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UNITED STATES BANKRUPTCY COURT

DISTRICT OF ARIZONA

In re

DEWEY RANCH HOCKEY, LLC,

COYOTES HOLDINGS, LLC,

COYOTES HOCKEY, LLC, and

ARENA MANAGEMENT GROUP, LLC,

Debtors.

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

(Jointly Administered)

Chapter 11

**JOINT MOTION FOR ACCELERATED
HEARING ON AUGUST 11, 2009
REGARDING:**

**(A) JOINT MOTION OF DEBTORS
AND PSE SPORTS &
ENTERTAINMENT LP FOR ORDER
REQUIRING PRODUCTION OF
DOCUMENTS FROM THE NATIONAL
HOCKEY LEAGUE; AND**

**(B) JOINT MOTION OF DEBTORS AND
PSE SPORTS & ENTERTAINMENT LP
FOR ORDER REQUIRING GARY
BETTMAN AND WILLIAM DALY TO
APPEAR FOR THE TAKING OF
DEPOSITIONS**

This Filing Applies to:

- ☒ All Debtors
☐ Specified Debtors

The above-captioned Debtors and PSE Sports & Entertainment, LP (“**PSE**” and, jointly with the Debtors, the “**Movants**”) respectfully move for an order granting an emergency hearing on the “Joint Motion of Debtors and PSE Sports & Entertainment LP for Order Requiring Production of Documents from the National Hockey League” (the “**Document Production Motion**”) and the “Joint Motion of Debtors and PSE Sports & Entertainment LP for Order Requiring Gary Bettman and William Daly to Appeal for the Taking of Depositions” (the “**Deposition Motion**”), filed contemporaneously with this Motion (collectively, the “**Discovery Motions**”). In support of this Motion, the Movants state as follows:

1. A hearing on the proposed sale of the Debtors’ assets is scheduled to begin at 9:00 a.m. on September 10, 2009 (the “**Sale Hearing**”).

2. Pursuant to the Court’s Minute Entry/Order of August 5, 2009, a scheduling hearing regarding the Sale Hearing has been set for August 11, 2009 at 1:30 p.m. In the interests of judicial economy and efficiency, the Discovery Motions referenced herein should be heard at the same time.

3. The Movants anticipate they will file declarations prior to the Sale Hearing (to serve as direct testimony of witnesses) and present evidence at the Sale Hearing, through expert testimony or otherwise, on (but not limited to) the following topics (the “**Trial Topics**”):

- a. Which offer is the highest or otherwise best bid for the Debtors’ assets;
- b. The amount of a relocation fee and the methods for determining such fee, including a *Raiders II* computation;
- c. The existence of a bona fide dispute under Bankruptcy Code § 363(f);
- d. The reasonableness of the NHL’s decision to deny the James Balsillie/PSE transfer application and the Coyotes/PSE relocation application; and

e. The feasibility of relocation of the Coyotes for the 2009-2010 season.

4. In addition, the Movants expect that Commissioner Gary Bettman and Deputy Commissioner William Daly will be witnesses at the Sale Hearing to testify on one or more of the following topics (the “**Deposition Topics**”):

- a. The amount of a relocation fee and the methods for determining such fee, including a *Raiders II* computation;
- b. The existence of a bona fide dispute under Bankruptcy Code § 363(f);
- c. The NHL’s decision to deny the James Balsillie/PSE transfer application and the Coyotes/PSE relocation application;
- d. The feasibility of relocation of the Coyotes for the 2009-2010 season; and
- e. Any documents obtained by either of the Movants from the National Hockey League or its representatives through discovery.

5. The Trial Topics and Deposition Topics are relevant to the Sale Hearing and the Court’s determination of the best bid for the sale of the Debtors’ assets.

6. Accordingly, the Document Production Motion seeks entry of an order directing the National Hockey League (the “**NHL**”) to produce documents related to the Trial Topics for inspection and copying at the New York office of Squire, Sanders & Dempsey L.L.P. **no later than 2:00 p.m. (New York Time) on Friday, August 14, 2009** (the “**Production Deadline**”).¹

The Deposition Motion seeks entry of an order directing Mr. Bettman and Mr. Daly to appear at the New York office of Squire, Sanders & Dempsey L.L.P. prior to the Sale Hearing to be deposed on the Deposition Topics.²

¹ The requested documents are set forth on Exhibit A of the Document Production Motion.

² The Deposition Motion proposes that Mr. Bettman’s deposition begin at 10:00 a.m. (New York Time) on Thursday, August 20, 2009, and that Mr. Daly’s deposition begin at 10:00 a.m. (New York Time) on Friday, August 21, 2009. The Deposition Motion also proposes that each deposition continue for no more than seven (7) hours, that counsel to the Debtors and counsel to PSE be permitted to ask questions at the depositions, and that client representatives of the Debtors and client representatives of PSE be permitted to attend the depositions without asking questions.

7. It is critical that the Movants obtain the requested documents no later than the Production Deadline so that the Movants, their counsel, and their expert witnesses have adequate time to analyze the documents and prepare any reports or declarations that will be utilized or relied upon at the Sale Hearing. In addition, the Movants must receive the documents no later than the Production Deadline so that the Movants (and the NHL, if it chooses to take discovery) have adequate time to prepare for and take the depositions of Mr. Bettman, Mr. Daly, and possibly other potential witnesses prior to the Sale Hearing.

8. The Movants note to the Court and to the NHL that all of the documents they have requested to be produced are believed to already exist in the NHL's files such that no new documents need to be created, and it should not be unduly burdensome for the NHL to compile and produce them.

9. Similarly, the Movants must be provided an opportunity to depose Mr. Bettman and Mr. Daly on the Deposition Topics, prior to the Sale Hearing, so that the Movants and their counsel (and the National Hockey League and its counsel) have adequate time to analyze the deposition testimony and prepare for the Sale Hearing accordingly.

10. The Movants, therefore, respectfully request that the Court enter an order in the form attached setting an emergency hearing on August 11, 2009 to consider the relief requested in the Document Production Motion and the Deposition Motion.

11. Counsel for the Debtors provided counsel for the NHL with drafts of the Discovery Motions on August 5, 2009, after the August 5, 2009 Minute Entry/Order. On August 6 and 7, 2009, counsel for the Debtors and the NHL, as well as the Creditors Committee, have been in communication regarding the Discovery Motions and hope to reach agreement before the August 11, 2009 hearing on all or substantial parts of such Motions. The parties will report to the Court at the August 11, 2009 hearing on the status of any agreements or disputes, and ask the

Court at that time to resolve any remaining disputes regarding the Discovery Motions.

12. It is important to all parties to have the Discovery Motions heard and resolved as soon as possible in view of the need to obtain relevant information and prepare for the September 10-11, 2009 hearing. The information requested is needed in order to evaluate potential bids, determine the feasibility of proposals, assess the best bid from the standpoint of creditors, provide information to expert witnesses, and prepare for the hearing.

13. Pursuant to Local Rule 9013-1(h), the Movants represent that counsel for the NHL was notified and served with copies of this Motion, the Document Production Motion, and the Deposition Motion by electronic mail at approximately 11:30 a.m. on August 7, 2009, and that the contact information for the NHL's counsel is as follows:

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RESPECTFULLY SUBMITTED this 7th day of August, 2009

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COPY of the foregoing mailed and/or e-mailed this
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