

## **EXHIBIT 2**

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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 GARY BETTMAN  
NEW YORK, NEW YORK  
AUGUST 20, 2009

REPORTED BY:  
JUDI JOHNSON, RPR, CRR, CLR  
JOB NO.: 24398

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FOUR TIMES SQUARE  
NEW YORK, NEW YORK

AUGUST 20, 2009  
9:00 A.M.

DEPOSITION OF GARY BETTMAN, HELD AT  
THE OFFICES OF SKADDEN, ARPS, SLATE, MEAGHER  
& FLOM, LLP, FOUR TIMES SQUARE, NEW YORK,  
NEW YORK, PURSUANT TO NOTICE, BEFORE JUDI  
JOHNSON, A REGISTERED PROFESSIONAL REPORTER,  
A CERTIFIED REALTIME REPORTER, A CERTIFIED  
LIVENOTE REPORTER AND NOTARY PUBLIC OF THE  
STATE OF NEW YORK.

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GARY BETTMAN  
APPEARANCES CONTINUED:  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP  
ATTORNEY FOR THE NATIONAL HOCKEY LEAGUE  
FOUR TIMES SQUARE  
NEW YORK, NEW YORK 10036

BY: SHEPARD GOLDFEIN, ESQ.

-AND-

STINSON MORRISON HECKER, LLP  
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BY: (NOT PRESENT)

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BY: THOMAS H. ALLEN, ESQ. (VIA TELEPHONE)

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GARY BETTMAN  
APPEARANCES:  
JENNINGS STROUSS & SALMON, PLC  
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GARY BETTMAN  
APPEARANCES CONTINUED:  
KATTEN MUCHIN ROSEMANN LLP  
ATTORNEY FOR THE GLENDALE HOCKEY, GLENDALE ARENA  
JERRY REINSDORF  
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BY: (NOT PRESENT)

DEWEY LEOEUF, LLP  
ATTORNEY FOR PSE  
1301 AVENUE OF THE AMERICAS  
NEW YORK, NEW YORK 10019-6092

BY: JEFFREY KESSLER, ESQ.  
HUGH SANDLER, ESQ.

ALSO PRESENT:  
RICHARD RODIER

1 GARY BETTMAN  
 2 MR. KESSLER: I WAS READING,  
 3 MR. GOLDFEIN, THE LAST SENTENCE OF THE RULE.  
 4 I WAS NOT IN THE SENTENCE YOU WERE DIRECTING  
 5 HIM TO.  
 6 THE WITNESS: PAUSE FOR A SECOND.  
 7 START FROM THE TOP SO THAT THERE'S NO  
 8 CONFUSION.  
 9 BY MR. KESSLER:  
 10 Q IS IT CORRECT THAT ANY AMENDMENT OF  
 11 ARTICLE 4 HAS TO BE EVIDENCED BY AN INSTRUMENT  
 12 IN WRITING SIGNED BY ALL MEMBERS OF THE LEAGUE?  
 13 A NOT NECESSARILY.  
 14 Q NOT NECESSARILY. AND WHY WOULD THAT  
 15 BE?  
 16 A WELL, THERE ARE A COUPLE OF REASONS.  
 17 ONE, WHEN YOU'RE REFERRING TO ARTICLE 4 OF THE  
 18 CONSTITUTION, IT NEEDS TO BE RECONCILED WITH  
 19 BYLAW 36; AND SECONDLY, I HAVE ON REPEATED  
 20 OCCASIONS ADVISED THE BOARD THAT THERE'S AN  
 21 ASPECT OF ARTICLE 4 OF THE CONSTITUTION WHICH IS  
 22 UNENFORCEABLE AND WILL NOT BE APPLIED.  
 23 Q THAT'S A VERY -- THAT'S NOT MY  
 24 QUESTION, OKAY.  
 25 WHAT AUTHORITY DO YOU OR ANYONE ELSE

1 GARY BETTMAN  
 2 INTERPRET THREE-QUARTERS TO SAY MAJORITY?  
 3 A WELL, THE WAY YOU'RE THROWING YOUR  
 4 HAND AROUND, YOU MAKE IT SOUND LIKE THAT WOULD  
 5 BE A WILLY-NILLY EXERCISE. IF I HAVE A GOOD  
 6 REASON, MY POWERS ARE PRETTY BROAD TO INTERPRET  
 7 THE CONSTITUTION, BYLAWS, LEAGUE RULES.  
 8 Q OKAY. LET'S TAKE A LOOK AT 4.3.  
 9 A (WITNESS COMPLIES.)  
 10 Q 4.3 IS THE TERRITORIAL RIGHTS OF  
 11 MEMBERS PROVISION. I KNOW YOU'RE VERY FAMILIAR  
 12 WITH THIS PROVISION.  
 13 A HOW WOULD YOU KNOW THAT?  
 14 Q AND IT'S -- AS YOU KNOW, IT SAYS IN  
 15 THE VERY LAST SENTENCE, I'LL FOCUS ON FOR THE  
 16 MOMENT, "NO FRANCHISE SHALL BE GRANTED FOR A  
 17 HOME TERRITORY WITHIN THE HOME TERRITORY OF A  
 18 MEMBER WITHOUT THE WRITTEN CONSENT OF SUCH  
 19 MEMBER."  
 20 I'M ASKING YOU A VERY NARROW QUESTION.  
 21 HAS THERE EVER BEEN A WRITTEN AMENDMENT TO THAT  
 22 PROVISION OF THE CONSTITUTION SIGNED BY ALL  
 23 MEMBERS OF THE LEAGUE?  
 24 A REPEAT THE QUESTION, PLEASE.  
 25 (WHEREUPON, THE REQUESTED PORTION WAS

1 GARY BETTMAN  
 2 HAVE TO SAY THAT THIS PARTICULAR SENTENCE OF THE  
 3 CONSTITUTION, THIS SENTENCE THAT SAYS IT HAS TO  
 4 BE EVIDENCED BY AN INSTRUMENT IN WRITING BY ALL  
 5 MEMBERS OF THE LEAGUE, DOESN'T APPLY? WHAT  
 6 GIVES YOU THE AUTHORITY AS COMMISSIONER TO DO  
 7 THAT?  
 8 A SINCE YOU HAVE THE DOCUMENT IN FRONT  
 9 OF YOU, I POINT YOU TO 6.3 D OF THE  
 10 CONSTITUTION.  
 11 Q OKAY. 6.3 D SAYS YOU CAN INTERPRET  
 12 LEAGUE RULES. DO YOU VIEW THAT TO MEAN -- IT  
 13 SAYS YOU SHALL HAVE THE AUTHORITY TO INTERPRET  
 14 AND ESTABLISH POLICIES REGARDING THE  
 15 CONSTITUTION AND BYLAWS. DO YOU VIEW THAT THAT  
 16 YOU CAN INTERPRET THE LEAGUE RULES, THAT YOU CAN  
 17 CHANGE PROVISIONS OF THE CONSTITUTION BY YOUR  
 18 INTERPRETATION?  
 19 A IF THEY NEED TO BE RECONCILED EITHER  
 20 WITH OTHER DOCUMENTS, RESOLUTIONS AND APPLICABLE  
 21 LAW, YES.  
 22 Q SO, AGAIN, I JUST WANT TO UNDERSTAND  
 23 WHAT YOU VIEW AS THE LIMITS OF YOUR AUTHORITY.  
 24 IF THE CONSTITUTION, FOR EXAMPLE, SAYS SOMETHING  
 25 HERE REQUIRES A THREE-QUARTER VOTE, YOU CAN

1 GARY BETTMAN  
 2 **READ BACK BY THE COURT REPORTER: AND**  
 3 IT'S -- AS YOU KNOW, IT SAYS IN THE VERY  
 4 LAST SENTENCE, I'LL FOCUS ON FOR THE MOMENT,  
 5 "NO FRANCHISE SHALL BE GRANTED FOR A HOME  
 6 TERRITORY WITHIN THE HOME TERRITORY OF A  
 7 MEMBER WITHOUT THE WRITTEN CONSENT OF SUCH  
 8 MEMBER."  
 9 I'M ASKING YOU A VERY NARROW QUESTION.  
 10 HAS THERE EVER BEEN A WRITTEN AMENDMENT TO  
 11 THAT PROVISION OF THE CONSTITUTION SIGNED BY  
 12 ALL MEMBERS OF THE LEAGUE?  
 13 A I DON'T BELIEVE SO, BUT THAT SHOULDN'T  
 14 MATTER BECAUSE I'VE ADVISED THE BOARD --  
 15 Q YOU'VE ANSWERED MY QUESTION.  
 16 MR. GOLDFEIN: HE CAN ANSWER THE  
 17 QUESTION.  
 18 A -- ON REPEATED OCCASIONS THAT WE ARE  
 19 NOT ENFORCING THAT PROVISION, AND THERE HASN'T  
 20 BEEN ANY OBJECTION TO THAT. AND IN FACT, THE  
 21 COMPETITION BUREAU IN CANADA HAS AFFIRMED OUR  
 22 POLICY AND PRACTICE IN THAT REGARD.  
 23 Q HAVE YOU EVER HAD A DISCUSSION WITH  
 24 ANY REPRESENTATIVE OF THE TORONTO TEAM AS TO  
 25 WHAT THEIR POSITION IS WITH RESPECT TO ARTICLE

1 GARY BETTMAN  
 2 4.3 IN ANY CONTEXT?  
 3 A YES.  
 4 Q AND WHO HAVE YOU SPOKEN TO ABOUT THAT?  
 5 A I DON'T REMEMBER WHICH OF THE PEOPLE  
 6 THERE. IT WASN'T A VERY LONG OR EXTENSIVE  
 7 CONVERSATION.  
 8 Q OKAY. WHAT WERE YOU TOLD BY THAT  
 9 REPRESENTATIVE ABOUT THE POSITION OF THE TORONTO  
 10 TEAM?  
 11 A WELL, THEY WEREN'T NECESSARILY  
 12 AGREEING OR DISAGREEING WITH OUR POSITION OR THE  
 13 POSITION I STATED. THEY, NEVERTHELESS, RESERVE  
 14 WHATEVER RIGHTS THEY MAY OR MAY NOT HAVE.  
 15 Q THEY TOLD YOU THAT THEY RESERVED THE  
 16 RIGHT TO TAKE THE POSITION IN THE FUTURE THAT  
 17 YOUR POSITION WAS INCORRECT?  
 18 A ACTUALLY, I THINK THAT'S A  
 19 MISSTATEMENT OF WHAT I JUST SAID TO YOU. I SAID  
 20 THEY RESERVE WHATEVER RIGHTS THEY MAY OR MAY NOT  
 21 HAVE.  
 22 Q WHAT TYPE OF RIGHTS WERE THEY ALLUDING  
 23 TO?  
 24 A I DIDN'T ASK AND THEY DIDN'T SAY.  
 25 Q WHAT TIME PERIOD DID THAT CONVERSATION

1 GARY BETTMAN  
 2 A I BELIEVE SO.  
 3 Q OKAY. NOW, IT'S CORRECT THAT THE HOME  
 4 TEAM -- HOME TERRITORY OF A TEAM IS THE CITY IN  
 5 WHICH IT'S LOCATED AND WITHIN 15 MILES OF THE  
 6 CITY'S CORPORATE LIMITS; IS THAT CORRECT?  
 7 A I BELIEVE THAT'S CORRECT.  
 8 Q BUT YOU DON'T HAVE ANY OTHER  
 9 INTERPRETATION OF THAT, RIGHT? I GUESS I NEED  
 10 TO MAKE SURE THAT YOU DON'T INTERPRET THE  
 11 CONSTITUTION DIFFERENTLY.  
 12 A WELL, I'M GOING TO GIVE YOU PROBABLY A  
 13 BROADER ANSWER THAN YOU'RE EITHER EXPECTING OR  
 14 WANT. HOME TERRITORY AS DEFINED UNDER THE  
 15 CONSTITUTION, BUT THERE ARE OTHER PROVISIONS  
 16 THAT GET READ IN CONJUNCTION, SUCH AS A HOME  
 17 TERRITORY FOR TELEVISIONING GAMES MIGHT BE A LITTLE  
 18 DIFFERENT. WE HAVE THINGS CALLED THE EXTENDED  
 19 TERRITORY.  
 20 Q FOR PURPOSES OF ARTICLE 4.1, HOME  
 21 TERRITORY --  
 22 A THAT'S WHAT IT SAYS.  
 23 Q IT GOES TO 50 MILES. AND YOU DON'T  
 24 HAVE ANY OTHER INTERPRETATION?  
 25 A THAT'S CORRECT.

1 GARY BETTMAN  
 2 TAKE PLACE?  
 3 A SOME POINT OVER THE LAST FEW YEARS.  
 4 Q THIS YEAR?  
 5 A NO.  
 6 Q DID IT TAKE PLACE SOMETIME BETWEEN  
 7 2006 AND NOW?  
 8 A YOU KNOW, I DON'T REMEMBER THE EXACT  
 9 TIME.  
 10 Q DO YOU RECALL IF IT TOOK PLACE DURING  
 11 THE TIME THAT MR. BALSILLIE WAS CONSIDERING  
 12 PURCHASING THE PITTSBURGH TEAM OR PREDATORS  
 13 TEAM?  
 14 A I DON'T RECALL. I THINK IF YOU  
 15 CHECKED THE BOARD MINUTES, THERE ARE AT LEAST A  
 16 COUPLE OF OCCASIONS WHERE I STATED THAT THE  
 17 LEAGUE'S POSITION WOULD BE TO HAVE ANY  
 18 RELOCATION, AND AS YOU'RE ALLUDING TO, TO  
 19 SOUTHERN ONTARIO WOULD BE BY MAJORITY VOTE. AND  
 20 MY GUESS IS SOMEWHERE AROUND THAT TIME SOMEBODY  
 21 WOULD'VE SAID, WHATEVER OUR RIGHTS ARE, WE'RE  
 22 RESERVING THEM; WE'RE NOT NECESSARILY AGREEING  
 23 OR DISAGREEING.  
 24 Q THAT WAS SOMEBODY ON BEHALF OF THE  
 25 TORONTO TEAM?

1 GARY BETTMAN  
 2 Q IS IT CORRECT, IS IT NOT, THAT  
 3 HAMILTON --  
 4 A LET ME FINISH, BECAUSE YOU CUT ME OFF.  
 5 I MEAN THERE ARE INSTANCES WHERE  
 6 TERRITORIES OVERLAP OR GET BISECTED. SO, FOR  
 7 EXAMPLE, THE TERRITORY BETWEEN THE NEW YORK/NEW  
 8 JERSEY TEAMS AND THE PHILADELPHIA TEAM GET  
 9 SHRUNK A LITTLE IN ONE DIRECTION. SO THERE ARE  
 10 INTERPRETATIONS THAT APPLY TO THIS.  
 11 Q YOU WOULD AGREE, WOULD YOU NOT, THAT  
 12 HAMILTON IS WITHIN THE HOME TERRITORY OF THE  
 13 TORONTO MAPLE LEAFS?  
 14 A THAT'S WHAT I'M TOLD. I'VE NEVER  
 15 ACTUALLY PHYSICALLY MEASURED IT.  
 16 Q BUT THAT'S YOUR UNDERSTANDING?  
 17 A YEAH. YES.  
 18 Q NOW, WHEN YOU MENTIONED THAT THE  
 19 REPRESENTATIVE OF TORONTO RESERVED ITS RIGHTS  
 20 WITH RESPECT TO THE MEANING OF 4.3, DID YOU EVER  
 21 RECEIVE ANYTHING IN WRITING FROM A  
 22 REPRESENTATIVE OF TORONTO OR COUNSEL FOR TORONTO  
 23 ON THE SUBJECT OF 4.3?  
 24 MR. GOLDFEIN: I OBJECT TO THE FORM OF  
 25 THE QUESTION, AND I THINK YOU'RE GOING

1 GARY BETTMAN

2 ABOUT THIS OFFER AS EARLY AS MAY 8, 2007,  
3 CORRECT? THAT'S WHEN YOU GOT THIS E-MAIL?

4 A I ASSUME I KNEW ABOUT THIS WHEN I GOT  
5 THIS E-MAIL OR MAYBE A LITTLE BIT BEFORE. IT  
6 COULD'VE BEEN THE SAME DAY.

7 Q WAS THE TERM SHEET THAT WAS ENTERED  
8 INTO BY MR. LEOPOLD FOR THE SALE TO  
9 MR. BALSILLIE BEFORE OR AFTER MAY?

10 A I DON'T KNOW. I THINK IT -- IT MAY  
11 HAVE BEEN BEFORE, BUT I DON'T KNOW. I WASN'T  
12 PARTICULARLY FOCUSED ON THE TERM SHEET.

13 MR. KESSLER: LET ME MARK AS THE NEXT  
14 EXHIBIT A COPY OF THE TERMS SHEET, WHICH  
15 WE'LL MARK AS EXHIBIT 16 NOW.

16 (WHEREUPON, TERM SHEET WAS MARKED AS  
17 PLAINTIFF'S EXHIBIT 16 FOR IDENTIFICATION,  
18 AS OF THIS DATE.)

19 BY MR. KESSLER:

20 Q AND YOU'LL SEE THE TERM SHEET IS DATED  
21 MAY 15TH, 2007, EXHIBIT 16?

22 A YEAH.

23 Q AND MR. LEOPOLD INFORMED YOU ABOUT  
24 THIS OFFER BEFORE HE SIGNED THE TERM SHEET WITH  
25 MR. BALSILLIE, RIGHT?

1 GARY BETTMAN

2 A APPARENTLY.

3 Q YES. AND I GUESS THE QUESTION I'M NOT  
4 SURE I GOT AN ANSWER TO, MAYBE I DIDN'T ASK IT.  
5 IN THE LAST PARAGRAPH OF THE E-MAIL, TO GO BACK  
6 TO THAT FOR A MINUTE, IT SAYS AT THE END --

7 A I LOST THAT. WHAT NUMBER WAS THAT?

8 Q 15 OF EXHIBIT 12. I WAS ONLY SHOWING  
9 YOU THE TERM SHEET TO GET THE DATES DOWN.

10 ~~IF YOU LOOK AT NUMBER 12, IN THE LAST~~  
11 PARAGRAPH HE WRITES THE FOLLOWING: "I HAVE  
12 TRIED FOR THREE YEARS TO GET LOCAL OWNERS, BUT  
13 ~~TO NO AVAIL. WE HAVE HAD ONE OF THE BEST TEAMS~~  
14 IN HOCKEY THE PAST THREE YEARS, YET OUR PAID  
15 ATTENDANCE IS ONE OF THE LOWEST IN THE LEAGUE.  
16 SO NATURALLY THE TEAM NEEDS TO MOVE. AND IF THE  
17 LEAGUE VOTES NOT TO ALLOW THE TEAM TO MOVE TO  
18 HAMILTON, THEN BALSILLIE WILL SELL IT TO SOMEONE  
19 ELSE TO MOVE TO KC AT A LOSS, WHICH HE  
20 ACKNOWLEDGES."

21 DO YOU RECALL THAT AT THIS TIME IT WAS  
22 THE FIRM VIEW OF MR. LEOPOLD THAT THE PREDATORS  
23 HAD TO MOVE?

24 A I DON'T KNOW WHAT OR WASN'T HIS FIRM  
25 VIEW. HE SAID WHATEVER HE SAID IN THIS E-MAIL.

1 GARY BETTMAN

2 Q AND YOUR RESPONSE FIRST WAS THAT OF  
3 COURSE THE OFFER NEEDS TO BE CONSIDERED. THAT  
4 WAS YOUR FIRST SENTENCE, RIGHT?

5 A YES. THAT'S WHAT IT SAYS.

6 Q OKAY. AND THEN YOU SAID, "MY FOCUS,  
7 THE FIRST ISSUE, WHICH IS ULTIMATELY THE BOARD  
8 ISSUE, IS NOT WHETHER THE TEAM SHOULD MOVE OR  
9 WHERE. THAT COMES LATER, IF AT ALL. BUT THE  
10 SUITABILITY AND APPROVABILITY OF THE PROSPECTIVE  
11 PURCHASER." THAT'S WHAT YOUR RESPONSE TO HIM  
12 WAS, RIGHT?

13 A RIGHT.

14 Q AND THEN YOU REFERRED TO  
15 MR. BALSILLIE'S HISTORY, CORRECT?

16 A YEP.

17 Q AND IN FACT, YOU SUBSEQUENTLY MADE IT  
18 CLEAR TO MR. LEOPOLD, DID YOU NOT, IN  
19 CONVERSATIONS THAT YOU REALLY, YOU, GARY  
20 BETTMAN, AS COMMISSIONER, WERE NOT DESIROUS OF  
21 HAVING MR. BALSILLIE COME INTO THE LEAGUE?

22 MR. GOLDFEIN: OBJECTION TO THE FORM  
23 OF THE QUESTION.

24 A ABSOLUTELY INCORRECT.

25 Q DID YOU INFORM HIM THAT YOU WERE

1 GARY BETTMAN

2 ~~DESIROUS OF HAVING HIM COME IN THE LEAGUE?~~

3 A ACTUALLY, WHAT HAPPENED FROM THIS WAS  
4 THAT MR. BALSILLIE CAME TO SEE ME IN NEW YORK  
5 AND HE MET WITH BILL DALY AND ME, AND I TRIED TO  
6 GIVE HIM A ROAD MAP AS TO HOW TO GET INTO THE  
7 LEAGUE AND POSSIBLY ULTIMATELY GET WHAT HE  
8 WANTED, AND HE REFUSED TO DO IT.

9 Q SO AT THE TIME YOU MET WITH HIM WHEN  
10 YOU GAVE HIM THE ROAD MAP, IS IT FAIR TO SAY AT  
11 THAT MEETING, AT LEAST, YOU WERE OPEN MINDED TO  
12 THE IDEA OF HIM COMING INTO THE LEAGUE IF HE  
13 WOULD FOLLOW YOUR ROAD MAP?

14 MR. GOLDFEIN: OBJECTION TO THE FORM  
15 OF THE QUESTION.

16 A IT WASN'T A QUESTION OF BEING OPEN  
17 MINDED OR NOT. I HAD AN OWNER CONTEMPLATING A  
18 TRANSACTION, AND I KNEW THAT MR. BALSILLIE NOW  
19 HAD A HISTORY, BECAUSE OF THE WAY HE HANDLED  
20 PITTSBURGH, BOTH IN TERMS OF THE REPRESENTATIONS  
21 THAT HE RENEGED ON AND THE FACT THAT WHEN HE  
22 PULLED OUT OF THE DEAL HE WENT PUBLIC AND SAID  
23 WE CANCELED THE DEAL INSTEAD OF HE PULLED OUT,  
24 AND EVERYBODY IN THE LEAGUE KNEW THAT. AND I  
25 WAS TRYING TO EXPLAIN TO JIM THAT HE WAS GOING

1 GARY BETTMAN  
 2 Q YOU CAN ASSUME, YOU ARE FIRMLY ON THE  
 3 RECORD THAT YOU DON'T THINK IT CAN BE DONE?  
 4 A NO, I KNOW IT CAN'T BE DONE.  
 5 Q YOU KNOW IT CAN'T BE DONE. YOU ARE  
 6 FIRMLY ON THE RECORD?  
 7 A CORRECT.  
 8 MR. KESSLER: LET THE RECORD REFLECT  
 9 THAT THAT IS MR. BETTMAN'S TESTIMONY.  
 10 BY MR. KESSLER:  
 11 Q WHAT I WANT TO ASK IS JUST A FACTUAL  
 12 QUESTION, WHICH IS THAT ARE THERE ANY STEPS THAT  
 13 YOU ARE AWARE OF SINCE MAY 5TH OF 2009 THAT THE  
 14 LEAGUE HAS TAKEN TO TRY TO PREPARE FOR A  
 15 POSSIBLE RELOCATION IN CASE, FOR EXAMPLE, THE  
 16 COURT HAD ORDERED YOU THAT YOU HAVE TO RELOCATE?  
 17 MR. GOLDFEIN: YOU'RE LIMITING YOUR  
 18 QUESTION JUST TO THE SCHEDULING ISSUE HERE?  
 19 THAT'S MY OBJECTION. THAT QUESTION IS A FAR  
 20 BROADER QUESTION.  
 21 MR. KESSLER: I'LL FIRST DO  
 22 SCHEDULING, AND THEN I MAY ASK EVERYTHING  
 23 OTHER THAN LEGAL ADVICE.  
 24 BY MR. KESSLER:  
 25 Q I'LL BE VERY CLEAR. I'M NOT ASKING

1 GARY BETTMAN  
 2 YOU, LIKE, HAVE YOU CONFERRED ON COULD YOU SEEK  
 3 APPEALS OR COULD YOU SEEK STAYS. I'M NOT ASKING  
 4 FOR ANY LEGAL ADVICE. I'M LOOKING FOR BUSINESS  
 5 STEPS. SO I'LL START FIRST WITH SCHEDULING.  
 6 SINCE MAY 5TH, 2009, HAVE ANY STEPS  
 7 BEEN TAKEN TO PREPARE A POSSIBLE SCHEDULE IN  
 8 CASE THE COURT WERE TO ORDER RELOCATION FOR THIS  
 9 SEASON?  
 10 ~~A TO PREPARE A SCHEDULE?~~  
 11 Q YES.  
 12 A I DON'T BELIEVE SO. TO LOOK AT  
 13 ~~WHETHER OR NOT IT WAS EVEN POSSIBLE, I THINK SO.~~  
 14 BUT THE BEST PERSON TO ANSWER THAT QUESTION WILL  
 15 BE MR. DALY TOMORROW.  
 16 Q OKAY. DO YOU KNOW OF ANY OTHER STEPS  
 17 THAT THE LEAGUE HAS TAKEN, FACTUAL STEPS TO  
 18 PREPARE FOR JUST THE POSSIBILITY THAT THE COURT  
 19 WOULD ORDER A RELOCATION FOR THIS SEASON, SUCH  
 20 AS RENEGOTIATING DIFFERENT CHARTER ARRANGEMENTS  
 21 OR TALKING TO THE NETWORKS ABOUT THIS  
 22 POSSIBILITY OR ANY OTHER STEPS TO AMELIORATE ANY  
 23 OTHER CONSEQUENCES IN THE CASE THE COURT ORDERED  
 24 THIS?  
 25 A IT CAN'T BE DONE.

1 GARY BETTMAN  
 2 Q WE'LL STIPULATE THAT'S YOUR VIEW.  
 3 A IT'S A FACT. TALK TO MR. DALY  
 4 TOMORROW. HE DEALS WITH MR. HATZE PETROS.  
 5 Q I JUST WANT YOUR KNOWLEDGE.  
 6 A MY KNOWLEDGE WHAT YOU'RE ASKING IS  
 7 WHAT YOU'RE ASKING IS IMPOSSIBLE, AND EVEN, WITH  
 8 ALL DUE RESPECT TO THE JUDGE, IF HE ORDERED IT,  
 9 IT COULDN'T HAPPEN.  
 10 Q SO WITH ALL RESPECT TO THE JUDGE,  
 11 BECAUSE OF YOUR STRONG BELIEF THAT IT'S  
 12 IMPOSSIBLE, WHICH I UNDERSTAND, IS IT FAIR TO  
 13 SAY THE LEAGUE HAS NOT TAKEN ANY STEPS TO TRY TO  
 14 PREPARE FOR THIS BECAUSE YOU BELIEVE IT'S  
 15 IMPOSSIBLE?  
 16 A FOR THE FIFTH TIME, ASK MR. DALY.  
 17 Q BUT YOU DON'T KNOW OF ANY?  
 18 A OTHER THAN, I BELIEVE, IN A GENERAL  
 19 WAY, MY INSTRUCTIONS WERE FINISH THE SCHEDULE,  
 20 IT HAD TO GET DONE, AND THEN TAKE A LOOK TO SEE  
 21 IF IT'S DOABLE.  
 22 Q DOES THE LEAGUE -- AT THIS POINT, IS  
 23 IT FAIR TO SAY, TO YOUR KNOWLEDGE, MR. REINSDORF  
 24 AND HIS GROUP DO NOT HAVE AN APA? THEY DON'T  
 25 HAVE AN ASSET PURCHASE AGREEMENT; IS THAT

1 GARY BETTMAN  
 2 CORRECT?  
 3 MR. GOLDFEIN: LOOK, THE JUDGE SAID  
 4 THE BIDDERS, QUESTIONING ABOUT THE BIDDERS  
 5 IS OFF LIMITS.  
 6 MR. KESSLER: I'LL ASK IT A DIFFERENT  
 7 WAY.  
 8 BY MR. KESSLER:  
 9 Q HAVE YOU MADE ANY PREPARATIONS OR  
 10 STEPS TO CONSIDER WHAT TO DO WITH THE TEAM THIS  
 11 SEASON IF THERE IS NO BIDDER OTHER THAN  
 12 MR. BALSILLIE?  
 13 A WELL, THERE ARE A HOST OF THINGS THAT  
 14 MAY OR MAY NOT HAPPEN THAT APPEAR TO BE BEYOND  
 15 ALL OF OUR CONTROL OTHER THAN THE FACT THAT IF  
 16 THE TEAM'S GOING TO PLAY, ITS GOTTA PLAY IN  
 17 PHOENIX. IF ULTIMATELY MR. BALSILLIE CHOOSES TO  
 18 BUY THE CLUB AND IS APPROVED BY THE COURT OVER  
 19 OUR OBJECTION, HE'LL BE OPERATING THE CLUB IN  
 20 PHOENIX.  
 21 Q THAT'S NOT MY QUESTION.  
 22 A AND IF THERE'S NO OTHER BIDDER, WE  
 23 WILL CONTINUE THE DIP FINANCING THAT WE'VE BEEN  
 24 DOING.  
 25 Q THAT'S WHAT I WANTED TO KNOW.

1 GARY BETTMAN

2 A WELL, WHY DIDN'T YOU ASK ME THAT  
3 QUESTION?

4 Q WELL, I'M TRYING TO, OKAY?

5 A IT'S THE COMPOUNDING QUESTIONS. IF  
6 YOU JUST ASK SIMPLE QUESTIONS, I'LL ANSWER.

7 Q AGAIN, JUST TO CONFIRM. SO IF THE  
8 COURT DOES NOT OVERTURN YOUR REJECTION TO  
9 MR. BALSILLIE, WHICH YOU'VE REJECTED HIM, AND IF  
10 THERE'S NO OTHER BIDDER THAT EMERGES FOR THE  
11 TEAM, THEN YOUR CURRENT PLAN WOULD BE TO  
12 CONTINUE DIP FINANCING IN THE BANKRUPTCY TO FUND  
13 THE OPERATIONS OF THE TEAM?

14 A AND AT THE SAME TIME TRY TO SELL IT IN  
15 A CALM, SENSIBLE, PROFESSIONAL, RATIONAL  
16 PROCESS.

17 Q HOW MUCH DID IT COST THE LEAGUE LAST  
18 YEAR TO FUND THE OPERATIONS AT PHOENIX?

19 A I THINK WE'VE LENT THE CLUB -- UP TO  
20 NOW? GIVE ME A TIME FRAME.

21 Q FOR LAST SEASON THROUGH NOW.

22 A LAST SEASON THROUGH NOW?

23 Q YES.

24 A I THINK WE'VE LENT THE CLUB ABOUT  
25 \$30 MILLION.

1 GARY BETTMAN

2 Q WOULD YOU ANTICIPATE THAT IF YOU HAD  
3 TO DO DIP FINANCING FOR ANOTHER SEASON, IT WOULD  
4 BE AT LEAST THAT MUCH AGAIN?

5 A YOU KNOW WHAT, WE'RE NOT CERTAIN  
6 BECAUSE A LOT OF DAMAGE HAS BEEN DONE TO THE  
7 CLUB'S BUSINESS IN PHOENIX SINCE THE FILING OF  
8 THE PETITION. THE FRICTION OVER HOW THE CLUB  
9 SHOULD BE RUN, THE SANDBAGGING ON THE SALE  
10 PROCESS, THE MAILING TO SEASON TICKET HOLDERS OF  
11 THINGS THEY NEVER SHOULD'VE GOTTEN, THE LEAKING  
12 OF HIGHLY CONFIDENTIAL INFORMATION HAS BEEN  
13 EXTREMELY DISRUPTIVE TO THE PROSPECTS OF THE  
14 TEAM. WE WILL HOPEFULLY BE IN A POSITION WHERE  
15 IF WE GIVE THE FANS HOPE THAT THE TEAM WILL BE  
16 THERE, GIVE THEM THE SENSE WE CAN PROVIDE  
17 STABILITY, THAT BUSINESS WILL COME BACK QUICKLY.  
18 I'M HOPING WE CAN OPERATE IT BETTER AND MORE  
19 EFFICIENTLY THAN IT HAS BEEN ONCE WE GET OUT  
20 FROM UNDER THIS CLOUD AND WE PUT IN NEW  
21 MANAGEMENT.

22 Q SO IT'S POSSIBLE IT COULD BE MORE THAN  
23 ANOTHER 30 OR LESS THAN ANOTHER 30 MILLION, YOU  
24 JUST DON'T KNOW?

25 A PURE SPECULATION AT THIS POINT. BUT

1 GARY BETTMAN

2 WE'LL DO WHAT'S NECESSARY TO PRESERVE THE ASSET.

3 Q LET ME NEXT SHOW YOU A COPY OF -- IT'S  
4 EXHIBIT 12, BETTMAN 12, EXHIBIT 21. LOOK AT  
5 THAT, PLEASE.

6 A (WITNESS COMPLIES.)

7 Q AND YOU'LL SEE THIS IS THE MINUTES OF  
8 THE BOARD OF GOVERNORS MEETING HELD HERE IN  
9 TIMES SQUARE ON JUNE 20th, 2007. DO YOU  
10 RECOGNIZE THIS AS BEING THE MINUTES OF THE BOARD  
11 OF GOVERNORS?

12 A THAT'S WHAT IT LOOKS LIKE TO ME. I  
13 HAVE NO REASON TO BELIEVE IT'S ANYTHING OTHER  
14 THAN THAT.

15 Q AND YOU ATTENDED THIS MEETING?

16 A THAT'S WHAT IT SAYS.

17 Q OKAY. TAKE A LOOK AT PAGE 4 OF THESE  
18 MINUTES, AND AGAIN, THESE ARE NOT THE COMPLETE  
19 MINUTES. YOU JUST PRODUCED A PORTION RELATING  
20 TO THE PREDATORS. AND IT SAYS UNDER NASHVILLE  
21 PREDATORS THAT "COMMISSIONER BETTMAN NEXT  
22 REPORTED ON THE STATUS OF THE NASHVILLE  
23 PREDATORS. HE REPORTED THAT CRAIG LEOPOLD, THE  
24 OWNER OF THE PREDATORS, HAD ENTERED INTO A  
25 NON-BINDING, ACCORDING TO MR. LEOPOLD, TERM

1 GARY BETTMAN

2 SHEET TO SELL THE PREDATORS TO JIM BALSILLIE."

3 AND DO YOU RECALL REPORTING THAT TO  
4 THE BOARD?

5 A I HAVE NO REASON TO DOUBT THAT WHAT  
6 THIS SAYS ISN'T ACCURATE.

7 Q AND IN FACT, MR. LEOPOLD HAD TOLD YOU  
8 IT WAS NON-BINDING, CORRECT?

9 A THAT'S WHAT IT SAYS. THAT'S WHAT IT  
10 SAYS.

11 Q BUT YOU DON'T HAVE ANY DIFFERENT  
12 RECOLLECTION?

13 A NO, I DON'T.

14 Q AND IT SAYS, "COMMISSIONER BETTMAN  
15 STATED THAT THE BOARD WAS NOT BEING ASKED AT THE  
16 CURRENT TIME TO CONSIDER THE PROSPECTIVE SALE OF  
17 THE PREDATORS TO MR. BALSILLIE BECAUSE, AMONG  
18 OTHER REASONS, MR. LEOPOLD AND BALSILLIE HAVE TO  
19 DATE BEEN UNABLE TO CONCLUDE NEGOTIATIONS FOR A  
20 BINDING AGREEMENT FOR THE SALE OF THE CLUB."

21 AND THAT'S CORRECT, YOU REPORTED THAT  
22 AS WELL, RIGHT?

23 A I HAVE NO REASON TO DOUBT THIS IS  
24 INACCURATE. I HAVE NO REASON TO DOUBT ITS  
25 ACCURACY. I USED A DOUBLE NEGATIVE, AND I



1 GARY BETTMAN  
 2 BE TRUE?  
 3 Q YOU WOULD AGREE THAT A WITNESS AT A  
 4 DEPOSITION WHO IS NONRESPONSIVE TO DIRECT  
 5 QUESTIONS OR IS EVASIVE IN ANSWERS, THAT WOULD  
 6 REFLECT ON THE INTEGRITY OF THE WITNESS, RIGHT?  
 7 MR. GOLDFEIN: I'M GOING TO OBJECT TO  
 8 THE FORM OF THE QUESTION, AND I'M GOING TO  
 9 INSTRUCT YOU NOT TO ANSWER.  
 10 MR. KESSLER: OKAY.  
 11 MR. GOLDFEIN: THAT'S NOT A FACT  
 12 QUESTION. THAT'S AN ARGUMENTATIVE QUESTION,  
 13 JEFF.  
 14 MR. KESSLER: HE RAISED THE ISSUE. I  
 15 DIDN'T RAISE THE ISSUE.  
 16 BY MR. KESSLER:  
 17 Q WITH RESPECT TO THE CREDITORS  
 18 SITUATION, WAS IT CORRECT THAT JUST A FEW DAYS  
 19 AFTER MR. BALSILLIE OFFERED THE DEPOSITS FOR THE  
 20 TICKETS IN HAMILTON, THAT THE LEASE -- THE  
 21 NOTICE OF TERMINATING THE PREDATORS LEASE WAS  
 22 GIVEN BY MR. LEOPOLD?  
 23 A I DON'T REMEMBER THE TIME SEQUENCE.  
 24 Q DO YOU RECALL IT WAS JUST LITERALLY  
 25 WITHIN A FEW DAYS?

1 GARY BETTMAN  
 2 A AS I SAID, I DON'T REMEMBER THE TIME  
 3 SEQUENCE.  
 4 Q DO YOU RECALL THAT BOTH MR. BALSILLIE  
 5 AND YOU, FROM OUR PRIOR TESTIMONY, KNEW THAT  
 6 MR. LEOPOLD HAD ALREADY DECIDED TO GIVE NOTICE  
 7 OF TERMINATION OF THE LEASE BEFORE MR. BALSILLIE  
 8 OFFERED THE TICKETS IN HAMILTON?  
 9 A I'M NOT SURE OF THE TIMING, AS I SAID.  
 10 ~~BUT AGAIN, THE NOTICE OF TERMINATION WAS TO~~  
 11 TRIGGER A PERIOD DURING WHICH IF THE FANS HAD A  
 12 CERTAIN LEVEL OF ATTENDANCE, THE LEASE WASN'T  
 13 ~~GOING TO BE OVER. AND I HAD SPECIFICALLY, ON~~  
 14 MORE THAN ONE OCCASION, TOLD MR. BALSILLIE THAT  
 15 THIS LEAGUE ISN'T GOING TO BE A PART OF  
 16 UNDERMINING A TEAM'S PRESENCE IN A MARKET AND  
 17 TRYING TO SABOTAGE LEASE PROVISIONS, THAT WE  
 18 WERE GOING TO TRY AND CURE THIS, LET THE CITY  
 19 CURE IT IN GOOD FAITH.  
 20 Q LET ME ASK YOU THIS: DO YOU AGREE  
 21 THAT THE TERMINATION OF -- A NOTICE OF EARLY  
 22 TERMINATION OF A LEASE WOULD GIVE OUT THE  
 23 INFORMATION THAT IF THE CONDITIONS WERE NOT MET  
 24 FOR A CURE, IN EFFECT, THAT FANS WOULD KNOW THAT  
 25 THE TEAM WAS GOING TO MOVE?

1 GARY BETTMAN  
 2 A IF YOU SIMPLY GAVE A NOTICE OF  
 3 TERMINATION THAT SAYS WE NEED 14,000 PAID PEOPLE  
 4 SO THE LEASE STAYS IN EFFECT AND THE TEAM STAYS  
 5 HERE, THE FANS HAVE INCENTIVE. IF THE FANS  
 6 THINK IT'S A FOREGONE CONCLUSION THE CLUB IS  
 7 GOING TO MOVE, PROPOSALS, AMONG OTHER THINGS,  
 8 TICKETS ARE BEING SOLD SOMEPLACE ELSE ALREADY,  
 9 IT MIGHT CAUSE FANS TO FEEL IT'S HOPELESS AND  
 10 GIVE UP.  
 11 Q WOULD YOU AGREE WITH ME THAT SOME  
 12 FANS, WHEN THEY HEARD THAT THE LEASE WAS  
 13 TERMINATED, WOULD ALSO HAVE THE VIEW, WELL, GEE  
 14 THE TEAM MAY MOVE IF WE DON'T ACHIEVE THESE  
 15 NUMBERS? THAT'S FAIR, ISN'T IT?  
 16 A THEN I THINK, IF I UNDERSTAND WHAT YOU  
 17 ASKED, IT'S THAT ONCE IT WAS OUT THERE THAT THEY  
 18 WERE IN THE CURE PERIOD, THE FANS KNEW THAT THE  
 19 TEAM NEEDED A CERTAIN LEVEL OF ATTENDANCE,  
 20 OTHERWISE THERE WAS A RISK THE TEAM MIGHT BE OUT  
 21 OF ITS LEASE AND MOVE.  
 22 MR. KESSLER: I DON'T HAVE ANY FURTHER  
 23 QUESTIONS.  
 24 (Continued on next page)  
 25

1 MR. GOLDFEIN: ANYBODY ELSE?  
 2 (TIME NOTED 5:16 P.M.)  
 3  
 4 \_\_\_\_\_  
 5 GARY BETTMAN  
 6  
 7 SUBSCRIBED AND SWORN TO BEFORE ME  
 8 THIS DAY OF , 2009  
 9  
 10  
 11  
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 25

PROCEEDINGS  
CERTIFICATE

I, JUDI JOHNSON, RPR, CRR, CLR, A NOTARY PUBLIC IN AND FOR THE STATE OF NEW YORK, DO HEREBY CERTIFY: THAT THE WITNESS WHOSE TESTIMONY IS HEREINBEFORE SET FORTH, WAS DULY SWORN BY ME; AND THAT THE WITHIN TRANSCRIPT IS A TRUE RECORD OF THE TESTIMONY GIVEN BY SAID WITNESS. I FURTHER CERTIFY THAT I AM NOT RELATED, EITHER BY BLOOD OR MARRIAGE, TO ANY OF THE PARTIES TO THIS ACTION; AND THAT I AM IN NO WAY INTERESTED IN THE OUTCOME OF THIS MATTER. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 20TH DAY OF AUGUST, 2009.

JUDI JOHNSON, RPR, CRR, CLR

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ERRATA SHEET

NAME OF CASE: In Re Dewey Ranch Hockey  
DATE OF DEPOSITION: AUGUST 20, 2009  
NAME OF WITNESS: GARY BETTMAN

REASON CODES:

1. TO CLARIFY THE RECORD.
2. TO CONFORM TO THE FACTS
3. TO CORRECT THE TRANSCRIPTION ERRORS.

PAGE \_\_\_\_\_ LINE \_\_\_\_\_ REASON \_\_\_\_\_  
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GARY BETTMAN