

1 C. Taylor Ashworth, 010143
Alan A. Meda, 009213
2 STINSON MORRISON HECKER LLP
1850 North Central Avenue, Suite 2100
3 Phoenix, Arizona 85004
Telephone: (602) 279-1600
4 Facsimile: (602) 240-6925
tashworth@stinson.com
5 ameda@stinson.com

6 J. Gregory Milmoie (*admitted pro hac vice*)
Shepard Goldfein (*admitted pro hac vice*)
7 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
4 Times Square
8 New York, New York 10036
Telephone: (212) 735-3000
9 Facsimile: (212) 735-2000
gregory.milmoie@skadden.com
10 shepard.goldfein@skadden.com

11 Anthony W. Clark (*admitted pro hac vice*)
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
12 One Rodney Square
Wilmington, Delaware 19899
13 Telephone: (302) 651-3000
Facsimile: (302) 651-3001
14 anthony.clark@skadden.com

15 Attorneys for the National Hockey League

16 **UNITED STATES BANKRUPTCY COURT**
17 **FOR THE DISTRICT OF ARIZONA**

18 In re	)	Case No. 2:09-bk-09488-RTBP
)	
19 DEWEY RANCH HOCKEY, LLC,	)	(Jointly Administered)
)	
20 COYOTES HOLDINGS, LLC,	)	Chapter 11
)	
21 COYOTES HOCKEY, LLC, and	)	Omnibus Objection of the National
	)	Hockey League to (I) Joint Motion of
22 ARENA MANAGEMENT GROUP, LLC,	)	Debtors and PSE Sports & Entertainment
	)	LP for Order Requiring Gary Bettman
23 Debtors.	)	and William Daly to Appear for the
	)	Taking of Depositions and (II) Joint
24	)	Motion of Debtors and PSE Sports &
	)	Entertainment LP for Order Requiring
25 This filing applies to:	)	Production of Documents From the
	)	National Hockey League
26 <input type="checkbox"/> All Debtors)	
<input type="checkbox"/> Specified Debtors)	
27)	
28)	

1 The National Hockey League (the “NHL”) hereby objects to (i) the Joint Motion of Debtors
2 (the “Debtors” and PSE Sports & Entertainment LP (“PSE”) for Order Requiring Gary Bettman
3 and William Daly to Appear for the Taking of Depositions [Docket No. 578] (the “Deposition
4 Motion”) and (ii) the Joint Motion of Debtors and PSE Sports & Entertainment LP for Order
5 Requiring Production of Documents From the National Hockey League [Docket No. 579] (together
6 with the Deposition Motion, the “Rule 2004 Motions”).

7 The Rule 2004 Motions should be denied for several reasons. First, the Debtors and PSE
8 seek discovery of issues that are not relevant to any matters properly before the Court, as they
9 pertain only to a potential relocation of the Coyotes (the “Relocation Issues”). On August 7, 2009,
10 the NHL filed its Motion of National Hockey League for a Determination that Debtors’ NHL
11 Membership Rights May Not Be Transferred to PSE or an Affiliate Thereof [Docket No. 584] (the
12 “Qualified Bidder Motion”). For the reasons set forth in the Qualified Bidder Motion, PSE is not a
13 Qualified Bidder as defined in the Order Approving Bid Procedures for Auction/Sale of Phoenix
14 Coyotes National Hockey League Team and Related Assets and the Assumption and Assignment
15 of Certain Executory Contracts and Unexpired Leases [Docket No. 408]. Further, no other
16 Qualified Bidders have come forward to bid for the purchase and relocation of the Phoenix
17 Coyotes, and, under the Court’s July 6, 2009 bidding procedures order, the deadline for submitting
18 relocation applications expired on August 7, 2009. Accordingly, there is no basis for any discovery
19 on the Relocation Issues or to require the NHL, the Debtors' estates and other parties interest to
20 incur the very substantial and unjustifiable costs that the discovery sought in the Rule 2004
21 Motions would require.

22 Second, the discovery sought is exceedingly broad, seeking decades of materials. For
23 example, most of the information sought would be stale and therefore meaningless—the business
24 of hockey, not to mention sports and broadcasting in general, has changed dramatically over the
25 past few decades. Likewise, since the inception of the NHL's salary cap, the value of NHL
26 franchises has been affected significantly. Similarly, the shift from over the air broadcasting to
27 cable and other media forms has changed the business as well.

28

1 Third, the massive scope of the discovery sought and the proposed time frame could only
2 be designed to discourage and distract the NHL from promoting a healthy dialogue among all
3 stakeholders to arrive at a consensual transfer of ownership of the Debtors' assets. The resources
4 required to comply will effectively preclude the NHL from performing in such role which the
5 Court has recognized is essential to the success of this process.

6 Fourth, the Debtors and PSE seek confidential information from NHL member franchises
7 that are not before this Court. The Debtors have not demonstrated any basis for seeking such
8 information from parties not before the Court. In order to protect parties that are not voluntary
9 litigants, the Court should require such a preliminary showing, if it is inclined to permit such an
10 inquiry at all.

11 Fifth, and significantly, there are no funds in the Debtors' estates to fund such a fishing
12 expedition. The NHL's generous and continuing DIP financing does not provide funding for the
13 Debtors' efforts to advance the self interests of Mr. Moyes, Mr. Balsillie and PSE over the
14 legitimate interests of the estates and their *bona fide* stakeholders and to violate the rights of the
15 NHL and its members. In the absence of such financing, the Debtors do not have the financial
16 resources to conduct such discovery; for this additional reason, the Rule 2004 Motions should be
17 denied.

18 Finally, even assuming that PSE alone, rather than the Debtors, sought this information,
19 PSE is merely a bidder and does not have independent standing to conduct discovery in connection
20 with the auction. This is particularly true where, as here, the discovery is designed to delay and
21 distract the NHL from continuing to assist legitimate bidders with the pursuit of their negotiations
22 with the City of Glendale and other relevant counterparties.

23
24
25
26
27
28

1 **CONCLUSION**

2 WHEREFORE, for the reasons set forth herein, the NHL respectfully requests that the
3 Court deny the Rule 2004 Motions.

4 DATED: August 10, 2009

5 STINSON MORRISON HECKER LLP

6
7 By: /s/ Alan A. Meda #009213

8 C. Taylor Ashworth
9 Alan A. Meda

10 and

11 SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP

12 J. Gregory Milmo
13 Shepard Goldfein
14 Anthony W. Clark

15 Attorneys for the National Hockey League

16 COPY of the foregoing sent this August 10,
17 2009, to:

18 Thomas J. Salerno, Esq.
19 Jordan A. Kroop, Esq.
20 Kelly Singer, Esq.
21 SQUIRE SANDERS & DEMPSEY LLP
22 40 N Central Ave #2700
23 Phoenix AZ 85004-4498
24 tsalerno@ssd.com
25 jkroop@ssd.com
26 ksinger@ssd.com
27 Attorneys for Debtors

28 Larry L Watson, Esq.
Connie S. Hoover
OFFICE OF THE U.S. TRUSTEE
230 N First Ave #204
Phoenix AZ 85003-1706
larry.watson@usdoj.gov
connie.s.hoover@usdoj.gov

Susan M. Freeman, Esq.
Stefan M. Palys, Esq.
LEWIS AND ROCA LLP
40 N Central Ave
Phoenix AZ 85004-4429
SFreeman@lrlaw.com
spalys@lrlaw.com
Attorneys for PSE Sports & Entertainment and
for S&E Interim Facility Corporation

1 Steven M. Abramowitz, Esq.
VINSON & ELKINS LLP
2 666 Fifth Ave 26th Fl
New York NY 10103-0040
3 sabramowitz@velaw.com
Attorneys for SOF Investments LP, White Tip
4 Investments, LLC, and Donatello Investments,
LLC

5 Donald L. Gaffney, Esq.
SNELL & WILMER LLP
6 One Arizona Center
Phoenix AZ 85004-2202
7 dgaffney@swlaw.com
Attorneys for SOF Investments LP, White Tip
8 Investments, LLC, and Donatello Investments,
9 LLC

10 Richard H. Herold, Esq.
HINSHAW & CULBERTSON LLP
3200 N Central Ave #800
11 Phoenix AZ 85012
rherold@hinshawlaw.com
12 Attorneys for Aramark

13 Lori Lapin Jones
LORI LAPIN JONES PLLC
14 98 Cutter Mill Rd #201 N
Great Neck NY 11021
15 ljones@jonespllc.com
Attorneys for BWD Group

16 Albert Turi
BWD GROUP LLC
17 BWD Plaza
PO Box 9050
18 Jericho NY 11753-8950

19 Cathy L. Reece, Esq.
Nicolas B. Hoskins, Esq.
20 Fennemore Craig PC
3003 n Central Ave #2600
21 Phoenix AZ 85012-2913
creece@fclaw.com
22 nhoskins@fclaw.com
Attorneys for City of Glendale, Arizona

23 William R. Baldiga, Esq.
Andrew M. Sroka, Esq.
24 BROWN RUDNICK LLP
One Financial Center
25 Boston MA 02111
wbaldiga@brownrudnick.com
26 asroka@brownrudnick.com
Attorneys for City of Glendale, Arizona
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Scott B. Cohen, Esq.
ENGELMAN BERGER PC
3636 N Central Ave #700
Phoenix AZ 85012
sbc@engelmanberger.com
Attorneys for John Breslow

Mark A. Nadeau, Esq.
Shane D. Gosdis, Esq.
DLA PIPER LLP (US)
2525 E Camelback Rd #1000
Phoenix AZ 85016-4245
mark.nadeau@dlapiper.com
shane.gosdis@dlapiper.com
Attorneys for Lease Group Resources, Inc.

Arthur E Rosenberg Esq
HOLLAND & KNIGHT LLP
195 Broadway
New York NY 10007-3189
arthur.rosenberg@hkllaw.com
Attorneys for Facility Merchandising Inc.

Louis T.M. Conti, Esq.
HOLLAND & KNIGHT LLP
100 N Tampa St #4100
Tampa FL 33602
louis.conti@hkllaw.com
Attorneys for Facility Merchandising Inc.

Carolyn J. Johnsen, Esq.
Peter W. Sorensen, Esq.
JENNINGS STROUSS & SALMON PLC
201 E Washington St
Phoenix AZ 85004-2385
cjjohnsen@jsslaw.com
psorensen@jsslaw.com
Attorneys for Jerry Moyes

James E. Cross, Esq.
Brenda K. Martin, Esq.
Warren J. Stapleton, Esq.
OSBORN MALEDON PA
2929 N Central Ave #2100
Phoenix AZ 85012-2794
jcross@omlaw.com
bmartin@omlaw.com
wstapleton@omlaw.com
Attorneys for National Hockey League Players'
Association

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Jeffrey Freund, Esq.
BREDHOFF & KAISER PLLC
805 15th St NW
Washington DC 20005
jfreund@bredhoff.com
Attorneys for National Hockey League Players' Association

Sean P. O'Brien, Esq.
GUST ROSENFELD PLC
201 E Washington St #800
Phoenix AZ 85004-2327
spobriein@gustlaw.com
Attorneys for Drawbridge Special opportunities Fund LP

Richard W. Havel, Esq.
SIDLEY AUSTIN LLP
555 W Fifth St 40th Fl
Los Angeles CA 90013-1010
rhavel@sidley.com
Attorneys for Drawbridge Special opportunities Fund LP

Ivan L. Kallick, Esq.
Ileana M. Hernandez, Esq.
MANATT PHELPS & PHILLIPS
11355 W Olympic Blvd
Los Angeles CA 90064
ikallick@manatt.com
ihernandez@manatt.com
Attorneys for Ticketmaster

Thomas Allen, Esq.
Paul Sala, Esq.
ALLEN SALA & BAYNE PLC
1850 N Central Ave #1150
Phoenix AZ 85004
psala@asbazlaw.com
tallen@asbazlaw.com
Attorneys for the Official Joint Committee of Unsecured Creditors

William Novotny, Esq.
MARISCAL WEEKS McINTYRE & FRIEDLANDER PA
2901 N Central Ave #200
Phoenix AZ 85012-2705
William.novotny@mwmf.com
Attorneys for Coyote Center Development LLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Jonathan K. Bernstein, Esq.
Andrew J. Gallo, Esq.
BINGHAM McCUTCHEN LLP
One Federal St
Boston MA 02110
Jon.bernstein@binghama.com
Andrew.gallo@bingham.com

/s/ Rebecca J. McGee
