

1 James E. Cross, Bar No. 009063
Brenda K. Martin, Bar No. 013318
2 Warren J. Stapleton, Bar No. 018646
OSBORN MALEDON, P.A.
3 2929 North Central Avenue, Suite 2100
Phoenix, Arizona 85012-2794
4 Telephone: (602) 640-9307
Facsimile: (602) 664-2077
5 E-mail: jcross@omlaw.com
bmartin@omlaw.com
wstapleton@omlaw.com

6
7 Jeffrey Freund, Esq.
BREDHOFF & KAISER, PLLC
805 15th St. NW
8 Washington, DC 20005
(202)842-2600
9 jfreund@bredhoff.com

10 Attorneys for the National Hockey League Players' Association

11
12 **UNITED STATES BANKRUPTCY COURT**
13 **DISTRICT OF ARIZONA**

14 In re:
15 DEWEY RANCH HOCKEY, LLC,
16 COYOTES HOLDINGS, LLC,
17 COYOTES HOCKEY, LLC, and
18 ARENA MANAGEMENT GROUP, LLC,
19 Debtors.

Chapter 11 Proceedings

Case No. 2:09-bk-09488-RTB
(Jointly Administered)

**EX PARTE MOTION TO APPROVE
STIPULATION TO EXTEND BAR
DATE FOR FILING PROOFS OF
CLAIM BY THE NATIONAL
HOCKEY LEAGUE PLAYERS'
ASSOCIATION AND ITS PLAYER
CONSTITUENTS**

20
21 The National Hockey League Players' Association (the "NHLPA"), through counsel
22 undersigned, hereby moves the Court on an *ex parte* basis for its Order approving the
23 Stipulation to Extend Bar Date For Filing Proofs of Claim by the National Hockey League
24 Players' Association and Its Player Constituents. In support of the Motion, the NHLPA states
25 as follows:
26

1 1. On July 18, 2009, upon the motion of the Official Joint Committee of Unsecured
2 Creditors (the "Committee"), the Court entered its Order setting August 14, 2009 as the last day
3 for filing proofs of claims in these jointly administered cases.

4 2. The NHLPA is the recognized exclusive bargaining agent of all Players
5 employed by NHL hockey Clubs. The NHLPA and the Debtors have been and are parties to a
6 series of Collective Bargaining Agreements (the "CBA") governing the terms and conditions of
7 employment for current, future and former Players for all NHL Clubs, including the Phoenix
8 Coyotes Hockey Team ("Players"). The most recent CBA covers the period from July 22, 2005
9 through September 15, 2011. As provided for in the CBAs, the CBAs include certain Standard
10 Player Contracts ("SPC") containing terms and conditions of employment for Players that are in
11 excess of those contained in the CBA.
12

13 3. While the NHLPA anticipates that the Debtors will not seek to reject and will
14 assign the CBA in conjunction with the planned sale of their assets to an outside buyer, the
15 Debtors have not yet taken any action regarding the CBA.

16 4. If the CBA is assumed and assigned, the NHLPA and the Players will be entitled
17 to certain cure payments arising from as yet unfulfilled obligations arising from the CBA and
18 the SPAs. If the CBA is not assumed and assigned, the NHLPA and the Players will have,
19 among other claims, certain administrative claims and unsecured claims for contract-rejection
20 damages; Each Player's claim will be complex, consisting of both liquidated and contingent
21 damages.

22 5. If, as anticipated, the CBA is assumed and assigned, neither the NHLPA nor the
23 Players will assert contract rejection damages against the estates.

24 6. The present last day for filing claims herein, August 14, would require the
25 NHLPA and/or the Players to incur substantial expense in order to file claims that are likely to
26

1 be rendered inoperative and/or moot by the subsequent assumption and assignment of the CBA.
2 Atop this expense, the estates, upon assumption, would be required to expend time and money
3 in objecting to the claims, with no benefit to any party.

4 7. In consequence, to avert unnecessary expense to both sides, and without
5 conceding any determination on the points set forth above, the NHLPA, the Debtors, and the
6 Committee have agreed and stipulated that the NHLPA and its members and constituents
7 should be permitted to postpone filing of their claims, if any, until after the sale of the team and
8 determination of assumption and assignment of the CBA. The parties anticipate the assumption
9 and assignment will occur within upon the completion of a successful sale of the team and
10 therefore request the Court's approval of their Stipulation, which appended hereto as Exhibit
11 "A," extends the time for filing of proofs of claims until October 1, 2009.

12 8. The relief requested herein relates to the routine and cost-effective
13 administration of these bankruptcy cases. The extension requested will prejudice no creditor or
14 interested party herein, and has been assented to by both the Debtors and the Committee. The
15 Court may grant the relief requested on an *ex parte* basis.

16 WHEREFORE the NHLPA moves the Court for its Order approving the Stipulation
17 attached hereto as Exhibit "A," and extending the time for filing of proofs of claims by the
18 NHLPA and/or its Player to October 1, 2009, and for such other and further relief as is just in
19 the circumstances.
20

21 DATED this 12th day of August, 2009.

22 **OSBORN MALEDON, P.A.**

23 By: /s/ Brenda K. Martin
24 James E. Cross
25 Brenda K. Martin
26 Warren J. Stapleton
2929 North Central Avenue, Suite 2100
Phoenix, Arizona 85012-2794

Attorneys for the National Hockey League
Players' Association

and

BREDHOFF & KAISER, PLLC

/s/ Jeffrey Freund

Jeffrey Freund, Esq.
805 15th St. NW
Washington, DC 20005

Co-Counsel for the National Hockey League
Players' Association

COPY of the foregoing sent via U.S. Mail
this 12th day of August, 2009, to:

Larry Lee Watson
Office of United States Trustee
230 N. First Avenue, Suite 204
Phoenix, AZ 85004

Ileana Hernandez
Carl Grumer
MANATT, PHELPS & PHILLIPS
11355 West Olympic Boulevard
Los Angeles, CA 90064

Steven Abramowitz, Esq.
Vinson & Elkins LLP
666 Fifth Ave., 26th Floor
New York, NY 10103-0040

Scott J. Greenberg, Esq.
CADWALADER, WICKERSHAM
& TAFT LLP
One World Financial Center
New York, New York 10281

Sean P. O'Brien
GUST ROSENFELD PLC.
201 E. Washington St., Suite 800
Phoenix, AZ 85004-2327

Donald Gaffney, Esq.
Snell & Wilmer, LLP
One Arizona Center
Phoenix, AZ 85004

Allison L. Kierman
DLA PIPER LLP (US)
2525 East Camelback Road,
Suite 1000
Phoenix, Arizona 85016-4245

Richard Havel
SIDLEY AUSTIN LLP
555 W. Fifth St., 40th Floor
Los Angeles, CA 90013-1010

C. Taylor Ashworth, Esq.
Alan Meda, Esq.
Stinson Morrison Hecker LLP
1850 N. Central Ave., Suite 2100
Phoenix, AZ 85004

Jonathan P. Ibsen, Esq.
Jaburg & Wilk, P.C.
3200 N. Central Ave., Ste. 2000
Phoenix, AZ 85012-2440

Mark Nadeau
DLA PIPER LLP (US)
2525 E. Camelback Rd., Suite 1000
Phoenix, AZ 85016-4245

J. Gregory Milmoie
Skadden, Arps, Slate, Meagher &
Flom LLP
Four Times Square
New York, NY 10036

Scott Cohen, Esq.
Engelman Berger, PC
3636 N. Central Ave., Suite 700
Phoenix, AZ 85012

Shane D. Gosdis
DLA PIPER LLP (US)
2525 E. Camelback Rd., Suite 1000
Phoenix, AZ 85016-4245

Anthony Clark, Esq.
Skadden, Arps, Slate, Meagher &
Flom LLP
One Rodney Square
Wilmington, DE 19899

1 William Novotny
2 MARISCAL, WEEKS, McINTYRE
& FRIEDLANDER, P.A.
3 2901 North Central Avenue,
Suite 200
4 Phoenix, AZ 85012-2705

John J. Rapisardi, Esq.
CADWALADER, WICKERSHAM
& TAFT LLP
One World Financial Center
New York, NY 10281

Lori Lapin Jones, Esq.
Lori Lapin Jones PLLC
98 Cutter Mill Road, Suite 201 North
Great Neck, NY 11021

Carolyn J. Johnsen, Esq.
Peter Sorensen, Esq.
JENNINGS, STROUSS &
SALMON, P.L.C.
201 East Washington Street
Phoenix, AZ 85004-2385

Edward Zachary, Esq.
BRYAN CAVE LLP
Two North Central Ave., #2200
Phoenix, AZ 85004

Albert Turi, Esq.
BWD Group LLC
P.O. Box 9050
Jericho, NY 11753-8950

Facility Merchandising, Inc.
c/o Arthur Rosenberg, Esq.
HOLLAND & KNIGHT LLP
195 Broadway
New York, NY 10007-3189

Thomas Salerno, Esq.
SQUIRE, SANDERS &
DEMPSEY, LLP
40 N. Central Ave., #2700
Phoenix, AZ 85004

Richard Herold, Esq.
Hinshaw & Culbertson, LLP
3200 N. Central Ave., Suite 800
Phoenix, AZ 85012

Facility Merchandising, Inc.
c/o Louis T.M. Conti, Esq.
HOLLAND & KNIGHT LLP
100 North Tampa St., Suite 4100
Tampa, FL 33602

Tom Allen, Esq.
Paul Sala, Esq.
ALLEN, SALA & BAYNE, PLC
Viad Corporate Center
1850 N. Central Ave., #1150
Phoenix, AZ 85004

Joseph Lubertazzi, Jr., Esq.
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102

Ivan Kallick
MANATT, PHELPS &
PHILLIPS, LLP
11355 West Olympic Boulevard
Los Angeles, CA 90064

Susan Freeman, Esq.
Stefan Palys, Esq.
LEWIS & ROCA, LLP
40 N. Central Ave.
Phoenix, AZ 85004

Adam Klein
Katten Muchin Rosenman LLP
525 W. Monroe Street
Chicago, IL 60661

Geoffrey Khotim
Ridenour, Hinton & Lewis,
PLLC
Chase Tower
201 N. Central Ave., Suite 3300
Phoenix, AZ 85004

Susan Boswell, Esq.
Quarles & Brady LLP
One S. Church Ave., Suite 1700
Tucson, AZ 85701-1621

Cathy Reece
Andrew Federhar
Nicolas Hoskins
Fennemore Craig, PC
3003 N. Central Ave., Suite 2600
Phoenix, AZ 85012

William Baldiga
Brown Rudnick LLP
One Financial Center
Boston, MA 02111

Mark Dangerfield
Dean Short
Gallagher & Kennedy, PA
2575 E. Camelback Rd.
Phoenix, AZ 85016

Jeffrey L. Kessler
David L. Greenspan
Aldo A. Badini
Dewey & LeBoeuf LLP
1301 Avenue of the Americas
New York, NY 10019

/s/ Kara L. Stewart