

EXHIBIT 8

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.

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1 to get into attorney/client communications, so that
 2 my question is: Independent of attorney/client
 3 communications, do you have any independent
 4 understanding that it would have been inappropriate
 5 to consider Mr. Balsillie's desire to move the team
 6 in connection with his ownership application?
 7 A. My consideration was my experience with
 8 Mr. Balsillie and whether or not he would be a fit
 9 owner of any franchise, not the Coyotes.
 10 Q. Is the only reason that you did not
 11 consider Mr. Balsillie's desire to move the team to
 12 Hamilton because you were given legal advice not to
 13 do so?
 14 A. The presumption is that I was. I can't
 15 answer that. I think it's a violation of
 16 attorney/client privilege.
 17 Q. Can you identify any nonlegal advice --
 18 let me start again.
 19 Can you identify any basis, independent of
 20 any legal advice that you were given, why it would
 21 be inappropriate to consider relocation as part of
 22 Mr. Balsillie's ownership application?
 23 A. I can't speculate, I really can't.

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1 Q. Did you have any discussions with any
 2 other NHL owners about whether they considered
 3 Mr. Balsillie's desire to move the club as part of
 4 their analysis of whether he was fit to own the
 5 club?
 6 A. No, I did not.
 7 Q. Okay. No owner acknowledged to you --
 8 A. No one.
 9 Q. -- "this was something I considered"?
 10 A. No, nobody said that.
 11 MR. GOLDFEIN: Can we find a time to take a
 12 break? We've been going over an hour.
 13 MR. GREENSPAN: That's fine.
 14 MR. GOLDFEIN: Now?
 15 MR. GREENSPAN: This is a fine time.
 16 (A recess was then taken.)
 17 BY MR. GREENSPAN:
 18 Q. Another factor that weighed into
 19 your -- yours personally, your recommendation to
 20 the board of governors were the statements of
 21 Mr. Leipold at the executive committee meeting?
 22 A. Yes.
 23 Q. Is Mr. Leipold an executive committee

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1 Q. You can't identify sitting here today
 2 any independent ground?
 3 A. I can't speculate. If the dog had
 4 stopped running, would he have caught the rabbit, I
 5 mean, that sort of thing.
 6 Q. Do you know whether any owners
 7 considered Mr. Balsillie's desire to move to
 8 Hamilton as part of the ownership application
 9 process?
 10 A. I can't speculate on that. I don't
 11 know.
 12 Q. Did you have any discussions with any
 13 executive committee members --
 14 A. No.
 15 Q. -- about --
 16 A. No, I did not.
 17 Go ahead, finish your question. I'm sorry.
 18 I'm not supposed to do that.
 19 Q. I think you foreshadowed the rest of my
 20 question.
 21 MR. GOLDFEIN: Well, ~~why don't you put it in~~
 22 the record so he can answer it.
 23 BY MR. GREENSPAN:

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1 member?
 2 A. Yes.
 3 Q. Okay. And why did -- what's your
 4 understanding as to why Mr. Leipold made the
 5 statements that he did?
 6 A. There is a statement in here describing
 7 in instant detail his experience with
 8 Mr. Balsillie.
 9 Q. And Mr. Leipold wanted to make certain
 10 that the rest of the executive committee was aware
 11 of his experiences with Mr. Balsillie?
 12 MR. GOLDFEIN: Object to the form of the
 13 question, but you can answer.
 14 THE WITNESS: He felt it was important -- I
 15 can't tell you why Mr. Leipold did that or why
 16 he -- you can ask Mr. Leipold why he did that. My
 17 understanding is to help us make an informed
 18 opinion and judgment on Mr. Balsillie as a
 19 potential owner or -- excuse me, potential owner of
 20 a franchise in the National Hockey League.
 21 BY MR. GREENSPAN:
 22 Q. And Mr. Leipold made it very clear to
 23 the executive committee that in his view,

1 need to be precise, and -- you need to be precise.
 2 BY MR. GREENSPAN:
 3 Q. Has the board of governors ever
 4 terminated the membership of an NHL owner?
 5 A. Not to my knowledge.
 6 Q. Okay. What's the difference so I make
 7 sure I understand between the board of governors
 8 terminating an individual's membership rights
 9 versus expelling an individual from the league?
 10 MR. GOLDFEIN: If you know, you can answer.
 11 THE WITNESS: I don't think I'm adequate to
 12 answer that.
 13 BY MR. GREENSPAN:
 14 Q. Okay. What I'm trying to get at is,
 15 has the board of governors ever terminated an owner
 16 in the sense that they've said, you cannot be an
 17 NHL owner anymore?
 18 A. I'm not aware of it.
 19 Q. Okay. I want to talk about Mr. Dolan.
 20 He's the co-owner of the Rangers, right?
 21 A. No. He is the -- he's the -- he's --
 22 the Rangers are owned by a corporate entity that he
 23 might represent.

1 Q. Right. Madison Square Gardens or
 2 something.
 3 A. Inc.
 4 Q. Mr. Dolan, does he serve on the board
 5 of governors?
 6 A. Yes.
 7 Q. And Mr. Dolan has in the last several
 8 years filed an antitrust suit against the NHL and
 9 its fellow owners?
 10 A. Yes.
 11 Q. Has the board of governors considered
 12 taking any action against Mr. Dolan for having done
 13 this?
 14 A. Shep, where do you want me to go on
 15 this?
 16 MR. GOLDFEIN: You can answer to the extent
 17 it doesn't disclose the attorney/client privilege.
 18 THE WITNESS: Yes.
 19 BY MR. GREENSPAN:
 20 Q. As Mr. Dolan continues to --
 21 Mr. **Dolan's status on the board of governors, has**
 22 **it been effected by his antitrust suit?**
 23 A. Today, yesterday, or tomorrow? Which

1 are you talking about?
 2 Q. Today.
 3 A. Today he's a member of good standing.
 4 Q. Okay.
 5 MR. GOLDFEIN: There is no longer an
 6 antitrust suit.
 7 THE WITNESS: There's no longer a suit. The
 8 suit is dismissed.
 9 BY MR. GREENSPAN:
 10 Q. Okay. At any point subsequent to
 11 Mr. Dolan filing this lawsuit -- let me start over.
 12 Did Mr. Dolan's filing of the lawsuit at any
 13 time have any bearing on his status as a member of
 14 the board of governors?
 15 A. People are free to file a lawsuit, and
 16 to the extent that it affected the National Hockey
 17 League and the rules, the regulations, and the
 18 ability to function and impaired it, he -- it would
 19 have affected his status with us.
 20 Q. Mr. Dolan was permitted to serve on the
 21 board of governors during the pendency of his
 22 lawsuit?
 23 A. He as a practical matter did not.

1 Q. What do you mean by as a practical
 2 matter he did not?
 3 A. He didn't come in, and he had
 4 ~~alternative members attend.~~
 5 Q. Did Mr. Dolan have the right to attend
 6 and vote at board of governors meetings?
 7 A. Yes, he would have.
 8 Q. Okay. Did Mr. Dolan's lawsuit against
 9 the NHL reflect on his character and integrity in
 10 your view?
 11 A. Somebody's got it on hold.
 12 (Discussion off the record.)
 13 THE WITNESS: It affected -- his activities
 14 did affect the opinion of members of the board of
 15 governors and of the executive committee,
 16 definitely did affect our opinion of him and the
 17 way he conducted himself in that action, yes.
 18 BY MR. GREENSPAN:
 19 Q. ~~It, in your view, reflected negatively~~
 20 ~~on his character --~~
 21 A. Yes, it did.
 22 Q. -- and integrity?
 23 And Mr. Dolan was also found guilty of

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 JEREMY JACOBS

9 Sworn to before me this

10 ----- day of -----, 2009.

11 -----
12 NOTARY PUBLIC.
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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 JOAN M. METZGER-HUBBELL,
20 CRR, RMR, RPR,
21 Notary Public.
22
23

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4 JACOBS EXH. 2	multi-paged document headed Executive Committee Memorandum & Exhibits, July 27, 2009	27
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6 JACOBS EXH. 4	document headed Bylaws, Section 36, Transfer of Franchise Location, three pages	125
7 JACOBS EXH. 5	document headed Constitution of the National Hockey League, several pages	155

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