

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITY OF SEATTLE, a first-class charter
city,

Plaintiff,

v.

PROFESSIONAL BASKETBALL CLUB,
LLC, an Oklahoma limited liability company,

Defendant.

No. C07-1620 MJP

DECLARATION OF MICHELLE
JENSEN IN SUPPORT OF THE CITY
OF SEATTLE'S REPLIES TO
MOTIONS IN LIMINE

Note on Motion Calendar:

June 6, 2008

I, Michelle Jensen, declare under penalty of perjury under the laws of the State of Washington that the following is true and correct. I am over the age of 18, have personal knowledge of the matters stated below, and, if called to testify, could and would so testify.

1. I am an attorney at Kirkpatrick & Lockhart Preston Gates Ellis, LLP, and am licensed to practice law in the State of Washington. I represent the City of Seattle ("City") in the above-captioned matter.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Professional Basketball Club, LLC's ("PBC's") Demand for Arbitration, filed September 19, 2007.

3. Attached hereto as **Exhibit B** is a true and correct copy of a memorandum from Clayton Bennett to PBC investors, dated September 12, 2006, which PBC produced to

DECLARATION OF MICHELLE JENSEN IN
SUPPORT OF THE CITY OF SEATTLE'S
REPLIES TO MOTIONS IN LIMINE - 1
Case No. C07-01620-MJP

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KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
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1 the City during discovery in this case.

2 4. Attached hereto as **Exhibit C** is a true and correct copy of an Executive
3 Summary prepared by Moag & Company on behalf of the National Basketball Association
4 prior to PBC's acquisition of the Sonics.

5 5. Attached hereto as **Exhibit D** is a true and correct copy of an email thread
6 dated April 17, 2007, involving Brent Gooden, Clayton Bennett and Jim Kneeland.

7 6. Attached as **Exhibit E** is a true and correct excerpt from a true and correct
8 transcription of the parties' Pretrial Conference with the Court on January 29, 2008.

9 7. Clayton Bennett of PBC was deposed on April 23, 2008. Attached as **Exhibit**
10 **F** are true and correct excerpts from a true and correct transcription of Mr. Bennett's April
11 2008 deposition ("Bennett Dep.").

12 8. Attached as **Exhibit G** is a true and correct copy of a page of Clayton
13 Bennett's itinerary for April 24-26, 2007.

14 9. Daniel Barth, interim President and CEO of PBC, was deposed on April 25,
15 2008. Attached as **Exhibit H** are true and correct excerpts of a true and correct transcription
16 of Mr. Barth's April 2008 deposition ("Barth Dep.").

17 10. Attached as **Exhibit I** is a true and correct copy of PBC's YTD Detail by AP
18 Name FYE 09.30.07, which PBC produced to the City during discovery in this case.

19 11. Joel Litvin, President of League and Basketball Operations for the NBA, was
20 deposed on April 30, 2008. Attached as **Exhibit J** are true and correct excerpts from a true
21 and correct transcription of Mr. Litvin's April 2008 deposition ("Litvin Dep.").

22 12. Wally Walker was deposed on May 9, 2008. Attached as **Exhibit K** are true
23 and correct excerpts of Mr. Walker's May 2008 deposition ("Walker Dep.").

24 13. Tim Ceis, Deputy Mayor for the City of Seattle, was deposed on April 28,
25 2008. Attached as **Exhibit L** are true and correct excerpts from a true and correct
26 transcription of Mr. Ceis' April 2008 deposition ("Ceis Dep.").

DECLARATION OF MICHELLE JENSEN IN
SUPPORT OF THE CITY OF SEATTLE'S
REPLIES TO MOTIONS IN LIMINE - 2
Case No. C07-01620-MJP

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14. Attached as **Exhibit M** is a true and correct copy of an excerpt of a document produced by the NBA, Bates-labeled NBA 03790-94.

I declare under penalty of perjury that the foregoing is true and correct:


EXECUTED this 27th day of June, 2008 at Seattle, Washington.

/S/ Michelle Jensen
Michelle Jensen

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2
3 CERTIFICATE OF SERVICE
4

5 I hereby certify that on June 4, 2008, I electronically filed the foregoing with the Clerk
6 of the Court using the CM/ECF system which will send notification of such filing to the
7 following:

8 Mr. Bradley S. Keller
9 Mr. Paul R. Taylor
10 Byrnes & Keller LLP
11 1000 2nd Avenue
12 38th Floor
13 Seattle, WA 98104-1094

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Dawn M. Taylor, Legal Assistant