

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 40<sup>th</sup> 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  
26

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.).  
24  
25  
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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.<sup>1</sup>

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

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<sup>1</sup> 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**  
12 **Seattle, WA 98104**

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

16 (2) On behalf of defendant.

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

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

1       **Deborah Jay**  
2       **c/o Byrnes & Keller**  
3       **1000 Second Avenue**  
4       **38<sup>th</sup> 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      **38<sup>th</sup> 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      **38<sup>th</sup> 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  
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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  
21 **Jyo Singh**  
22 **c/o K&L Gates**  
23 **925 Fourth Ave, Suite 2900**  
24 **Seattle, WA 98104**

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

1           **Clayton Bennett**  
2           **c/o Byrnes & Keller**  
3           **1000 Second Avenue**  
4           **38<sup>th</sup> 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           **38<sup>th</sup> 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 **Mitch Levy**  
22 **950 KJR Sports Radio**  
23 **351 Elliot Avenue West, Suite 300**  
24 **Seattle, WA 98119**

25 Mr. Levy will testify regarding his experience with the Sonics before and after PBC  
26 purchased the team.

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

5 Mayor Nickels will testify regarding the contributions of professional sports, including  
6 the Sonics, in making Seattle a great city. He will describe how the health and vitality of  
7 KeyArena affects the general health and vitality of the larger Seattle Center campus, including  
8 the Seattle Opera, the Pacific Northwest Ballet, etc. Mayor Nickels will describe the non-  
9 economic benefits the Sonics bring to Seattle, including: community spirit and pride; City  
10 exposure; cultural vitality; enhanced ability to attract new residents; and charitable activities  
11 with Seattle organizations and institutions.

12  
13 **Nick Licata**  
14 **c/o K&L Gates**  
15 **925 Fourth Ave, Suite 2900**  
16 **Seattle, WA 98104**

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

19  
20 **Aubrey McClendon (will testify by deposition)**  
21 **c/o Byrnes & Keller**  
22 **1000 Second Avenue**  
23 **38<sup>th</sup> Floor**  
24 **Seattle, WA 98104**

25 Mr. McClendon will testify via deposition regarding his understanding that the  
26 opportunity to purchase Sonics was unique. He describe that as a representative of PBC, he  
did not focus on financial elements of the Sonics acquisition and is able to handle any losses

1 related to the team's operation. Mr. McClendon will testify regarding PBC's expectations for  
2 moving the Sonics to Oklahoma City. Mr. McClendon will also testify by deposition as  
3 designated by the City. (If Mr. McClendon agrees to testify in person, the City may also  
4 present testimony by deposition.)  
5

6  
7 **James Couch (will testify by deposition)**  
8 **Office of the City Manager**  
9 **200 N Walker, 3rd Floor**  
10 **Oklahoma City, OK 73102**

11 Mr. Couch is the City Manager of Oklahoma City. He will testify regarding the  
12 matters addressed in the deposition excerpts designated by the City, including the economic  
13 and intangible benefits to Oklahoma City of having an NBA team, communications with PBC  
14 regarding the Sonics and relocation of the Sonics, and the terms of the Ford Center lease  
15 between PBC and Oklahoma City.  
16

17 **Brent Gooden (will testify by deposition)**  
18 **c/o Byrnes & Keller**  
19 **1000 Second Avenue**  
20 **38<sup>th</sup> Floor**  
21 **Seattle, WA 98104**

22 Mr. Gooden is a public relations consultant hired by PBC. He may testify regarding  
23 the matters addressed in the deposition excerpts designated by the City (subject to resolution  
24 of the City's motions in limine), including Mr. Gooden's work for and his communications  
25 with PBC and its members.  
26

1 **Joel Litvin (will testify by deposition)**  
2 **NBA 30(b)(6) deponent**  
3 **c/o Skadden, Arps, Slate, Meagher & Flom LLP**  
4 **Four Times Square**  
5 **New York, New York 10036**

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

9 **Roy Williams (will testify by deposition)**  
10 **The Greater Oklahoma City Chamber of Commerce 30(b)(6) deponent**  
11 **c/o Crowe & Dunleavy**  
12 **20 North Broadway**  
13 **Suite 1800**  
14 **Oklahoma City, OK 73012**

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

20 (b) On behalf of defendant:

21 **Clay Bennett (will testify)**  
22 **c/o Byrnes & Keller**  
23 **1000 Second Avenue**  
24 **38<sup>th</sup> Floor**  
25 **Seattle, WA 98104**

26 Mr. Bennett is the Chair of the PBC. He will testify concerning the PBC, the PBC's  
acquisition of the team, its efforts to obtain a new arena in the greater Seattle area, the losses it

1 anticipates if it continues to play at KeyArena relative to the financial impact of playing in  
2 Oklahoma City, the reasons for relocating the team to Oklahoma City, and all matters  
3 addressed in his deposition.

4  
5 **Aubrey McClendon** (will testify)  
6 **c/o Byrnes & Keller**  
7 **1000 Second Avenue**  
8 **38<sup>th</sup> Floor**  
9 **Seattle, WA 98104**

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

12 **James Couch** (will testify)  
13 **Office of the City Manager**  
14 **200 N Walker, 3rd Floor**  
15 **Oklahoma City, OK 73102**

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

22 **Walter Walker** (will testify)  
23 **c/o Michael A. Goldfarb**  
24 **Peterson Young Putra**  
25 **2800 Century Square**  
26 **1501 4th Avenue**  
**Seattle, WA 98101**

1 Mr. Walker may testify about his involvement in the City's efforts to use specific  
2 performance to force the PBC to sell the Sonics, his involvement with potential buyers of the  
3 Sonics, the problems with KeyArena as a venue for NBA basketball, and efforts to persuade  
4 the NBA not to permit the PBC to relocate the Sonics to Oklahoma City.  
5

6 **Mathew Griffin** (will testify)

7 Mr. Griffin will testify about his involvement in the City's efforts to use specific  
8 performance to force the PBC to sell the Sonics, and his efforts to secure city and state support  
9 of a new arena.  
10

11 **Tim Ceis** (may testify)

12 Mr. Ceis may testify about the City's efforts to lobby against the PBC's attempt to  
13 secure legislative support for a new arena in the greater Seattle area. He may also testify about  
14 the City's efforts to use specific performance to force the PBC to sell the Sonics, and the City's  
15 efforts to obtain legislative support for remodeling KeyArena, and efforts to persuade the NBA  
16 not to permit the PBC to relocate the Sonics to Oklahoma City.  
17

18 **Richard Conlin** (may testify) (by deposition)

19 Mr. Conlin may testify about the City's efforts to lobby against the PBC's attempt to  
20 secure legislative support for a new arena in the greater Seattle area. He may also testify about  
21 the City's efforts to use specific performance to force the PBC to sell the Sonics, and the City's  
22 efforts to obtain legislative support for remodeling KeyArena. Mr. Conlin may also testify  
23 about the lack of any cultural or economic impact of the Sonics on the City of Seattle.  
24  
25  
26

1       **Nick Licata** (will testify)  
2       **c/o K&L Gates**  
3       **925 Fourth Ave, Suite 2900**  
4       **Seattle, WA 98104**

5       Mr. Licata may testify about the City's efforts to lobby against the PBC's attempt to  
6       secure legislative support for a new arena in the greater Seattle area. He may also testify about  
7       the City's efforts to use specific performance to force the PBC to sell the Sonics, and the City's  
8       efforts to obtain legislative support for remodeling KeyArena. Mr. Licata may also testify  
9       about the lack of any economic or cultural impact of the Sonics on the City of Seattle, and his  
10      role in Initiative 91, which limits the use of public funds for sports facilities in Seattle.

11      **Larry Nichols** (may testify)

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

14  
15      **Robert Nellams** (may testify) (by deposition)

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

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

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

1           **Terry McLaughlin** (may testify)

2           Mr. McLaughlin is a former executive with the Sonics, both when they were owned by  
3 the PBC and previously by the Schultz group. Prior to that, he worked for the Seattle City  
4 Center. Mr. McLaughlin may testify about efforts by the Schultz ownership group and the  
5 PBC to obtain support from the legislature for either a remodel of KeyArena or a new  
6 multipurpose arena. He may also testify about the circumstances of the negotiation of the  
7 original lease, and the inadequacies of KeyArena.

8  
9  
10          **James Kneeland** (may testify)

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

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

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

1 **Slade Gorton** (may testify)  
2 **c/o K&L Gates**  
3 **925 Fourth Ave, Suite 2900**  
4 **Seattle, WA 98104**

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

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

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

10  
11 **HOK Sports Document Custodian** (may testify)

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

14  
15 **Bill Alves** (may testify)

16 Mr. Alves, a city employee, may be called to testify regarding the KeyArena  
17 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
5		Icon Venue Group - Sonics 3 Year Outlook - <b>Confidential</b>	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 - <b>Confidential</b>	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	

PRETRIAL ORDER - 24

Case No. C07-01620-MJP

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27		The Professional Basketball Club LLC Consolidated Income Statement (Including Playoff Budget) for the Eleven Months Ended September 30, 2007 <b>Confidential</b>	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 - <b>Confidential</b>	ICON	10004	10013
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
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

**PRETRIAL ORDER - 25**

Case No. C07-01620-MJP

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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
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 - <b>Confidential</b>	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			

PRETRIAL ORDER - 26

Case No. C07-01620-MJP

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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>			
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 - <b>Confidential</b>	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

PRETRIAL ORDER - 27

Case No. C07-01620-MJP

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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
123	5/7/2007	Memo from Clayton Bennett to the Professional Basketball Club Partners re: Board Meeting	PBC	106541	106541
124	5/22/2007	E-mail string between Clayton Bennett and Brent Gooden	PBC_	7308	
125	5/22/2007	E-mail from C. Bennett to B. Gooden re: Refined Standby Statement - Arena Lease Project	PBC_	7361	7361
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
127		<i>Exhibit number not used</i>			
128	5/29/2007	E-mail string from Dan Mahoney to Clayton Bennett and CCed to Brent Gooden re: Newsok	PBC_	7017	7018
129	5/30/2007	E-mail from D. Mahoney to C. Bennett re: Ch 9	PBC_	7019	7019
130		<i>Exhibit number not used</i>			
131		<i>Exhibit number not used</i>			
132	6/9/2007	E-mail string from C. Bennett to T. Romani re: Tim Romani	PBC_	7366	7367

PRETRIAL ORDER - 28

Case No. C07-01620-MJP

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1	133		<i>Exhibit number not used</i>			
2	134		<i>Exhibit number not used</i>			
3	135	6/11/2007	E-mail string between Clayton Bennett and Tom Ward	PBC_	11440	
4	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
5	137	7/20/2007	Video - 2007-07-20 Clay Bennett			
6	138	8/13/2007	E-mail from Aubrey McClendon to Clayton Bennett and CCed to bgooden@goodengroup.com re: Interview	PBC_	6250	6250
7	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
8	141	8/13/2007	E-mail exchange between Clayton Bennett, David Stern and Joel Litvin	PBC_	8043	
9	142	8/16/2007	Letter from Aubrey McClendon to David Stern	PBC_	7132	7132
10	143	8/18/2007	E-mail string between David Stern and Clayton Bennet re: Personal	PBC_	11441	11443
11	145	8/27/2007	E-mail from C. Bennet to amccclendon@chkenergy.com re: Good evening	PBC_	7619	7619
12	146	9/14/2007	Seattle SuperSonics, Business Development Overview, 2007-2008 Season.	PBC_	14342	14343
13	147	9/19/2007	The Professional Basketball Club's Arbitration Demand			
14	148	9/30/2007	The Professional Basketball Club, LLC - YTD Detail by AP Name	PBC_	107765	107766
15	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
16	150		<i>Exhibit number not used</i>			
17	151	9/30/2007	The Professional Basketball Club, LLC Consolidated Income Statement Annual Budget for the Fiscal Year Ended September 30, 2007	PBC	104664	
18	152		<i>Exhibit number not used</i>			
19	153		<i>Exhibit number not used</i>			
20	154	9/30/2007	PBC Consolidated Income Statement for the Eleven Months Ended September 30, 2007 - <b>Confidential</b>	PBC	107769	

155	9/30/2007	The Professional basketball Club, LLC YTD Detail by AP Name FYE - <b>Confidential</b>	PBC	107765	
156		<i>Exhibit number not used</i>			
157	10/31/2007	The Professional Basketball Club, LLC Consolidated Income Statement (Regular Season & Playoffs) for the One Month Ended October 31, 2007 - <b>Confidential</b>	PBC	107777	
158	11/16/2007	Defendant's, The Professional Basketball Club's Answer and Affirmative Defenses			
160	12/17/2007	Memo from Danny Barth to Clay Bennett re: Financial and Operational Update Q1 2008	PBC_	12234	12238
161		<i>Exhibit number not used</i>			
163		<i>Exhibit number not used</i>			
164	1/30/2008	Defendant's, The Professional Basketball Club's Responses to Plaintiff's First Set of Requests for Production of Documents			
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
168	2/19/2008	E-mail from Dan Mahoney to Greg Johns re: Comment?	PBC_	12205	12205
169		<i>Exhibit number not used</i>			
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
171		<i>Exhibit number not used</i>			
172	2/29/2008	The Professional Basketball Club, LLC Consolidated Income Statement for the Five Months Ended February 29, 2008 - <b>Confidential</b>	PBC	107108	
173	2/29/2008	The Professional Basketball Club, LLC YTD Detail by AP Name 2/29/2008	PBC	107766	
174		<i>Exhibit number not used</i>			
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

PRETRIAL ORDER - 30

Case No. C07-01620-MJP

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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.			
177	3/17/2008	Seattle SuperSonics Financial Analysis presented to Byrnes & Keller, LLP by MZ Sports LLC	PBC_	107518	107536
179	3/25/2008	Eric Williams' posting to the Tacoma News Tribune's "Sonics Insider" blog, entitled "Transcripts of OKC Press Conference"			
181		<i>Exhibit number not used</i>			
182	4/1/2008	Sonics Relocation Proposal: Estimated Total Economic Impact and State and Local Tax Revenues	PBC_	14399	14404
183	4/7/2008	Defendant's The Professional Basketball Club's Answers and Objections to Plaintiff's First Set of Interrogatories			
184	4/11/2008	The Professional Basketball Club's Response to Notice of Videotaped 30(b)(6) Deposition			
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....			
196	4/28/2008	Professional Basketball Club's Responses to the City of Seattle's Supplemental Interrogatories			
197	4/30/2008	Professional Basketball Club's Answers to the City of Seattle's Requests for Admission			
199	5/1/2008	Web Page Capture - <a href="http://www.nba.com/sonics/community/ticketsforkids.html">http://www.nba.com/sonics/community/ticketsforkids.html</a>			
200	5/1/2008	Web Page Capture - <a href="http://www.nba.com/sonics/community/appearances.html">http://www.nba.com/sonics/community/appearances.html</a>			
201	5/1/2008	Web Page Capture - <a href="http://www.nba.com/sonics/community/hip_tobe_fit.html">http://www.nba.com/sonics/community/hip_tobe_fit.html</a>			
202	5/1/2008	Web Page Capture - <a href="http://www.nba.com/sonics/#/tickets/luxury">http://www.nba.com/sonics/#/tickets/luxury</a>			
203	5/1/2008	Web Page Capture - <a href="http://www.nba.com/sonics/community/readtoacheve.html">http://www.nba.com/sonics/community/readtoacheve.html</a>			

**PRETRIAL ORDER - 31**

Case No. C07-01620-MJP

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204	5/1/2008	Web Page Capture - <a href="http://www.nba.com/sonics__storm_TEAM_Founda-56858-51.html">http://www.nba.com/sonics__storm_TEAM_Founda-56858-51.html</a>			
209	5/15/2008	Professional Basketball Club's Supplemental Responses to Plaintiff's First Set of Interrogatories			
210	5/15/2008	Professional Basketball Club's Supplemental Response to Plaintiff's Supplemental Interrogatory No. 13			
211	5/15/2008	Professional Basketball Club's Responses to the City of Seattle's Supplemental Requests for Production			
212	5/15/2008	Professional Basketball Club's Supplemental Response to Plaintiff's Supplemental Request for Production No. 17			
213	5/20/2008	Web Page Capture - <a href="http://www.nba.com/sonics/schedule/results_2007.html">www.nba.com/sonics/schedule/results_2007.html</a>			
214	5/20/2008	Web Page Capture - <a href="http://www.nba.com/sonics/schedule/results_2006.html">www.nba.com/sonics/schedule/results_2006.html</a>			
217		<i>Exhibit number not used</i>			
218		Letters from the Seattle Public Entities reflecting Seattle Sonics community services			
219		Photos:  Rashard Lewis - Opening of the Rashard Lewis Theater at Ronald McDonald House (2003)  Ray Allen's Giving Tree  Rashard Lewis Food Drive			
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	Email from Brent Gooden to Aubrey McClendon	PBC	106944	106945

PRETRIAL ORDER - 32

Case No. C07-01620-MJP

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1	234	7/24/2006	Memorandum from Jim Kneeland/Dave Fisher to Clayton Bennett - <b>Confidential</b>	Gooden	434	439
2	235	8/6/2006	Email from Jim Kneeland to Brent Gooden/Richard Milne	PPA	2630	2631
3	236	8/6/2006	Email from Jim Kneeland to Richard Milne	PPA	2132	2133
4	237	8/21/2006	Email from Brent Gooden to Jim Kneeland	PPA	2564	2568
5	238	9/18/2006	Email from Brent Gooden to Clayton Bennett	PPA	2919	2921
6	239	9/26/2006	Email from Brent Gooden to Clayton Bennett	PPA	201	
7	240	10/9/2006	Email from Brent Gooden to Dan Mahoney - <b>Confidential</b>	Gooden	470	471
8	242	10/29/2006	Gooden Group Transcript - <b>Confidential</b>	Gooden	297	318
9	243	11/7/2006	Email from Brent Gooden to Jim Kneeland, Clayton Bennett, Richard Milne	PBC_	13328	13329
10	245	10/10/2006	Email from Aubrey McClendon	PBC	106605	106606
11	246	7/10/2006	E-mail string from T. Ward to A. McClendon re: Did Paul Mott get fired?	PBC	106809	106810
12	247	7/13/2006	E-mail string from E. Evans to A. McClendon re: Latest turn of the Purchase Agreement	PBC	106831	106832
13	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
14	249	10/15/2006	Email from Martin Stringer to Aubrey McClendon regarding memo from Clay	PBC	106597	106599
15	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
16	251		Seattle Sonics News Release: Clay Bennett Statement Regarding Possible Relocation Cities	PBC_	12040	12040
17	252	6/18/2007	E-mail string from C. Bennett to A. McClendon re: Checking in	PBC	106626	106626
18	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
19						
20						
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**PRETRIAL ORDER - 33**

Case No. C07-01620-MJP

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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
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
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
268	1/16/2006	January 16, 2006 letter to Clay Bennett from Jim Kneeland re: Arena Conversations	PPA	004988	004989
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
270	1/17/2007	Email from Brent Gooden to Jim Kneeland - PBC Media Thoughts	PBC_	13623	13625
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
272	2/4/2007	E-mail string from Steve Balmer to Clayton Bennett re: RE: Update II	PBC_	13732	13733
273	2/28/2007	E-mail string from Jim Kneeland to Clayton Bennett re: FW: Sonics	PBC_	13853	13855
274	3/20/2007	E-mail string from Clayton Bennett to Jim Kneeland re: Letter	PBC_	07476	07476
275	3/28/2007	E-mail from Jim Kneeland to Clayton Bennett re: Sonics ask	PBC_	13873	13874

PRETRIAL ORDER - 34

Case No. C07-01620-MJP

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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
277	5/7/2007	Memorandum from Clayton I. Bennett to The Professional Basketball Club Partners re: Board Meeting	PBC_	11431	11431
278	6/11/2007	E-mail string from Clayton Bennett to Tom L. Ward re: Sonics	PBC_	11440	11440
279	6/15/2007	Memorandum from Clayton Bennett to Members of the Professional Basketball Club, LLC re: Investor Update	PBC	106621	106624
280		Clay Talking Points w/ Mayor Nickels	PBC_	07117	07119
281	6/27/2007	E-mail from Clayton Bennett to Jim.Couch@OKC.GOV re: Dates	PBC_	14317	14317
283	6/14/2007	Be Part Of It - Seattle SuperSonics 2007 Summer Marketing Campaign	PBC_	007379	007387
287	4/10/2008	NBA Relocation Committee Report			
289	12/31/2006	Draft: Talking points for the meeting with the Governor	GOODE N-	00000427	00000428
290	12/31/2006	Draft talking points with Governor - <b>Confidential</b>	Gooden	427	428
291	2/10/2007	E-mail from C. Bennett to B. Gooden re: Kneeland Memo	PBC_	00007369	00007369
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
293	2/25/2007	Email from Brent Gooden to Clayton Bennett, Jim Kneeland, Dan Mahoney, Richard Milne	PBC_	13763	
294	4/15/2007	Email from Clayton Bennett to Brent Gooden	PBC_	14061	14063
295	4/28/2007	E-mail string from B. Gooden to C. Bennett re: Las Vegas	PBC_	00014003	00014004
296	4/28/2007	Email from Clayton Bennett to Brent Gooden	PBC_	14003	14004
297	5/14/2007	Email from Clayton Bennett to Brent Gooden regarding actionable ideas - tactics and strategies	PBC_	14219	14220
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
303	8/20/2007	Email from Clayton Bennett to Brent Gooden regarding investor communications	PBC_	6663	
304		Seattle Supersonics Public Relations News Release re: Jim Kneeland and Pacific Public Affairs	Gooden-	117	117

**PRETRIAL ORDER - 35**

Case No. C07-01620-MJP

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305	8/21/2006	Letter from C. Bennett to J. Peoples - No subject	PBC	13043	13043
306	10/20/2006	Memo to All Staff re: Sonics Welcome Cleveland High School to Tonight's Game	PPA	00271	00273
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
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
309	10/19/2006	Email from Richard Milne to Brent Gooden and Clayton Bennett	PBC_	13181	
315	4/16/2007	Email from Clayton Bennett to Pete von Reichbauer	PBC_	8046	8047
316	4/20/2007	Email from Clayton Bennett to Kathy Keolker regarding King County Events Center	PBC_	8053	
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 - <b>Confidential</b>	ICON	4937	4943
319	8/2/2007	Email from Dan Mahoney to Terry McLaughlin	PBC_	6218	6220
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
324	11/9/2006	Email string from Clayton Bennett to Brent Gooden re: I-91 and its progeny	PBC_	15251	15252

#### Defendant's Exhibits

Exhibit No.	Date	Description	Prefix	Beg Doc	End Doc	No objection
A-6	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

PRETRIAL ORDER - 36

Case No. C07-01620-MJP

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A-7	00/00/0000	Spreadsheet: National Basketball Association Net Gate Receipts/ And Paid Attendance (Tickets Sold) Comparison Report	PBC	107959	107964	X
A-15	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
A-19	9/30/2005	The Basketball Club of Seattle, LLC Financial Staements for the Years Ended September 30, 2005 and 2004 and Independent Auditors' Report	PBC	104908	104927	X
A-41	9/29/2006	Mitchell Ziets/ MZ Sports engagement letter to Clay Bennett	PBC_	13148	13150	X
A-80	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

(b) Authenticity stipulated, admissibility disputed:

Plaintiff's Exhibits

No. of Ex.	Relevancy	Foundation	Hearsay	Other	Date	Description	Prefix	Beg Doc	End Doc
1	X		X			Seattle Sonics Executive Summary by Goldman Sachs	PBC_	10723	10777
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	

PRETRIAL ORDER - 37

Case No. C07-01620-MJP

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23. 001						The Basketball Club of Seattle LLC Consolidated Income Statement Income Statement for the Twelve Months Ending September 30, 2003 TBCS: Summary	PBC_	4763	
	X		X						
24						The Basketball Club of Seattle, LLC Consolidated Income Statement Annual Budget for the Fiscal Year Ended September 30, 2006.	PBC_	104670	104674
	X								
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	X		X			Seattle City Council Ordinance 122492			
35	X		X			Seattle Sonics/Goldman Sachs Report - <b>Confidential</b>	ICON	3512	3566
36	X			Not sent		Draft E-mail from C. Bennett to M. Nelson - No subject	PPA	1371	1371
37						Statement by Clayton I. Bennett, Chairman The Professional Basketball Club LLC	PPA	4961	4961
	X		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 - <b>Confidential</b>	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						

PRETRIAL ORDER - 38

Case No. C07-01620-MJP

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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		X						
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		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 Kneelan d's commen ts	2/14/2007	Email from Clayton Bennett to Jim Kneeland re: P-I	PBC_	7472	7472
	X		X*						
100				*As to Kneelan d's commen ts	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								

PRETRIAL ORDER - 39

Case No. C07-01620-MJP

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104					3/5/2007	E-mail string from J. Roth to A. McClendon re: Letter to Editor - Seattle Times.doc	PBC	106715	106716
109	X				4/4/2007	An Economic & Fiscal Benefits Assessment of the Proposed King County Events Center - <b>Confidential</b>	ICON	3660	3697
111	X				4/17/2007	E-mail string from Brent Gooden to Clayton Bennett re: Team	PBC_	13973	13973
113	X				4/18/2007	E-mail from Brent Gooden to Clayton Bennett re: Fw: 2007-08 Talking Point	PBC_	13974	13974
120	X			*As to newspaper article	4/29/2007	E-mail string from A. McClendon to C. Bennett re: Sonics eyeing early exit?	PBC_	11422	11423
140	X				8/13/2007	Letter from Gould, Sport Restaurant & Bar, to Mayor Nickels re Sonics leaving town			
144	X				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
159	X	X	X		12/6/2007	Media - FORBES.com -The Business of Basketball			
162	X					NBA Operations Manual 2007-08 - <b>Attorneys Only Material</b>	NBA	78	638
166	X			X	2/14/2008	Jeff Duncan's article "Locals Hold Hornets' Fate, Stern Says"			
167	X			X	2/16/2008	Media - ESPN-2008-02-16-Stern-Sonics to leave Seattle-Hornets could stay in New Orleans			
180	X			X	3/26/2008	Seattle Times article entitled "NBA Commissioner David Stern Says Key Arena Renovation Not an Option for Sonics"			
194	X			X	4/16/2008	Video - 2008-04-16-ESPN-Stern Interview			
195	X			X	4/18/2008	Video - 2008-04-18-Stern and Bennett			
198	X			403	5/1/2008	Web Page Capture - <a href="http://www.nba.com/sonics">http://www.nba.com/sonics</a>			

**PRETRIAL ORDER - 40**

Case No. C07-01620-MJP

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205			X		5/2/2008	Expert Report of Andrew Zimbalist			
206			X		5/8/2008	Expert Witness Report of Todd Menenberg			
207			X		5/1/2008	Expert Report of Lon Hatamiya			
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			
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.com 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

PRETRIAL ORDER - 41

Case No. C07-01620-MJP

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259						Project Summary Report: Ford Center Improvement Study	OKC	000365	000365
	X		X						
261						Oklahoma City and Major League Sports Timeline	OKC	000379	000379
	X		X						
282					2/29/2008	Analysis of Oklahoma City Market Presented to The Professional Basketball Club, LLC presented by Convention Sports & Leisure	PBC_	107647	107746
	X		X						
284	X			403, 408	2/15/2008	Offer of Judgment	N/A	N/A	N/A
285					5/15/2006	Presentation Regarding the Basketball Club of Seattle, LLC - Goldman Sachs, 5-15- 06	PBC_	10778	10820
	X		X						
286						Exhibit G: proforma assessment of city's \$50 million upgrade proposal	PBC_	11142	11145
	X		X						
288					4/18/2008	Handwritten notes on NBA notepad dated 4/18/08	NBA	000039 49	000039 60
	X		X						
298					5/19/2007	E-mail from B. Gooden to C. Bennett re: Hughe's Story	PBC_	000066 06	000066 09
	X		X						
299					5/19/2007	Email from Clayton Bennett to Brent Gooden	PBC_	6606	6609
	X		X						
300						Email from Clayton Bennett to Brent Gooden regarding SOS story	PBC_	7047	
	X		X		5/28/2007				
302					7/21/2007	E-mail from B. Gooden to C. Bennett re: BS	PBC_	000066 64	000066 64
	X		X						
310						NBA Assistance Program Report - <b>Attorneys Only Materials</b>	PBC	107999	108014
	X		X						
311						Metropolitan King County Council Regional Policy Committee - Staff Report	PBC_	9249	9263
	X		X		8/2/2006				
314						Email from Jim Kneeland to Clayton Bennett	PBC_	13942	
			X		3/28/2007				
320						Email from Tim Ceis to Joel Litvin regarding KeyArena Revenue Analysis			
	X		X		1/7/2008				
323					1/25/2007	Email string from Clayton Bennett to Jim Kneeland re: CONFIDENTIAL with attachment: Arena Proposal draft 01242007.doc	PBC_	15486	15489
			X						
325					2/6/2007	Email string from Art Aaron to Frank Hill; Cced: Martin Stringer, Clayton Bennett, Jim Cronin, Jack McCullough	PBC_	16066	16068
			X						

PRETRIAL ORDER - 42

Case No. C07-01620-MJP

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326				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 Vinal, Martin Stringer, Thomas Baker, David Haber, Mitchell Ziets re: SuperSonics - Financial Projections	PBC_	15027
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### Defendant's Exhibits

Exhibit No.	Date	Description	Prefix	Beg Doc	End Doc	Objection
A-1	00/00/0000	2006-2007 Clay Bennett Travel log and itineraries	PBC_	12078	12089	R
A-2	00/00/0000	2007-2008 Wally Walker's desk calendar	WW	13	69	R; H
A-3	00/00/0000	Draft letter to State Legislator/King County Councilmember from Bob Wallace/Chair Public Facilities District		6 pages		R; H
A-4	00/00/0000	Icon report for a private arena	PBC_	14405	14412	R; H
A-13	10/17/1995	EHB 2115 The Stadium Act and Final Bill Report		24 pages		R
A-14	9/25/1996	Development Agreement Between the Washington State Major League Baseball Stadium Public Facilities District and The Baseball Club of Seattle, L.P.	GRIFF_	326	349	R
A-16	7/1/2004	Draft for Internal Discussion Only Seattle Center Loan Legislation Update	KALD_	6000339	6000342	R
A-17	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
A-18	11/00/2004	An Economic Impact Study of Arts and Cultural Organizations in King County: 2003 (released November 2004)		102 pages		R; H; ER 702
A-20	00/00/2006	Mayor's Task Force The Accumulated Debt	KALD_	12534	12537	R
A-21	00/00/2006	The Sonics Welfare and that of the Seattle Center's KeyArena are Not Linked	KALD_	1002729	1002730	R; H; ER 702

PRETRIAL ORDER - 43

Case No. C07-01620-MJP

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A-22	00/00/2006	Web page: 2006 Seattle Elections, Initiative 91 - Below Value Leases to Sports Teams, <a href="http://www2.seattle.gov/ethics/vg/20061107/sportsbt.htm">http://www2.seattle.gov/ethics/vg/20061107/sportsbt.htm</a>		2 pages		R; H
A-23	2/1/2006	MSNBC.com article: "Sonics owner: Team looking at arena alternatives"		2 pages		R; H
A-24	2/8/2006	Nick Licata memo to Rep. Jim McIntire re HB 3233	KALD_	10002498	1002500	R; H; ER 702
A-25	2/9/2006	Richard Conlin newsletter: Making It Work, Vol. VIII, Issue 1, <a href="http://www.seattle.gov/Council/Conlin/miw/0601miw.htm">http://www.seattle.gov/Council/Conlin/miw/0601miw.htm</a>		4 pages		R; H; ER 702
A-26	2/9/2006	Sen. Pat Thibaudeau email to Nick Licata re HB 3233, SB 6849	KALD_	1000990	1000992	R; H; ER 702
A-27	2/9/2006	Web page by Nick Licata: Urban Politics #210, The Sonics & Your Tax Dollars, <a href="http://www.seattle.gov/council/licata/up/up_210.htm">http://www.seattle.gov/council/licata/up/up_210.htm</a>		2 pages		R; H; ER 702
A-28	2/10/2006	Rep. Sherry Appleton email to Nick Licata re HB 3233, SB 6849	KALD_	1002456	1002460	R; H; ER 702
A-29	2/15/2006	KeyArena Subcommittee Final Report and Recommendations	KALD_	2858	2941	R; H; ER 702
A-30	3/1/2006	Outline of Central Staff presentation to PELL Committee on KeyArena Economic Impact Assessment	KALD_	5437	5440	R; H; ER 702
A-32	3/9/2006	Richard Conlin newsletter: Making It Work, Vol. VIII, Issue 2, <a href="http://www.seattle.gov/Council/Conlin/miw/0602miw.htm">http://www.seattle.gov/Council/Conlin/miw/0602miw.htm</a>		5 pages		R; H
A-34	4/17/2006	Greg Nickels and Seattle City Council letter to Gov. Christine Gregoire	KALD_	2000379	2000380	R
A-35	4/26/2006	The Seattle Center/ KeyArena Proposal for Economic Development & Sustainability	PBC_	6356	6366	R; H; ER 702
A-36	6/13/2006	<i>Seattle P-I</i> article: "A tax bailout? Let Sonics go, Seattleites say"		2 pages		R; H; ER 702
A-37	7/20/2006	Gerry Johnson email to Terry McLaughlin re Lunch with the Mayor	PBC	102682	102683	R; H
A-38	7/28/2006	Web page by Nick Licata: Urban Politics #217, Sonics Sold, Now What?, <a href="http://www.seattle.gov/council/licata/up/217.htm">http://www.seattle.gov/council/licata/up/217.htm</a>		3 pages		R; H
A-39	8/26/2006	<i>Seattle P-I</i> article: "Sonics owners eye Memorial Stadium"		2 pages		R; H

PRETRIAL ORDER - 44

Case No. C07-01620-MJP

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1	A-42	11/1/2006	Cushman & Wakefield report: Selected Property Tour	PBC_	5704	5727	R; H
2	A-43	11/10/2006	Cushman & Wakefield report: King County Preliminary Arena Site Selection Survey	PBC_	5728	6146	R; H
3							
4	A-44	11/13/2006	New York Times article: "As Sonics Pack to Leave Town, Seattle Shrugs"		3 pages		R; H
5	A-45	11/13/2006	Tom Wilson email to Frank Hill re Arena Short List - Next Steps	PBC_	10324	10325	R; H
6	A-46	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
7							
8	A-47	12/00/2006	The Elway Poll Proprietary Report, Citizens for More Important Things, King County Stadium Financing	KALD_	1002673	1002682	R; H; ER 702
9							
10	A-48	12/31/2006	NBA Combined Financial Statements of NBA Member Teams 2005-2006 Season	GRIFF_	210	217	R; H
11							
12	A-49	1/2/2007	Jim Kneeland email to Clay Bennett re John Stanton	PBC_	13652	13652	R; H
13	A-50	1/3/2007	Icon report: Seattle SuperSonics Arena Project Key Facts and Messages	PBC_	5393	5405	R; H; ER 702
14	A-51	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
15							
16	A-52	1/18/2007	Clay Bennett memo to The Professional Basketball Club Partners re Report to Investors	PBC_	9315	9319	R
17							
18	A-53	1/20/2007	Jim Walters email to Tim Romani re Microsoft meeting	PBC_	13628	13629	R; H
19	A-54	1/29/2007	Clay Bennett memo to The Professional Basketball Club Partners re Brief Investor Update	PBC_	9313	9314	R
20							
21	A-55	2/5/2007	Jim Kneeland memo to Clay Bennett re The road ahead	PBC_	8181	8183	R; H
22	A-56	2/5/2007	The Transpo Group report: New Arena Preliminary Traffic/ Parking Analysis	PBC_	7901	7914	R; H; ER 702
23							
24	A-57	2/15/2007	Email thread between Clay Bennett and Steve Ballmer re Update III	PBC_	13802	13803	R; H
25	A-58	2/20/2007	HOK report: KeyArena Comparative Analysis	ICON	5589	5630	R; H; ER 702
26							

**PRETRIAL ORDER - 45**

Case No. C07-01620-MJP

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A-59	2/25/2007	Aubrey McClendon email to Dan Mahoney, Jeff Records, Tom Ward, et al., re Update	PBC	106609	106610	R
A-60	2/25/2007	Email thread between Clay Bennett and Steve Ballmer re Images	PBC_	13847	13848	R; H
A-61	3/21/2007	Email thread between Steve Ballmer and Clay Bennett re Checking In	PBC_	13867	13868	R; H
A-62	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
A-63	3/28/2007	Email thread between Jim Kneeland and Clay Bennett re Sonics ask	PBC_	13873	13874	R; H
A-64	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
A-65	4/4/2007	Dan Mahoney email to Clay Bennett, Brent Gooden, Jim Kneeland, Richard Milne and Tsavage re Gov Gregoire on the radio	PBC_	12721	12721	R; H
A-66	4/6/2007	Email thread between Clay Bennett and Brent Gooden re Seattle Times	PBC_	14022	14023	R; H
A-67	4/6/2007	Email thread between Jim Kneeland and Clay Bennett re Mayor	PBC_	13947	13948	R; H
A-68	4/6/2007	Greg Nickels letter to Brad Adams	KALD_	2000125	2000125	R
A-69	4/7/2007	Email thread between Steve Ballmer and Clay Bennett re Thinking	PBC_	13949	13950	R; H
A-70	4/10/2007	Jim Kneeland email to Clay Bennett re Status Report	PBC_	13953	13953	R; H
A-71	4/11/2007	Clay Bennett email to Jim Kneeland re Chopp	PBC_	14048	14048	R; H
A-72	4/12/2007	Jim Kneeland email to Clay Bennett re Update (aren't giving up)	PBC_	13954	13954	R; H
A-73	4/18/2007	<i>The News Tribune</i> editorial: "The Sonics are headed for Oklahoma? Oh woe"		2 pages		R; H
A-74	4/28/2007	Brent Gooden email to Clay Bennett re Las Vegas	PBC_	14003	14004	R; H
A-75	5/22/2007	Brent Gooden email to Clay Bennett re Danny Barth - tomorrow's meeting	PBC_	14236	14236	R; H

A-76	6/11/2007	Century 21 Committee Final Report: Alternative Plans for Seattle Center's future, <a href="http://seattlecenter.com/century21/A--Century21FinalReport.pdf">http://seattlecenter.com/century21/A--Century21FinalReport.pdf</a>		51 pages		R; H
A-77	8/14/2007	Email thread between Tom Ward and Mary Whitson re Seattle Sonics	PBC_	12076	12077	R; H
A-78	8/23/2007	Seattle P-I article: "Sonics stalemate requires a Stern approach"		3 pages		R; H
A-79	9/24/2007	Dan Mahoney email to Clay Bennett, Aubrey McClendon, Jeff Records, Tom Ward, et al., re Sonics media covg	PBC_	12272	12272	R; H
A-82	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	R
A-83	10/15/2007	Confidentiality Agreement between The NBA, The PBC and the City of Seattle		2 pages		R
A-84	10/16/2007	Email thread between Steve Ballmer and Matt Griffin re Next Steps	GRIFF_	1185	1188	R; H
A-85	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
A-86	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
A-87	1/00/2008	SRG Partnership and 360 Architecture report: NewArena Imagine the Future	ICON	5656	5721	R; H; ER 702
A-88	1/3/2008	Oklahoma City legislation: Sports Facilities Sales Tax Ordinance Alternative #2, Ordinance 23,520		5 pages		R
A-89	1/29/2008	Gerald Johnson letter to Wally Walker (retained as non-testifying expert consultant)	GRIFF_	2133	2134	R
A-90	2/29/2008	Conventions Sports & Leisure report: Oklahoma City Market	PBC	107647	107746	R; H; ER 702
A-91	03/00/2008	Brad R. Humphreys report	PBC	107936	107948	H
A-92	3/6/2008	News release: Mayor Nickels announces local effort to buy Sonics, renovate KeyArena	KALD_	2000389 2000492	2000390 2000495	R; H

**PRETRIAL ORDER - 47**

Case No. C07-01620-MJP

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A-93	3/6/2008	Transcript: Mayor Nickel's Press Conference regarding Key Arena Improvement Proposal		30 pages		R; H
A-94	3/6/2008	Richard Conlin newsletter: Making It Work, Vol. X, Issue 2, <a href="http://www.seattle.gov/council/conlin/miw/0802miw.htm">http://www.seattle.gov/council/conlin/miw/0802miw.htm</a>		5 pages		R; H
A-95	3/8/2008	Email thread between Mike McGavick and Slade Gorton re Sonics	MWC_	348	349	R; H
A-96	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
A-97	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
A-98	3/18/2008	McKinsey & Co. report: New Orleans/Oklahoma City Hornets Review	NBA	3875	3888	R; H; ER 702
A-99	3/18/2008	McKinsey & Co. report: Oklahoma City vs. Seattle Market Comparison Report	NBA	3799	3822	R; H; ER 702
A-100	3/21/2008	Melinda Williams email to Matt Griffin re Seattle SuperSonics (Key Arena and the Sonics)	GRIFF_	1917	1920	R; H
A-101	3/23/2008	Matt Griffin email to Steve Ballmer re SCI Status 08-03-23a, with a cc to John Stanton and Jim Sinegal	GRIFF_	1990	1991	R
A-102	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
A-103	4/8/2008	KeyArena Proposal News Conference Potential Questions and Suggested Responses	KALD_	2000371	372	R
A-104	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
A-105	4/17/2008	Oklahoma City legislation: Enrolled SB 1819		26 pages		R

(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!!. <a href="http://www.youtube.com/watch?v=qV4QLK0HnOc">http://www.youtube.com/watch?v=qV4QLK0HnOc</a>			
47	X	X	X	X		11/5/1995	Transcript - David Stern Loves Key Arena			
56	X	X	X	X		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. <a href="http://www.tvw.org/media/mediaplayer.cfm?evid=2006020214&amp;TYPE=A&amp;CFID=3663359&amp;CFTOKEN=270d757ade0c1aec-A97EB874-3048-349E-4E158D4B559D303C&amp;bhcp=1">http://www.tvw.org/media/mediaplayer.cfm?evid=2006020214&amp;TYPE=A&amp;CFID=3663359&amp;CFTOKEN=270d757ade0c1aec-A97EB874-3048-349E-4E158D4B559D303C&amp;bhcp=1</a>			
97	X	X	X	X		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). <a href="http://www.tvw.org/media/mediaplayer.cfm?evid=2007020175&amp;TYPE=V&amp;CFID=3663359&amp;CFTOKEN=270d757ade0c1aec-A97EB874-3048-349E-4E158D4B559D303C&amp;bhcp=1">http://www.tvw.org/media/mediaplayer.cfm?evid=2007020175&amp;TYPE=V&amp;CFID=3663359&amp;CFTOKEN=270d757ade0c1aec-A97EB874-3048-349E-4E158D4B559D303C&amp;bhcp=1</a>			
178	X	X		X		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

PRETRIAL ORDER - 49

Case No. C07-01620-MJP

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312						Talking Points - Let the Real Solutions-Oriented Games Begin...Piecing Together a Compromise for the King County Events Center			
	X	X		X			PBC_	7418	
313	X	X		X		Arena Comparison		15722	

### Defendant's Exhibits

Exhibit No.	Date	Description	Prefix	Beg Doc	End Doc	Objection
A-5	00/00/0000	Spreadsheet: City Share of Sonics/ Storm KeyArena Revenue	PBC	104988	104988	A; H
A-8	00/00/0000	Spreadsheet: Season Ticket Holders as of 2002-03 Seat Attrition Rate	PBC	107955	107955	A
A-9	00/00/0000	Spreadsheet: Seattle Sonics Paid Attendance - No Show Rate 2003-04 through 2007-08	PBC	107956	107956	A
A-10	00/00/0000	Spreadsheet: Suite Revenue/ Contractual Payment Analysis 2002-03 through 2009-10	PBC	107965	107965	A
A-11	00/00/0000	Spreadsheet: Ticket Sales Comparison Seattle Sonics 2000-01 through 2007-08	PBC	107957	107958	A
A-12	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
A-31	3/1/2006	Excerpts from Parks, Education, Libraries and Labor Committee meeting, <a href="http://seattlechannel.org/videos/video.asp?ID=2050603">http://seattlechannel.org/videos/video.asp?ID=2050603</a>				A; R; H
A-33	3/29/2006	Excerpts from Parks, Education, Libraries and Labor Committee March 29, 2006, <a href="http://seattlechannel.org/videos/video.asp?ID=2050604">http://seattlechannel.org/videos/video.asp?ID=2050604</a>				A; R; H

A-40	9/19/2006	KING-TV sponsored poll by SurveyUSA News		3 pages		A; R; H; ER 702
A-81	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

### ACTION BY THE COURT

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

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

(c) Findings of fact and conclusions of law shall also be submitted to the court on or before June 11, 2008.

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

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

DATED this \_\_\_\_ day of June, 2008.

\_\_\_\_\_  
Honorable Marsha Pechman

1  
2 **FORM APPROVED**

3 THOMAS A. CARR  
4 Seattle City Attorney

5 By: /S/ Gregory C. Narver  
6 Gregory C. Narver, WSBA # 18127  
7 Assistant City Attorney

8 KIRKPATRICK & LOCKHART  
9 PRESTON GATES ELLIS LLP

10 By: /S/ Paul J. Lawrence  
11 Paul J. Lawrence, WSBA # 13557  
12 Jeffrey C. Johnson, WSBA # 23066  
13 Attorneys for Plaintiff City of Seattle

14 BYRNES & KELLER LLP

15  
16 By: /S/ Bradley S. Keller  
17 Bradley S. Keller, WSBA # 10665  
18 Paul R. Taylor, WSBA # 14851  
19 Attorney for Defendant  
20 The Professional Basketball Club, LLC  
21  
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23  
24  
25  
26

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send automatic notification of such filing to the following:

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Mr. Paul R. Taylor  
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Seattle, WA 98104-1094

/s/ Trese Todd  
Trese Todd, Legal Assistant