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JUDGE ISSUES RULING GRANTING GLENDALE RELIEF IN PUBLIC RECORDS REQUEST CASE

GLENDALE, Ariz. – The Honorable Judge Edward Burke has issued a minute entry ruling in the Goldwater Institutes v. City of Glendale Lawsuit, to allow 322 documents related to negotiations related to the Phoenix Coyotes to remain under seal.

The city filed a request last week asking for an *in camera inspection* of documents submitted under seal to the court and asking for a protective order or clarification of the court’s original order for the submitted documents. The Superior Court Judge today reaffirms what Glendale has been saying for months about negotiations related to Phoenix Coyotes.

“This entry protects the interests of Glendale’s citizens who deserve to benefit from their city government negotiating in a reasonable manner and securing the best deal on their behalf,” stated Chief Deputy City Attorney Nicholas DiPiazza. “Glendale has always maintained that any changes to the arena lease agreement would be discussed and voted on in a public forum and keeping negotiations confidential at this point is critical to the success of this transaction. The Goldwater Institute is a special interest group with a private agenda. They do not represent the tax payers; neither are they accountable to the voters. Goldwater is not entitled to special access to confidential negotiations or substitute themselves for elected officials, the true representatives for the people.”

In a minute entry, dated July 29, 2009, Judge Burke states, “Although there is a statutory policy favoring disclosure and records are presumed open for public inspection, government agencies may place restrictions on disclosure for privacy,

confidentiality and the best interests of the state. ... This court previously ruled that disclosing the records of



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negotiations with prospective bidders of the Phoenix Coyotes before the bids were final would have an important and harmful effect on the city and the application in Bankruptcy Court. Although two initial bids have been submitted to the Bankruptcy Court, each is contingent on negotiations with the city and silent about any proposed terms that have been reached with the city. The courts review of the records filed under seal indicate that no definitive terms have been agreed to by the city...intensive negotiations are on-going and disclosure of the majority of the documents would have a devastating impact on the city's ability to negotiate with the bidders.”

Judge Burke went on to say, “Therefore, with exception of the document bates stamped “COG00288 through COC00322,” which shall be released immediately, the remaining documents do not have to be disclosed until the city reaches a tentative agreement with one or both of the bidders.”

The City of Glendale continues to work toward a beneficial resolution of the financial issues concerning the sale of the Phoenix Coyotes and looks forward to a long future for the team in Arizona.

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