

## **EXHIBIT 3**

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cc: Skip Goldstein  
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BY HAND

November 29, 2006

Commissioner Gary B. Bettman  
National Hockey League  
1251 Avenue of the Americas  
New York, NY 10020

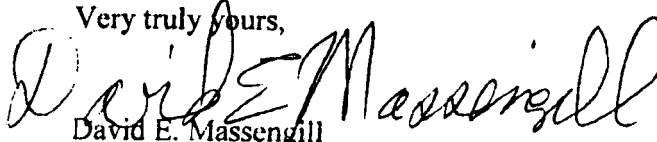
Dear Commissioner Bettman:

I am writing on behalf of the Toronto Maple Leafs with respect to the Minutes of the Board of Governors meeting of September 14, 2006, which were received by the Maple Leafs with a cover memo dated November 9, 2006. Those Minutes refer to a statement made to the Competition Bureau by the National Hockey League. According to the Minutes, the National Hockey League intended to confirm in writing to the Competition Bureau that a transfer of a team into the home territory of an existing member would require only a majority vote, despite the specific provisions of Article 4 of the National Hockey League constitution. The Minutes state that the Board did not object to this action.

The Toronto Maple Leafs do *not* agree that a relocation of another club into their home territory would be subject to a majority vote. They continue to believe that a unanimous vote would be required before a team could be relocated into their home territory.

The statement in the Minutes that none of the Board members objected to the statement about relocation into home territories does *not* represent the Maple Leafs' position, as there were no representatives of the Toronto Maple Leafs present during that portion of the September 14, 2006 meeting. The Minutes make it clear that no resolution was proposed or adopted with respect to this issue and no vote was taken on this issue. Accordingly, it continues to be the position of the Maple Leafs that, no matter what may have happened at the September 14 Board meeting, the relocation of any team into the Maple Leafs exclusive home territory would require a unanimous vote. The Maple Leafs they reserve all rights to take whatever actions are necessary to protect their exclusive rights to their home territory.

Very truly yours,

  
David E. Massengill

CC: Richard Peddie  
Lawrence Tannenbaum  
Robin Brudner, Esq.  
Roy L. Reardon, Esq.

## **EXHIBIT 4**

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA

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

\*\*\*CONTAINS HIGHLY CONFIDENTIAL PORTIONS\*\*\*  
DEPOSITION OF WILLIAM DALY  
NEW YORK, NEW YORK  
AUGUST 21, 2009

REPORTED BY:  
JUDI JOHNSON, RPR, CRR, CLR  
JOB NO.: 24399

Page 2	Page 3
<p>1 2       FOUR TIMES SQUARE       NEW YORK, NEW YORK</p> <p>3 4       AUGUST 21, 2009       9:00 A.M.</p> <p>5 6 7 8 9 10 11 12 13       DEPOSITION OF WILLIAM DALY, HELD AT 14 THE OFFICES OF SKADDEN, ARPS, SLATE, MEAGHER 15 &amp; FLOM, LLP, FOUR TIMES SQUARE, NEW YORK, 16 NEW YORK, PURSUANT TO NOTICE, BEFORE JUDI 17 JOHNSON, A REGISTERED PROFESSIONAL REPORTER, 18 A CERTIFIED REALTIME REPORTER, A CERTIFIED 19 LIVENOTE REPORTER AND NOTARY PUBLIC OF THE 20 STATE OF NEW YORK. 21 22 23 24 25</p>	<p>1       WILLIAM DALY 2 APPEARANCES: 3       JENNINGS STROUSS &amp; SALMON, PLC 4       ATTORNEY FOR JERRY MOYES 5       201 E. WASHINGTON STREET 6       PHOENIX, ARIZONA 85004-2385 7 8       BY: PETER W. SORENSEN, ESQ. 9 10       SQUIRE SANDERS &amp; DEMPSEY L.L.P. 11       ATTORNEY FOR THE DEBTORS 12       40 NORTH CENTRAL AVENUE 13       PHOENIX, ARIZONA 85004-4498 14 15       BY: GEORGE BRANDON, ESQ. (VIA TELEPHONE) 16 17       BROWN RUDNICK LLP 18       ATTORNEY FOR THE CITY OF GLENDALE 19       ONE FINANCIAL CENTER 20       BOSTON, MASSACHUSETTS 02111 21 22       BY: (NOT PRESENT) 23 24 25</p>
Page 4	Page 5
<p>1       WILLIAM DALY 2 APPEARANCES CONTINUED: 3       SKADDEN, ARPS, SLATE, MEAGHER &amp; FLOM, LLP 4       ATTORNEY FOR THE NATIONAL HOCKEY LEAGUE 5       FOUR TIMES SQUARE 6       NEW YORK, NEW YORK 10036 7 8       BY: SHEPARD GOLDFEIN, ESQ. 9 10       -AND- 11       STINSON MORRISON HECKER, LLP 12       1850 NORTH CENTRAL AVENUE - SUITE 2100 13       PHOENIX, ARIZONA 85004-4584 14       BY: (NOT PRESENT) 15 16 17       ALLEN, SALA &amp; BAYNE PLC 18       ATTORNEY FOR THE COMMITTEE 19       1850 NORTH CENTRAL AVENUE - SUITE 150 20       PHOENIX, ARIZONA 85004 21 22       BY: PAUL SALA, ESQ. (VIA TELEPHONE) 23 24 25</p>	<p>1       WILLIAM DALY 2 APPEARANCES CONTINUED: 3       KATTEN MUCHIN ROSEMAN LLP 4       ATTORNEY FOR THE GLENDALE HOCKEY, GLENDALE ARENA, 5       JERRY REINS DORF 6       575 MADISON AVENUE 7       NEW YORK, NEW YORK 10022-2585 8 9       BY: (NOT PRESENT) 10 11       DEWEY LEBOEUF, LLP 12       ATTORNEY FOR PSE 13       1301 AVENUE OF THE AMERICAS 14       NEW YORK, NEW YORK 10019-6092 15 16       BY: JEFFREY KESSLER, ESQ.       BIANCA M. FORDE, ESQ. 17 18 19       ALSO PRESENT: 20       RICHARD RODIER 21 22 23 24 25</p>

Page 18	Page 19
<p>1 WILLIAM DALY</p> <p>2 THE YEAR PRECEDING IN WHICH YOU'RE SUPPOSED TO</p> <p>3 RELOCATE, AND AT THAT POINT THE LEAGUE STARTS</p> <p>4 PROCESSING THE APPLICATION AND IS ON NOTICE AS</p> <p>5 TO WHAT IT NEEDS TO DO TO CREATE A SCHEDULE FOR</p> <p>6 THE FOLLOWING SEASON. AND THAT WOULD BE THE</p> <p>7 CASE WITH VIRTUALLY ALL OUR RELOCATIONS.</p> <p>8 Q FOR THE CASE OF THE JETS, FOR EXAMPLE,</p> <p>9 THE RELOCATION APPLICATION WAS FILED AFTER</p> <p>10 JANUARY 1 BECAUSE THERE WAS A WAIVER GRANTED,</p> <p>11 RIGHT?</p> <p>12 A I'M NOT FAMILIAR WITH THAT.</p> <p>13 Q ARE YOU FAMILIAR WITH OTHER TEAMS WHO</p> <p>14 HAVE GOTTEN WAIVERS TO APPLY FOR A MOVE AFTER</p> <p>15 JANUARY 1?</p> <p>16 A I'M SURE THERE HAVE BEEN.</p> <p>17 Q AND IN THE CASE OF HARTFORD MOVING TO</p> <p>18 RALEIGH, DO YOU REMEMBER WHEN THAT WAS APPROVED?</p> <p>19 A THAT WAS APPROVED IN JUNE OF 1997.</p> <p>20 Q AND WAS THAT TEAM ABLE TO PLAY THAT</p> <p>21 NEXT SEASON IN RALEIGH?</p> <p>22 A YES, THEY WERE.</p> <p>23 Q SO I ASSUME WHAT HAPPENED THERE IS</p> <p>24 THAT ALTERNATIVE SCHEDULES WERE PREPARED IN</p> <p>25 WHICH THERE WOULD BE ONE SCHEDULE IF THEY WERE</p>	<p>1 WILLIAM DALY</p> <p>2 IN HARTFORD AND ONE SCHEDULE IF THEY WERE IN</p> <p>3 RALEIGH?</p> <p>4 A AGAIN, IN COMPLIANCE WITH THE LEAGUE</p> <p>5 PROCESS WE SET OUT, WHICH CONTEMPLATES THE</p> <p>6 AMOUNT OF LEAD TIME THAT YOU NEED TO CREATE A</p> <p>7 SCHEDULE FOR THEM TO PLAY IN RALEIGH, CORRECT.</p> <p>8 Q DO YOU KNOW PRECISELY HOW MANY MONTHS</p> <p>9 EARLIER THE -- YOUR STAFF AT THE LEAGUE STARTED</p> <p>10 TO WORK ON ALTERNATIVE SCHEDULES IN THE CASE OF</p> <p>11 THE HARTFORD TEAM, FOR EXAMPLE?</p> <p>12 A NO, NOT WITH PRECISION, I DON'T,</p> <p>13 ALTHOUGH I KNOW IT BECAME PRETTY CLEAR EARLY ON</p> <p>14 THEY WERE NOT RETURNING TO HARTFORD. SO I DON'T</p> <p>15 EVEN THINK THERE WAS NECESSARILY AN ALTERNATIVE</p> <p>16 SCHEDULE PREPARED FOR HARTFORD.</p> <p>17 Q BUT WHEN YOU SAY THAT, IT'S CORRECT,</p> <p>18 ISN'T IT, THAT THE -- I'M SURE YOU WOULD AGREE</p> <p>19 WITH ME THE BOARD OF GOVERNORS IS JUST NOT A</p> <p>20 RUBBER STAMP. YOU WOULD AGREE WITH THAT, RIGHT?</p> <p>21 A I AGREE.</p> <p>22 Q SO UNTIL THE BOARD OF GOVERNORS WOULD</p> <p>23 ACT IN JUNE, EITHER FOR THE JETS OR FOR THE</p> <p>24 HARTFORD TEAM, THERE WAS NO WAY TO BE</p> <p>25 100 PERCENT CERTAIN THE RELOCATION WOULD BE</p>
Page 20	Page 21
<p>1 WILLIAM DALY</p> <p>2 APPROVED, CORRECT?</p> <p>3 A NO 100 PERCENT CERTAINTY.</p> <p>4 Q HAS THE LEAGUE TAKEN ANY OTHER STEPS</p> <p>5 SINCE MAY 5TH, 2009 TO PREPARE FOR THE</p> <p>6 POSSIBILITY THAT THE TEAM MIGHT HAVE TO BE IN</p> <p>7 HAMILTON? BY OTHER STEPS, I MEAN ARRANGING FOR</p> <p>8 ALTERNATIVE TRAVEL ARRANGEMENTS, WORKING WITH</p> <p>9 BROADCASTERS TO TALK TO BROADCASTERS ABOUT WHAT</p> <p>10 ALTERNATIVE POSSIBILITIES THERE MIGHT BE IF THE</p> <p>11 TEAM WAS IN HAMILTON OR EVEN HAVING DISCUSSIONS</p> <p>12 WITH THE LABOR UNION.</p> <p>13 MR. KESSLER: SHEP'S GOING TO SAY</p> <p>14 COMPOUND, AND HE'S RIGHT.</p> <p>15 MR. GOLDFEIN: I AM.</p> <p>16 BY MR. KESSLER:</p> <p>17 Q FIRST, HAS ANY STEPS BEEN MADE SINCE</p> <p>18 MAY 5TH, 2009 TO DEVELOP ALTERNATIVE TRAVEL</p> <p>19 ARRANGEMENTS, AIR, CHARTERS, OTHER DEALS, IN</p> <p>20 CASE THE TEAM MOVED TO HAMILTON?</p> <p>21 A THAT WOULDN'T NORMALLY BE ANYTHING THE</p> <p>22 LEAGUE WOULD BE RESPONSIBLE FOR. THAT WOULD BE</p> <p>23 A CLUB DETERMINATION, AND NO.</p> <p>24 Q HAS THE LEAGUE GIVEN ANY NOTICE TO THE</p> <p>25 CLUBS THAT THEY SHOULD PREPARE FOR THAT</p>	<p>1 WILLIAM DALY</p> <p>2 POSSIBILITY?</p> <p>3 A NO.</p> <p>4 Q HAS THE LEAGUE HAD ANY DISCUSSION WITH</p> <p>5 ANY OF YOUR BROADCAST PARTNERS ABOUT THE</p> <p>6 POSSIBILITY THAT THERE COULD BE A COURT-ORDERED</p> <p>7 RELOCATION TO HAMILTON AND WHAT -- WHAT MIGHT</p> <p>8 WORK FOR THEIR INTERESTS IF THAT WERE TO TAKE</p> <p>9 PLACE IN TERMS OF GAMES AND BROADCASTS?</p> <p>10 A OTHER THAN JUST GENERALLY ADVISING OUR</p> <p>11 BROADCAST PARTNERS ON THE STATUS OF THE</p> <p>12 LITIGATION, THAT WAS THE EXTENT OF OUR</p> <p>13 COMMUNICATIONS WITH OUR BROADCAST PARTNERS.</p> <p>14 WHAT THEY DID WITH THAT INFORMATION IS UP TO</p> <p>15 THEM.</p> <p>16 Q DO YOU KNOW IF ANYONE FOR THE LEAGUE</p> <p>17 CALLED THE BROADCAST PARTNERS TO ASK HOW THEY</p> <p>18 WOULD VIEW A TEAM IN HAMILTON?</p> <p>19 A NO, I DON'T BELIEVE THOSE CALLS WERE</p> <p>20 EVER MADE.</p> <p>21 Q SINCE YOU MENTIONED YOU HAVE MORE OF A</p> <p>22 RELATIONSHIP WITH THE PLAYERS ASSOCIATION IN THE</p> <p>23 LEAGUE OFFICE, YOU MAY BE THE PRIMARY PERSON,</p> <p>24 HAVE YOU OR ANYONE ELSE HAD ANY DISCUSSIONS WITH</p> <p>25 THE UNION ABOUT POSSIBLE WAYS TO HAVE AN</p>

<p style="text-align: right;">Page 22</p> <p>1 WILLIAM DALY</p> <p>2 ALTERNATIVE SCHEDULE THAT WOULDN'T VIOLATE ANY</p> <p>3 RULES OF THE CBA OR, IF NECESSARY, WOULD GET --</p> <p>4 SEEK TO GET A WAIVER FROM THE UNION ON ANY</p> <p>5 POINTS TO ALLOW AN ALTERNATIVE SCHEDULE TO BE</p> <p>6 PREPARED?</p> <p>7 A NOT SPECIFICALLY WITH RESPECT TO</p> <p>8 WAIVERS OF SCHEDULING COMMITMENTS. I KNOW THERE</p> <p>9 WAS A HIGH-LEVEL CONCERN FROM THE PLAYERS</p> <p>10 ASSOCIATION THAT IF THE SITUATION WASN'T</p> <p>11 RESOLVED VERY QUICKLY, IT BECAME A VERY BAD</p> <p>12 SITUATION FOR THE PLAYERS, SOMETHING THAT THEY</p> <p>13 WEREN'T IN FAVOR OF. AND IN FACT, THE PLAYERS</p> <p>14 ON THE COYOTES WERE IN FAVOR OF NOT TRANSFERRING</p> <p>15 AT ALL. THEY WANTED TO REMAIN IN PHOENIX.</p> <p>16 THAT'S WHAT I HEARD FROM THE PLAYERS</p> <p>17 ASSOCIATION.</p> <p>18 Q BUT THE PLAYERS ASSOCIATION ALSO TOLD</p> <p>19 YOU, IS IT NOT TRUE, THAT THEY WERE -- AS A</p> <p>20 UNION, THEY WERE NEUTRAL ON THE MOVE BUT THEY</p> <p>21 PREFERRED IF IT HAPPENED SOONER, EITHER NOT</p> <p>22 HAPPEN OR HAPPEN SOONER? ISN'T THAT A FAIR</p> <p>23 STATEMENT THE UNION'S POSITION?</p> <p>24 A I'M NOT SURE IF NEUTRAL IS A FAIR TERM</p> <p>25 OR THAT I'D BUY THAT CHARACTERIZATION. BUT</p>	<p style="text-align: right;">Page 23</p> <p>1 WILLIAM DALY</p> <p>2 GENERALLY I WOULD SAY THAT WOULD BE THEIR PUBLIC</p> <p>3 POSTURE.</p> <p>4 Q HAVE YOU SEEN THEIR FILINGS IN THIS</p> <p>5 CASE?</p> <p>6 A I'VE SEEN SOME OF THEIR FILINGS, YES.</p> <p>7 Q AND YOU'RE AWARE THAT THEIR FILINGS</p> <p>8 ARE EXCLUSIVELY CONCERNED WITH MAKING SURE THAT</p> <p>9 WHATEVER THE NEW OWNERSHIP IS, WHETHER IT'S IN</p> <p>10 PHOENIX OR IN HAMILTON OR TIMBUKTU, THAT THE</p> <p>11 PLAYERS GET PAID; IS THAT FAIR?</p> <p>12 MR. GOLDFEIN: OBJECT TO THE FORM OF</p> <p>13 THE QUESTION.</p> <p>14 A NOT SURPRISINGLY, BUT YEAH, THAT'S</p> <p>15 THEIR PRIMARY CONCERN.</p> <p>16 Q YES. LET ME ASK YOU THIS. TO YOUR</p> <p>17 KNOWLEDGE, HAS THE LEAGUE OFFICE STARTED ANY</p> <p>18 WORK TO CONSIDER, SINCE MAY 5TH, 2009, THE</p> <p>19 VIABILITY, STRENGTH OR DESIRABILITY OF HAMILTON</p> <p>20 AS A LOCATION FOR AN NHL FRANCHISE?</p> <p>21 A WHAT I WOULD SAY IS WE BEGAN</p> <p>22 PROCESSING A RELOCATION APPLICATION SUBMITTED BY</p> <p>23 MR. BALSILLIE AND THAT PROCESS ENDED OR WE</p> <p>24 DIRECTED IT TO BE ENDED AS OF JULY 29th, WHEN</p> <p>25 HE WAS FOUND NOT SUITABLE TO BE AN NHL OWNER.</p>
<p style="text-align: right;">Page 24</p> <p>1 WILLIAM DALY</p> <p>2 Q WHO DIRECTED THAT THE PROCESS STOP ON</p> <p>3 JULY 29th?</p> <p>4 A MYSELF AND THE COMMISSIONER.</p> <p>5 Q HOW MANY DAYS DID YOU CONSIDER THE</p> <p>6 APPLICATION? HOW MUCH WORK -- WITHDRAWN.</p> <p>7 WHAT WORK DID YOU DO TO PROCESS THE</p> <p>8 APPLICATION FOR RELOCATION BEFORE YOU AND THE</p> <p>9 COMMISSIONER DIRECTED IT BE STOPPED?</p> <p>10 A I WOULD SUGGEST WE DID A SIGNIFICANT</p> <p>11 AMOUNT OF WORK.</p> <p>12 Q I APPRECIATE THAT. WOULD YOU DETAIL</p> <p>13 FOR ME WHAT WORK DID YOU DO?</p> <p>14 MR. GOLDFEIN: I'M GOING TO OBJECT TO</p> <p>15 THE EXTENT IT WOULD REQUIRE THE DISCLOSURE</p> <p>16 OF ATTORNEY-CLIENT COMMUNICATIONS OR</p> <p>17 ATTORNEY WORK PRODUCT.</p> <p>18 YOU CAN ANSWER IT WITHOUT DISCLOSING</p> <p>19 EITHER.</p> <p>20 BY MR. KESSLER:</p> <p>21 Q WHAT I'M INTERESTED IN IS NOT WHAT</p> <p>22 WORK COUNSEL MAY HAVE DONE IN CONNECTION WITH</p> <p>23 THIS LITIGATION --</p> <p>24 MR. GOLDFEIN: NOT JUST IN CONNECTION</p> <p>25 WITH LITIGATION.</p>	<p style="text-align: right;">Page 25</p> <p>1 WILLIAM DALY</p> <p>2 BY MR. KESSLER:</p> <p>3 Q -- OR LEGAL ADVICE. WHAT I'M</p> <p>4 INTERESTED IN IS WHAT DID THE LEAGUE DO TO WORK</p> <p>5 ON THE APPLICATION FOR RELOCATION BEFORE IT WAS</p> <p>6 STOPPED.</p> <p>7 MR. GOLDFEIN: AND I HAVE MY SAME</p> <p>8 OBJECTION.</p> <p>9 A WELL, I HAVE A PROBLEM, BECAUSE,</p> <p>10 AGAIN, I THINK WE'RE INTO A COMPOUND TYPE</p> <p>11 QUESTION. I'M NOT SURE I CAN SEPARATE</p> <p>12 NECESSARILY WHAT WE DIRECTED IN TERMS OF</p> <p>13 PROCESSING A RELOCATION APPLICATION VERSUS WHAT</p> <p>14 OUR OUTSIDE COUNSEL MAY BE DOING VIS-A-VIS A</p> <p>15 LITIGATION. SOME OF THE PROCESSES, I BELIEVE,</p> <p>16 WERE RELATED TO BOTH OUR PROCESSING THE</p> <p>17 RELOCATION APPLICATION PURSUANT TO BYLAW 36 AND</p> <p>18 WHATEVER THEY MIGHT BE DOING WITH RESPECT TO A</p> <p>19 RELOCATION.</p> <p>20 Q LET ME ASK YOU SPECIFICALLY. DID YOU</p> <p>21 DO ANY STUDIES OF THE HAMILTON MARKET?</p> <p>22 MR. GOLDFEIN: OBJECTION. SAME</p> <p>23 OBJECTION.</p> <p>24 A I BELIEVE WE RETAINED OUTSIDE</p> <p>25 CONSULTANTS AND EXPERTS TO LOOK AT THE HAMILTON</p>

Page 38	Page 39
<p>1 WILLIAM DALY</p> <p>2 THAT.</p> <p>3 A NOT HAMILTON SPECIFICALLY, NO.</p> <p>4 Q OR I'D SAY THE SOUTHERN ONTARIO</p> <p>5 SPECIFIC BUT NOT TORONTO SPECIFIC, HAVE YOU DONE</p> <p>6 ANYTHING DIRECTED AT THAT SOUTHERN PART OF</p> <p>7 ONTARIO?</p> <p>8 MR. GOLDFEIN: ISN'T TORONTO IN</p> <p>9 SOUTHERN ONTARIO?</p> <p>10 A YEAH, I'M NOT SURE I CAN SEPARATE</p> <p>11 THOSE TWO.</p> <p>12 Q TO YOUR KNOWLEDGE, HAS EITHER OF YOUR</p> <p>13 TEAMS, ANY OF YOUR TEAMS DONE MARKETING</p> <p>14 SPECIFICALLY DIRECTED AT THE HAMILTON AREA?</p> <p>15 A EITHER OF?</p> <p>16 Q ANY OF YOUR TEAMS.</p> <p>17 A ANY OF OUR TEAMS?</p> <p>18 Q YES.</p> <p>19 A I WOULD IMAGINE BUFFALO HAS, YES.</p> <p>20 Q WHEN YOU SAY YOU IMAGINE, DO YOU HAVE</p> <p>21 PERSONAL KNOWLEDGE THAT BUFFALO HAS DONE</p> <p>22 SOMETHING SPECIFICALLY IN HAMILTON OR ARE YOU</p> <p>23 JUST SPECULATING, WELL, MAYBE THEY ARE THE ONES</p> <p>24 THAT DID IT?</p> <p>25 A NO, I'M PRETTY CERTAIN THEY ACTUALLY</p>	<p>1 WILLIAM DALY</p> <p>2 ADVERTISE IN HAMILTON ON A REGULAR BASIS AND</p> <p>3 THEY, IN FACT, ATTEMPT TO ADVERTISE IN TORONTO</p> <p>4 AS WELL.</p> <p>5 Q IS HAMILTON WITHIN THE HOME TERRITORY</p> <p>6 OF BUFFALO AS THAT IS DEFINED IN THE</p> <p>7 CONSTITUTION FOR HOME TERRITORY RIGHTS WITH</p> <p>8 RESPECT TO RELOCATION?</p> <p>9 MR. GOLDFEIN: OBJECT TO THE FORM OF</p> <p>10 THE QUESTION.</p> <p>11 A I HAVEN'T PERSONALLY MEASURED, SO I</p> <p>12 DON'T KNOW FROM PERSONAL KNOWLEDGE.</p> <p>13 Q THE TEST IS 50 MILES FROM THE CITY; IS</p> <p>14 THAT CORRECT?</p> <p>15 A FROM THE CORPORATE LIMITS OF THE CITY,</p> <p>16 YES.</p> <p>17 Q YES. YOU'RE AWARE, ARE YOU NOT, THAT</p> <p>18 HAMILTON IS WITHIN 50 MILES FROM THE CORPORATE</p> <p>19 LIMITS OF TORONTO?</p> <p>20 A I'VE BEEN TOLD THAT'S THE CASE.</p> <p>21 Q HAVE YOU EVER HEARD ANYONE SAY THAT</p> <p>22 BUFFALO IS WITHIN 50 MILES AS WELL?</p> <p>23 A I BELIEVE I HAVE, YES.</p> <p>24 Q WHO HAS SAID THAT?</p> <p>25 A OVER A TIME, I HAVE HEARD THAT.</p>
Page 40	Page 41
<p>1 WILLIAM DALY</p> <p>2 Q YOU DON'T KNOW FROM WHO?</p> <p>3 A I HAVE NO SPECIFIC RECOLLECTION.</p> <p>4 Q HAS ANYONE FROM THE BUFFALO TEAM EVER</p> <p>5 TAKEN THAT POSITION WITH YOU, THAT HAMILTON IS</p> <p>6 WITHIN THEIR 50-MILE LIMIT?</p> <p>7 A PERHAPS.</p> <p>8 Q WHAT DOES THAT MEAN, PERHAPS?</p> <p>9 A I DON'T HAVE A SPECIFIC RECOLLECTION</p> <p>10 OF IT. I'M NOT RULING IT OUT.</p> <p>11 Q YOU'RE NOT RULING IT OUT, BUT YOU HAVE</p> <p>12 NO MEMORY THAT THEY DID?</p> <p>13 A CORRECT.</p> <p>14 Q HAVE YOU EVER HAD ANY DISCUSSIONS WITH</p> <p>15 ANYBODY FROM TORONTO OR ANYONE REPRESENTING</p> <p>16 TORONTO ABOUT TORONTO'S POSITION AS TO WHETHER</p> <p>17 IT HAS A VETO RIGHT OVER A TEAM MOVING WITHIN</p> <p>18 ITS 50-MILE LIMIT?</p> <p>19 A I DON'T BELIEVE I HAVE.</p> <p>20 Q HAVE YOU EVER BECOME AWARE OF</p> <p>21 TORONTO'S POSITION ON THAT ISSUE?</p> <p>22 A WHAT I'VE -- WHAT I SEEM TO REMEMBER</p> <p>23 BECOMING AWARE OF IS THEY WERE RESERVING THEIR</p> <p>24 RIGHTS ON THE ISSUE.</p> <p>25 Q AND WHEN DID THAT OCCUR?</p>	<p>1 WILLIAM DALY</p> <p>2 A IT WOULD'VE BEEN IN CONNECTION WITH</p> <p>3 THE CANADIAN COMPETITION BUREAU INVESTIGATION OR</p> <p>4 MULTIPLE INVESTIGATIONS WE'VE HAD TO DEAL WITH,</p> <p>5 FIRST ONE BEGINNING IN 2006 AND THEN A</p> <p>6 SUBSEQUENT INVESTIGATION BEGINNING IN 2007.</p> <p>7 Q SO DID YOU FIRST LEARN OF THEIR</p> <p>8 POSITION IN 2006? IN OTHER WORDS, WAS IT THE</p> <p>9 FIRST -- DO YOU REMEMBER IF IT WAS THE FIRST</p> <p>10 INVESTIGATION OR THE SECOND INVESTIGATION?</p> <p>11 A PROBABLY THE FIRST.</p> <p>12 Q AND AFTER YOU LEARNED -- HOW DID YOU</p> <p>13 LEARN OF THEIR POSITION?</p> <p>14 A FROM COUNSEL.</p> <p>15 Q FROM OUTSIDE COUNSEL OR FROM --</p> <p>16 A OUTSIDE COUNSEL.</p> <p>17 Q YOUR OUTSIDE COUNSEL?</p> <p>18 A MY OUTSIDE COUNSEL.</p> <p>19 Q YOUR OUTSIDE COUNSEL, OKAY.</p> <p>20 MR. GOLDFEIN: I'LL MOVE TO STRIKE THE</p> <p>21 TESTIMONY. I WASN'T AWARE OF THAT, AND IT'S</p> <p>22 PRIVILEGED COMMUNICATION.</p> <p>23 MR. KESSLER: I ACTUALLY THINK IF IT</p> <p>24 WAS JUST RELAYING OF THE FACTS OF WHAT</p> <p>25 POSITION WAS TAKEN AND I DON'T HEAR ANY</p>



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<p>1 WILLIAM DALY</p> <p>2 LEGAL ADVICE IN THAT ANSWER, I WOULD</p> <p>3 DISAGREE.</p> <p>4 MR. GOLDFEIN: WE CAN AGREE TO</p> <p>5 DISAGREE. I MOVE TO STRIKE.</p> <p>6 BY MR. KESSLER:</p> <p>7 Q DID THE LEAGUE OFFICE RECEIVE ANY</p> <p>8 WRITTEN COMMUNICATIONS, TO YOUR KNOWLEDGE, FROM</p> <p>9 ANY REPRESENTATIVE OF TORONTO CONCERNING ITS</p> <p>10 POSITION ABOUT ITS VETO RIGHTS?</p> <p>11 A NOT ON THIS ISSUE THAT I'M AWARE OF.</p> <p>12 AND FROM OUR PERSPECTIVE IT WAS A TOTAL</p> <p>13 IRRELEVANCY WHAT TORONTO'S POSITION WAS BECAUSE</p> <p>14 WE INTERPRET OUR CONSTITUTION AND BYLAWS, AND AS</p> <p>15 THE COMMISSIONER HAS MADE CLEAR REPEATEDLY AND</p> <p>16 PUBLICLY AND OVER A LONG PERIOD OF TIME, THERE</p> <p>17 IS NO SINGLE TEAM VETO ON ANY MARKET, MUCH LESS</p> <p>18 THE MARKET IN SOUTHERN ONTARIO.</p> <p>19 Q YOU'RE FAMILIAR WITH THE NHL</p> <p>20 CONSTITUTION?</p> <p>21 A I AM.</p> <p>22 Q ARE YOU AWARE THAT THE CONSTITUTION</p> <p>23 PROVIDES THAT ARTICLE 4, WHICH CONTAINS THE</p> <p>24 REFERENCE TO THE VETO RIGHTS, CAN ONLY BE</p> <p>25 MODIFIED BY -- AMENDED BY A SIGNED WRITING</p>	<p>1 WILLIAM DALY</p> <p>2 SIGNED UNANIMOUSLY BY ALL NHL TEAMS?</p> <p>3 MR. GOLDFEIN: OBJECTION.</p> <p>4 A I'M AWARE THAT'S WHAT THE CONSTITUTION</p> <p>5 SAYS, YES.</p> <p>6 Q ARE YOU AWARE THERE'S ALSO NEVER BEEN</p> <p>7 SUCH WRITING MODIFYING ARTICLE 4?</p> <p>8 A I'M NOT AWARE OF ANY SUCH WRITING,</p> <p>9 RIGHT.</p> <p>10 Q WHEN YOU SAID YOU WERE AWARE THAT THE</p> <p>11 SABERS HAVE MARKETED IN HAMILTON, DID THEY DO</p> <p>12 THAT WITH LEAGUE AUTHORIZATION?</p> <p>13 A I DON'T KNOW WHAT THAT MEANS.</p> <p>14 Q WELL, HERE'S WHAT I WOULD ASK. IT'S</p> <p>15 GENERALLY THE RULE THAT ONE CLUB CANNOT MARKET</p> <p>16 WITHIN THE HOME TERRITORY OF ANOTHER TEAM; IS</p> <p>17 THAT CORRECT?</p> <p>18 A I'M NOT FAMILIAR WITH THAT RULE.</p> <p>19 Q OKAY. SO IT'S YOUR POSITION AS A</p> <p>20 LEAGUE, SO I UNDERSTAND THIS, THAT IF THE SABERS</p> <p>21 WANTED TO PUT ON A TV AD IN TORONTO CITY --</p> <p>22 A WHICH THEY HAVE DONE.</p> <p>23 Q -- WHICH THEY HAVE DONE, THAT DOES NOT</p> <p>24 VIOLATE ANY LEAGUE RULES?</p> <p>25 A NO EXISTING LEAGUE RULE, NO.</p>
Page 44	Page 45
<p>1 WILLIAM DALY</p> <p>2 Q DO YOU RECALL THERE WAS A TIME WHEN</p> <p>3 THE SABERS EVER PLAYED -- WITHDRAWN.</p> <p>4 HAVE THE SABERS EVER PLAYED ANY</p> <p>5 EXHIBITION GAME IN HAMILTON?</p> <p>6 A HAVE THE SABERS?</p> <p>7 Q YEAH, THE BUFFALO TEAM.</p> <p>8 A I'M NOT SURE.</p> <p>9 Q HAVE YOU EVER HEARD ANYTHING FROM</p> <p>10 TORONTO ASKING FOR A PAYMENT FROM THE SABERS FOR</p> <p>11 PLAYING ANY EXHIBITION GAME IN HAMILTON?</p> <p>12 A I KNOW THAT TORONTO HAS CHARGED FEES</p> <p>13 FOR TEAMS PLAYING IN HAMILTON, EXHIBITION GAMES.</p> <p>14 I HAVE NO KNOWLEDGE IT WAS THE SABERS.</p> <p>15 Q OKAY. WHICH TEAMS HAVE THEY CHARGED</p> <p>16 FOR, DO YOU RECALL?</p> <p>17 A I THINK THERE HAVE BEEN MULTIPLE TEAMS</p> <p>18 THAT THEY HAVE CHARGED. MOST RECENTLY I KNOW</p> <p>19 THE PITTSBURGH PENGUINS PLAYED AN EXHIBITION</p> <p>20 GAME THERE AND AGREED TO PAY A FEE TO PLAY IN</p> <p>21 HAMILTON.</p> <p>22 Q NOW, IS THAT SOMETHING THAT WOULD BE</p> <p>23 NEGOTIATED BETWEEN TORONTO DIRECTLY WITH THE</p> <p>24 TEAM THAT WANTS TO PLAY IN THEIR TERRITORY?</p> <p>25 A YES.</p>	<p>1 WILLIAM DALY</p> <p>2 Q SO THE LEAGUE DOES NOT GET INVOLVED IN</p> <p>3 THAT?</p> <p>4 A ONLY IN CONNECTION WITH INTERPRETING</p> <p>5 THE RULES AND PUTTING THE PARTIES TOGETHER.</p> <p>6 Q DID YOU HAVE TO GET INVOLVED IN</p> <p>7 INTERPRETING THE RULES OR PUTTING THE PARTIES</p> <p>8 TOGETHER WITH RESPECT TO THE PLAYING OF GAMES IN</p> <p>9 HAMILTON?</p> <p>10 A I BELIEVE I DID, YES.</p> <p>11 Q WHAT WAS THE ISSUE OF RULES</p> <p>12 INTERPRETATION THAT HAD TO BE WORKED OUT?</p> <p>13 A THE ISSUE WAS WHETHER TORONTO HAD A</p> <p>14 RIGHT TO BE COMPENSATED FOR THE GAME.</p> <p>15 Q WHAT WAS THE LEAGUE'S POSITION?</p> <p>16 A THAT THEY DID.</p> <p>17 Q AND YOU SO INFORMED THE OTHER TEAM?</p> <p>18 A CORRECT.</p> <p>19 Q AND THAT WAS BASED ON THE FACT THAT</p> <p>20 HAMILTON WAS IN TORONTO'S HOME TERRITORY?</p> <p>21 A THAT'S CORRECT.</p> <p>22 Q DID ANY DISCUSSION OF TORONTO'S RIGHT</p> <p>23 TO VETO A MOVE TO ANYONE IN ITS HOME TERRITORY</p> <p>24 COME UP IN THE CONTEXT OF THAT ISSUE?</p> <p>25 A NO.</p>

# Redacted

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1 WILLIAM DALY  
2 2009 WAS MARKED AS DALY EXHIBIT 11 FOR  
3 IDENTIFICATION, AS OF THIS DATE.)  
4 BY MR. KESSLER:  
5 Q MR. DALY, IF YOU TAKE A LOOK AT THIS.  
6 THIS DESCRIBES CERTAIN COMMENTS TO YOU ON  
7 MAY 7TH, 2009. AND I'LL GO FIRST TO THE SECOND  
8 PARAGRAPH. IT SAYS -- THE THIRD PARAGRAPH. IT  
9 SAYS, "MR. BALSILLIE IS ACTING AGAIN IN TOTAL  
10 DISREGARD OF ANY RULES OR ANY STRUCTURE. I'D BE  
11 VERY SURPRISED IF THE BOARD WOULD LOOK FAVORABLY  
12 ON THE WAY THAT MR. BALSILLIE HAS CONDUCTED  
13 HIMSELF IN THIS INSTANCE."  
14 DID YOU MAKE THAT COMMENT?  
15 A YES, I DID.  
16 Q THE NEXT PAGE IS A QUOTATION  
17 ATTRIBUTED TO YOU. "HE MAKES HIS OWN DECISIONS,  
18 AND HE'S MAKING A DECISION THAT THIS IS THE WAY  
19 HE WANTS TO GET INTO THE NATIONAL HOCKEY LEAGUE.  
20 WE DON'T USUALLY LIKE TO PICK FIGHTS, BUT WE END  
21 THEM."  
22 DID YOU MAKE THAT COMMENT?  
23 A WHERE ARE WE?  
24 Q THE VERY TOP OF PAGE 2.  
25 A YES. AND I DID MAKE THAT COMMENT.

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1 WILLIAM DALY  
2 THE FORESEEABLE FUTURE, AND WE'RE NOT FOCUSED ON  
3 ANY CLUB RELOCATION."  
4 DID YOU MAKE THOSE COMMENTS?  
5 A YES.  
6 Q WERE THOSE TRUTHFUL COMMENTS WHEN YOU  
7 MADE THEM?  
8 A YES.  
9 Q THAT TAKES CARE OF THAT ONE.  
10 ARE YOU FAMILIAR, MR. DALY, AT ALL --  
11 THIS IS PRE YOUR TIME AT THE LEAGUE, BUT YOU  
12 SEEM TO HAVE EXAMINED OTHER THINGS PRE YOUR TIME  
13 AT THE LEAGUE, SO I'LL ASK YOU. WOULD THE  
14 COMPLAINTS THAT PETER POCKLINGTON MAY HAVE MADE  
15 IN 1992-93 TO THE CANADIAN BUREAU OF  
16 COMPETITION WHILE HE WAS AN NHL OWNER ABOUT THE  
17 LEGALITY OF THE NHL'S RULES ON RELOCATION?  
18 A NO.  
19 Q YOU DO RECALL MR. POCKLINGTON WAS AN  
20 OWNER OF THE EDMONTON OILERS?  
21 A I DO.  
22 Q MR. DALY, ARE YOU FAMILIAR OR DID YOU  
23 SEE THE VARIOUS KROLL REPORTS THAT WERE PREPARED  
24 ON MR. BALSILLIE?  
25 A I'M FAMILIAR WITH THEM.

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1 WILLIAM DALY  
2 Q AND THEN THERE'S A THIRD COMMENT RIGHT  
3 AFTER THAT. "WELL, CERTAINLY TO THE EXTENT HE'S  
4 ATTACKED VIRTUALLY EVERY RULE THAT'S IN  
5 EXISTENCE IN THE NATIONAL HOCKEY LEAGUE, I DON'T  
6 THINK THE GOVERNORS WILL LOOK KINDLY TO THE  
7 POSTURE HE'S TAKING IN THIS PROCEEDING, THAT'S  
8 FOR SURE."  
9 DID YOU MAKE THAT COMMENT?  
10 A YES.  
11 Q AND ONE MORE AFTER THAT. IT SAYS,  
12 "ASKED WHAT THE LEAGUE'S BIGGEST OBJECTION TO  
13 THE BALSILLIE BID IS, DALY REPLIED, 'WELL, HE'S  
14 DOING IT TOTALLY IN DISREGARD OF OUR RULES.'"  
15 DID YOU MAKE THAT COMMENT?  
16 A YES.  
17 Q THEN ON THE TOP OF 3 OF THIS PAGE, YOU  
18 MAKE A COMMENT. THIS IS WHERE YOU WERE ASKED A  
19 QUESTION APPARENTLY ABOUT WHETHER YOU COULD  
20 ENVISION A TIME -- IT STARTS ON THE PREVIOUS  
21 PAGE -- WHEN THERE WOULD BE A SECOND TEAM IN  
22 SOUTHERN ONTARIO, AND THEN YOUR COMMENT ON THE  
23 NEXT PAGE IS, "BUT RIGHT NOW WE'RE FOCUSED ON  
24 THE 30 TEAMS WE HAVE IN THE 30 MARKETS WE'RE IN.  
25 WE'RE NOT PLANNING ON EXPANDING AT ANY TIME IN

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1 WILLIAM DALY  
2 Q HAVE YOU SEEN THEM?  
3 A I'VE SEEN THEM PHYSICALLY, BUT I CAN'T  
4 TELL YOU -- OTHER THAN POTENTIALLY SKIMMING  
5 THEM, I DIDN'T READ THEM IN ANY GREAT DETAIL.  
6 Q DO YOU KNOW WHY THERE ARE DIFFERENT  
7 VERSIONS OF THE REPORT PREPARED, ONE ON  
8 JUNE 15th, WHICH WAS OF JAMES BALSILLIE AND  
9 HEIDI BALSILLIE, AND THEN ONE ON JULY 23rd,  
10 WHICH IS JUST OF JAMES BALSILLIE, AND YET  
11 ANOTHER ONE ON JULY 21st, WHICH WAS A SEPARATE  
12 MEMORANDUM TO MR. ZIMMERMAN? DO YOU HAVE AN  
13 UNDERSTANDING OF WHY THERE ARE THESE DIFFERENT  
14 VERSIONS FLOATING AROUND?  
15 A NO.  
16 MR. GOLDFEIN: OBJECTION TO THE FORM  
17 OF THE QUESTION.  
18 BY MR. KESSLER:  
19 Q WERE YOU INVOLVED IN ANY DISCUSSIONS  
20 ABOUT TAKING MATERIALS IN THE KROLL REPORT OUT  
21 OR INCLUDING SOME MATERIALS IN THE KROLL REPORT?  
22 A NO.  
23 Q DO YOU KNOW WHY THE KROLL REPORTS WERE  
24 NOT GIVEN TO THE EXECUTIVE COMMITTEE OR TO THE  
25 BOARD OF GOVERNORS BEFORE MAKING THEIR DECISION

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1 WILLIAM DALY - HIGHLY CONFIDENTIAL  
2 A OTHER THAN THE FACT THAT THOSE ARE THE  
3 ONLY TWO MAILINGS SHE HAD GOTTEN IN THE WHOLE  
4 COURT PROCEEDING AND THEY BOTH HAPPENED TO BE  
5 NEGATIVE FILINGS.  
6 Q BUT THAT'S IT?  
7 A YES.  
8 MR. SORENSEN: NOTHING FURTHER.  
9 MR. KESSLER: I HAVE JUST ONE MORE ON  
10 THAT.  
11 EXAMINATION  
12 BY MR. KESSLER:  
13 Q DO YOU KNOW ANYTHING ABOUT THIS FAN  
14 CLUB THAT SHE PURPORTS TO BE THE HEAD OF?  
15 A DO I KNOW ANYTHING ABOUT IT?  
16 Q ANYTHING ABOUT THE FAN CLUB?  
17 A YES. THE COYOTES BOOSTER CLUB.  
18 Q DO YOU KNOW HOW MANY MEMBERS IT HAS?  
19 A NO, I DON'T.  
20 Q DO YOU KNOW HOW SHE WAS SELECTED?  
21 A NO, I DON'T.  
22 Q DO YOU KNOW IF SHE'S ANYTHING MORE  
23 THAN AN INTERNET SITE WHO DECLARED HERSELF THE  
24 HEAD OF A FAN CLUB, AS TO WHETHER SHE ACTUALLY  
25 REPRESENTS ANYBODY ELSE OTHER THAN HERSELF AND

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1 WILLIAM DALY - HIGHLY CONFIDENTIAL  
2 HER FAMILY?  
3 A YES, I DO KNOW SHE'S MORE THAN THAT.  
4 THE COYOTES BOOSTER CLUB HAS MADE APPEARANCES AT  
5 THE COURTHOUSE SEVERAL TIMES OVER THE COURSE OF  
6 THIS PROCEEDING, NUMBERS OF THEM. AND THEY ALSO  
7 HAD A FAN RALLY SEVERAL MONTHS AGO NOW THAT THE  
8 COYOTES BOOSTER CLUB HAD TO ARRANGE BY  
9 THEMSELVES BECAUSE THEY HAD NO ASSISTANCE FROM  
10 THE CLUB IN ARRANGING IT.  
11 Q HOW MANY MEMBERS HAVE YOU SEEN?  
12 A WELL, I KNOW THERE WERE IN EXCESS OF,  
13 I GUESS, 300 AT THE RALLY.  
14 Q YOU DON'T KNOW IF ANY OF THOSE -- YOU  
15 DON'T KNOW HOW MANY, IF ANY, OF THOSE WERE  
16 MEMBERS OF THE COYOTES BOOSTERS CLUB?  
17 A THAT'S FAIR.  
18 MR. KESSLER: NO FURTHER QUESTIONS.  
19 MR. SORENSEN: NOTHING FURTHER.  
20 (CONTINUED ON THE NEXT PAGE TO INCLUDE  
21 JURAT.)  
22  
23  
24  
25

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1 WILLIAM DALY - HIGHLY CONFIDENTIAL  
2 MR. BRANDON: NO QUESTIONS, THANKS.  
3 MR. SALA: NO QUESTIONS.  
4 (TIME NOTED 3:49 P.M.)  
5  
6 WILLIAM DALY  
7  
8 SUBSCRIBED AND SWORN TO BEFORE ME  
9 THIS DAY OF , 2009  
10  
11  
12  
13  
14  
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16  
17  
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19  
20  
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22  
23  
24  
25

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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 21ST DAY OF AUGUST, 2009.  
16  
17  
18 JUDI JOHNSON, RPR, CRR, CLR  
19  
20  
21  
22  
23  
24  
25

63 (Pages 246 to 249)

## **EXHIBIT 5**

JEREMY JACOBS

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

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

Chapter 11

In Re

DEWEY RANCH HOCKEY, LLC,  
COYOTES HOLDINGS, LLC,  
COYOTES HOCKEY, LLC, and  
ARENA MANAGEMENT GROUP, LLC,  
Debtors.

-----  
Examination before trial of JEREMY  
JACOBS, taken pursuant to Notice, in the offices of  
JACK W. HUNT & ASSOCIATES, INC., 1420 Liberty  
Building, Buffalo, New York, on August 19, 2009,

commencing at 9:03 a.m., before JOAN M.

METZGER-HUBBELL, CRR, RMR, RPR, Notary Public.

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: SQUIRE, SANDERS &amp; DEMPSEY, LLP,  2 By RICHARD GURBST, ESQ.,  3 4900 Key Tower,  4 127 Public Square,  5 Cleveland, Ohio 44114-1304,  6 Appearing for the Debtors.</p> <p>7 DEWEY &amp; LeBOEUF,  8 By DAVID GREENSPAN, ESQ.,  9 1301 Avenue of the Americas,  10 New York, New York 10019-6092,  11 Appearing for PSE Sports &amp;  12 Entertainment, LP.</p> <p>13 JENNINGS, STROUSS &amp; SALMON, LLC,  14 By L. EDWARD HUMPHREY, ESQ.,  15 201 E. Washington Street, 11th Floor,  16 Phoenix, Arizona 85004-2385,  17 Appearing for Jerry Moyes,  18 via telephone.</p> <p>19 ALLEN, SALA &amp; BAYNE, PLC,  20 By PAUL SALA, ESQ.,  21 Viad Corporate Center,  22 1850 N. Central Avenue, Suite 1150,  23 Phoenix, Arizona 85004,  24 Appearing for the Unsecured  25 Creditors Committee,  26 via telephone.</p> <p>27 SKADDEN, ARPS, SLATE,  28 MEAGHER &amp; FLOM, LLP,  29 By SHEPARD GOLDFEIN, ESQ.,  30 4 Times Square,  31 New York, New York 10036,  32 Appearing for the National Hockey  33 League and The Witness.</p> <p>34 DELAWARE NORTH COMPANIES,  35 By BRYAN J. KELLER, ESQ.,  36 General Counsel,  37 Law Department,  38 40 Fountain Plaza,  39 Buffalo, New York 14202-2285,  40 Appearing as Personal Counsel  41 for The Witness.</p>	<p style="text-align: right;">Page 4</p> <p>1 THE WITNESS: That's the name of the  2 acquiring entity? Thank you.</p> <p>3 MR. GREENSPAN: Yes, where Mr. Balsillie is  4 the principal.</p> <p>5 BY MR. GREENSPAN:  6 Q. Have you ever had your deposition taken  7 before.  8 A. Yes, I have.  9 Q. Okay. How many times?  10 A. I don't know.  11 Q. Many times?  12 A. More than once.  13 Q. Okay. So you're familiar with how the  14 process goes?  15 A. Yes.  16 Q. Okay. So I won't belabor the rules  17 but, first of all, if at any time today you need a  18 break, we can all be flexible and accommodating, so  19 please let me know.  20 To the extent that any of my questions are  21 unclear to you, please let me know so we can try to  22 work together to get on the same page.  23 Your attorney, Mr. Goldfein, I'm sure will</p>
<p style="text-align: right;">Page 3</p> <p>1 THE REPORTER: Are there any stipulations?  2 MR. GOLDFEIN: Usual stipulations.</p> <p>3  4 J E R E M Y J A C O B S, 1300 North Davis Road,  5 East Aurora, New York, after being duly called and  6 sworn, testified as follows:</p> <p>7  8 EXAMINATION BY MR. GREENSPAN:  9  10 Q. Good morning, Mr. Jacobs.  11 A. Good morning.  12 Q. We just met. My name again is David  13 Greenspan, the Dewey &amp; LeBoeuf firm representing  14 PSE.  15 I'm going to begin the questioning today.  16 Mr. Gurbst on behalf of the debtors is going to  17 take over at some point, and then I guess it's  18 possible that people on the phone may have some  19 questions, also.  20 A. PSE is?  21 Q. PSE, PSE Sports &amp; Entertainment.  22 MR. GOLDFEIN: Mr. Balsillie's acquiring  23 entity.</p>	<p style="text-align: right;">Page 5</p> <p>1 have objections throughout the day, but that's to  2 preserve the record. Unless he instructs you not  3 to answer my question, then you need to go ahead  4 and answer my question.</p> <p>5 Do you understand all that so far?  6 A. I understand what you said.  7 Q. Okay. I'm sure the court reporter and  8 everybody on the phone as well will appreciate if  9 you give audible answers instead of nodding so  10 everybody can follow along. I think that's about  11 it for now.</p> <p>12 Is there anything today to prevent you from  13 giving me your best and most truthful testimony?  14 A. No.  15 Q. Okay. Sir, you are the owner of the  16 Boston Bruins?  17 A. Yes.  18 Q. And for how long have you owned the  19 team?  20 A. I acquired the team in 1975.  21 Q. Okay. And can you give me a brief  22 overview of your participation in NHL governance  23 since 1975?</p>

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1 positive comments made about Mr. Balsillie?

2 A. Yes, yes.

3 Q. What sort of comments?

4 A. He was a -- he grew a great business.

5 He made a lot of money doing it. That he was well  
6 regarded in the philanthropies in southern Ontario.

7 The problem was, he was going to be a lousy  
8 partner, and he's not somebody that we wanted to --  
9 after having the prior experience with him and  
10 things that he did, he was not -- his memory was  
11 very selective in how he construed things. He just  
12 wasn't somebody that we felt was really truthful  
13 and acceptable as a -- as a future partner.

14 His experience with the people in the  
15 pursuit of the Penguins where he refused to sign  
16 the call agreement, or that which embraced it, in  
17 fact he denied it in his pursuit of the Penguins --  
18 or, excuse me, not the Penguins, but the Predators,  
19 where he wanted to -- you know, he wasn't going to  
20 move them, then he was going to move them, and all  
21 the things that Mr. --

22 MR. GURBST: Leipold.

23 THE WITNESS: -- Leipold. His experience

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1 BY MR. GREENSPAN:

2 Q. Right. His positions in the bankruptcy  
3 court?

4 A. His positions and his pursuit in the  
5 bankruptcy was one. But I'd say more than anything  
6 else it was our instant experience with him in  
7 Pittsburgh, the experience with Leipold in  
8 Nashville, the experience with Gillett in Montreal.  
9 We have just a tremendous amount of experience with  
10 this -- with Mr. Balsillie, and it hasn't been  
11 good.

12 Q. The executive committee voted  
13 unanimously to recommend that the board vote  
14 against him?

15 A. Yes.

16 Q. Was there any discussion at the  
17 executive committee meeting that it was important  
18 for the vote to be unanimous?

19 A. No, no.

20 Q. Was there any -- did any of the ten  
21 executive committee members express any dissent  
22 towards voting to recommend against his  
23 application?

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1 with him was very bad in making the agreement on  
2 that. How he -- how he pre-sold tickets to a team  
3 he didn't know in Hamilton. These were all  
4 destructive things that he had no cognizance of  
5 what he was doing.

6 And his comments with regard to George  
7 Gillett's experience with him in Montreal where --  
8 and these are all members of good standing in the  
9 league. George is going into Montreal and helping  
10 to re-establish that team or making that team the  
11 great -- bringing it back to the great team that it  
12 is or was, and then his being undermined by -- by  
13 going public and saying that it's -- that the  
14 team's for sale and then saying he didn't say so,  
15 and then when you're trying to get a statement from  
16 him, his saying, I won't give you the statement.

17 He -- very fluid guy, very fluid when it  
18 comes to our business. I would say that there were  
19 just a number of reasons that we found, as well as  
20 his statements with regard to -- in the court  
21 saying that the league doesn't have -- have  
22 authority over what it's doing, that the judge can  
23 usurp us and all that, that was offensive.

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1 A. The only thing expressed was they were  
2 offended by his conduct with Pittsburgh, with  
3 Nashville, and with Gillett. They were the --  
4 singularly the most engaged group at any time that  
5 I've been to an executive committee meeting. I  
6 would say that the administration, meaning Gary  
7 Bettman and his crew, was probably the least active  
8 I've ever seen them in propelling a conversation.

9 I think that if you talk to your counsel  
10 that was there, that you will probably find  
11 agreement with that. It was -- it was -- it got --  
12 when it got into the details, it became very  
13 obvious that they were offended by this and that  
14 Mr. Balsillie's comments to the contrary had -- had  
15 no effect.

16 When a man tells you that my selling tickets  
17 in Hamilton helped you in Nashville, he doesn't  
18 understand the business we're in, and he doesn't  
19 appreciate the sensitivity and the value of a  
20 franchise and how sensitive a matter it is and how  
21 you have to preserve that and how important it is  
22 to a community that you're not bicycling a  
23 franchise from one location to the next seeking



<p style="text-align: right;">Page 198</p> <p>1 THE WITNESS: Okay.</p> <p>2 BY MR. GREENSPAN:</p> <p>3 Q. Is that no, you can't disclose, or no,</p> <p>4 you're not aware of any steps being taken to</p> <p>5 process --</p> <p>6 A. I'm personally not aware of any steps</p> <p>7 being taken.</p> <p>8 Q. Has there been -- have you participated</p> <p>9 in any discussions with any governors about whether</p> <p>10 they would vote for or against Mr. Balsillie's</p> <p>11 relocation application?</p> <p>12 A. How many -- no.</p> <p>13 Q. You have not had a conversation --</p> <p>14 A. No.</p> <p>15 Q. -- with any governor?</p> <p>16 A. No.</p> <p>17 Q. Have you had a conversation with any</p> <p>18 person about whether you would vote for or against</p> <p>19 Mr. Balsillie's relocation application?</p> <p>20 A. I -- on this subject, I don't know of</p> <p>21 his application, I don't know if he made an</p> <p>22 application, I don't know if he's going to make an</p> <p>23 application, and I can tell you that he is not</p>	<p style="text-align: right;">Page 200</p> <p>1 with regard to the Coyotes moving to Hamilton.</p> <p>2 BY MR. GREENSPAN:</p> <p>3 Q. No discussions?</p> <p>4 A. No.</p> <p>5 Q. Mr. Jacobs, what is your understanding</p> <p>6 as to whether a club can or cannot exercise a veto</p> <p>7 of another club moving into its home territory?</p> <p>8 A. My understanding is that a simple</p> <p>9 majority of the board will determine whether or not</p> <p>10 a team can go into a particular location,</p> <p>11 irrespective of it being a pre-existing,</p> <p>12 quote/unquote, territory.</p> <p>13 Q. So, for example, it's your</p> <p>14 understanding that you, as the owner of the Bruins,</p> <p>15 would have no unilateral ability to prevent another</p> <p>16 franchise from moving into the Bruins' home</p> <p>17 territory?</p> <p>18 A. Unilaterally I wouldn't -- I couldn't</p> <p>19 stop that from occurring. I'd have to do it</p> <p>20 through the majority vote, as I told you.</p> <p>21 Q. Are you aware of any club expressing a</p> <p>22 different understanding of their exclusive</p> <p>23 territorial rights?</p>
<p style="text-align: right;">Page 199</p> <p>1 acceptable as an owner with the National Hockey</p> <p>2 League. So I think the whole subject is moot as</p> <p>3 far as I'm concerned, so if somebody were to ask me</p> <p>4 about that, I'd just say I think the subject is</p> <p>5 nonexistent.</p> <p>6 Q. Well, are you aware there's a</p> <p>7 possibility that the court could say Mr. Balsillie</p> <p>8 is approved to qualify as an owner and that the</p> <p>9 league may need to take on the relocation issue?</p> <p>10 MR. GOLDFEIN: I'll object and instruct him</p> <p>11 not to answer on the grounds of attorney/client</p> <p>12 communication.</p> <p>13 BY MR. GREENSPAN:</p> <p>14 Q. If -- has there been any discussion --</p> <p>15 have you had any discussion about voting up or down</p> <p>16 on moving the Coyotes to Hamilton to the extent</p> <p>17 that issue is put before the board?</p> <p>18 MR. GOLDFEIN: Objection. Asked and</p> <p>19 answered.</p> <p>20 THE WITNESS: Yeah.</p> <p>21 MR. GOLDFEIN: You can answer again one last</p> <p>22 time.</p> <p>23 THE WITNESS: I haven't had any discussions</p>	<p style="text-align: right;">Page 201</p> <p>1 A. No.</p> <p>2 Q. Do you know whether the Toronto Maple</p> <p>3 Leafs have indicated that they have the unilateral</p> <p>4 right to prevent a franchise from moving into</p> <p>5 Hamilton?</p> <p>6 MR. GOLDFEIN: Asked and answered.</p> <p>7 Objection.</p> <p>8 THE WITNESS: I answered it already. I said</p> <p>9 no.</p> <p>10 BY MR. GREENSPAN:</p> <p>11 Q. Then I apologize, but I am going to ask</p> <p>12 it again. I'm going to focus specifically on the</p> <p>13 Maple Leafs.</p> <p>14 A. The answer was no.</p> <p>15 Q. Have you heard any discussion about the</p> <p>16 calculation of a relocation fee for the Coyotes</p> <p>17 moving to Hamilton?</p> <p>18 MR. GOLDFEIN: Again, you're not to disclose</p> <p>19 attorney/client communications. You can answer to</p> <p>20 the extent that you have any independent knowledge.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MR. GREENSPAN:</p> <p>23 Q. You haven't heard any number one way or</p>

<p style="text-align: right;">Page 270</p> <p>1 I hereby CERTIFY that I have read the  2 foregoing 269 pages, and that they are a true and  3 accurate transcript of the testimony given by me in  4 the above entitled action on August 19, 2009.  5  6  7  8  9 Sworn to before me this  10  11 ----- day of -----, 2009.  12  13 -----  14 NOTARY PUBLIC.  15  16  17  18  19  20  21  22  23</p>	<p style="text-align: right;">Page 272</p> <p>1 INDEX TO EXHIBITS  2 Exhibit Description Page  3 JACOBS EXH. declaration of Jeremy M. 25  4 1 Jacobs, four pages  5  6 JACOBS EXH. multi-paged document headed 27  7 2 Executive Committee  8 Memorandum &amp; Exhibits, July  9 27, 2009  10  11 JACOBS EXH. e-mail with attachments 94  12 3  13  14 JACOBS EXH. document headed Bylaws, 125  15 4 Section 36, Transfer of  16 Franchise Location, three  17 pages  18  19 JACOBS EXH. document headed 155  20 5 Constitution of the  21 National Hockey League,  22 several pages  23</p>
<p style="text-align: right;">Page 271</p> <p>1 STATE OF NEW YORK)  2 ss:  3 COUNTY OF ERIE )  4  5 I DO HEREBY CERTIFY as a Notary Public in and  6 for the State of New York, that I did attend and  7 report the foregoing deposition, which was taken  8 down by me in a verbatim manner by means of machine  9 shorthand. Further, that the deposition was then  10 reduced to writing in my presence and under my  11 direction. That the deposition was taken to be  12 used in the foregoing entitled action. That the  13 said deponent, before examination, was duly sworn  14 to testify to the truth, the whole truth and  15 nothing but the truth, relative to said action.  16  17  18  19  20  21  22  23</p> <p style="text-align: right;">-----  JOAN M. METZGER-HUBBELL,  CRR, RMR, RPR,  Notary Public.</p>	<p style="text-align: right;">Page 273</p> <p>1 INDEX TO WITNESSES  2 Witness Examination Page  3 JEREMY JACOBS BY MR. GREENSPAN: 3  4 BY MR. GURBST: 202  5 BY MR. GOLDFEIN: 268  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23</p>

## **EXHIBIT 6**

Redacted

## **EXHIBIT 7**

Redacted

## **EXHIBIT 8**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA

AA/sr

In Re:	)	Chapter: 11
	)	
DEWEY RANCH HOCKEY, LLC,	)	Case No. 2:09-BK-09488-
	)	RTBP
COYOTES HOLDINGS, LLC,	)	
	)	
COYOTES HOCKEY, LLC,	)	
	)	
ARENA MANAGEMENT GROUP, LLC,	)	
	)	
Debtors,	)	

-----

This is the Deposition of JAMES LAURENCE BALSILLIE,  
in the above noted matter, taken via teleconference at the  
offices of Bennett Jones LLP, Suite 3400, One First  
Canadian Place, Alberta Room, Toronto, Ontario, on the 26th  
day of August, 2009.

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## APPEARANCES:

JAMES A. KEYTE } -- for the National Hockey  
 NICHOLAS A. DANELLA } League  
 ROBERT W. STALEY -- for Research In Motion  
 JEFFREY L. KESSLER -- for James L. Balsillie  
 RICHARD GURBST -- for the Debtors  
 PAUL SALA -- for the Unsecured Creditors  
 Committee

ED HUMPHREY -- for Jerry Moyes  
 WILLIAM BALDIGA -- for the City of Glendale

## ALSO PRESENT:

Richard Rodier  
 William L. Daly

1 JAMES LAURENCE BALSILLIE, sworn  
 2 EXAMINATION BY MR. KEYTE:

3 MR. STALEY: We have indicated off the  
 4 record to Skadden that we believe we have a  
 5 conflict in challenging the character and  
 6 integrity of Mr. Balsillie, as RIM is a  
 7 Skadden client, we intend to pursue the  
 8 matter independently of this deposition.  
 9 MR. KEYTE: Let me just state for the  
 10 record, there is no motion pending on a  
 11 conflict issue or relief requested, that we  
 12 are taking Mr. Balsillie's deposition in  
 13 his personal capacity. We obviously don't  
 14 think there is a conflict and we have had  
 15 appropriate firewalls since at least 2006,  
 16 but we will deal with that matter later.  
 17

18 BY MR. KEYTE:

19 1. Q. Mr. Balsillie, you do understand you  
 20 are being deposed in your personal capacity today?  
 21 A. Yes, I do.  
 22 2. Q. Have you ever been deposed before?  
 23 A. Yes, I have been deposed before.  
 24 3. Q. Obviously I will be asking you  
 25 questions. You are under oath. If you need any

J.L. Balsillie

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1 clarification, I would be happy to try to do that  
 2 for you. If you need a break at any time, that is  
 3 fine. Just not while a question is pending.  
 4 For the record, we will reserve our rights  
 5 to seek additional deposition time if there is  
 6 additional document productions where we may need to  
 7 ask you back. But obviously in the time frame that  
 8 things are going on, that may be difficult.

9 MR. KESSLER: And for the record, we  
 10 think this is your deposition and you  
 11 should please use it to the fullest extent,  
 12 but we do not believe there should be  
 13 another deposition of this particular  
 14 witness.

15 MR. KEYTE: Understood.

16  
 17 BY MR. KEYTE:

18 4. Q. Could you tell me about your  
 19 preparation for your deposition today?  
 20 A. I spent some time preparing with my  
 21 counsel.  
 22 5. Q. And who else was present?  
 23 A. Jeffrey was present and Rob was  
 24 present.  
 25 6. Q. How long did you prepare for your

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1 counsel has done, or any discussions with  
2 counsel would be either attorney/client  
3 privilege or the product. If there is  
4 anything else, he can testify to it.

5 THE DEPONENT: I can't answer that.  
6 There was a transfer application done. I  
7 would presume it is in full adherence with  
8 the NHL's...in full accordance with the  
9 NHL's requirements. There are expert  
10 accountants and lawyers working on this,  
11 and I would presume they fully complied  
12 with all the bylaws and guidelines for this  
13 kind of application to the NHL.

14 So, when you cite a certain clause  
15 and a certain requirement, I am not  
16 appropriately familiar to give you an  
17 answer to that, beyond I don't know.

18  
19 BY MR. KEYTE:

20 455. Q. Okay. Is it correct that your  
21 testimony is that if the board of governors were  
22 ever to assess the Phoenix marketplace under the  
23 bylaw 36 criteria, including the criteria that  
24 applied directly to the home marketplace, your view  
25 they do that fairly. You accept whatever their

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1 conclusions?

2 MR. KESSLER: Objection to the form of  
3 the question. Calls for a legal  
4 conclusion.

5 THE DEPONENT: I don't know what the  
6 bylaws require. I don't know what the  
7 responsibilities and rights of the NHL  
8 board of governors is under this, so I  
9 can't say as I know.

10 MR. KESSLER: I am also going to say I  
11 object to any questions about the legal  
12 proprietary of the board of governors  
13 acting now in light of the fact that, in  
14 our view, at least, that you will hear the  
15 legal landscape has shifted dramatically as  
16 a result of the bid put in by the NHL. And  
17 so, this witness is not in a position to  
18 give legal conclusions about that.

19 BY MR. KEYTE:

20 456. Q. Let me ask just one more question.  
21 You talked passionately about how good the market  
22 with respect to relocation in your view for  
23 Hamilton. Isn't it a fact that you are only  
24 speculating about how the criteria would be applied  
25

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1 with respect to the home market?

2 A. Well, I don't think I am  
3 speculating. I pride myself in being a good  
4 listener, and I listen to the NHL Commissioner very  
5 clearly when he told me the core principles that  
6 are...how they specifically manifest in an  
7 application, how they all get parsed out. At the  
8 end of the day, if you serve the core principles,  
9 the benefits are going to accrue to the game and to  
10 the league and to all the franchisees.

11 So, I think that I heard him, and I think I  
12 understood him, and I understood him clearly, and I  
13 don't think I am speculating here personally. But  
14 that being said, there were experts engaged who have  
15 completed successfully ownership applications  
16 before, and who have done transfer applications  
17 before, and they...and I know it takes a lot of time  
18 to do it, and they spent a lot of time filling that  
19 out and interrelating with the executives at the  
20 league to ensure that it was timely and complete and  
21 accurate.

22 So, it seemed to me, based on the success  
23 and prior dealings of these kinds of applications,  
24 that they would be able to do a good job again. So,  
25 I don't think it was speculative on my part, not in

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1 the very least. I thought it was directly relayed  
2 from the Commissioner, and very professionally  
3 completely employed and deployed in this case. And  
4 it is the farthest thing from speculative.

5 457. Q. Well, what are the core principles  
6 as they related to factors that would lay in favour  
7 of keeping a team in the market in the face of a  
8 relocation application?

9 A. Well, I suspect it is the opposite  
10 of the benefits that would justify putting a team in  
11 a market, but I don't know for sure. But I do know  
12 the benefits are the strength of the owner and the  
13 financial wherewithal to do it, and Mr. Moyes was  
14 \$300 million into the Coyotes, and not prepared to  
15 put any more money into it. And so, it was putting  
16 the team in a financial duress state, whereas I  
17 think I have the resources and the passion and the  
18 interest and the reputation and integrity to stand  
19 behind as a new owner.

20 Second, is the strength of the fan base,  
21 and the avidity in the market, and the corporate  
22 interest. And I think I demonstrated that  
23 unambiguously with ticket deposits to fill the arena  
24 in just over a day. And I think Phoenix has had  
25 very acute revenue problems in the past. So, I

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1 think that was probably the flip side of that issue.

2 And the third one would be the arena, and  
3 Copps is an excellent arena in an excellent location  
4 with a plan to make it arguably the best. And I  
5 can't comment on the quality of the Glendale Arena.  
6 I presume it is a very good quality, but one  
7 might...I have heard that it is in a difficult  
8 position...a difficult location, which makes it  
9 difficult.

10 So, I suspect you take the three where you  
11 are going and where you are leaving, you mark them  
12 against that, and it is the flip side of those. But  
13 that being said, I have not read the details of the  
14 bylaw. There may be some other machinations or  
15 factors at hand. And I trust that the experts who  
16 did the applications ensured that we adhered to all  
17 aspects of the format that the league requires to be  
18 an applicant of good character and integrity and  
19 standing to comply with all aspects of the league's  
20 rules and bylaws fairly and transparently applied.

21 458. Q. How much money is it going to take  
22 to, in your view, get the Copps arena up to  
23 standard?

24 A. Well, it will take over \$100  
25 million. And I am very excited about it, and we

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1 have shown our plan, and quite frankly, the designer  
2 is, I think, the most reputable arena designer, and  
3 highly recommended by all sports leagues. And he is  
4 the one that has designed the changes to Madison  
5 Square Garden, and we would...and you would...just  
6 like Madison Square Garden, you would be able to  
7 play in the arena while you re-do the...you upgrade  
8 the arena because the great, great benefit of Copps  
9 Coliseum is the lower bowl is actually quite  
10 excellent, and the lower bowl is where you play.  
11 That is where the lower seats are. That is what  
12 takes a lot of time to lay out and a lot of cost and  
13 money.

14 So, it is all the elements to build out  
15 from that that have to be renovated. But we have  
16 such exceptional start in the Copps Coliseum, you  
17 know, with the lower bowl, with the location, with  
18 the architect and his experience. And we have a  
19 good sense of budgets. It could cost more if you  
20 choose to go to even more extensive renovations, and  
21 that is a very, very exciting thing to consider and  
22 go with. But nonetheless, the arena as is more than  
23 meets NHL standards. It is better than some of the  
24 other arenas out there, and has been used for NHL  
25 games and for international historic competitions.

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1 So, we are ready to go.

2 459. Q. Are you going to pay for the  
3 renovations? Are you committed to paying for all  
4 the renovations?

5 A. I am committed to part of them, and  
6 I have very...

7 MR. KESSLER: Well, hold on. This is  
8 going to be highly confidential with  
9 respect to this part of the transcript, so  
10 I would ask Mr. Daly, please, for this  
11 portion...

12 MR. DALY: That is fine.

13 MR. KESSLER: Thank you.

14 --- Mr. Daly leaves the room

16 MR. KEYTE: I don't know that there are  
17 any business people on the phone.

18 MR. KESSLER: I don't know if there is  
19 anyone who is not authorized on the phone.  
20 They should please leave for this.

21 MR. KEYTE: If they are not...

22 MR. KESSLER: We trust you, and this  
23 designation will start going back to the  
24 question of, is he prepared to pay for  
25

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1 this.

2 BY MR. KEYTE:

3 460. Q. I just want to know how it is going  
4 to get paid for. Is that settled and how much of it  
5 is are you going to pay for?

6 A. It is not all settled in detail, but  
7 we have received very clear assurances from  
8 political leaders that this is going to be  
9 supported. And, in fact, there have been letters  
10 written to the Commissioner of the NHL that they are  
11 going to be supportive of this, including very  
12 recently the mayor of Hamilton, who is the owner of  
13 Copps Coliseum, but they are committed to engage  
14 public funds to support very substantial portions of  
15 this renovation.

16 So, I am highly confident that we are going  
17 to be able to be successful in getting this upgrade  
18 done, and done in an exciting basis, and done in a  
19 timely basis. And to have this kind of commitment  
20 on an uncertain situation, which is very different  
21 than other teams in other situations, I think is an  
22 incredibly positive indicator, and reason for  
23 substantial confidence here.

24 461. Q. How much money do you have committed  
25

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J.L. Balsillie  
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<p style="text-align: right;">Page 274</p> <p>1 First Declaration of James L. Balsillie 6</p> <p>2 Section 35 bylaws, Transfer of Membership or Ownership Interest in Franchise 18</p> <p>3 E-mail dated 4/30/2009 from Mr. Rodier to Mr. Johnson 32</p> <p>4 Letter dated November 7, 2006 from Victoria Gilbert to the National Hockey League 36</p> <p>5 E-mail exchange of December, 2006 attaching markup of draft side letter sent to NHL from Mr. Balsillie's counsel 125</p> <p>6 Term sheet with the Nashville Predators dated May 15, 2007, signed by Mr. Balsillie 166</p> <p>7 E-mail dated June 4, 2007 from Mr. Balsillie to Commissioner Bettman 185</p> <p>8 E-mail exchange of June 13 and 14, 2007 between Mr. Balsillie and Commissioner Bettman 194</p> <p>9 E-mail exchange dated May, 2009 between Mr. Balsillie and Mr. Moyes</p>			
<p style="text-align: right;">Page 276</p> <p style="text-align: center;">J.L. Balsillie</p> <p style="text-align: center;">ERRATA SHEET</p> <table><thead><tr><th>PAGE</th><th>LINE</th></tr></thead></table> <p>I, James Laurence Basillie, have</p> <p>read</p> <p>and reviewed page 1 to 273 and, with the exception of the above-noted corrections, hereby agree to the accuracy of my statements recorded herein.</p> <p>-----</p> <p>Date</p>	PAGE	LINE	
PAGE	LINE		

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