happens.</p> <p>20 Q Are you aware of the fact that the NHL submitted a</p> <p>21 bid yesterday for the purchase of the Phoenix</p> <p>22 Coyotes?</p> <p>23 A I am.</p> <p>24 Q Did you have any discussions with respect to let's</p> <p>25 start with the approval of the terms of that bid?</p>	<p style="text-align: right;">Page 213</p> <p>1 been around July 26th, 2009?</p> <p>2 A Yeah. Yeah. I just -- yes. Yes. Yeah. Let me</p> <p>3 just say around four weeks ago.</p> <p>4 Q Did you participate in that discussion?</p> <p>5 A I'm trying to recall how the discussion was raised.</p> <p>6 I -- I think it was -- this is not attorney/client --</p> <p>7 MR. GOLDFEIN: Well, you should not</p> <p>8 disclose communications that involved attorney/client</p> <p>9 communications where strategy with regard to the</p> <p>10 pending proceedings in Phoenix. I'm trying to</p> <p>11 explain work product to him.</p> <p>12 BY MR. BADINI:</p> <p>13 Q I'm having a little trouble with the last part of</p> <p>14 that direction, but I think my -- I think the pending</p> <p>15 question is were you part of those discussions?</p> <p>16 A I -- I -- there was discussion of options. Okay.</p> <p>17 Options that -- who is going to bid on the team, you</p> <p>18 know, do we want to bid on the team, is this</p> <p>19 something that -- I mean, it's happened before in</p> <p>20 Major League Baseball with the Montreal --</p> <p>21 Expos?</p> <p>22 A Expos. You are a baseball guy. All right. And is</p> <p>23 this an option that we think is a viable option.</p> <p>24 Q Was that discussion in the context of the Executive</p> <p>25 Committee meeting on July 29th?</p>

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1 A That I don't think I heard.
 2 Q Okay. Have you had any discussions with other NHL
 3 members about whether or not it is possible to
 4 relocate the Coyotes for the 2009-2010 season?
 5 A No. No.
 6 Q Are you aware of any NHL work that has been done to
 7 assess whether that is possible or not?
 8 A I am not aware of any -- any NHL work to assess
 9 whether that's possible or not. No.
 10 Q Have you expressed your views on that issue to
 11 anyone?
 12 MR. GOLDFEIN: I'm going to object to the
 13 extent that it would require the disclosure of
 14 attorney/client communications.
 15 MR. BADINI: Sure.
 16 MR. GOLDFEIN: Other than with attorneys.
 17 THE WITNESS: Other than attorneys. Yes.
 18 BY MR. BADINI:
 19 Q Okay. What views have you expressed and to whom?
 20 A They were -- there is a conversation with our own
 21 local people in Minnesota.
 22 Q You mean your team people?
 23 A My team people, my team operations, they raised it
 24 with me wanting to know whether this is truly
 25 something that is a possibility. I just said there

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1 is just no way in the world, it just is an absolute
 2 impossibility that it could happen. It just --
 3 And there was a brief discussion on --
 4 they raised it in terms of do we need to start
 5 planning for something. We've got -- we've begun
 6 negotiating airline charter jets going everywhere.
 7 And if we're playing in Dallas and go to Phoenix the
 8 next day, we've got to go to Hamilton and then got to
 9 go back to San Jose, everything gets blown out. Do
 10 we need to go doing anything in preparation? And I
 11 just, "Guys, just hold on. There is -- this is --
 12 just -- logistically can't happen."
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 14 preparation?
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 16 any new charter deals, don't look at hotels, don't
 17 figure out what it's going to do to our -- to our,
 18 you know, charter business. It's -- just wait and
 19 see what happens.
 20 Q Are you aware of the fact that the NHL submitted a
 21 bid yesterday for the purchase of the Phoenix
 22 Coyotes?
 23 A I am.
 24 Q Did you have any discussions with respect to let's
 25 start with the approval of the terms of that bid?

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1 That's a bad question. Let me withdraw it.
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 3 NHL with respect to what the terms of that bid would
 4 be?
 5 A Can he help me understand "terms"? What do we mean
 6 by "terms"?
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 9 NHL with respect to whether such a bid should be
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 12 the question.
 13 THE WITNESS: Can you ask the question a
 14 little differently? Is there an implied statement
 15 that I'm doing the discussing, that I am actually
 16 part of a -- that I'm part of a dialogue of this?
 17 BY MR. BADINI:
 18 Q Let me -- let me try a different one.
 19 When did you first hear mention of
 20 this potential bid?
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 22 bid, not necessarily this one, but there was
 23 discussion of a bid I would say probably four weeks
 24 ago.
 25 Q So I'm looking at my calendar. So that would have

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1 been around July 26th, 2009?
 2 A Yeah. Yeah. I just -- yes. Yes. Yeah. Let me
 3 just say around four weeks ago.
 4 Q Did you participate in that discussion?
 5 A I'm trying to recall how the discussion was raised.
 6 I -- I think it was -- this is not attorney/client --
 7 MR. GOLDFEIN: Well, you should not
 8 disclose communications that involved attorney/client
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 19 something that -- I mean, it's happened before in
 20 Major League Baseball with the Montreal --
 21 Expos?
 22 A Expos. You are a baseball guy. All right. And is
 23 this an option that we think is a viable option.
 24 Q Was that discussion in the context of the Executive
 25 Committee meeting on July 29th?

1 A Was that the one in Chicago?
 2 Q That's the one where Mr. Balsillie was considered. I
 3 don't know where it was.
 4 A I -- I don't -- I don't know whether it was discussed
 5 in there or not. But it was about that time. My --
 6 my recollection of my discussions were phonecalls
 7 from Gary, trying to get a temperature of different
 8 Executive Committee members, maybe Board members or
 9 Executive Committee members saying this is an option
 10 that's available to us, this is something we want to
 11 look at.
 12 Q Who initiated those phonecalls? Gary?
 13 A Yes.
 14 Q That's Gary Bettman?
 15 A Yes.
 16 Q And it was your impression he was calling all members
 17 of the Executive Committee or the Board of Governors?
 18 A One or the other. Don't -- don't know. My guess is
 19 Executive Committee.
 20 Q Are you able to place it more precisely in time as
 21 whether or not it came before or after the meeting on
 22 July 29th to consider Mr. Balsillie?
 23 A Sorry. I -- I don't know the answer to that.
 24 Q And what was the gist of the phonecall from Gary
 25 Bettman, can you remember?

1 A Well, it was -- one of the options that we have is
 2 the League buying the team, would you support the
 3 League buying the team. We would own it. We would
 4 attempt to get a strong owner. Our stated objective
 5 is to keep the team in Phoenix if we can and then we
 6 would sell it to a local group that would keep the
 7 team in Phoenix and try to make it work.
 8 It would also give the local groups
 9 more time to get their -- their financing complete
 10 and -- and I think that was an important part of
 11 this. The thought is not that we're going to have it
 12 long-term, but that the League would own it and then
 13 sell it to a local group.
 14 Q And what was your response to that?
 15 A I would support that.
 16 Q And did you have any discussions on this issue in
 17 addition to this phone conversation with Mr. Bettman?
 18 A Discussion just a couple days ago when he called and
 19 asked me what would my vote be, my vote was yes.
 20 Q Okay. And when you say your vote was yes, was that a
 21 vote on the bid that was actually submitted
 22 yesterday?
 23 A I've not looked at the newspaper. I'm sorry.
 24 Q So what was your understanding as to what you were
 25 voting on?

1 A Is that we -- listen, now we're getting into a hairy
 2 area because I don't know what was actually submitted
 3 and I don't want to divulge confidential information
 4 where we could take the bid to and what he
 5 actually -- I mean, there could be a range. We could
 6 go from X amount to X amount.
 7 MR. GOLDFEIN: In fact, given that answer,
 8 I'm going to object to inquiry since we're about to
 9 go to an auction and we're not going to divulge our
 10 strategy or potential strategy at the auction if
 11 there is a bidding contest.
 12 MR. BADINI: I didn't even ask about the
 13 dollars.
 14 MR. GOLDFEIN: I'm responding to -- but
 15 you're asking broad questions and he's at least been
 16 sensitive enough to alert me that you may be getting
 17 into treacherous areas that the judge has told all of
 18 us not to get into.
 19 MR. BADINI: I don't think the judge told
 20 us not to get into what the bids are.
 21 MR. GOLDFEIN: He did. He certainly did.
 22 MR. BADINI: He talked about getting into
 23 background checks and potential bidders.
 24 MR. GOLDFEIN: And bidding strategy.
 25 MR. BADINI: All right. I'm not asking

1 about bidding strategy.
 2 Q All I want to know is you said you voted yes and I
 3 want to make sure -- I don't understand what you
 4 voted yes to. Did you see a document that was
 5 provided to you that you were voting yes to?
 6 A No.
 7 Q So you voted yes to something that Mr. Bettman
 8 described to you on the phone?
 9 A Yes.
 10 Q All right. And what he described to you on the phone
 11 was -- was relating to the bid without telling you --
 12 A Yes. Yes.
 13 Q All right. Do you have an understanding as to what
 14 bid was actually submitted in court by the NHL
 15 yesterday?
 16 A No. I haven't even looked at the newspaper. I --
 17 you guys have been keeping me kind of busy.
 18 Q Do you have an understanding as to who is financing
 19 the bid that was submitted?
 20 A Well, it would -- it would be the teams.
 21 Q Do you know whether any particular team is paying
 22 more than any other team?
 23 A I -- I would not -- I do not believe that is the
 24 case. I do not know.
 25 MR. GOLDFEIN: I think the bid discloses

1 sitting here today with a problem. If that was the
 2 only untruthful thing that he did in this process, I
 3 could have lived with that.
 4 Q Well, what was untruthful about that, selling the
 5 tickets?
 6 A Well, untruthful -- what time is it? 5:20 now. It's
 7 just wrong. I mean, you can't take somebody's logo.
 8 This is business 101. And let me tell you, he's a
 9 smart man. You can't take a logo and sell it in his
 10 market. Was it untruthful? I mean, there is other
 11 words and it's just -- it's totally inappropriate.
 12 Q Okay. Now, I'm almost done, but I have to go back to
 13 some testimony that Mr. Goldfein elicited about the
 14 term sheet and he suggested that somehow your
 15 statement made it clear to the Executive Committee
 16 that the term sheet was not binding unless both
 17 parties agreed that it was binding. Do you agree
 18 with that?
 19 A No, I don't -- I don't agree with that. No. Ask me
 20 again. Restate that question.
 21 Q All right. Is it correct that the term sheet and in
 22 particular the obligation to deposit the \$10 million
 23 would not be binding unless you exercised your option
 24 and Mr. Balsillie agreed?
 25 A Well, this was a non-binding term sheet. I exercised

1 questions.

2 MR. GOLDFEIN: I have nothing further.
 3 Anything on the phone?

4 MS. LaFAVE: Nothing here.

5 MR. McCOY: Nothing from the Committee.

6 MR. GOLDFEIN: Okay. Then I think we're
 7 done. Thank you.

8 (Deposition concluded at 5:24 p.m.)

9 (Exhibits retained by the reporter.

10 Original exhibits attached to the original
 11 transcript. Exhibit copies attached to transcript
 12 copies.)m.)

1 the option and at that point he had a binding
 2 obligation to -- to put \$10 million in escrow and he
 3 did not.
 4 Q Right. And, in fact, Mr. Goldfein read paragraph F
 5 to you on page three, but he neglected to read
 6 paragraph E to you, which says, "After that meeting
 7 we executed the term sheet. The term sheet clearly
 8 stated that the sellers could unilaterally make the
 9 term sheet binding and that Balsillie would be
 10 required to put \$10 million in escrow as a breakup
 11 fee."
 12 Have I read that correctly?
 13 A Yes.
 14 Q You have -- now you used the word "unilaterally,"
 15 right?
 16 A Yes.
 17 Q What did you mean by the word "unilaterally"?
 18 A He would be required.
 19 Q Right. And he would be required by your action of
 20 exercising the option to make it binding, right?
 21 A Correct.
 22 Q And that's what you told the Executive Committee the
 23 term sheet required?
 24 A Yes.
 25 MR. BADINI: All right. I have no further

1 STATE OF WISCONSIN)
 2) SS:
 3 MILWAUKEE COUNTY)
 4

5 I, Sarah M. Sondag, RPR and Notary
 6 Public in and for the State of Wisconsin, do hereby
 7 certify that the deposition of CRAIG LEIPOLD was
 8 recorded by me and reduced to writing under my
 9 personal direction.

10 I further certify that said deposition
 11 was taken at 555 Main Street, Racine, Wisconsin, on
 12 the 26th day of August, 2009, commencing at 9:05 a.m.

13 I further certify that I am not a
 14 relative or employee or attorney or counsel of any of
 15 the parties, or a relative or employee of such
 16 attorney or counsel, or financially interested
 17 directly or indirectly in this action.

18 In witness whereof, I have hereunto
 19 set my hand and affixed my seal of office on this
 20 27th day of August, 2009.

21
 22 Sarah M. Sondag
 23 RPR, RMR and Notary Public
 24 My commission expires June 6th, 2010
 25