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8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
9 IN AND FOR THE COUNTY OF MARICOPA

11 ICEARIZONA MANAGER CO LLC, a
12 Delaware Limited Liability Company;
13 ICEARIZONA HOCKEY CO LLC, a
14 Delaware Limited Liability Company,

15 Plaintiffs,

16 v.

17 CITY OF GLENDALE, an Arizona
18 Municipal Corporation; CITY OF
19 GLENDALE CITY COUNCIL, in its
20 official capacity; JERRY WEIERS, in
21 his official capacity as City of Glendale
22 Mayor; IAN HUGH, in his official
23 capacity as City of Glendale Vice
24 Mayor and Councilmember; BART
25 TURNER, in his official capacity as
26 City of Glendale Councilmember;
27 LAUREN TOLMACHOFF, in her
28 official capacity as City of Glendale
Councilmember; JAMIE ALDAMA, in
his official capacity as City of Glendale
Councilmember; GARY SHERWOOD,
in his official capacity as City of
Glendale Councilmember; SAMUEL
CHAVIRA, in his official capacity as
City of Glendale Councilmember; DICK
BOWERS, in his official capacity as
City of Glendale Acting City Manager;
MICHAEL BAILEY, in his official
capacity as City of Glendale City
Attorney,

Defendants.

No.

**APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
REQUEST FOR EVIDENTIARY
HEARING ON PRELIMINARY
INJUNCTION**

1 Pursuant to Rules 65(a) and 65(d) of the Arizona Rules of Civil Procedure, and
2 A.R.S. §§ 12-1801 *et seq.*, Plaintiffs IceArizona Manager Co LLC and IceArizona
3 Hockey Co LLC (collectively, “Plaintiffs”) respectfully submit their Application for
4 Temporary Restraining Order and Request for Evidentiary Hearing on Preliminary
5 Injunction against Defendants City of Glendale, City of Glendale City Council, Jerry
6 Weiers, Ian Hugh, Bart Turner, Lauren Tolmachoff, Jamie Aldama, Gary Sherwood,
7 Samuel Chavira, Dick Bowers, and Michael Bailey (collectively, “Defendants”).

8 In particular, as to all Defendants and their attorneys, officers, agents, affiliates,
9 subsidiaries, servants, contractors, employers, employees, and any and all other persons in
10 active concert or participation with them or for their benefit, Plaintiffs seek emergency
11 relief:

12 1. Restraining and enjoining Defendants, and their attorneys, officers, agents,
13 affiliates, subsidiaries, servants, contractors, employers, employees, and any and all other
14 persons in active concert or participation with them or for their benefit, from taking any
15 action to further authorize or effectuate the alleged cancellation or termination of the
16 Professional Management Services and Arena Lease Agreement among the City of
17 Glendale and IceArizona Hockey Co LLC and IceArizona Manager Co LLC dated July 8,
18 2013 (the “Agreement”).

19 2. Requiring the City of Glendale of continue to perform and comply with all
20 of the City’s obligations under the Agreement.

21 3. Declaring that:

22 (a) neither Mr. Craig Tindall (“Mr. Tindall”), nor any other employee
23 employed by Plaintiffs, were “significantly involved in initiating, negotiating, securing,
24 drafting, or creating the [Agreement] on behalf of [the City of Glendale];

25 (b) even if Mr. Tindall was significantly involved in initiating,
26 negotiating, securing, drafting, or creating the Agreement, Defendants waived their ability
27 to claim that any conflict of interest associated with Mr. Tindall cancels the Agreement by
28 virtue of the fact that in the Severance Agreement with Mr. Tindall, “[t]he City [of

1 Glendale], with informed consent from its attorneys . . . waive[d] any conflict of’ Mr.
2 Tindall “regarding transactional matters previously handled by Employee for the City [of
3 Glendale]”;

4 (c) Defendants abused their discretion in approving cancellation of the
5 Agreement or agreeing to cancel the Agreement because, among other reasons, they (i)
6 waited for nearly two years after Mr. Tindall started working for Plaintiffs to cancel the
7 contract, and (ii) provided unreasonable notice of the June 10, 2015 Special Voting
8 Meeting;

9 (d) the vote to approve and authorize the cancellation of the Agreement
10 is null and void and of no effect; and

11 (e) any notice of cancellation of the Agreement arising out of the June
12 10, 2015 Special Voting Meeting or based on A.R.S. § 38-511 is null and void and of no
13 effect.

14 Plaintiffs respectfully request that the Court enter both the attached (1) Temporary
15 Restraining Order¹ and (2) the Order Setting Evidentiary Hearing on Preliminary
16 Injunction.

17 This Application is supported by Plaintiffs’ Verified Complaint, the Memorandum
18 in Support of the Application for Temporary Restraining Order and Request for
19 Evidentiary Hearing on Preliminary Injunction, and the declarations and exhibits attached
20 thereto.

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27 ¹ If the Court requires a return hearing before it will consider entering the attached
28 Temporary Restraining Order, Plaintiffs have attached an Order for Return Hearing as
well.

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DATED this 12th day of June, 2015.

SNELL & WILMER L.L.P.

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