

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITY OF SEATTLE,

Plaintiff,

v.

PROFESSIONAL BASKETBALL CLUB
LLC,

Defendant.

No. C07-01620-MJP

PRETRIAL ORDER

Pursuant to Local Rule CR 16.1, Plaintiff City of Seattle (the “City”) and Defendant The Professional Basketball Club, LLC (“PBC”) hereby submit the Pretrial Order in the above-captioned case:

JURISDICTION

This Court has jurisdiction of this civil action under 28 U.S.C. § 1332(a) because the parties are citizens of different states and the value of the amount in controversy exceeds \$75,000.

CLAIMS AND DEFENSES

The City will pursue the following claim:

1. A declaratory judgment that the City is entitled to specific performance of

PRETRIAL ORDER - 1
Case No. C07-01620-MJP

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1 Article II of the Premises Use & Occupancy Agreement (“Lease”), the Professional
2 Basketball Club’s (“PBC’s”) contractual obligation to schedule and play all Seattle
3 SuperSonics (“Sonics”) home games at KeyArena through the 2009-10 National Basketball
4 Association season.

5 PBC will pursue the following affirmative defenses:

- 6 1. The City has unclean hands
- 7 2. The City has an adequate remedy at law.
- 8 3. Specific performance would impose an undue hardship on PBC.

9 **ADMITTED FACTS**

10 The following facts are admitted by the parties:

- 11 1. In 1993-94, the City and SSI Sports, Inc. (“SSI”) negotiated the Lease for the
12 Seattle Center Coliseum. Both parties were represented by counsel during the negotiations.
13 Supplemental RFA No. 4.
- 14 2. On February 14, 1994, the Seattle City Council passed, and the Mayor signed,
15 Seattle Ordinance 117049, under which the Seattle Center Director was authorized to enter
16 into the Lease.
- 17 3. The City and SSI executed the Lease on March 14, 1994 and February 24,
18 1994, respectively.
- 19 4. The Coliseum was renovated between 1994 and 1995 and renamed KeyArena,
20 after Key Bank purchased the naming rights.
- 21 5. The Seattle City Council recently stated that the contract for renovation had
22 been approved with only a 15 year lease term “because of the cultural, civic and community
23 benefits derived from having the Seattle Supersonics play their home games in the City of
24 Seattle.” (PBC: Subject to relevance objection.)
25
26

1 6. After beginning play at the Coliseum/KeyArena in 1994, the Sonics played all
2 regular season home games (except one) and all home playoff games at the Coliseum /
3 KeyArena through the end of the 2007-08 NBA season.

4 7. As allowed under the Lease's definition of "Home Games," the Sonics played
5 one regular season home game in Japan to open the 2003-04 NBA season.

6 8. The Basketball Club of Seattle, LLC ("BCOS") sold the Sonics to PBC in
7 2006 for \$350,000,000.

8 9. In a side letter dated July 18, 2006 in connection with the sale, Clay Bennett
9 for PBC wrote to Howard Schultz of BCOS: "In addition, we will obviously assume all of
10 BCOS' obligations regarding the Key Arena Use Agreement at closing and intend to honor
11 those obligations just as the current ownership group has done." (PBC: Subject to relevance
12 objection.)
13

14 10. PBC became a party to the Lease through an Instrument of Assumption
15 executed on October 23, 2006. The Instrument of Assumption stated in part: "PBC
16 acknowledges having been provided a copy of the [Lease] and agrees that, from and after the
17 Closing Date, it shall assume, and hereby agrees to satisfy or perform (as applicable), all
18 liabilities and obligations of BCOS under the [Lease]."
19

20 11. The Lease is valid and binding between the City and PBC. (PBC: Subject to
21 the interpretation of the Lease by the Court.)
22

23 12. PBC entered into an agreement with the NBA, dated September 26, 2006,
24 requiring it to fulfill all of its obligations under the Lease. (PBC: Subject to the interpretation
25 of the Lease by the Court.)
26

1 13. PBC knew prior to purchase that the Lease had been characterized by NBA
2 Commissioner David Stern as “the most unfavorable in the NBA.” (PBC: Subject to
3 relevance objection.).

4 14. PBC intends to relocate to Oklahoma City, Oklahoma prior to the end of the
5 Lease term for the start of the 2008-09 NBA season if the Court rules that the City is not
6 entitled to specific performance of Article II of the Lease.
7

8 15. The NBA will not allow PBC to relocate the Sonics prior to the end of the
9 Lease term unless the City allows PBC to do so or the Court rules that the City is not entitled
10 to specific performance.

11 16. PBC will comply with a declaration by the Court that it is required to
12 specifically perform its obligations under Article II of the Lease to play Sonics Home Games
13 exclusively at KeyArena through the 2009-10 NBA season.
14

15 17. The Sonics NBA franchise was started in Seattle in 1967 and has played in
16 Seattle for 41 seasons. The 2006-07 NBA season marked the Sonics 40th anniversary in
17 Seattle. (PBC: Subject to relevance objection.).

18 18. The Sonics won the NBA championship in 1979, which was Seattle’s first
19 national championship in any professional sports league since the Seattle Metropolitans of the
20 Pacific Coast Hockey Association won the 1917 Stanley Cup. (PBC: Subject to relevance
21 objection.).
22

23 19. The Sonics’ 1979 NBA championship was a source of civic pride and there
24 was a tremendous amount of excitement around the team during its playoff runs in the 1990s.
25 (PBC: Subject to relevance objection.).
26

1 20. The Sonics have a rich history and tradition in Seattle, and generations of fans
2 have enjoyed their presence. (PBC: Denied as to the last several years.).

3 21. When PBC bought the team, Clay Bennett said “The Sonics and Storm are
4 synonymous with Seattle, and it is our desire to have the Sonics and Storm build upon their
5 great legacies in the Seattle area.”

6 22. The Sonics are involved heavily in local charitable and community activities
7 and are a great corporate citizen, supporting a wide variety of civic and charitable
8 organizations, and appearing at schools, hospitals, and in the broader community. (PBC:
9 Subject to relevance objection.).

10 23. The Seattle City Council has recognized that the Seattle community has been
11 immeasurably enriched through the volunteer work of Sonics players. (PBC: Subject to
12 relevance objection.).

13 24. The Sonics are part of the Sonics & Storm Foundation (the “Foundation”),
14 which supports community programs that teach, encourage and motivate children, young
15 adults and families. The Foundation focuses on educational and health & fitness initiatives
16 and seeks to make a difference through the game of basketball. (PBC: Subject to relevance
17 objection.).

18 25. The Foundation made financial contributions to build or refurbish 26
19 basketball courts through the Neighbor Hoops program. (PBC: Subject to relevance
20 objection.).

21 26. The Foundation actively supports the Read to Achieve Program in Seattle,
22 which is a year-round campaign to help young people develop a love for reading and
23 encourage adults to read regularly to children. The Sonics started the Read to Achieve
24
25
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1 program in Seattle in 1996 in conjunction with the Seattle Public Schools. The rest of the
2 NBA and, as well as the WNBA, subsequently adopted the Read to Achieve program. On
3 January 22, 2008, Sonics players Luke Ridnour and Chris Wilcox read to Seattle area school
4 children as part of the Read to Achieve program. (PBC: Subject to relevance objection.).

5 27. The Foundation recently awarded \$10,000 in scholarships to four college-
6 bound seniors at Rainier High School. Each student received \$2,500 as the recipients of the
7 newly named Dennis Johnson Memorial Scholarship Fund, named after the Sonics Legend
8 who passed away in February 2007 at age 52. (PBC: Subject to relevance objection.).

9 28. The Sonics actively supports the NBA's Hip to Be Fit Program, which is
10 dedicated to educating Seattle's students about the importance of proper nutrition and
11 physical fitness. On March 17, 2008, Sonics players Mickael Gelabale and Mouhamed Sene
12 visited Brighton Elementary, where Sonics Legend Donald Earl "Slick" Watts teaches
13 physical education, to participate in the Hip to Be Fit Fitness Clinic with the elementary
14 school students. (PBC: Subject to relevance objection.).

15 29. The presence of the Sonics in Oklahoma City would produce non-financial
16 benefits for that City.

17 30. The presence of the Hornets in Oklahoma City produced non-financial benefits
18 for that City.

19 31. PBC's investors have substantial resources and can without difficulty fund any
20 forecast operating losses incurred by PBC during the 2008-09 and 2009-10 NBA seasons.
21 (PBC: Subject to relevance objection.).

22 32. PBC knew BCOS had experienced operating losses before PBC bought the
23 team. (PBC: Subject to relevance objection.).
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1 33. A team's winning percentage (among other factors) affects attendance. (PBC:
2 Subject to relevance objection.).

3 34. During the 2007-08 season, the Sonics winning percentage (20-62) was the
4 second worst in the NBA and the worst in Sonics' history. (PBC: Subject to relevance
5 objection.).
6

7 **PLAINTIFF'S FACTUAL CONTENTIONS**

8 1. The City and PBC are parties to the Lease under which PBC is required to play
9 Sonics home games exclusively in Seattle's KeyArena through the end of the 2009-10 NBA
10 season. PBC wants to breach the Lease by moving the team to Oklahoma City for the 2008-
11 09 and 2009-10 NBA seasons.

12 2. The Sonics bring substantial economic benefits to Seattle (as they would to
13 another city), including an overall increase in economic activity that greatly exceeds the lease
14 payments or direct tax revenues associated with the team. The dollar value of these benefits is
15 difficult to measure with reasonable certainty. These benefits will be lost if the Sonics
16 relocate.
17

18 3. The Sonics also bring intangible benefits to Seattle (again, as they would to
19 another city). These benefits are substantial, although their dollar value is difficult to measure
20 with reasonable certainty. These benefits will also be lost if the Sonics relocate.
21

22 4. The Sonics are a unique tenant that cannot be replaced for the remaining two
23 years of the Lease term.

24 5. PBC's breach of the Lease would cause substantial harm to the City and its
25 citizens that cannot be calculated with reasonable certainty as monetary damages.
26

6. PBC's breach of the Lease would deny the City the benefit of its bargain. As consideration for the 15 year term of the Lease, the City spent approximately \$84 million in 1994-95 to renovate KeyArena from the ground up as a venue for professional men's basketball. The City's purpose in entering into the Lease was to keep the Sonics in Seattle and specifically playing on the Seattle Center grounds.

7. The Sonics experienced \$15.1 million in operating losses in 2006-07. The causes of these losses included substantial losses in ticket revenue due to the team's poor performance and uncertainty over the team's future in Seattle.

8. Ticket revenues for the Sonics' 2007-08 season were substantially lower because of the team's poor record and PBC's announced intent to relocate the team.

9. Regardless of the Sonics' operating profits or losses, the benefits of team ownership include tax benefits worth an estimated \$50 million and substantial capital appreciation.

10. The harms now claimed by PBC were foreseeable and/or voluntarily assumed.

11. The City was willing to work with PBC to renovate KeyArena and revise the Lease which would have alleviated the harms PBC now alleges. The PBC has thus far been unwilling to consider a renovated KeyArena.

12. The City filed its declaratory judgment action after PBC threatened to breach the Lease and relocate the Sonics.

DEFENDANT'S FACTUAL CONTENTIONS

The lease is not specifically enforceable for the following reasons:

1. The amounts owing for the remainder of the lease can be calculated with reasonable certainty.

2. To the extent cognizable as damages, taxes that would be paid by PBC during the remainder of the Lease can be calculated with reasonable certainty.

3. The City has no damages beyond amounts owing under the Lease because there will be no net economic loss to the City if the Sonics leave Seattle, and the majority of the public does not care if the Sonics leave Seattle.¹

4. PBC will suffer undue hardship if forced to play the remaining seasons at KeyArena.

5. The City lacks clean hands because it is using specific performance as a means of forcing PBC to sell the team or face “forced bleeding,” i.e., millions of dollars in losses, and is seeking to “drive a wedge” between PBC and the NBA.

PLAINTIFF’S ISSUES OF LAW

PBC should be required to specifically perform its obligations under the Lease in light of the following legal issues:

1. The Lease constitutes a binding contract between the parties.
2. The terms of the Lease are clear as to all material terms.
3. Legal remedies (e.g., damages, restitution) are inadequate to provide the City its expectation interests under the Lease.
4. Specific performance would not cause “unreasonable hardship or loss” to PBC, as the party in breach, or to innocent third parties.
5. Damages cannot adequately and completely compensate the City for loss of the benefits from having the Sonics fulfill the remaining term of the Lease.
6. The rationale underpinning specific performance in this case is not only that

¹ As detailed in the PBC’s Conclusions of Law, the PBC contends that such damages to the public, if they existed, are not cognizable in law or equity.

1 the Sonics' tenancy is unique, but it is also difficult to value, thus money cannot adequately
2 compensate the City if PBC fails to fulfill its obligations as promised.

3 7. Filing suit to enforce contractual rights is not unclean hands as a matter of law.

4 **DEFENDANT'S ISSUES OF LAW**

5 1. PBC agrees with the City's Issues of Law Nos. 1 and 2 subject to interpretation
6 of the Lease by the Court.

7 2. PBC disagrees with the City's Issues of Law Nos. 3 through 7.

8 **EXPERT WITNESSES**

9 (a) Each party shall be limited to _____ expert witnesses on the issues of _____.
10

11 (b) The names and addresses of the expert witnesses to be used by each party at the
12 trial and the issue upon which each will testify are:

13 (1) On behalf of plaintiff:

14 **Andrew Zimbalist**
15 **c/o K&L Gates**
16 **925 Fourth Ave, Suite 2900**
17 **Seattle, WA 98104**

18 Mr. Zimbalist will testify that there are substantial intangible benefits to having a local
19 sports team, but that these benefits are difficult to quantify. Mr. Zimbalist's opinions are set
20 forth in his expert report.

21 **Todd Menenberg**
22 **c/o K&L Gates**
23 **925 Fourth Ave, Suite 2900**
24 **Seattle, WA 98104**

25 Mr. Menenberg will testify regarding various opinions as set forth in his expert report.
26 He will describe that the Sonics had significant operating losses prior to the 2005-06 season;

1 the Sonics losses in 2006-07 increased substantially from 2005-06 due to declines in
2 attendance and ticket revenue, and substantial increases in player salaries; and the Sonics
3 losses in 2007-08 are projected to be substantially higher, driven by the same factors (lower
4 attendance, higher salaries). He also will explain that PBC's operating losses are likely offset
5 by capital appreciation (10-15% annually) and tax benefits from purchase (around \$50
6 million).
7

8
9 **Lon Hatamiya**
10 **c/o K&L Gates**
11 **925 Fourth Ave, Suite 2900**
Seattle, WA 98104

12 Mr. Hatamiya will testify regarding the substantial economic benefits the Sonics bring
13 to Seattle both directly and indirectly. Mr. Hatamiya's opinions are set forth in his expert
14 report.
15

16 (2) On behalf of defendant.

17 **Danny Barth**
18 **c/o Byrnes & Keller**
19 **1000 Second Avenue**
20 **38th Floor**
Seattle, WA 98104

21 Mr. Barth is the Interim President and CEO of the Sonics. He will testify about the
22 matters set forth in his expert report, the Sonics' financial performance, the decline in fan
23 interest in the team, the decline in sponsorships, the inadequacies of KeyArena, and all
24 matters detailed in his deposition.
25
26

1 **Deborah Jay**
2 **c/o Byrnes & Keller**
3 **1000 Second Avenue**
4 **38th Floor**
5 **Seattle, WA 98104**

6 Ms. Jay will testify as to the matters detailed in her expert report about the survey of
7 Seattle residents regarding their views about the impact on their lives if the Sonics leave
8 Seattle.

9 **Mitchell Ziets**
10 **c/o Byrnes & Keller**
11 **1000 Second Avenue**
12 **38th Floor**
13 **Seattle, WA 98104**

14 Mr. Ziets will testify about the matters detailed in his expert report, including the
15 financial impact of the Sonics playing in Seattle for the final two years of the lease as a
16 “lame-duck franchise.”

17 **Brad Humphreys**
18 **c/o Byrnes & Keller**
19 **1000 Second Avenue**
20 **38th Floor**
21 **Seattle, WA 98104**

22 Mr. Humphreys will testify as to the matters detailed in his expert report, including the
23 fact that there will be no net economic impact on Seattle if the Sonics leave Seattle.
24
25
26

1 **OTHER WITNESSES**

2 The names and addresses of witnesses, other than experts, to be used by each party at
3 the time of trial and the general nature of the testimony of each are:

4 (a) On behalf of plaintiff:

5
6 **Virginia Anderson**
7 **c/o K&L Gates**
8 **925 Fourth Ave, Suite 2900**
9 **Seattle, WA 98104**

10 Ms. Anderson will testify regarding the negotiation of KeyArena Lease, including the
11 City's purposes in negotiating a 15 year term. She also will offer testimony regarding the
12 benefits to the Seattle Center of having the Sonics play in KeyArena.

13
14 **Bob Watt**
15 **c/o K&L Gates**
16 **925 Fourth Ave, Suite 2900**
17 **Seattle, WA 98104**

18 Mr. Watt may testify regarding the benefits stemming from the presence of the Sonics
19 in Seattle.

20 **Jyo Singh**
21 **c/o K&L Gates**
22 **925 Fourth Ave, Suite 2900**
23 **Seattle, WA 98104**

24 Mr. Singh will testify regarding the renovations of KeyArena, the characteristics of
25 KeyArena and its functionality as a venue for professional basketball, and the nature of the
26 working relationships between Seattle Center and Sonics staff.

1 **Clayton Bennett**
2 **c/o Byrnes & Keller**
3 **1000 Second Avenue**
4 **38th Floor**
5 **Seattle, WA 98104**

6 Mr. Bennett will testify regarding the Lease, PBC's obligations, negotiations, due
7 diligence efforts, and understanding of the BCOS operating losses. He will describe the
8 various acknowledgements (public and otherwise) in which PBC claimed intended to honor
9 the Lease through 2010 and find a suitable location for a new arena in the Seattle metropolitan
10 area. Mr. Bennett will testify regarding broad economic and non-economic benefits NBA
11 teams provide to their home city. He will testify regarding various admissions PBC made in
12 response to discovery requests. Mr. Bennett will testify that the terms of the Lease and the
13 condition of KeyArena are the same as they were when PBC bought the team. Mr. Bennett
14 may also testify by deposition as designated by the City.

15 **Danny Barth**
16 **c/o Byrnes & Keller**
17 **1000 Second Avenue**
18 **38th Floor**
19 **Seattle, WA 98104**

20 Mr. Barth will testify regarding PBC's intent to run the Sonics in same way if specific
21 performance is ordered, including PBC's compliance with its obligations under the Lease. He
22 will explain the various ways in which losing the Sonics will impact the Seattle community
23 negatively, including the opportunity to see NBA games live. He will describe the Sonics'
24 rich history, history of fan support, and strong community and charitable involvement. He
25 will testify regarding the causes of the Sonics' losses (uncertainty and team performance).
26 Mr. Barth will also testify by deposition as designated by the City.

1 **James Donaldson**
2 **c/o K&L Gates**
3 **925 Fourth Ave, Suite 2900**
4 **Seattle, WA 98104**

5 Mr. Donaldson will testify regarding the Sonics' involvement in community, charitable
6 activities, and general benefits to the City from the presence of the Sonics.

7 **Matthew Wade**
8 **c/o K&L Gates**
9 **925 Fourth Ave, Suite 2900**
10 **Seattle, WA 98104**

11 Mr. Wade may testify regarding the Sonics' involvement in community and charitable
12 activities.

13 **Sherman Alexie**
14 **c/o K&L Gates**
15 **925 Fourth Ave, Suite 2900**
16 **Seattle, WA 98104**

17 Mr. Alexie will testify regarding the Sonics' role in the Seattle metropolitan
18 community from the perspective of a Season Ticket holder, the diverse nature of Sonics'
19 crowds, the impact of the Sonics on minority communities, and the impact of sports on family
20 relationships.

21 **Greg Nickels**
22 **c/o K&L Gates**
23 **925 Fourth Ave, Suite 2900**
24 **Seattle, WA 98104**

25 Mayor Nickels will testify regarding the contributions of professional sports, including
26 the Sonics, in making Seattle a great city. He will describe how the health and vitality of

1 KeyArena affects the general health and vitality of the larger Seattle Center campus, including
2 the Seattle Opera, the Pacific Northwest Ballet, etc. Mayor Nickels will describe the non-
3 economic benefits the Sonics bring to Seattle, including: community spirit and pride; City
4 exposure; cultural vitality; enhanced ability to attract new residents; and charitable activities
5 with Seattle organizations and institutions.
6

7
8 **Nick Licata**
9 **c/o K&L Gates**
10 **925 Fourth Ave, Suite 2900**
11 **Seattle, WA 98104**

12 Mr. Licata will testify regarding the extent to which the Sonics provide the City with a
13 cultural and civic benefit, and his interactions with constituents regarding this issue.
14

15 **Aubrey McClendon (will testify by deposition)**
16 **c/o Byrnes & Keller**
17 **1000 Second Avenue**
18 **38th Floor**
19 **Seattle, WA 98104**

20 Mr. McClendon will testify via deposition regarding his understanding that the
21 opportunity to purchase Sonics was unique. He describe that as a representative of PBC, he
22 did not focus on financial elements of the Sonics acquisition and is able to handle any losses
23 related to the team's operation. Mr. McClendon will testify regarding PBC's expectations for
24 moving the Sonics to Oklahoma City. Mr. McClendon will also testify by deposition as
25 designated by the City. (If Mr. McClendon agrees to testify in person, the City may also
26 present testimony by deposition.)

1 **James Couch (will testify by deposition)**
2 **Office of the City Manager**
3 **200 N Walker, 3rd Floor**
4 **Oklahoma City, OK 73102**

5 Mr. Couch is the City Manager of Oklahoma City. He will testify regarding
6 the matters addressed in the deposition excerpts designated by the City, including the
7 economic and intangible benefits to Oklahoma City of having an NBA team, communications
8 with PBC regarding the Sonics and relocation of the Sonics, and the terms of the Ford Center
9 lease between PBC and Oklahoma City. (If Mr. Couch agrees to testify in person, the City
10 may also present testimony by deposition.)
11

12 **Brent Gooden (will testify by deposition)**
13 **c/o Byrnes & Keller**
14 **1000 Second Avenue**
15 **38th Floor**
16 **Seattle, WA 98104**

17 Mr. Gooden is a public relations consultant hired by PBC. He may testify regarding
18 the matters addressed in the deposition excerpts designated by the City, including Mr.
19 Gooden's work for and his communications with PBC and its members.

20 **Joel Litvin (will testify by deposition)**
21 **NBA 30(b)(6) deponent**
22 **c/o Skadden, Arps, Slate, Meagher & Flom LLP**
23 **Four Times Square**
24 **New York, New York 10036**

25 Mr. Litvin is the 30(b)(6) deponent from the NBA. He will testify about the matters
26 addressed in the deposition excerpts designated by the City (Mr. Litvin's deposition has been
identified as Confidential Material by the NBA).

1 **Roy Williams (will testify by deposition)**
2 **The Greater Oklahoma City Chamber of Commerce 30(b)(6) deponent**
3 **c/o Crowe & Dunleavy**
4 **20 North Broadway**
5 **Suite 1800**
6 **Oklahoma City, OK 73012**

7 Mr. Williams will testify regarding the matters addressed in the deposition excerpts
8 designated by the City, including the economic and intangible benefits to Oklahoma City of
9 having an NBA team, the campaign for approval of a tax to pay for the renovations of the
10 Ford Center in Oklahoma City, PBC's contributions to that campaign, the tax break provided
11 to PBC by Oklahoma State, and the NBA relocation committee's visit to Oklahoma City.

12 If PBC elects to offer the testimony of Tim Ceis, Richard Conlin, or Robert Nellams
13 solely through deposition, the City reserves the right to call them as live witnesses for
14 purposes of rebuttal. The City reserves the right to call other rebuttal witnesses as necessary.

15 (b) On behalf of defendant:

16 **Clay Bennett (will testify)**
17 **c/o Byrnes & Keller**
18 **1000 Second Avenue**
19 **38th Floor**
20 **Seattle, WA 98104**

21 Mr. Bennett is the Chair of the PBC. He will testify concerning the PBC, the PBC's
22 acquisition of the team, its efforts to obtain a new arena in the greater Seattle area, the losses it
23 anticipates if it continues to play at KeyArena relative to the financial impact of playing in
24 Oklahoma City, the reasons for relocating the team to Oklahoma City, and all matters
25 addressed in his deposition.
26

1 **Aubrey McClendon** (will testify)
2 **c/o Byrnes & Keller**
3 **1000 Second Avenue**
4 **38th Floor**
5 **Seattle, WA 98104**

6 Mr. McClendon is a member of the PBC. He will testify about the PBC's intention to
7 secure a new arena in the Seattle area.

8 **James Couch** (will testify)
9 **Office of the City Manager**
10 **200 N Walker, 3rd Floor**
11 **Oklahoma City, OK 73102**

12 Mr. Couch is the City Manager of Oklahoma City. He will testify about when the PBC
13 first contacted the City about relocating to Oklahoma City, efforts the City made to
14 accommodate relocation, the steps that have been taken to prepare for the Sonics in Oklahoma
15 City, including local and state legislation and remodeling of Ford Center, the interest among
16 Oklahoma City residents in having the Sonics move to Oklahoma City, and the matters
17 addressed in his deposition.

18 **Walter Walker** (will testify)
19 **c/o Michael A. Goldfarb**
20 **Peterson Young Putra**
21 **2800 Century Square**
22 **1501 4th Avenue**
23 **Seattle, WA 98101**

24 Mr. Walker may testify about his involvement in the City's efforts to use specific
25 performance to force the PBC to sell the Sonics, his involvement with potential buyers of the
26 Sonics, the problems with KeyArena as a venue for NBA basketball, and efforts to persuade
27 the NBA not to permit the PBC to relocate the Sonics to Oklahoma City.

1 **Mathew Griffin** (will testify)

2 Mr. Griffin will testify about his involvement in the City's efforts to use specific
3 performance to force the PBC to sell the Sonics, and his efforts to secure city and state support
4 of a new arena.

5
6 **Tim Ceis** (may testify)

7 Mr. Ceis may testify about the City's efforts to lobby against the PBC's attempt to
8 secure legislative support for a new arena in the greater Seattle area. He may also testify about
9 the City's efforts to use specific performance to force the PBC to sell the Sonics, and the City's
10 efforts to obtain legislative support for remodeling KeyArena, and efforts to persuade the NBA
11 not to permit the PBC to relocate the Sonics to Oklahoma City.

12
13 **Richard Conlin** (may testify) (by deposition)

14 Mr. Conlin may testify about the City's efforts to lobby against the PBC's attempt to
15 secure legislative support for a new arena in the greater Seattle area. He may also testify about
16 the City's efforts to use specific performance to force the PBC to sell the Sonics, and the City's
17 efforts to obtain legislative support for remodeling KeyArena. Mr. Conlin may also testify
18 about the lack of any cultural or economic impact of the Sonics on the City of Seattle.

19
20 **Nick Licata** (will testify)
21 **c/o K&L Gates**
22 **925 Fourth Ave, Suite 2900**
23 **Seattle, WA 98104**

24 Mr. Licata may testify about the City's efforts to lobby against the PBC's attempt to
25 secure legislative support for a new arena in the greater Seattle area. He may also testify about
26 the City's efforts to use specific performance to force the PBC to sell the Sonics, and the City's

1 efforts to obtain legislative support for remodeling KeyArena. Mr. Licata may also testify
2 about the lack of any economic or cultural impact of the Sonics on the City of Seattle, and his
3 role in Initiative 91, which limits the use of public funds for sports facilities in Seattle.

4
5 **Larry Nichols** (may testify)

6 Mr. Nichols may testify about the PBC's intention to attempt to obtain a new arena in
7 the greater Seattle area, and the impact of that intention on potential investors in the PBC.

8
9 **Robert Nellams** (may testify) (by deposition)

10 Mr. Nellams may testify about the economics of KeyArena from the perspective of the
11 City, why those economics render the lease unworkable from the City's perspective, and his
12 involvement with potential buyers of the Sonics.

13
14 **Greg Nickels** (may testify)
15 **c/o K&L Gates**
16 **925 Fourth Ave, Suite 2900**
17 **Seattle, WA 98104**

18 Mr. Nickels may testify about the cultural impact of the Sonics leaving Seattle, the
19 City's efforts to obtain legislative support for remodeling KeyArena, the inadequacies of
20 KeyArena, the City's goal in bringing this lawsuit, and all matters addressed in his deposition.

21 **Terry McLaughlin** (may testify)

22 Mr. McLaughlin is a former executive with the Sonics, both when they were owned by
23 the PBC and previously by the Schultz group. Prior to that, he worked for the Seattle City
24 Center. Mr. McLaughlin may testify about efforts by the Schultz ownership group and the
25 PBC to obtain support from the legislature for either a remodel of KeyArena or a new
26 multipurpose arena. He may also testify about the circumstances of the negotiation of the

1 original lease, and the inadequacies of KeyArena.

2
3
4 **James Kneeland** (may testify)

5 Mr. Kneeland is the principal of Pacific Public Affairs, a public relations and lobbying
6 firm. He may testify about the efforts made by the PBC and his company to obtain a new
7 multipurpose arena in the greater Seattle area.

8
9 **Gerry Johnson** (may testify)
10 **c/o K&L Gates**
11 **925 Fourth Ave, Suite 2900**
12 **Seattle, WA 98104**

13 Mr. Johnson is a lawyer with K&L Gates. He will only be called to authenticate
14 documents if the City does not stipulate to authenticity of such documents.

15 **Slade Gorton** (may testify)
16 **c/o K&L Gates**
17 **925 Fourth Ave, Suite 2900**
18 **Seattle, WA 98104**

19 Mr. Gorton is a lawyer with K&L Gates. He will only be called to authenticate
20 documents in the event that the City does not stipulate to the authenticity of such documents.

21 **Cushman & Wakefield Document Custodian** (may testify)

22 The custodian will only testify in the event that the City disputes the authenticity of
23 Cushman & Wakefield documents.

HOK Sports Document Custodian (may testify)

The custodian will only testify if the City does not stipulate to the authenticity of HOK documents.

Bill Alves (may testify)
827 32nd Avenue South
Seattle, WA 98144

Mr. Alves, a former city employee, may be called to testify regarding the KeyArena Subcommittee report and the fact that there is no economic benefit to the City from the Sonics.

EXHIBITS

(a) Admissibility stipulated:

Plaintiff's Exhibits

| No. of Ex. | Date | Description | Prefix | Beg Doc | End Doc |
|------------|------|---|--------|---------|---------|
| 1 | | Seattle Sonics Executive Summary by Goldman Sachs | PBC_ | 10723 | 10777 |
| 5 | | Icon Venue Group - Sonics 3 Year Outlook - Confidential | ICON | 3398 | 3411 |
| 6 | | Tier One Projects | OKCCC | 383 | 385 |
| 7 | | Tier Two Projects | OKCCC | 386 | 387 |
| 8 | | Tier Three Projects | OKCCC | 388 | 388 |
| 9 | | <i>Exhibit number not used</i> | | | |
| 10 | | <i>Exhibit number not used</i> | | | |
| 11 | | The Professional Basketball Club, LLC Financial Statement Package September 30, 2007 - Confidential | PBC | 107767 | 107774 |
| 12 | | The Basketball Club of Seattle, LLC Financial Statements for the Years Ended September 30, 2004 and 2003, and Independent Auditors' Report. | PBC_ | 20 | 37 |
| 13 | | The Basketball Club of Seattle, LLC Audited Financial Statements as of and for the Years Ended September 30, 2005 and 2004. | PBC_ | 4729 | 4747 |

| | | | | | |
|----|-----------|--|------|--------|--------|
| 14 | | The Basketball Club of Seattle, LLC Consolidated Financial Statements as of and for the Years Ended September 30, 2006 and 2005, and Independent Auditors' Report. | PBC | 104887 | 104907 |
| 15 | | Financial Statements for the Fiscal Year Ended September 30, 2005. | PBC_ | 4753 | 4753 |
| 16 | | <i>Exhibit number not used</i> | | | |
| 17 | | <i>Exhibit number not used</i> | | | |
| 18 | | <i>Exhibit number not used</i> | | | |
| 19 | | The Professional Basketball Club, LLC Consolidated Financial Statements as of and for the Year Ended September 30, 2007, and Independent Auditors' Report. | PBC | 104868 | 104886 |
| 20 | | Web Page Capture - www.nba.com/standings | | | |
| 22 | | Goldman Sachs Presentation: Benchmarking the Sonics: An Empirical Assessment. | PBC_ | 4702 | |
| 27 | | The Professional Basketball Club LLC Consolidated Income Statement (Including Playoff Budget) for the Eleven Months Ended September 30, 2007 Confidential | PBC | 107769 | |
| 28 | | E-mail string between Aubrey McClendon and Tom Ward re: Sonics. | PBC | 106596 | |
| 30 | | <i>Exhibit number not used</i> | | | |
| 32 | | Seattle City Council Ordinance 117049 | | | |
| 33 | | Seattle City Council Ordinance 117050 | | | |
| 34 | | ICON Venue Group - Sonics powerpoint presentation - Confidential | ICON | 10004 | 10013 |
| 35 | | Seattle Sonics/Goldman Sachs Report - Confidential | ICON | 3512 | 3566 |
| 38 | | Memo from J. Kneeland to C. Bennett re: Thoughts on Monday's meeting messages (Duplicate of PBC_14385-14387; Dep Ex. 126) | PPA | 5003 | 5005 |
| 39 | | Strategy for Next 60 Days - Clay Bennett (Duplicate of PBC_06309-06310; Dep. Ex. 140) | PS_ | 237 | 237 |
| 40 | 1/11/1993 | Letter from V. Anderson to N. Rice re: Sonics Lease Negotiations | PBC | 100446 | 100450 |
| 41 | 3/18/1993 | Memorandum of Understanding between the City of Seattle/Seattle Center and Ackerley Communications, Inc./SSI Sports, Inc. | PBC | 100286 | 100295 |
| 42 | 3/22/1993 | City Council Briefing - Coliseum Renovation Project | PBC | 101488 | 101579 |

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|----|-----------|---|------|--------|--------|
| 43 | 4/23/1993 | Memorandum from D. Clausen, M. Lester, Council Central Staff to All Councilmembers re: Sonics Agreement, Coliseum Renovation | PBC | 101581 | 101628 |
| 44 | | <i>Exhibit number not used</i> | | | |
| 45 | 3/2/1994 | Premises Use & Occupancy Agreement Between The City of Seattle and SSI Sports, Inc. ("Lease") | | | |
| 50 | 7/20/2004 | Memorandum from James Couch to Mayor & Members of the City Council re: Solicitation of Major League Sports Franchise | | | |
| 51 | | <i>Exhibit number not used</i> | | | |
| 53 | 6/28/1905 | Season 40, PowerPoint presentation | PBC | 104730 | 104756 |
| 54 | 6/28/1905 | Basketball Club of Seattle article: Sonics & Storm contribute to Washington's communities | PPA | 3897 | 3897 |
| 57 | | <i>Exhibit number not used</i> | | | |
| 58 | 6/13/2006 | Letter from G. E. Evans to J. Cahilly - No Subject | PBC_ | 9854 | 9858 |
| 59 | 6/18/2006 | NBA Cares tracking September 1 - December 21, 2006 | PBC_ | 106123 | 106127 |
| 60 | 7/12/2006 | E-mail string from C. Bennett to T. Ward and A. McClendon re: Any news on the Sonics? | PBC | 106929 | 106929 |
| 61 | 7/12/2006 | E-mail string between Audrey McClendon, Clayton Bennett and Tom Ward | PBC | 106821 | 106822 |
| 62 | 7/14/2006 | National Basketball Association Franchise Purchase Agreement by and among The Professional Basketball Club, LLC and The Basketball Club of Seattle, LLC. | PBC_ | 9346 | 9403 |
| 63 | | <i>Exhibit number not used</i> | | | |
| 64 | | <i>Exhibit number not used</i> | | | |
| 65 | 7/18/2006 | Letter from Clayton Bennett to Howard Schultz re: good faith efforts | | | |
| 67 | | <i>Exhibit number not used</i> | | | |
| 68 | 7/19/2006 | E-mail string from D. Khani to A McClendon re: did you participate in the group that is brining (sic) Seattle Supersonics to OKC? | PBC | 106644 | 106645 |
| 69 | 7/20/2006 | E-mail from Ed Evans to Clayton Bennett; Brent Gooden re: Tim Ceis | PBC_ | 12863 | 12863 |
| 70 | 7/20/2006 | E-mail string from C. Bennett to A. McClendon, B. Gooden, jeff.records@midfirst.com; T. Ward and E. Evans re: from KING-TV poll | PBC | 107000 | 107002 |

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|----|------------|---|----------|--------|--------|
| 71 | 7/28/2006 | E-mail string between Tom Ward, Aubrey McClendon, Dory Wiley, Tex Gross, Jim Gardner and Sself@clgroup.org | PBC | 106577 | 106578 |
| 72 | 7/29/2006 | July 29, 2006 NBC Oklahoma City Interview with Aubrey McClendon, CEO of Chesapeake Energy | PBC | 106763 | 106775 |
| 74 | 9/9/2006 | Media - ESPN-New Sonics Owner-Key Arena won't cut it | | | |
| 75 | 9/12/2006 | Memorandum from C. Bennett to Investors in the Professional Basketball Club, LLC re: Sonics - Investor Information with attached investor information and presentations | PBC_ | 10652 | 10925 |
| 76 | | <i>Exhibit number not used</i> | | | |
| 78 | 10/17/2006 | Seattle SuperSonics - Financial Projections - NBA Package - Confidential | ICON | 5091 | 5096 |
| 79 | 10/23/2006 | Instrument of Assumption among The City of Seattle, The Professional Basketball Club, and The Basketball Club of Seattle | | | |
| 81 | 11/1/2006 | Letter from Harvey E. Benjamin to The Professional Basketball Club, LLC and CCed to David J. Stern; Adam Silver; Joel M. Litvin; Wayne D. Katz, Esq. re: confirming that the NBA has approved the sale of the Seattle SuperSonics from The Basketball Club of Seattle, LLC to The Professional Basketball Club, LLC | PBC_ | 6425 | 6464 |
| 82 | | <i>Exhibit number not used</i> | | | |
| 84 | 11/20/2006 | E-mail string from Clayton Bennett to Kendra Bridges re: FW: Final Budget Presentation.ppt, with attached Final Budget Presentation.ppt | PBC_ | 13399 | 13430 |
| 85 | 12/6/2006 | E-mail string from Jim Kneeland to Clayton Bennett re: [SPAM] - Schedule | PBC_ | 13492 | 13493 |
| 86 | Jan-07 | 2007-08 Seattle Supersonics Marketing Overview Plan | PBC_ | 104969 | 104978 |
| 87 | 1/4/2007 | E-mail from B. Gooden to A. McClendon, T. Ward, C. Bennett, B. Cameron, and J. Garrison re: Hornets Game - National Television Tonight | PBC | 106379 | 106379 |
| 88 | | <i>Exhibit number not used</i> | | | |
| 89 | 1/18/2007 | Letter from Clayton Bennett to Gov. Christine Gregoire | PPA | 4973 | 4975 |
| 90 | 2/5/2007 | Letter from J. Kneeland to C. Bennett re: The road ahead | GOODE N- | 123 | 125 |
| 91 | | <i>Exhibit number not used</i> | | | |

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|-----|---------------------|--|----------|--------|--------|
| 93 | 2/11/2007 | E-mail from B. Gooden to B. Cameron; jay@balon.com; everettd@dobson.net; bob@mbokc.com, Cced: C. Bennett re: Update from Clay - Important Information and Overview of Activities This Week - Confidential | GOODE N- | 119 | 120 |
| 94 | 2/13/2007 | Transcript: Senate Ways & Means Committee - Clay Bennett | | | |
| 95 | | <i>Exhibit number not used</i> | | | |
| 96 | | <i>Exhibit number not used</i> | | | |
| 98 | 2/14/2007 | E-mail string from Clayton Bennett to Jenny A. Durkan re: Arena | PBC_ | 8062 | 8063 |
| 103 | 2/28/2007 | The Professional Basketball Club, LLC Explanation of Significant Variances - Year to date variance report. | PBC_ | 7870 | 7879 |
| 105 | 3/14/2007 | Letter from D. Johnson to R. Dupree - No subject | PPA | 5686 | 5687 |
| 106 | | <i>Exhibit number not used</i> | | | |
| 107 | 3/16/2007 | Letter from Dianna Finnerty of the Ronald McDonald House Charities to Rick DuPree of the Seattle Sonics | PPA | 5630 | 5630 |
| 108 | 4/3/2007 | E-mail from A. McClendon to B. Howard, K. Bridges, Everettd@dobson.net, jeff.records@midfirst.com, jay@balon.com, tward@sdrge.com and bcameron@af-group.com re: From Clayton I. Bennett | PBC | 106454 | 106454 |
| 110 | 4/13/2007 | The Journal Record: Hard Work, Luck Make Billions | PBC_ | 11409 | 11415 |
| 112 | | <i>Exhibit number not used</i> | | | |
| 114 | | <i>Exhibit number not used</i> | | | |
| 115 | 4/19/2007 | E-mail string from A. McClendon to T. Ward, C. Bennett and CCed to jeff.records@midfirst.com re: Seattle Times story posted tonight | PBC | 107016 | 107017 |
| 116 | 4/23/2007 | E-mail from Clayton Bennett to jlitvin@nba.com re: Question | PBC_ | 8127 | 8127 |
| 117 | 4/25/2007-4/26/2007 | E-mail string between Clayton Bennett and Joel Litvin. | PBC_ | 7353 | 7354 |
| 118 | 4/28/2007 | E-mail string from Clayton Bennett to Brent Gooden re: FW: Las Vegas | PBC_ | 14100 | 14100 |
| 119 | | <i>Exhibit number not used</i> | | | |
| 121 | 4/30/2007 | The Professional Basketball Club, LLC - Financial Statement Package - April 30, 2007 | PBC_ | 7645 | 7659 |
| 122 | 4/30/2007 | The Professional Basketball Club, LLC operational results for the six months ended April 30, 2007 | PBC_ | 14106 | 14202 |

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|----|-----|-----------|--|------|--------|--------|
| 1 | 123 | 5/7/2007 | Memo from Clayton Bennett to the Professional Basketball Club Partners re: Board Meeting | PBC | 106541 | 106541 |
| 2 | 124 | 5/22/2007 | E-mail string between Clayton Bennett and Brent Gooden | PBC_ | 7308 | |
| 3 | 125 | 5/22/2007 | E-mail from C. Bennett to B. Gooden re: Refined Standby Statement - Arena Lease Project | PBC_ | 7361 | 7361 |
| 4 | 126 | 5/25/2007 | E-mail from J. Cronin to C. Bennett and CCed to T. Romani, A. Aaron and F. Hill re: Market Delta Analysis for Kansas City and Oklahoma City with attached SonicsKCOKCDelta.ppt | PBC_ | 14245 | 14255 |
| 5 | 127 | | <i>Exhibit number not used</i> | | | |
| 6 | 128 | 5/29/2007 | E-mail string from Dan Mahoney to Clayton Bennett and CCed to Brent Gooden re: Newsok | PBC_ | 7017 | 7018 |
| 7 | 129 | 5/30/2007 | E-mail from D. Mahoney to C. Bennett re: Ch 9 | PBC_ | 7019 | 7019 |
| 8 | 130 | | <i>Exhibit number not used</i> | | | |
| 9 | 131 | | <i>Exhibit number not used</i> | | | |
| 10 | 132 | 6/9/2007 | E-mail string from C. Bennett to T. Romani re: Tim Romani | PBC_ | 7366 | 7367 |
| 11 | 133 | | <i>Exhibit number not used</i> | | | |
| 12 | 134 | | <i>Exhibit number not used</i> | | | |
| 13 | 135 | 6/11/2007 | E-mail string between Clayton Bennett and Tom Ward | PBC_ | 11440 | |
| 14 | 136 | 6/30/2007 | The Professional Basketball Club, LLC - Financial Statement Package - June 30, 2007 & Operational Results for the Eight Months ended June 30, 2007 | PBC_ | 6203 | 6216 |
| 15 | 137 | 7/20/2007 | Video - 2007-07-20 Clay Bennett | | | |
| 16 | 138 | 8/13/2007 | E-mail from Aubrey McClendon to Clayton Bennett and CCed to bgooden@goodengroup.com re: Interview | PBC_ | 6250 | 6250 |
| 17 | 139 | 8/13/2007 | E-mail from A. McClendon to C. Bennett and CCed to bgooden@goodengroup.com re: Interview in Journal Record | PBC_ | 6752 | 6753 |
| 18 | 141 | 8/13/2007 | E-mail exchange between Clayton Bennett, David Stern and Joel Litvin | PBC_ | 8043 | |
| 19 | 142 | 8/16/2007 | Letter from Aubrey McClendon to David Stern | PBC_ | 7132 | 7132 |
| 20 | 143 | 8/18/2007 | E-mail string between David Stern and Clayton Bennet re: Personal | PBC_ | 11441 | 11443 |
| 21 | 145 | 8/27/2007 | E-mail from C. Bennet to amccclendon@chkenergy.com re: Good evening | PBC_ | 7619 | 7619 |

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|----|-----|------------|--|------|--------|--------|
| 1 | 146 | 9/14/2007 | Seattle SuperSonics, Business Development Overview, 2007-2008 Season. | PBC_ | 14342 | 14343 |
| 2 | 147 | 9/19/2007 | The Professional Basketball Club's Arbitration Demand | | | |
| 3 | 148 | 9/30/2007 | The Professional Basketball Club, LLC - YTD Detail by AP Name | PBC_ | 107765 | 107766 |
| 4 | 149 | 9/30/2007 | The Professional Basketball Club, LLC - Consolidated Financial Statements as of and for the Year Ended September 30, 2007, and Independent Auditors' Report | PBC_ | 104868 | 104886 |
| 5 | 150 | | <i>Exhibit number not used</i> | | | |
| 6 | 151 | 9/30/2007 | The Professional Basketball Club, LLC Consolidated Income Statement Annual Budget for the Fiscal Year Ended September 30, 2007 | PBC | 104664 | |
| 7 | 152 | | <i>Exhibit number not used</i> | | | |
| 8 | 153 | | <i>Exhibit number not used</i> | | | |
| 9 | 154 | 9/30/2007 | PBC Consolidated Income Statement for the Eleven Months Ended September 30, 2007 - Confidential | PBC | 107769 | |
| 10 | 155 | 9/30/2007 | The Professional basketball Club, LLC YTD Detail by AP Name FYE - Confidential | PBC | 107765 | |
| 11 | 156 | | <i>Exhibit number not used</i> | | | |
| 12 | 157 | 10/31/2007 | The Professional Basketball Club, LLC Consolidated Income Statement (Regular Season & Playoffs) for the One Month Ended October 31, 2007 - Confidential | PBC | 107777 | |
| 13 | 158 | 11/16/2007 | Defendant's, The Professional Basketball Club's Answer and Affirmative Defenses | | | |
| 14 | 160 | 12/17/2007 | Memo from Danny Barth to Clay Bennett re: Financial and Operational Update Q1 2008 | PBC_ | 12234 | 12238 |
| 15 | 161 | | <i>Exhibit number not used</i> | | | |
| 16 | 163 | | <i>Exhibit number not used</i> | | | |
| 17 | 164 | 1/30/2008 | Defendant's, The Professional Basketball Club's Responses to Plaintiff's First Set of Requests for Production of Documents | | | |
| 18 | 165 | 2/4/2008 | E-mail from Clay Bennett to Clay Bennett re: FW: revised talking pts for ORA Tuesday, with attached ORA_talkingpoints_2.doc; NewOrleansHornets_EconomicImpact06-07 | PBC_ | 12196 | 12200 |
| 19 | | | | | | |
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| 1 | 168 | 2/19/2008 | E-mail from Dan Mahoney to Greg Johns re: Comment? | PBC_ | 12205 | 12205 |
| 2 | 169 | | <i>Exhibit number not used</i> | | | |
| 3 | 170 | 2/28/2008 | E-mail from david.holt@okc.gov to OCanfield@Oklahoman.com and CCed to mick.cornett@okc.gov, gayleen.keeton@okc.gov, C. Reid, C. Berney re: Op-Ed for the Oklahoman by Mayor Mick Cornett | OKC_E | 7314 | 7314 |
| 4 | | | | | | |
| 5 | 171 | | <i>Exhibit number not used</i> | | | |
| 6 | 172 | 2/29/2008 | The Professional Basketball Club, LLC Consolidated Income Statement for the Five Months Ended February 29, 2008 - Confidential | PBC | 107108 | |
| 7 | | | | | | |
| 8 | 173 | 2/29/2008 | The Professional Basketball Club, LLC YTD Detail by AP Name 2/29/2008 | PBC | 107766 | |
| 9 | 174 | | <i>Exhibit number not used</i> | | | |
| 10 | 175 | 3/10/2008 | Letter signed by Christine Gregoire, Frank Chopp and Lisa Brown to Sims, Nickels and Conlin re: Key Arena Funding Proposal | MWC_ | 118 | 120 |
| 11 | | | | | | |
| 12 | 176 | 3/14/2008 | The Professional Basketball Club's letter to Oklahoma City Mayor Mick Cornett, expressing PBC's intent to relocate the Seattle SuperSonics to Oklahoma City. | | | |
| 13 | | | | | | |
| 14 | 177 | 3/17/2008 | Seattle SuperSonics Financial Analysis presented to Byrnes & Keller, LLP by MZ Sports LLC | PBC_ | 107518 | 107536 |
| 15 | | | | | | |
| 16 | 179 | 3/25/2008 | Eric Williams' posting to the Tacoma News Tribune's "Sonics Insider" blog, entitled "Transcripts of OKC Press Conference" | | | |
| 17 | | | | | | |
| 18 | 181 | | <i>Exhibit number not used</i> | | | |
| 19 | 182 | 4/1/2008 | Sonics Relocation Proposal: Estimated Total Economic Impact and State and Local Tax Revenues | PBC_ | 14399 | 14404 |
| 20 | 183 | 4/7/2008 | Defendant's The Professional Basketball Club's Answers and Objections to Plaintiff's First Set of Interrogatories | | | |
| 21 | | | | | | |
| 22 | 184 | 4/11/2008 | The Professional Basketball Club's Response to Notice of Videotaped 30(b)(6) Deposition | | | |
| 23 | | | | | | |
| 24 | 193 | 4/15/2008 | Memorandum from James D. Couch to Chairman and Trustees of the Oklahoma City Public Property Authority re: Arena Use Licensing and Agreement with the City of Oklahoma City, SMG and Professional Basketball Club, LLC.... | | | |
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| 1 | 196 | 4/28/2008 | Professional Basketball Club's Responses to the City of Seattle's Supplemental Interrogatories | | | |
| 2 | 197 | 4/30/2008 | Professional Basketball Club's Answers to the City of Seattle's Requests for Admission | | | |
| 3 | 198 | | Exerpts of PBC 108015 and 108016 Web Page Capture - http://www.nba.com/sonics/VOB | PBC | 108015 | 108016 |
| 4 | 199 | 5/1/2008 | Web Page Capture - http://www.nba.com/sonics/community/ticketsforkids.html | | | |
| 5 | 200 | 5/1/2008 | Web Page Capture - http://www.nba.com/sonics/community/appearances.html | | | |
| 6 | 201 | 5/1/2008 | Web Page Capture - http://www.nba.com/sonics/community/hip_tobe_fit.html | | | |
| 7 | 202 | 5/1/2008 | Web Page Capture - http://www.nba.com/sonics/#/tickets/luxury | | | |
| 8 | 203 | 5/1/2008 | Web Page Capture - http://www.nba.com/sonics/community/readtoachieve.html | | | |
| 9 | 204 | 5/1/2008 | Web Page Capture - http://www.nba.com/sonics__storm_TEAM_Foundation-56858-51.html | | | |
| 10 | 209 | 5/15/2008 | Professional Basketball Club's Supplemental Responses to Plaintiff's First Set of Interrogatories | | | |
| 11 | 210 | 5/15/2008 | Professional Basketball Club's Supplemental Response to Plaintiff's Supplemental Interrogatory No. 13 | | | |
| 12 | 211 | 5/15/2008 | Professional Basketball Club's Responses to the City of Seattle's Supplemental Requests for Production | | | |
| 13 | 212 | 5/15/2008 | Professional Basketball Club's Supplemental Response to Plaintiff's Supplemental Request for Production No. 17 | | | |
| 14 | 213 | 5/20/2008 | Web Page Capture - www.nba.com/sonics/schedule/results_2007.html | | | |
| 15 | 214 | 5/20/2008 | Web Page Capture - www.nba.com/sonics/schedule/results_2006.html | | | |
| 16 | 217 | | <i>Exhibit number not used</i> | | | |
| 17 | 218 | | Letters from the Seattle Public Entities reflecting Seattle Sonics community services | | | |

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|-----|------------|--|--------|--------|--------|
| 219 | | Photos: Rashard Lewis - Opening of the Rashard Lewis Theater at Ronald McDonald House (2003) Ray Allen's Giving Tree Rashard Lewis Food Drive 1979 NBA Championship Team Photo Two Photos of Championship Banners Read to Achieve Make-a-Wish | | | |
| 220 | 8/2/2006 | E-mail from Aubrey McClendon to Tom Ward | PBC | 106596 | |
| 225 | 8/14/2007 | Email from McClendon to Litvin re Journal Record | PBC_ | 11405 | 11408 |
| 226 | 9/3/2007 | Email from Clayton Bennett to David Stern | PBC_ | 14340 | 14340 |
| 227 | 3/25/2008 | Relocation Committee Meeting | NBA | 3874 | 3888 |
| 228 | | Be Part of It: Seattle Supersonics 2007 Summer Marketing Campaign | PBC_ | 7379 | 7387 |
| 229 | 10/31/2006 | Press Release: Danny Barth Named Interim President & CEO of Sonics & Storm | PPA | 2173 | |
| 230 | 7/31/2007 | Email from Terry McLaughlin to Clayton Bennett | PBC_ | 6690 | 6691 |
| 233 | 7/19/2006 | | | | |
| 234 | 7/24/2006 | Email from Brent Gooden to Aubrey McClendon | PBC | 106944 | 106945 |
| 235 | 8/6/2006 | Memorandum from Jim Kneeland/Dave Fisher to Clayton Bennett - Confidential | Gooden | 434 | 439 |
| 236 | 8/6/2006 | Email from Jim Kneeland to Brent Gooden/Richard Milne | PPA | 2630 | 2631 |
| 237 | 8/21/2006 | Email from Jim Kneeland to Richard Milne | PPA | 2132 | 2133 |
| 238 | 9/18/2006 | Email from Brent Gooden to Jim Kneeland | PPA | 2564 | 2568 |
| 239 | 9/26/2006 | Email from Brent Gooden to Clayton Bennett | PPA | 2919 | 2921 |
| 240 | 10/9/2006 | Email from Brent Gooden to Dan Mahoney - Confidential | Gooden | 470 | 471 |
| 242 | 10/29/2006 | Gooden Group Transcript - Confidential | Gooden | 297 | 318 |
| 243 | 11/7/2006 | Email from Brent Gooden to Jim Kneeland, Clayton Bennett, Richard Milne | PBC_ | 13328 | 13329 |

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|-----|------------|--|------|--------|--------|
| 245 | 10/10/2006 | Email from Aubrey McClendon | PBC | 106605 | 106606 |
| 246 | 7/10/2006 | E-mail string from T. Ward to A. McClendon re: Did Paul Mott get fired? | PBC | 106809 | 106810 |
| 247 | 7/13/2006 | E-mail string from E. Evans to A. McClendon re: Latest turn of the Purchase Agreement | PBC | 106831 | 106832 |
| 248 | 7/12/2006 | E-mail string from A. McClendon to KM8881@aol.com" re: FW: The Oklahoma City Sonic Boom (or maybe Sonic Boomers!) Baby!!!!!!!!!! | PBC | 106816 | 106816 |
| 249 | 10/15/2006 | Email from Martin Stringer to Aubrey McClendon regarding memo from Clay | PBC | 106597 | 106599 |
| 250 | 2/11/2007 | e-mail string from B. Gooden to A. McClendon re: Important information and documents for today's conference call | PBC | 106409 | 106410 |
| 251 | | Seattle Sonics News Release: Clay Bennett Statement Regarding Possible Relocation Cities | PBC_ | 12040 | 12040 |
| 252 | 6/18/2007 | E-mail string from C. Bennett to A. McClendon re: Checking in | PBC | 106626 | 106626 |
| 253 | 7/18/2007 | E-mail from B. Gooden to A. McClendon, B. Cameron, everettd@dobson.net, tward@tlwinv.com, jaybalon.com, B. Howard, J. Records, StringerM@McKinneyStringer.com, Frank.Hill@mcafeetaft.com, D. Mahoney and CCed to cbennett@dorcap.com re: Update from Clay - Seattle (E-mail Attachement: july18_19agenda_release[1].doc -- NOT included with document) | PBC | 106877 | 106877 |
| 260 | 3/14/2008 | Letter from the Professional Basketball Club, LLC and signed by Clayton Bennett to Mick Cornett, Mayor of Oklahoma City re: Relocation of SuperSonics | N/A | N/A | N/A |
| 262 | 7/20/2006 | E-mail from Ed Evans to Clayton Bennett; Brent Gooden re: Draft talking points on the arena situation, with attached Arena Frameworkdoc | PBC_ | 12855 | 12858 |
| 263 | 11/10/2006 | E-mail string from Jim Kneeland to Clayton Bennett re: [SPAM] - Re: [SPAM] - Re: P-I story heads up - Bayesian Filter detected spam - Bayesian Filter detected spam | PBC_ | 13285 | 13286 |
| 264 | 12/1/2006 | E-mail string from Tim Romani to Clayton Bennett re: [SPAM] - RE: - Bayesian Filter detected spam | PBC_ | 13488 | 13489 |
| 265 | 12/30/2006 | E-mail string from Tim Romani to Clayton Bennett an CCed to 'Art Aaron'; 'Jim Cronin' re: ICON | PBC_ | 13608 | 13611 |

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FACSIMILE: (206) 623-7022

| | | | | | | |
|----|-----|-----------|--|------|--------|--------|
| 1 | 266 | 1/6/2007 | E-mail string from Clayton Bennett to 'Tim Romani' re: FW: Sabey, with attached Edited Sabey-PBC Terms.doc | PBC_ | 07636 | 07636 |
| 2 | 267 | 1/9/2007 | E-mail string from Art Aaron to Clayton Bennett and CCed to 'Hill, Frank D.'; 'Jim Cronin'; 'Tim Romani' re: RE: Financial Model, with attached Financial Model | PBC_ | 107138 | 107151 |
| 3 | 268 | 1/16/2006 | January 16, 2006 letter to Clay Bennett from Jim Kneeland re: Arena Conversations | PPA | 004988 | 004989 |
| 4 | 269 | 1/17/2007 | E-mail from Brent Gooden to 'Jim Kneeland' and CCed to 'Richard Mime'; 'Dan Mahoney'; Clayton Bennett re: PBC - Media/PR Thoughts, Strategy and Statements - Messaging | PBC_ | 13623 | 13625 |
| 5 | 270 | 1/17/2007 | Email from Brent Gooden to Jim Kneeland - PBC Media Thoughts | PBC_ | 13623 | 13625 |
| 6 | 271 | 1/31/2007 | E-mail from Clayton Bennett to Brent Gooden and CCed to 'Jim Kneeland'; 'Dan Mahoney'; 'richard' re: RE: PBC - Frank Hughes and Percy Allen | PBC_ | 08058 | 08059 |
| 7 | 272 | 2/4/2007 | E-mail string from Steve Balmer to Clayton Bennett re: RE: Update II | PBC_ | 13732 | 13733 |
| 8 | 273 | 2/28/2007 | E-mail string from Jim Kneeland to Clayton Bennett re: FW: Sonics | PBC_ | 13853 | 13855 |
| 9 | 274 | 3/20/2007 | E-mail string from Clayton Bennett to Jim Kneeland re: Letter | PBC_ | 07476 | 07476 |
| 10 | 275 | 3/28/2007 | E-mail from Jim Kneeland to Clayton Bennett re: Sonics ask | PBC_ | 13873 | 13874 |
| 11 | 276 | 1/5/2006 | Governor messages - Meeting with Chris Gregoire, 1/5/06; Speaker Frank Chopp - Messages for 1/4/06 Meeting; Restaurant Association - Messages for 1/4/06 meeting | PPA | 004996 | 005002 |
| 12 | 277 | 5/7/2007 | Memorandum from Clayton I. Bennett to The Professional Basketball Club Partners re: Board Meeting | PBC_ | 11431 | 11431 |
| 13 | 278 | 6/11/2007 | E-mail string from Clayton Bennett to Tom L. Ward re: Sonics | PBC_ | 11440 | 11440 |
| 14 | 279 | 6/15/2007 | Memorandum from Clayton Bennett to Members of the Professional Basketball Club, LLC re: Investor Update | PBC | 106621 | 106624 |
| 15 | 280 | | Clay Talking Points w/ Mayor Nickels | PBC_ | 07117 | 07119 |
| 16 | 281 | 6/27/2007 | E-mail from Clayton Bennett to Jim.Couch@OKC.GOV re: Dates | PBC_ | 14317 | 14317 |
| 17 | 282 | 2/29/2008 | Analysis of Oklahoma City Market Presented to The Professional Basketball Club, LLC presented by Convention Sports & Leisure | PBC_ | 107647 | 107746 |
| 18 | 283 | 6/14/2007 | Be Part Of It - Seattle SuperSonics 2007 Summer Marketing Campaign | PBC_ | 007379 | 007387 |
| 19 | 287 | 4/10/2008 | NBA Relocation Committee Report | | | |

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FACSIMILE: (206) 623-7022

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|----|-----|------------|---|----------|----------|----------|
| 1 | 289 | 12/31/2006 | Draft: Talking points for the meeting with the Governor | GOODE N- | 00000427 | 00000428 |
| 2 | 290 | 12/31/2006 | Draft talking points with Governor - Confidential | Gooden | 427 | 428 |
| 3 | 291 | 2/10/2007 | E-mail from C. Bennett to B. Gooden re: Kneeland Memo | PBC_ | 00007369 | 00007369 |
| 4 | 292 | 2/25/2007 | E-mail from B. Gooden to C. Bennett; J. Kneeland; D. Mahoney; R. Milne re: PBC - Interview Request | PBC_ | 00013763 | 00013763 |
| 5 | 293 | 2/25/2007 | Email from Brent Gooden to Clayton Bennett, Jim Kneeland, Dan Mahoney, Richard Milne | PBC_ | 13763 | |
| 6 | 294 | 4/15/2007 | Email from Clayton Bennett to Brent Gooden | PBC_ | 14061 | 14063 |
| 7 | 295 | 4/28/2007 | E-mail string from B. Gooden to C. Bennett re: Las Vegas | PBC_ | 00014003 | 00014004 |
| 8 | 296 | 4/28/2007 | Email from Clayton Bennett to Brent Gooden | PBC_ | 14003 | 14004 |
| 9 | 297 | 5/14/2007 | Email from Clayton Bennett to Brent Gooden regarding actionable ideas - tactics and strategies | PBC_ | 14219 | 14220 |
| 10 | 301 | 7/4/2007 | E-mail from B. Gooden to C. Bennett; D. Mahoney, Cced: M Stringer; F. Hill re: Action - Review - Press Release - Re-open discussions | PBC_ | 00006976 | 00006977 |
| 11 | 303 | 8/20/2007 | Email from Clayton Bennett to Brent Gooden regarding investor communications | PBC_ | 6663 | |
| 12 | 304 | | Seattle Supersonics Public Relations News Release re: Jim Kneeland and Pacific Public Affairs | Gooden- | 117 | 117 |
| 13 | 305 | 8/21/2006 | Letter from C. Bennett to J. Peoples - No subject | PBC | 13043 | 13043 |
| 14 | 306 | 10/20/2006 | Memo to All Staff re: Sonics Welcome Cleveland High School to Tonight's Game | PPA | 00271 | 00273 |
| 15 | 307 | 1/29/2007 | Memo from J. Cronin, A. Aaron to C. Bennett, Cced: F. Hill; M. Stringer; T. Romani re: Microsoft Opportunity | ICON | 05280 | 05284 |
| 16 | 308 | 8/17/2007 | E-mail string from C. Bennett to M. Meagher, Cced: J. Martin; D. Iannelli re: [SPAM] - Public Strategies - Found word(s) survey marketing e-mail campaigns in the Text body | PBC | 08050 | 08052 |
| 17 | 309 | 10/19/2006 | Email from Richard Milne to Brent Gooden and Clayton Bennett | PBC_ | 13181 | |
| 18 | 315 | 4/16/2007 | Email from Clayton Bennett to Pete von Reichbauer | PBC_ | 8046 | 8047 |
| 19 | 316 | 4/20/2007 | Email from Clayton Bennett to Kathy Keolker regarding King County Events Center | PBC_ | 8053 | |

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|-----|------------|--|------|--------|--------|
| 317 | 4/21/2007 | Email from Clayton Bennett to Kathy Keolker regarding King County Events Center | PBC_ | 8054 | |
| 318 | 12/21/2006 | Options for Publicly Funded Arena Proposal - Confidential | ICON | 4937 | 4943 |
| 319 | 8/2/2007 | Email from Dan Mahoney to Terry McLaughlin | PBC_ | 6218 | 6220 |
| 320 | 1/7/2008 | Email from Tim Ceis to Joel Litvin regarding KeyArena Revenue Analysis | | | |
| 321 | 8/2/2007 | Email string from Martin Stringer to Clayton Bennett and Dan Mahoney, Cced Frank Hill; bgooden@goodengroup.com re: Mayor | PBC_ | 17179 | 17180 |
| 322 | 4/7/2007 | Email string from Clayton Bennett to Steve Ballmer re: Thinking | PBC_ | 14007 | 14008 |
| 323 | 1/25/2007 | Email string from Clayton Bennett to Jim Kneeland re: CONFIDENTIAL with attachment: Arena Proposal draft 01242007.doc | PBC_ | 15486 | 15489 |
| 324 | 11/9/2006 | Email string from Clayton Bennett to Brent Gooden re: I-91 and its progeny | PBC_ | 15251 | 15252 |
| 325 | 2/6/2007 | Email string from Art Aaron to Frank Hill; Cced: Martin Stringer, Clayton Bennett, Jim Cronin, Jack McCullough | PBC_ | 16066 | 16068 |
| 327 | 9/29/2006 | Letter of engagement between MZ Sports, LLC and PBC | PBC_ | 13148 | 13150 |
| 332 | | <i>Exhibit number not used</i> | | | |
| 333 | | Deborah Jay Expert Witness Report | PBC | 107175 | 107517 |

Defendant's Exhibits

| Exhibit No. | Date | Description | Prefix | Beg Doc | End Doc | No objection |
|-------------|------------|--|--------|---------|---------|--------------|
| 505 | 00/00/0000 | Spreadsheet: Fox Sports Northwest Seattle Sonics - Nielsen Ratings 2004-05 through 2007-08 and spreadsheet: 2007-08 Seattle SuperSonics on FSN Northwest Seattle DMA | PBC | 107953 | 107954 | X |
| 506 | 00/00/0000 | Spreadsheet: National Basketball Association Net Gate Receipts/ And Paid Attendance (Tickets Sold) Comparison Report | PBC | 107959 | 107964 | X |
| 512 | 9/30/2003 | The Basketball Club of Seattle, LLC Financial Staements for the Years Ended September 30, 2003 and 2002 and Independent Auditors' Report | PBC | 104948 | 104966 | X |

| | | | | | | |
|-----|-----------|---|-----|--------|--------|---|
| 515 | 9/30/2005 | The Basketball Club of Seattle, LLC Financial Statements for the Years Ended September 30, 2005 and 2004 and Independent Auditors' Report | PBC | 104908 | 104927 | X |
| 565 | 9/30/2007 | The Professional Basketball Club, LLC Consolidated Financial Statements as of and for the Years Ended September 30, 2007 and Independent Auditors' Report | PBC | 104868 | 104886 | X |
| 599 | 7/24/07 | Email from Walter Walker to John Stanton – Attorneys' Eyes Only | JS | 00241 | | X |

(b) Authenticity stipulated, admissibility disputed:

Plaintiff's Exhibits

| No. of Ex. | Relevancy | Foundation | Hearsay | Other | Date | Description | Prefix | Beg Doc | End Doc |
|------------|-----------|------------|---------|-------|-------------------------|---|--------|---------|---------|
| 2 | X | | X | | Not disclosed as expert | Exhibit A: KeyArena Impact Studies | PBC_ | 10930 | 11004 |
| 3 | X | | X | | Not disclosed as expert | The Economic Impact of Seattle Sonics and Seattle Storm Basketball Franchises in Washington State | PBC | 103613 | 103646 |
| 4 | X | | | | Not sent | Draft E-mail from C. Bennett to M. Nelson | PPA | 1371 | 1371 |
| 21 | X | | X | | | Goldman Sachs Presentation: The NBA Opportunity Key Elements of Value and Upside. | PBC_ | 4689 | |
| 23 | X | | X | | | Goldman Sachs Presentation: The NBA Opportunity Key Elements of Value and Upside. | PBC_ | 4686 | |
| 23.001 | X | | | | | The Basketball Club of Seattle LLC Consolidated Income Statement Income Statement for the Twelve Months Ending September 30, 2003 TBCS: Summary | PBC_ | 4763 | |
| 24 | X | | | | | The Basketball Club of Seattle, LLC Consolidated Income Statement Annual Budget for the Fiscal Year Ended September 30, 2006. | PBC_ | 104670 | 104674 |

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|----|---|---|---|----------|------------|---|-----------|--------|--------|
| 25 | | | | | | The Basketball Club of Seattle LLC Consolidated Income Statement Income Statement for the Twelve Months Ending September 30, 2004 TBCS: Summary | PBC_ | 4759 | |
| | X | | | | | | | | |
| 26 | | | | | | The Basketball Club of Seattle LLC Consolidated Income Statement Income Statement for the Three Months Ending December 31, 2005 TBCS: Summary | PBC_ | 4751 | |
| | X | | | | | | | | |
| 29 | | | | | 8/22/2007 | NBA's Joel Litvin to Aubrey McClendon imposing a fine of \$250,000 for McClendon's statements to the press. | PBC_ | 6854 | |
| | X | | | | | | | | |
| 31 | | | | | | Seattle City Council Ordinance 122492 | | | |
| | X | | | | | | | | |
| 36 | | | | | | Draft E-mail from C. Bennett to M. Nelson - No subject | PPA | 1371 | 1371 |
| | X | | | Not sent | | | | | |
| 37 | | | | | | Statement by Clayton I. Bennett, Chairman The Professional Basketball Club LLC | PPA | 4961 | 4961 |
| | X | | | | | | | | |
| 48 | | | | | 5/18/1999 | Letter from H. Honig to P. Byrnes re: Seattle Supersonics Arbitration | PBC | 101648 | 101800 |
| | X | X | X | | | | | | |
| 49 | | | | | 10/16/2003 | Section 7.0 of the October 16, 2003 Phase II Analysis of a Sacramento Sports & Entertainment District - Confidential | ICON | 9723 | 9752 |
| | X | | X | | | | | | |
| 52 | | | | | 9/2005 | New Orleans Hornets Economic Impact City of Oklahoma City- Revised Analysis | OKCC C | 260 | 261 |
| | X | | X | | | | | | |
| 55 | | | | | 2/11/2006 | Media - USA Today. Oklahoma investors group seeks stake in NBA franchise | | | |
| | X | | X | | | | | | |
| 66 | | | | | 7/18/2006 | July 18, 2006, For Immediate Release: THE BASKETBALL CLUB OF SEATTLE LLC ANNOUNCES SALE OF SEATTLE SONICS & STORM New Ownership Intends to Keep the Sonics and the Storm in Seattle | PBC | 106547 | 106549 |
| | X | | | | | | | | |

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Case No. C07-01620-MJP

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|-----|---|---|----|----------------------------|------------|--|------|--------|--------|
| 73 | | | | | 8/9/2006 | E-mail from B. Gooden to C. Bennett re: Statement from Mayor Greg Nickels regarding meeting with new Seattle Sonics owner Clay Bennett | PBC_ | 12942 | 12942 |
| | X | | X | | | | | | |
| 77 | | | | | 10/2/2006 | E-mail string from Brent Gooden to Clayton Bennett; Dan Mahoney re: FW: FW: Curious - How did Larry's interview with Chris go today? | PBC_ | 13154 | 13156 |
| | X | | | | | | | | |
| 80 | | | | | 10/31/2006 | Valuation of Acquired Assets of the Seattle SuperSonics and Seattle Storm as of October 31, 2006 | PBC_ | 7770 | 7846 |
| | X | | | | | | | | |
| 83 | | | | | 11/8/2006 | Seattle Post-Intelligencer: Initiative 91: Seattle Rejects Sports Subsidies by Angela Galloway | | | |
| | X | | X | | | | | | |
| 92 | | | | | 2/9/2007 | Transcript - Washington State House Committee on Finance-HB 3233 | | | |
| | X | X | X | | | | | | |
| 99 | | | | *As to Kneeland's comments | 2/14/2007 | Email from Clayton Bennett to Jim Kneeland re: P-I | PBC_ | 7472 | 7472 |
| | X | | X* | | | | | | |
| 100 | | | | *As to Kneeland's comments | 2/14/2007 | Email from Clayton Bennett to Jim Kneeland re: P-I | PBC_ | 13814 | 13814 |
| | X | | X* | | | | | | |
| 101 | | | | | 2/23/2007 | Transcript - Senate Ways and Means Committee-SB6849 | | | |
| | X | | X | | | | | | |
| 102 | | | | | 2/27/2007 | E-mail string from A. McClendon to J. Kneeland, B. Gooden, T. Ward, C. Bennett, D. Mahoney re: From the Seattle Times... this is a blog for now, but I'm certain it will be a story tomorrow | PBC | 107031 | 107032 |
| | X | | | | | | | | |
| 104 | | | | | 3/5/2007 | E-mail string from J. Roth to A. McClendon re: Letter to Editor - Seattle Times.doc | PBC | 106715 | 106716 |
| | X | | | | | | | | |
| 109 | | | | | 4/4/2007 | An Economic & Fiscal Benefits Assessment of the Proposed King County Events Center - Confidential | ICON | 3660 | 3697 |
| | X | X | X | | | | | | |
| 111 | | | | | 4/17/2007 | E-mail string from Brent Gooden to Clayton Bennett re: Team | PBC_ | 13973 | 13973 |
| | X | | | | | | | | |

| | | | | | | | | | |
|----|-----|---|---|----|-----------|---|------|-------|-------|
| 1 | 113 | | | | 4/18/2007 | E-mail from Brent Gooden to Clayton Bennett re: Fw: 2007-08 Talking Point | PBC_ | 13974 | 13974 |
| 2 | | X | | | | | | | |
| 3 | 120 | | | | 4/29/2007 | E-mail string from A. McClendon to C. Bennett re: Sonics eyeing early exit? | PBC_ | 11422 | 11423 |
| 4 | | X | | X* | | | | | |
| 5 | 140 | | | | 8/13/2007 | Letter from Gould, Sport Restaurant & Bar, to Mayor Nickels re Sonics leaving town | | | |
| 6 | | X | X | X | | | | | |
| 7 | 144 | | | | 8/22/2007 | Letter from Joel Litvin to Mr. Aubrey K. McClendon and CCed to Clay Bennett, David Stern and Bob Criqui re: McClendon's comments detrimental to the NBA and Stern's subsequent imposing of \$250,000 fine | PBC_ | 6854 | 6854 |
| 8 | | X | | | | | | | |
| 9 | 159 | | | | 12/6/2007 | Media - FORBES.com -The Business of Basketball | | | |
| 10 | | X | X | X | | | | | |
| 11 | 162 | | | | | NBA Operations Manual 2007-08 - Attorneys Only Material | NBA | 78 | 638 |
| 12 | | X | | | | | | | |
| 13 | 166 | | | | 2/14/2008 | Jeff Duncan's article "Locals Hold Hornets' Fate, Stern Says" | | | |
| 14 | | X | | X | | | | | |
| 15 | 167 | | | | 2/16/2008 | Media - ESPN-2008-02-16-Stern-Sonics to leave Seattle-Hornets could stay in New Orleans | | | |
| 16 | | X | | X | | | | | |
| 17 | 180 | | | | 3/26/2008 | Seattle Times article entitled "NBA Commissioner David Stern Says Key Arena Renovation Not an Option for Sonics" | | | |
| 18 | | X | | X | | | | | |
| 19 | 194 | | | | 4/16/2008 | Video - 2008-04-16-ESPN-Stern Interview | | | |
| 20 | | X | | X | | | | | |
| 21 | 195 | | | | 4/18/2008 | Video - 2008-04-18-Stern and Bennett | | | |
| 22 | | X | | X | | | | | |
| 23 | 205 | | | X | 5/2/2008 | Expert Report of Andrew Zimbalist | | | |
| 24 | 206 | | | X | 5/8/2008 | Expert Witness Report of Todd Menenberg | | | |
| 25 | | | | X | 5/1/2008 | Expert Report of Lon Hatamiya | | | |
| 26 | 208 | | | X | 5/23/2008 | Rebuttal Expert Report of Lon Hatamiya | | | |
| | 215 | X | | | Various | KeyArena/Construction Photos | | | |
| | 221 | X | | | 4/10/2008 | Campaign Contributions and Expenditures Report | | | |

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|-----|---|--|---|-----------------|------------|---|-----------|--------|--------|
| 222 | X | | X | | 3/4/2008 | E-mail from Reid to Hayes re huge debate in our office | OKC_E | 12092 | |
| 223 | X | | X | | | New Orleans Hornets Economic Impact City of Oklahoma City | OKCC C | 00003 | 00005 |
| 224 | X | | X | | | Notes from Tom Anderson | OKC | 00187 | |
| 231 | X | | X | | | Exhibit F Final City of Seattle Proposal | PBC_ | 11140 | 11141 |
| 232 | X | | X | | 7/17/2006 | Email from Brent Gooden to kbryant@sonics-storm.com, wherndon@starbucks.com, wjherndon@aol.com | PBC_ | 12840 | 12844 |
| 241 | X | | X | | 10/24/2006 | Email from Brent Gooden to Clayton Bennett, Jim Kneeland, Dan Mahoney, Richard Milne, Tom Salvage | PBC_ | 13182 | 13183 |
| 244 | X | | X | | 12/6/2006 | Email from Richard Milne to Brent Gooden | PPA | 2404 | 405 |
| 254 | X | | X | Bottom email | 8/4/2007 | Email from Dan Mahoney to Clay Bennett regarding CNBC | PBC_ | 6225 | 6226 |
| 255 | X | | X | | 7/19/2006 | E-mail string from bgooden@goodengroup.co m to C. Reid re: Seattle Media | OKC_E | 022882 | 022883 |
| 256 | X | | X | | 7/19/2006 | Email from Brent Gooden to Cynthia Reed regarding Seattle Media | OKC_E | 22882 | 22883 |
| 257 | X | | X | | 4/27/2007 | E-mail from Tom Anderson to Gary Desjardins, bobcap@gameplanllc.com and CCed to Jim Couch re: Sonics Owner floats idea of Las Vegas Sonics | N/A | N/A | N/A |
| 258 | X | | X | | 11/6/2007 | E-mail string from Gary Desjardins to Joe Jondahl, John Goetz and CCed to Hank1927@aol.com re: FW: Bottom Line | N/A | N/A | N/A |
| 259 | X | | X | | | Project Summary Report: Ford Center Improvement Study | OKC | 000365 | 000365 |
| 261 | X | | X | | | Oklahoma City and Major League Sports Timeline | OKC | 000379 | 000379 |
| 284 | X | | | 403, 408 | 2/15/2008 | Offer of Judgment | N/A | N/A | N/A |
| 285 | X | | X | | 5/15/2006 | Presentation Regarding the Basketball Club of Seattle, LLC - Goldman Sachs, 5-15- 06 | PBC_ | 10778 | 10820 |
| 286 | X | | X | | | Exhibit G: proforma assessment of city's \$50 million upgrade proposal | PBC_ | 11142 | 11145 |

| | | | | | | | | | |
|-----|---|--|---|--|------------|--|------|--------------|--------------|
| 288 | X | | X | | 4/18/2008 | Handwritten notes on NBA notepad dated 4/18/08 | NBA | 000039 49 | 000039 60 |
| 298 | X | | X | | 5/19/2007 | E-mail from B. Gooden to C. Bennett re: Hughe's Story | PBC_ | 000066 06 | 000066 09 |
| 299 | X | | X | | 5/19/2007 | Email from Clayton Bennett to Brent Gooden | PBC_ | 6606 | 6609 |
| 300 | X | | X | | 5/28/2007 | Email from Clayton Bennett to Brent Gooden regarding SOS story | PBC_ | 7047 | |
| 302 | X | | X | | 7/21/2007 | E-mail from B. Gooden to C. Bennett re: BS | PBC_ | 000066 64 | 000066 64 |
| 310 | X | | X | | | NBA Assistance Program Report - Attorneys Only Materials | PBC | 107999 | 108014 |
| 311 | X | | X | | 8/2/2006 | Metropolitan King County Council Regional Policy Committee - Staff Report | PBC_ | 9249 | 9263 |
| 314 | | | X | | 3/28/2007 | Email from Jim Kneeland to Clayton Bennett | PBC_ | 13942 | |
| 326 | | | X | | 10/12/2006 | Email string from Frank Hill to Peter Wilhelm, Joel Litvin, Harvey Benjamin; Cced: Sloan Snow, Wayne Katz, mcallahan@proskauer.com, Clayton Bennett, Cheryl Vinall, Martin Stringer, Thomas Baker, David Haber, Mitchell Ziets re: SuperSonics - Financial Projections | PBC_ | 15027 | |
| 328 | X | | | | 2/3/2008 | The Field Poll – California's Presidential primary strong late surge for Obama. Trails Clintong by just two points. McCain leads Romney by eight points in the GOP primary. | | | |
| 329 | X | | | | | The Field Poll – Voters see state budget deficit as a serious matter. Small plurality thinks taxes will have to be raised. More confidence in Governor than the legislature in resolving the problem. | | | |
| 330 | X | | | | | The Field Poll – Vote trend running against Prop. 93 (term limits) and in favor of props. 94-97 (Indian Gaming). | | | |

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|-----|---|--|---|--|----------|--|--|--|--|
| 331 | X | | | | | The Field Poll – Voters describe state as being in bad economic times and expect it to stay that way in 2008. Less gloomy assessments of their own financial well-being. | | | |
| 334 | X | | X | | 6/3/2008 | Letter from Richard Yarmuth to Wiley Williams re: The Basketball Club of Seattle, LLC and Canarsie Holdings, LLC v. The Professional Basketball Club, LLC Case No. CIV-08-00623MJP in the United States District Court, W.D. Wash. | | | |

Defendant's Exhibits

| Exhibit No. | Date | Description | Prefix | Beg Doc | End Doc | Objection |
|-------------|------------|---|--------|---------|---------|--------------|
| 500 | 2/15/06 | KeyArena Subcommittee Final Report and Recommendations | KALD_ | 2858 | 2941 | R; H; ER 702 |
| 501 | 00/00/0000 | 2006-2007 Clay Bennett Travel log and itineraries | PBC_ | 12078 | 12089 | R |
| 502 | 00/00/0000 | 2007-2008 Wally Walker's desk calendar | WW | 13 | 69 | R; H |
| 503 | 00/00/0000 | Icon report for a private arena | PBC_ | 14405 | 14412 | R; H |
| 513 | 7/1/2004 | Draft for Internal Discussion Only Seattle Center Loan Legislation Update | KALD_ | 6000339 | 6000342 | R |
| 514 | 9/29/2004 | Gerry Johnson email to Terry McLaughlin, Danny Barth and Stan Barer re Talking Points, with Sonics Talking Points attached | PBC | 104426 | 104428 | R |
| 516 | 00/00/2006 | Mayor's Task Force The Accumulated Debt | KALD_ | 12534 | 12537 | R |
| 517 | 00/00/2006 | The Sonics Welfare and that of the Seattle Center's KeyArena are Not Linked | KALD_ | 1002729 | 1002730 | R; H; ER 702 |
| 518 | 00/00/2006 | Web page: 2006 Seattle Elections, Initiative 91 - Below Value Leases to Sports Teams, http://www2.seattle.gov/ethics/vg/20061107/sportsbt.htm | | 4 pages | | R; H |
| 519 | 2/1/2006 | MSNBC.com article: "Sonics owner: Team looking at arena alternatives" | | 2 pages | | R; H |

| | | | | | | | |
|----|-----|------------|---|-------|----------|---------|--------------|
| 1 | 520 | 2/8/2006 | Nick Licata memo to Rep. Jim McIntire re HB 3233 | KALD_ | 10002498 | 1002500 | R; H; ER 702 |
| 2 | 521 | 2/9/2006 | Richard Conlin newsletter: Making It Work, Vol. VIII, Issue 1, http://www.seattle.gov/Council/Conlin/miw/0601miw.htm | | 4 pages | | R; H; ER 702 |
| 3 | | | | | | | |
| 4 | 522 | 2/9/2006 | Sen. Pat Thibaudeau email to Nick Licata re HB 3233, SB 6849 | KALD_ | 1000990 | 1000992 | R; H; ER 702 |
| 5 | 523 | 2/9/2006 | Web page by Nick Licata: Urban Politics #210, The Sonics & Your Tax Dollars, http://www.seattle.gov/council/licata/up/up_210.htm | | 2 pages | | R; H; ER 702 |
| 6 | | | | | | | |
| 7 | 524 | 2/10/2006 | Rep. Sherry Appleton email to Nick Licata re HB 3233, SB 6849 | KALD_ | 1002456 | 1002460 | R; H; ER 702 |
| 8 | | | | | | | |
| 9 | 525 | 3/1/2006 | Outline of Central Staff presentation to PELL Committee on KeyArena Economic Impact Assessment | KALD_ | 5437 | 5440 | R; H; ER 702 |
| 10 | 526 | 3/9/2006 | Richard Conlin newsletter: Making It Work, Vol. VIII, Issue 2, http://www.seattle.gov/Council/Conlin/miw/0602miw.htm | | 5 pages | | R; H |
| 11 | | | | | | | |
| 12 | 527 | 4/17/2006 | Greg Nickels and Seattle City Council letter to Gov. Christine Gregoire | KALD_ | 2000379 | 2000380 | R |
| 13 | 528 | 4/26/2006 | The Seattle Center/ KeyArena Proposal for Economic Development & Sustainability | PBC_ | 6356 | 6366 | R; H; ER 702 |
| 14 | | | | | | | |
| 15 | 529 | 5/00/2006 | Report by Mayor's Task Force for Seattle Center Sustainability | | | | R; H |
| 16 | | | | | | | |
| 17 | 530 | 6/13/2006 | <i>Seattle P-I</i> article: "A tax bailout? Let Sonics go, Seattleites say" | | 2 pages | | R; H; ER 702 |
| 18 | 531 | 7/20/2006 | Gerry Johnson email to Terry McLaughlin re Lunch with the Mayor | PBC | 102682 | 102683 | R; H |
| 19 | 532 | 7/28/2006 | Web page by Nick Licata: Urban Politics #217, Sonics Sold, Now What?, http://www.seattle.gov/council/licata/up/217.htm | | 3 pages | | R; H |
| 20 | | | | | | | |
| 21 | 533 | 8/26/2006 | <i>Seattle P-I</i> article: "Sonics owners eye Memorial Stadium" | | 2 pages | | R; H |
| 22 | 535 | 11/1/2006 | Cushman & Wakefield report: Selected Property Tour | PBC_ | 5704 | 5727 | R; H |
| 23 | | | | | | | |
| 24 | 536 | 11/10/2006 | Cushman & Wakefield report: King County Preliminary Arena Site Selection Survey | PBC_ | 5728 | 6146 | R; H |
| 25 | | | | | | | |
| 26 | 537 | 11/13/2006 | <i>New York Times</i> article: "As Sonics Pack to Leave Town, Seattle Shrugs" | | 3 pages | | R; H |

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|-----|------------|--|--------|---------|---------|--------------|
| 538 | 11/29/2006 | News release: HOK Sport Selected As Architect and Design Firm for New Multi-Purpose Arena in Puget Sound Region | PBC_ | 12035 | 12036 | R; H |
| 539 | 12/00/2006 | The Elway Poll Proprietary Report, Citizens for More Important Things, King County Stadium Financing | KALD_ | 1002673 | 1002682 | R; H; ER 702 |
| 540 | 12/31/2006 | NBA Combined Financial Statements of NBA Member Teams 2005-2006 Season | GRIFF_ | 210 | 217 | R; H |
| 541 | 1/3/2007 | Icon report: Seattle SuperSonics Arena Project Key Facts and Messages | PBC_ | 5393 | 5405 | R; H; ER 702 |
| 542 | 1/4/2007 | Citizens for More Important Things News Conference: Results of New County-Wide Poll Measuring Support for Seattle Initiative 91, Barring Tax Subsidies to Pro-Sports Teams | KALD_ | 1002669 | 1002672 | R; H; ER 702 |
| 543 | 1/18/2007 | Clay Bennett memo to The Professional Basketball Club Partners re Report to Investors | PBC_ | 9315 | 9319 | R |
| 544 | 1/20/2007 | Jim Walters email to Tim Romani re Microsoft meeting | PBC_ | 13628 | 13629 | R; H |
| 545 | 1/29/2007 | Clay Bennett memo to The Professional Basketball Club Partners re Brief Investor Update | PBC_ | 9313 | 9314 | R |
| 546 | 2/5/2007 | Jim Kneeland memo to Clay Bennett re The road ahead | PBC_ | 8181 | 8183 | R; H |
| 547 | 2/5/2007 | The Transpo Group report: New Arena Preliminary Traffic/ Parking Analysis | PBC_ | 7901 | 7914 | R; H; ER 702 |
| 548 | 2/15/2007 | Email thread between Clay Bennett and Steve Ballmer re Update III | PBC_ | 13802 | 13803 | R; H |
| 549 | 2/20/2007 | HOK report: KeyArena Comparative Analysis | ICON | 5589 | 5630 | R; H; ER 702 |
| 550 | 2/25/2007 | Aubrey McClendon email to Dan Mahoney, Jeff Records, Tom Ward, et al., re Update | PBC | 106609 | 106610 | R |
| 551 | 2/25/2007 | Email thread between Clay Bennett and Steve Ballmer re Images | PBC_ | 13847 | 13848 | R; H |
| 552 | 3/23/2007 | Bill Rhoda/ Conventions Sports & Leisure memo to Clay Bennett & Jim Cronin re NHL Market Demographic Comparison | PBC_ | 8140 | 8163 | R; H; ER 702 |
| 553 | 3/29/2007 | Nick Licata testimony before Subcommittee on Domestic Policy, Committee on Oversight and Government Reform, State of Urban America | PBC_ | 8099 | 8102 | R; H; ER 702 |

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|----|-----|------------|---|---------|----------|-------|------|
| 1 | 554 | 4/6/2007 | Email thread between Jim Kneeland and Clay Bennett re Mayor | PBC_ | 13947 | 13948 | |
| 2 | | | | | | | R; H |
| 3 | 555 | 4/7/2007 | Email thread between Steve Ballmer and Clay Bennett re Thinking | PBC_ | 13949 | 13950 | |
| 4 | | | | | | | R; H |
| 5 | 556 | 4/10/2007 | Jim Kneeland email to Clay Bennett re Status Report | PBC_ | 13953 | 13953 | |
| 6 | 557 | 4/11/2007 | Clay Bennett email to Jim Kneeland re Chopp | PBC_ | 14048 | 14048 | |
| 7 | | | | | | | R; H |
| 8 | 558 | 4/12/2007 | Jim Kneeland email to Clay Bennett re Update (aren't giving up) | PBC_ | 13954 | 13954 | |
| 9 | 559 | 4/18/2007 | <i>The News Tribune</i> editorial: "The Sonics are headed for Oklahoma? Oh woe" | | 2 pages | | |
| 10 | | | | | | | R; H |
| 11 | 560 | 4/28/2007 | Brent Gooden email to Clay Bennett re Las Vegas | PBC_ | 14003 | 14004 | |
| 12 | | | | | | | R; H |
| 13 | 561 | 5/22/2007 | Brent Gooden email to Clay Bennett re Danny Barth - tomorrow's meeting | PBC_ | 14236 | 14236 | |
| 14 | | | | | | | R; H |
| 15 | 562 | 6/11/2007 | Century 21 Committee Final Report: Alternative Plans for Seattle Center's future, http://seattlecenter.com/century21/A--Century21FinalReport.pdf | | 51 pages | | |
| 16 | | | | | | | R; H |
| 17 | 563 | 8/14/2007 | Email thread between Tom Ward and Mary Whitson re Seattle Sonics | PBC_ | 12076 | 12077 | |
| 18 | | | | | | | R; H |
| 19 | 564 | 8/23/2007 | <i>Seattle P-I</i> article: "Sonics stalemate requires a Stern approach" | | 3 pages | | |
| 20 | | | | | | | R; H |
| 21 | 567 | 10/6/2007 | Gerry Johnson email to Mike McGavick and Wally Walker re Finals, with two PowerPoint documents attached: 1) The Sonics Challenge: Why A Poisoned Well Affords A Unique Opportunity; and 2) The Path Forward | WW | 194 | 240 | |
| 22 | | | | | | | R |
| 23 | 568 | 10/15/2007 | Confidentiality Agreement between The NBA, The PBC and the City of Seattle | | 2 pages | | |
| 24 | | | | | | | R |
| 25 | 569 | 10/16/2007 | Email thread between Steve Ballmer and Matt Griffin re Next Steps | GRIFF_ | 1185 | 1188 | |
| 26 | | | | | | | R; H |
| | 570 | 10/18/2007 | Email thread between Steve Ballmer and Matt Griffin re Update of next steps (spoke with Joel Litvin today and will summarize) | SB-AEO- | 242 | 244 | |
| | | | | | | | R; H |
| | 571 | 11/1/2007 | Email thread between Matt Griffin and Wally Walker re Sonics (found better document comparing revenue and expenses) | GRIFF_ | 1887 | 1887 | |
| | | | | | | | R |

| | | | | | | |
|-----|------------|---|--------|--------------------|--------------------|--------------|
| 572 | 11/11/2007 | Matt Griffin email to Steve Ballmer re Status 07-11-11(NBA Comb Fin) | GRIFF_ | 1036 | 1036 | R |
| 573 | 11/25/2007 | Matt Griffin email to Steve Ballmer re Status 07-11-25 | GRIFF_ | 1622 | 1623 | R; H |
| 574 | 12/2/2007 | Matt Griffin email to Steve Ballmer re Status 07-12-02 | GRIFF_ | 1048 | 1048 | R; H |
| 575 | 12/16/2007 | Matt Griffin email to Steve Ballmer re status 07-12-16 | GRIFF_ | 1051 | 1055 | R; H |
| 576 | 12/19/2007 | Email thread between Matt Griffin and Slade Gorton re Where to now? (reflections on yesterday's events) | GRIFF_ | 1518 | 1520 | R; H |
| 577 | 1/00/2008 | SRG Partnership and 360 Architecture report: NewArena Imagine the Future | ICON | 5656 | 5721 | R; H; ER 702 |
| 578 | 1/00/2008 | Comparable Lease Analysis KeyArena/ Seattle SuperSonics prepared for The City of Seattle by NorthMarq Advisors | GRIFF_ | 794 | 833 | R; H; ER 702 |
| 579 | 1/29/2008 | Gerald Johnson letter to Wally Walker (retained as non-testifying expert consultant) | GRIFF_ | 2133 | 2134 | R |
| 580 | 2/29/2008 | Conventions Sports & Leisure report: Oklahoma City Market | PBC | 107647 | 107746 | R; H; ER 702 |
| 581 | 3/6/2008 | News release: Mayor Nickels announces local effort to buy Sonics, renovate KeyArena | KALD_ | 2000389 2000492 | 2000390 2000495 | R; H |
| 582 | 3/6/2008 | Transcript: Mayor Nickel's Press Conference regarding Key Arena Improvement Proposal | | 30 pages | | R; H |
| 583 | 3/6/2008 | Richard Conlin newsletter: Making It Work, Vol. X, Issue 2, http://www.seattle.gov/council/conlin/miw/0802miw.htm | | 5 pages | | R; H |
| 584 | 3/7/2008 | Email thread between Wally Walker and Melinda Williams re sonics question | MWC_ | 389 | 389 | R; H; ER 702 |
| 585 | 3/8/2008 | Email thread between Mike McGavick and Slade Gorton re Sonics | MWC_ | 348 | 349 | R; H |
| 586 | 3/17/2008 | Icon report: Financial Projections for Sonics Relocation to Ford Center Presented to The Professional Basketball Club, LLC | PBC | 107628 | 107645 | R; H; ER 702 |
| 587 | 3/18/2008 | John Stanton email to Matt Griffin re WA Voters and the KeyArena, with Moore Information Opinion Research attached | GRIFF_ | 1979 | 1981 | R; H; ER 702 |

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|-----|------------|--|--------|----------|--------|--------------|
| 588 | 3/18/2008 | McKinsey & Co. report: New Orleans/Oklahoma City Hornets Review | NBA | 3875 | 3888 | R; H; ER 702 |
| 589 | 3/18/2008 | McKinsey & Co. report: Oklahoma City vs. Seattle Market Comparison Report | NBA | 3799 | 3822 | R; H; ER 702 |
| 590 | 3/21/2008 | Melinda Williams email to Matt Griffin re Seattle SuperSonics (Key Arena and the Sonics) | GRIFF_ | 1917 | 1920 | R; H |
| 591 | 3/30/2008 | Matt Griffin email to Steve Ballmer re SCI Status 08-03-23a, with a cc to John Stanton and Jim Sinegal | GRIFF_ | 1984 | 1985 | R |
| 592 | 4/8/2008 | KeyArena Proposal News Conference Potential Questions and Suggested Responses | KALD_ | 2000371 | 372 | R |
| 593 | 4/11/2008 | Email thread between Wally Walker and Slade Gorton, Matt Griffin, Melinda Williams, Mike McGavick and Gerry Johnson re Sonics (Gregoire 'shocked') | MWC_ | 2 | 2 | R; H |
| 594 | 5/9/2008 | Seattle P-I article: "Oklahoma City wants the Sonics there - or else" | | 3 pages | | R; H |
| 595 | 00/00/0000 | Spreadsheet: PBC Financial Obligation 2008-2010 | PBC | 107934 | 107935 | H; ER 702 |
| 596 | 1/16/2004 | New Arena Imagine The Future: Charrette Report by SRG Partnership, Inc. | GRIFF_ | 267 | 304 | R; H; ER 702 |
| 597 | 6/18/2004 | The Basketball Club of Seattle Employee Handbook | | 80 pages | | R; H |

(c) Authenticity and admissibility disputed:

Plaintiff's Exhibits

| No. of Ex. | Relevancy | Authenticity | Foundation | Hearsay | Other | Date | Description | Prefix | Beg Doc | End Doc |
|------------|-----------|--------------|------------|---------|-------|-----------|--|--------|---------|---------|
| 46 | X | X | X | X | | 11/4/1995 | Video - 2006-David Stern LOVES Key Arena!!. http://www.youtube.com/watch?v=qV4QLK0HnOc | | | |
| 47 | X | X | X | X | | 11/5/1995 | Transcript - David Stern Loves Key Arena | | | |

PRETRIAL ORDER - 48

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|-----|---|---|---|---|-----------|--|------|-----|-----|
| 56 | | | | | 2/23/2006 | TVW Audio CD: Event Date: February 23, 2006 1:30pm Event Description: Public: SB 6849 (Extending the extension of local taxes to fund arts, cultural & heritage institutions and programs, tourism promotion, publicly owned sports & entertainment facilities, other); possible executive session. http://www.tvw.org/media/mediaplayer.cfm?evid=2006020214&TYPE=A&CFID=3663359&CFTOKEN=270d757ade0c1aec-A97EB874-3048-349E-4E158D4B559D303C&bhcp=1 | | | |
| | X | X | X | X | | | | | |
| 97 | | | | | 2/13/2007 | TVW Video CD: Event Date: February 13, 2007 3:30pm Event Description: Public: SB 5184 (modifying sales/use tax provisions for public facilities districts), SB 5390 (extending the sales/use tax credit for certain public facilities districts), SB 5986 (concerning public facilities). http://www.tvw.org/media/mediaplayer.cfm?evid=2007020175&TYPE=V&CFID=3663359&CFTOKEN=270d757ade0c1aec-A97EB874-3048-349E-4E158D4B559D303C&bhcp=1 | | | |
| | X | X | X | X | | | | | |
| 178 | | | | | 3/18/2008 | Letter from Melinda Campbell to Brian Robinson re: March 11, 2008 Public Records Request - Public Disclosure Log#: 2008-21 | MWC_ | 108 | 109 |
| | X | X | | X | | | | | |
| 185 | | | | | 4/13/2008 | Video - After the last Sonics home game of 07-08 http://www.youtube.com/watch?v=6gjop66Xmvc&NR=1 | | | |
| | X | X | X | X | | | | | |
| 186 | | | | | 4/13/2008 | Video - Chant at the Sonics' final home game http://www.youtube.com/watch?v=UAy7XcGn2U4 | | | |
| | X | X | X | X | | | | | |
| 187 | X | X | X | X | 4/13/2008 | Video - Save Our Sonics. | | | |
| 188 | | | | | 4/13/2008 | Video - Seattle Supersonics' Final Moments (1) Save Our Sonics http://www.youtube.com/watch?v=qFNoYFPwNF8&feature=related | | | |
| | X | X | X | X | | | | | |
| 189 | | | | | 4/13/2008 | Video - Seattle Supersonics' Final Moments (2) Save Our Sonics http://www.youtube.com/watch?v=p73Odpdf6_g&feature=related | | | |
| | X | X | X | X | | | | | |

Defendant's Exhibits

| Exhibit No. | Date | Description | Prefix | Beg Doc | End Doc | Objection |
|-------------|------------|---|--------|---------|---------|-----------------|
| 504 | 00/00/0000 | Spreadsheet: City Share of Sonics/ Storm KeyArena Revenue | PBC | 104988 | 104988 | A; H |
| 507 | 00/00/0000 | Spreadsheet: Season Ticket Holders as of 2002-03 Seat Attrition Rate | PBC | 107955 | 107955 | A |
| 508 | 00/00/0000 | Spreadsheet: Seattle Sonics Paid Attendance - No Show Rate 2003-04 through 2007-08 | PBC | 107956 | 107956 | A |
| 509 | 00/00/0000 | Spreadsheet: Suite Revenue/ Contractual Payment Analysis 2002-03 through 2009-10 | PBC | 107965 | 107965 | A |
| 510 | 00/00/0000 | Spreadsheet: Ticket Sales Comparison Seattle Sonics 2000-01 through 2007-08 | PBC | 107957 | 107958 | A |
| 511 | 00/00/0000 | Spreadsheets: The Professional Basketball Club, LLC Estimated 2008-09, 2009-10 City of Seattle Taxes Pro Forma-Based upon Table 12 (Low End of Range) and Pro Forma-Based upon Table 13 (High End of Range) | PBC | 107949 | 107952 | A |
| 534 | 9/19/2006 | KING-TV sponsored poll by SurveyUSA News | | 3 pages | | A; R; H; ER 702 |
| 566 | 10/6/2007 | File properties for PowerPoint documents: 1) The Sonics Challenge: Why A Poisoned Well Affords A Unique Opportunity; and 2) The Path Forward | | 4 pages | | A; R |
| 598 | 00/00/0000 | Excerpts from Parks, Education, Libraries and Labor Committee (Pell Committee) March 1, 2006, available at http://seattlechannel.org/videos/video.asp?ID=2050604 and March 29, 2006, available at http://seattlechannel.org/videos/video.asp?ID=2050603 | | N/A | | A; R; H |

1 **ACTION BY THE COURT**

2 (a) This case is scheduled for trial without a jury on June 16, 2008, at Seattle,
3 Washington.

4 (b) Trial briefs shall be submitted to the court on or before June 11, 2008.

5 (c) Findings of fact and conclusions of law shall also be submitted to the court on or
6 before June 24, 2008.

7 (d) Trial will consist of a bench trial of 6 days, with each side entitled to half the time
8 "on the clock".

9 This order has been approved by the parties as evidenced by the signatures of their
10 counsel. This order shall control the subsequent course of the action unless modified by a
11 subsequent order. This order shall not be amended except by order of the court pursuant to
12 agreement of the parties or to prevent manifest injustice.

13 .
14 DATED this 13th day of June, 2008.

15 /s/ Marsha J. Pechman

16 Honorable Marsha Pechman
17
18
19

20 **FORM APPROVED**

21 THOMAS A. CARR
22 Seattle City Attorney

23 By: /S/ Gregory Narver
24 Gregory C. Narver, WSBA # 18127
25 Assistant City Attorney
26

1 KIRKPATRICK & LOCKHART
2 PRESTON GATES ELLIS LLP

3 By: /S/ Michelle Jensen

4 Paul J. Lawrence, WSBA # 13557

5 Jeffrey C. Johnson, WSBA # 23066

6 Michelle Jensen, WSBA # 36611

7 Attorneys for Plaintiff City of Seattle

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9 By: /S/ Bradley Keller

10 Bradley S. Keller, WSBA # 10665

11 Paul R. Taylor, WSBA # 14851

12 Attorney for Defendant

13 The Professional Basketball Club, LLC

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PRETRIAL ORDER - 53

Case No. C07-01620-MJP

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