

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CITY OF SEATTLE, a first-class charter  
city,

Plaintiff,

v.

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

Defendant.

No. 07-1620

PRAECIPE

[CLERK'S ACTION REQUIRED]

TO: CLERK OF THE COURT;

AND TO: ALL PARTIES OF RECORD.

YOU ARE HEREBY REQUESTED to substitute the attached Declaration of Michelle Jensen in Support of the City of Seattle's Replies to Motions in Limine ("Declaration") for the original that was filed on June 4, 2008.

The only change is that the Declaration should have been filed with an actual signature rather than an electronic signature. The substitution contains no substantive revisions. This correction is not intended to state, nor does it state, any new or additional argument or legal authority.

PRAECIPE - 1  
Case No. 07-1620

K:\2065932\00001\21032\_PJL\21032P2216

KIRKPATRICK & LOCKHART  
PRESTON GATES ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE: (206) 623-7580  
FACSIMILE: (206) 623-7022

1  
2 DATED this 5th day of June, 2008.  
3

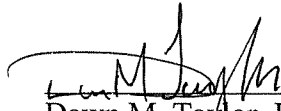
4 KIRKPATRICK & LOCKHART  
5 PRESTON GATES ELLIS LLP  
6

7 By /s/ Paul J. Lawrence  
8 Slade Gorton, WSBA # 20  
9 Paul J. Lawrence, WSBA # 13557  
10 Attorneys for Plaintiff  
11 City of Seattle  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1  
2  
3 CERTIFICATE OF SERVICE  
4

5 I hereby certify that on June 5, 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  
14

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
  
Dawn M. Taylor, Legal Assistant

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

K:\2065932\00001\20880\_MDJ\20880P20Q2

KIRKPATRICK & LOCKHART  
PRESTON GATES ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE: (206) 623-7580  
FACSIMILE: (206) 623-7022

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


K:\2065932\00001\20880\_MDJ\20880P20Q2

KIRKPATRICK & LOCKHART  
PRESTON GATES ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE: (206) 623-7580  
FACSIMILE: (206) 623-7022

1           14.     Attached as **Exhibit M** is a true and correct copy of an excerpt of a document  
2 produced by the NBA, Bates-labeled NBA 03790-94.  
3

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

5           EXECUTED this 27<sup>th</sup> day of June, 2008 at Seattle, Washington.  
6

7   
8 Michelle Jensen  
9

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
  
DECLARATION OF MICHELLE JENSEN IN  
SUPPORT OF THE CITY OF SEATTLE'S  
REPLIES TO MOTIONS IN LIMINE - 3  
Case No. C07-01620-MJP

K:\2065932\00001\20880\_MDJ\20880P20Q2

KIRKPATRICK & LOCKHART  
PRESTON GATES ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE: (206) 623-7580  
FACSIMILE: (206) 623-7022