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8 **UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF ARIZONA**

11 In re:
12 DEWEY RANCH HOCKEY, LLC
13 COYOTES HOLDINGS, LLC
14 COYOTES HOCKEY, LLC
ARENA MANAGEMENT GROUP, LLC,
15 Debtors.

Chapter 11 Proceeding
Case No.: 2:09-bk-09488
(Jointly Administered)

**MOTION AND
APPLICATION FOR
PRODUCTION OF
DOCUMENTS BY AND
RULE 2004 EXAMINATION
OF DEBTORS**

16 This filing applies to:

- 17 All Debtors
18 Specified Debtors

19
20 RideNow Management, LLC ("RideNow," "Movant"), a creditor and party-
21 in-interest, by and through its undersigned counsel, hereby applies pursuant to
22 Bankruptcy Rule 2004 for an Order of this Court directing the Debtors (1) to
23 produce for examination the materials and documents defined and requested in
24 Exhibit "A" attached hereto at the law offices of Jennings, Haug & Cunningham,
25 L.L.P., 2800 North Central Avenue, Suite 1800, Phoenix, Arizona on November 16,
26 2009 at 10:00 a.m., and (2) to appear one week thereafter at the same location on

1 November 23, 2009 at 10:00 a.m., or at such other time as may be set upon
2 reasonable notice of the date and time of said examination being provided to
3 Debtors and their counsel, for a Rule 2004 examination concerning, among other
4 purposes permitted under Rule 2004, such materials and documents.

5 In support thereof, Movant respectfully represents as follows:

6 1. On July 15, 2008, Coyotes Hockey, LLC and RideNow Management,
7 LLC entered into a letter agreement (the "Sponsorship Agreement") pursuant to
8 which RideNow agreed to provide money and benefits to Coyotes, and the
9 Coyotes agreed to provide tickets, advertising, promotion and sponsorship rights
10 to RideNow.

11 2. On May 5, 2009 (the "Petition Date"), the Debtors filed their Voluntary
12 Petitions for relief under Chapter 11 of the Bankruptcy Code in the United States
13 Bankruptcy Court for the District of Arizona (the "Court"), which are jointly
14 administered under the above-referenced case number.

15 3. On August 27, 2009, the Debtors filed their *Debtors and Debtors in*
16 *Possession Motion for an Order Authorizing the Assumption and Assignment of*
17 *Executory Contracts and Unexpired Leases Under Section 365 of the Bankruptcy Code in*
18 *Connection with the Sale of Substantially All of Their Assets* ("Debtors' Motion")
19 [Docket No. 821]. The Sponsorship Agreement is one of the allegedly executory
20 contracts encompassed within the relief sought in Debtors' Motion.

21 4. Debtors continue to act as debtor-in-possession in the bankruptcy case.

22 5. Pursuant to Rule 2004, Rules of Bankruptcy Procedure, upon motion
23 of any party-in-interest, the Court may order the examination of any person
24 relating to the acts, conduct or property, or to the liabilities or financial condition of
25 the Debtor or to any manner which may affect the administration of Debtor's
26 estate, including the Debtor. *See, In re Wilcher*, 56 B.R. 428, 434 (Bankr. N.D. Ill.

1 1985).

2 6. Movant desires to examine the Debtors regarding the acts, conduct,
3 property, liabilities and financial condition, among other matters which affect the
4 bankruptcy estate and its administration, and with particular but not exclusive
5 reference to the Sponsorship Agreement and the relief sought concerning it in
6 Debtors' Motion, and the materials and documents sought in the attached Exhibit
7 "A."

8 7. Movant requests an Order of this Court authorizing the Rule 2004
9 examination of Debtors with production of the materials and documents defined
10 and requested in the attached Exhibit "A," as follows:

11 (a) That Debtors produce for examination and copying the
12 materials and documents defined and requested in the attached
13 Exhibit "A" at the law offices of Jennings, Haug & Cunningham,
14 L.L.P., 2800 North Central Avenue, Suite 1800, Phoenix,
15 Arizona on November 16, 2009 at 10:00 a.m.; and,

16 (b) That Debtors appear at the same location one week thereafter
17 on November 23, 2009 at 10:00 a.m., or at such other time as
18 may be set upon reasonable notice of the date and time of said
19 examination being provided to Debtors and their counsel, for a
20 Rule 2004 examination concerning such materials and
21 documents.

22 WHEREFORE, Movant requests that this Court enter an Order requiring
23 Debtors to produce at the time and place referenced above for examination and
24 copying the materials and documents defined and requested in the attached
25 Exhibit "A," and requiring Debtors to appear for a Bankruptcy Rule 2004
26 examination at the time and place referenced above concerning the materials and

1 documents in Exhibit "A."

2 DATED this 19th day of October, 2009.

3 JENNINGS, HAUG & CUNNINGHAM, L.L.P.

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5 /s/ Chad L. Schexnayder (# 009832)
6 Chad L. Schexnayder
7 Christopher R. Stovall
8 Kristin W. Mazon
9 Attorneys for RideNow Management, LLC

8 Filed electronically and copies
9 mailed this 19th day of October,
2009, to:

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7 _____
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1 **Exhibit "A"**

2 1. Each and every press release, handout, promulgation, public statement
3 and announcement of any kind issued by or on behalf of any Debtor, or by or on
4 behalf of Jerry Moyes, at any time from August 1, 2008 through the present,
5 concerning, referring to or relating to any potential sale, offer to purchase, and/or
6 potential buyer, involving a potential relocation of the Coyotes NHL franchise,
7 including but not limited to any to which James L. "Jim" Balsillie or any entity in
8 which he holds or held any direct or indirect interest or control is or was a putative
9 or actual party.

10 2. Any and all correspondence, emails, telephone messages and other
11 documents, electronic files and recordings of any kind reflecting communications
12 concerning, referring to or relating to any potential sale, offer to purchase, and/or
13 potential buyer, involving potential relocation of the Coyotes NHL franchise, or
14 concerning, referring to or relating to any proposed, draft or actual agreement for
15 the purchase and sale of the Coyotes NHL franchise, all of the foregoing including
16 but not limited to any to which James L. "Jim" Balsillie or any entity in which he
17 holds or held any direct or indirect interest or control is or was a putative or actual
18 party.

19 3. Any and all documents, records, correspondence, emails, telephone
20 messages and other documents, electronic files and recordings of any kind,
21 concerning, referring to or relating to the Letter of Agreement dated July 15, 2008
22 between Coyotes Hockey, LLC and RideNow Management, LLC.

23 4. Any and all contracts and agreements with advertisers and/or
24 sponsors for the Coyotes NHL franchise pertaining to the 2009-2010 season, and
25 any and all proposals, quotes, communications, correspondence, emails, telephone
26 messages and other documents, electronic files and recordings of any kind
concerning, referring to or relating to the same.

5. Any and all contracts and agreements concerning television, radio
and/or Internet broadcasting and/or streaming of Coyotes NHL franchise
games/events pertaining to the 2009-2010 season, and any and all proposals,
quotes, communications, correspondence, emails, telephone messages and other
documents, electronic files and recordings of any kind concerning, referring to or
relating to the same.

6. Any and all records, reports, communications, and other documents,
electronic files and recordings of any kind, concerning, referring to or relating to
the following:

a. Coyotes NHL season ticket sales (by game, week, month, year-
to-date, year-over-year, annual, and otherwise) for the 2008-2009 and 2009-2010
seasons;

b. Coyotes NHL individual game ticket sales (by game, week,
month, year-to-date, year-over-year, annual and otherwise) for the 2008-2009 and
2009-2010 seasons;

c. Coyotes NHL actual game attendance (by game, week, month,
year-to-date, year-over-year, annual and otherwise) for the 2008-2009 and 2009-
2010 seasons;

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d. Radio broadcast market share for Coyotes NHL game broadcasts during the 2008-2009 and 2009-2010 seasons;

e. Television broadcast market share for Coyotes NHL game broadcasts during the 2008-2009 and 2009-2010 seasons; and,

f. Data, statistics, and analyses of the demographic characteristics of purchasers of either season or individual game tickets during the 2008-2009 and 2009-2010 seasons.