September 29, 2010

Rick Doyle, Esq.
City Attorney
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

RE: DISTILLED BEVERAGE ("SPIRITS") ADVERTISING WITHIN HP PAVILION

Dear Rick:

San Jose Arena Management, LLC a Delaware Liability Company ("Manager") request a Fourth Amendment to the San Jose Arena Management Agreement ("Agreement") with the City of San Jose, a municipal corporation ("City") so that Manager may sell advertising to distilled beverage ("Spirits") production and distribution companies. The Agreement contains restrictions on Spirits Advertising in HPP that reflect the then state of community acceptance of such advertising ("Applicable Standard"). As noted below attitude toward Spirit Advertising have marketly changed over the past 20 years. The Applicable standard now clearly includes Spirits Advertising.

Spirits Advertising is now a standard in the sports advertising industry and both the National Hockey League ("NHL") and National Basketball Association ("NBA") allow for such advertising. HP Pavilion at San Jose ("HPP") will join the ranks of other California arenas with NHL and/or NBA tennants who have Spirits Advertisers - Honda Center (Anaheim Ducks), Arco Arena (Sacramento Kings), Staples Center (Los Angeles Lakers / Kings), Oracle Arena (Golden State Warriors - Oakland).

For your review, please see attachment items A thru G which provide supporting Spirits documentation and images

Thank you for your attention to this matter.

Sincerely,

Don Gralnek
Executive Vice President / General Counsel

ATTACHMENT A

Suggested Amendment Language – Attachment II, Article III, A

1. Delete conflicting portions of paragraph (1) and (2)
2. Manager shall have the right to sell Spirits Advertising within Arena subject to the following conditions:

Add:

A. San Jose Sharks / HP Pavilion Spirits Advertising Plan

Manager shall have the freedom to sell advertising anywhere in bowl and concourse to distilled beverage ("Spirits) production and distribution companies subject to the applicable advertising restrictions and compliance with this Article III. Sharks shall not name the Arena nor the club with Spirits name and/or product and no Spirits Advertising shall be affixed to the Arena exterior to reduce the prominence of such advertising.

B. Spirit Advertising shall:

(i) adhere to then applicable NHL Guidelines (see item C)

(ii) not exceed six (6) Spirits Advertisers (not including Event Sponsorships) within Arena in any year

(iii) deliver a social responsibility message (ie. "Don't drink and drive") or feature only the beverage brand name and/or logo with no call-to-action consumption messaging or product images. Manager retains the right to approve all brand messaging to be displayed within Arena.

(iv) Manager shall enter into single or multi-year deals with Spirits production or distribution companies

ATTACHMENT B.

National Hockey League (NHL) Spirits Stats - 2009-10 Season

(i) 24 out of 30 NHL Clubs had Spirits Partners

(ii) Seven NHL teams had distilled Spirits on line of sight signage - Anaheim Ducks, Colorado Avalanche, Florida Panthers, New York Rangers, Phoenix Coyotes, Buffalo Sabres and Dallas Stars (see item D - line of sight examples). These same NHL teams also had other arena signage.

ATTACHMENT C.

NHL Guidelines Distilled Beverage ("Spirits") Advertising Summary

On April 30, 2008, NHL released distilled beverage ("Spirits") advertising guidelines to Club Presidents and Chief Marketing Officers expanding advertising and promotional opportunities to permit Clubs to execute promotions at the on-premises and retail level, and sell Line of Sight signage of distilled spirits category.

The Line of Sight Signage is subject NHL approval and may feature only the beverage brand name and/or logo with no call-to-action consumption messaging or product images. The NHL will not approve advertising or promotion that (i) encourages the general consumption of alcohol (although promotion of brand preference is permissible), (ii) depicts the actual consumption of alcohol, (iii) portrays activities attractive primarily to persons under the legal drinking age, (iv) promotes the irresponsible or illegal use of alcohol, (v) associates alcohol with social or personal achievement, or (vi) associates alcohol with motor vehicles or activities requiring significant skill or care.

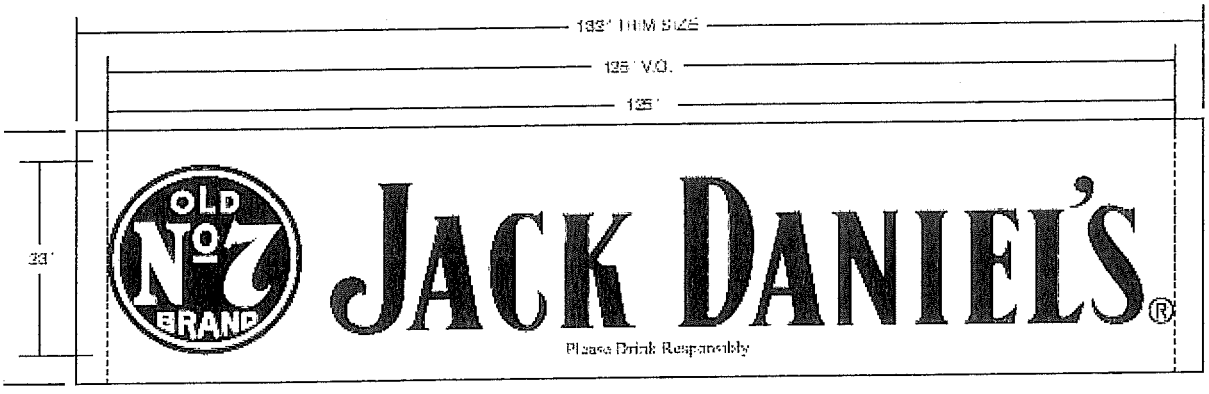
ATTACHMENT D.

NBA Guidelines for the Advertising and Promotion of Hard Liquor ("Spirits")

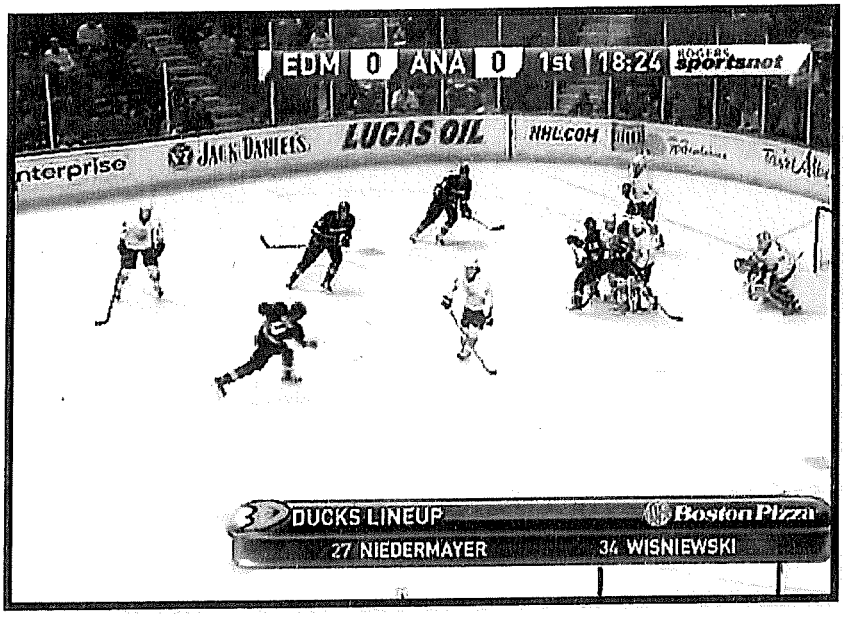
On March 2, 2009, NBA released distilled spirits advertising guidelines to Team Presidents and Team Sponsorship VPs. NBA teams may accept advertising from, and make promotional arrangements with Spirits brands. The Line of Sight signage is subject to NBA approval and the creative needs to deliver a a social responsibility message (e.g., "Don't drink and drive") or promotes the brand generally (e.g., "Jack Daniels"). The NBA will not approve creative with a direct product sales or call to action message (e.g., "Pick up a bottle of Absolut vodka tonight").

ATTACHMENT E.

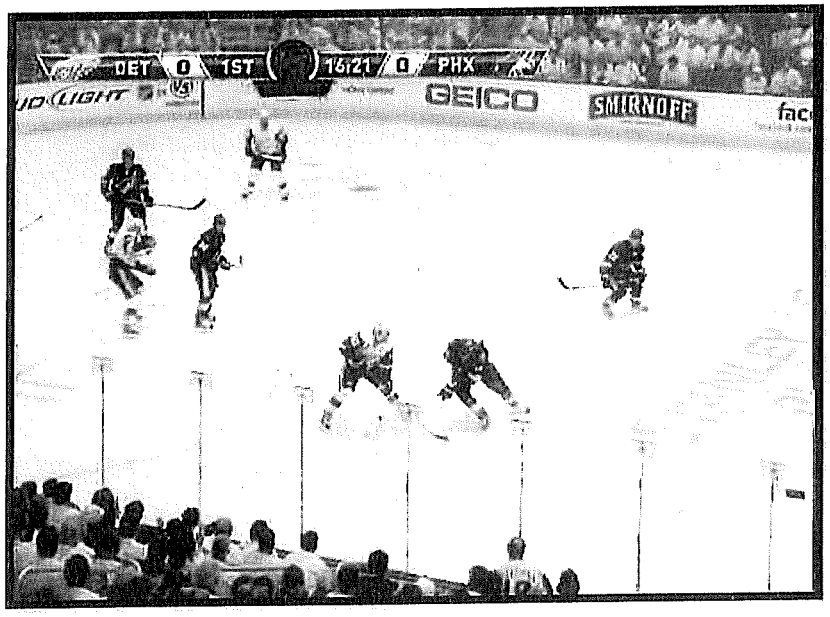
Spirits Line of Sight Signage Examples



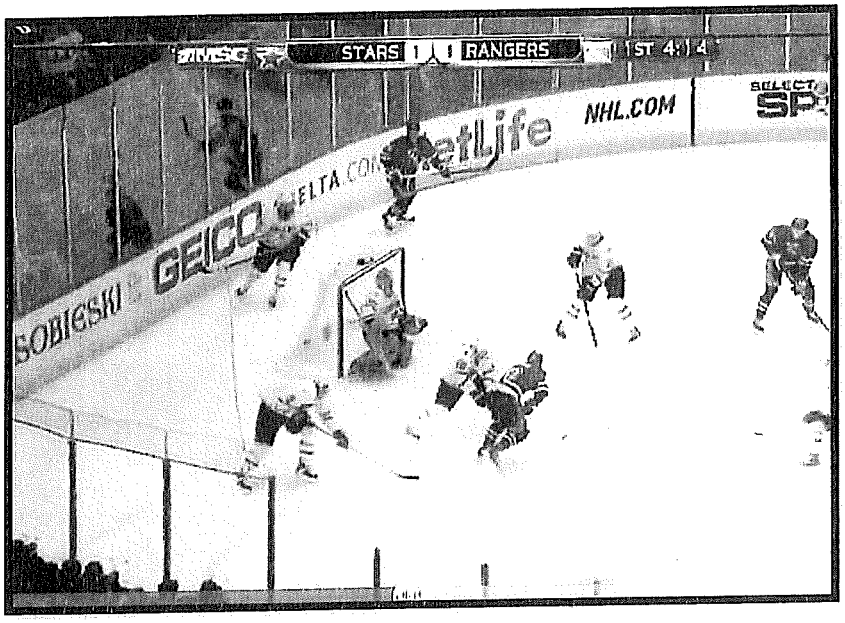
Dasherboard Proof - San Jose Sharks



Anaheim Ducks - Jack Daniels (whiskey)



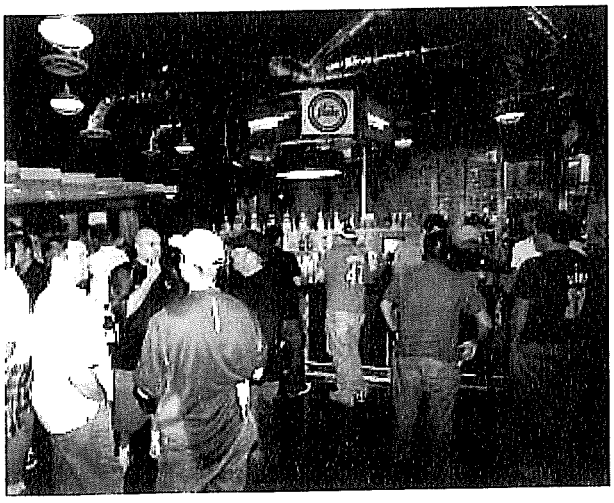
Phoenix Coyotes - Smirnoff (vodka)



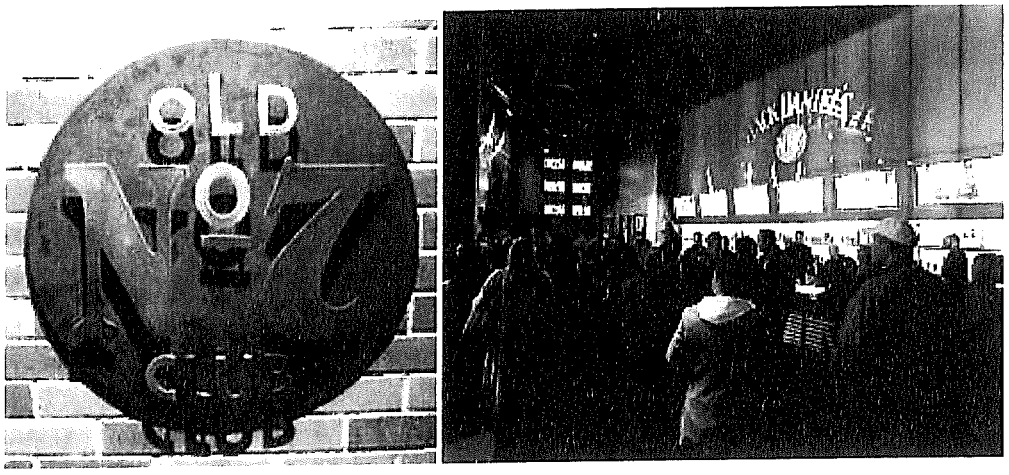
NY Rangers - Sobieski (vodka)

ATTACHMENT F.

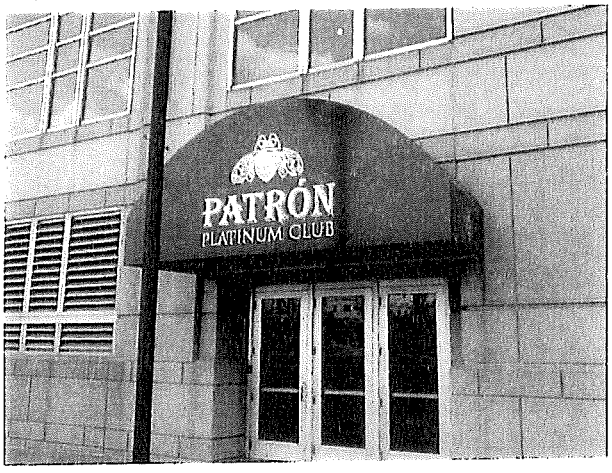
Other Arena Signage Examples



El Jimador Tequila Bar - American Airlines Arena - Dallas Mavericks / Dallas Stars



JACKDANIEL'S**OLDNO.7** - American Airlines Arena - Dallas Mavericks / Dallas Stars



Nashville Predators have the Patron Platinum Club and a sub branded area within the space called the Ultimat (vodka) lounge. Patron also has fixed backlit concourse signs (2) and 1 minute of LED in-game / events.

ATTACHMENT G.

Supporting Articles on Spirits Advertising in Professional Sports

(i) Street & Smith's SportsBusiness Journal - sportsbusinessjournal.com

NBA cans ban on liquor ads

Print This Story
By JOHN LOMBARDO and TERRY LEFTON
Staff writers
Published January 19, 2009 : Page 01

NBA owners have reversed a longtime ban on courtside advertising by spirits brands in an effort to drive revenue during the economic downturn.

The league is also crafting policies that could allow teams to offer hard liquor advertising on team Web sites, point-of-sale retail locations or in-arena promotions. Those decisions are expected shortly.

The vote to ease the restrictions was taken last week during the NBA's sales and marketing meetings in Phoenix. It opens new revenue streams for all 30 teams, who have been prohibited from selling courtside/TV visible hard liquor signage since 1991.

The decision follows Major League Baseball, the NHL and NASCAR in allowing spirits advertising within camera view. The NFL does not allow any hard liquor signage within camera view in their stadiums.

"We are always trying to find ways to drive more revenue and this falls in line with that," said Chris Granger, senior vice president of team marketing and business operations for the NBA. "The vote was simply to rescind the prohibition of teams selling [hard liquor] courtside ads. We are working on what other opportunities will exist."

NBA club officials were unclear exactly what the new regulations would allow. However, if they allow direct mixing of NBA team marks with spirits brands, such a move would be unprecedented among team sports, and would likely produce further easing of those same restrictions at other sports properties.

At least 20 out of the NBA's 30 teams have current deals with hard-liquor sponsors ranging from in-arena club sponsors to simple concourse signage. But the advertising has never appeared on signage during game broadcasts, which is regarded as valuable inventory.

Phoenix Suns President Rick Welts said that easing the liquor restrictions had been discussed around the NBA for at least a decade. The Suns' US Airways Center includes the Bacardi Rum Bar. Welts described the sponsorship opportunity being created as "between small and medium-sized and said he expected to have a deal signed before season's end.

"This is an evolving thing — we've seen restrictions on casinos loosen over the year, so along those lines, this is just a natural progression," said Welts, a former NBA chief marketing officer.

Over the past decade, various ad restrictions at sports properties regarding once off-limits categories have been loosened. Casino resorts are a fixture at many big sports venues and on sports telecasts, as are state lotteries. Spirits are a logical next step for the NBA and how much direct association with team marks is allowed will be telling.

It is unclear how much more business this would generate for the NBA at the league level. The most likely immediate result for the NBA is that the league would allow its national broadcast partners to sell spirits ads on some telecasts. TBS's postgame show during MLB's divisional series had Diageo's Captain Morgan rum as presenting sponsor. Sister cable network TNT is one of the NBA's cable rights holders. It's also conceivable that the NBA could sign a league wide spirits brand sponsor. The NHL is negotiating with a spirits brand for league sponsorship rights, according to Keith Wachtel, NHL senior vice president of corporate sales and marketing.

"I don't have a big issue with this because I don't see a lot of difference between hard liquor and beer when it comes to advertising," said Gary Stevenson, a principal at Wasserman Media Group and the former president of the NBA's media and marketing group. "The NBA has always exercised good judgment in marketing communication guidelines and I am sure they will do that here."

When NASCAR opened the sport to spirits marketers four years ago, it brought Diageo's Crown Royal and Brown-Forman's Jack Daniel's brands in as large sponsors. The decision was

criticized by the American Medical Association and the Center for Science in the Public Interest, but Crown Royal countered with a NASCAR-themed campaign to promote responsible drinking.

Just Marketing International lobbied for years to get Diageo into NASCAR.

"Actually, even the people at NASCAR didn't know why they weren't allowing it, other than the fact it was a long-standing prohibition," said Just Marketing founder and CEO Zak Brown. "Spirits marketers are very responsible. They are used to being held to a higher level of scrutiny than others. So now, all the other leagues are seeing the opportunity and taking note that these are great marketers who spend a lot of money."

(ii) Nascar.com

NASCAR to allow distilled spirits sponsorships in 2005

From Press Release
November 10, 2004
09:32 AM EST (14:32 GMT)

DAYTONA BEACH, Fla. -- After conducting an extended review of its sponsorship policies and researching trends in consumer attitudes, NASCAR on Wednesday announced that distilled spirits products are now a new category for sponsorship in the sport beginning in the 2005 season.

"We felt the time was right to allow distilled spirits companies into NASCAR," said NASCAR president Mike Helton. "Attitudes have changed, and spirits companies have a long record of responsible advertising.

"Any spirits company involved in NASCAR will have marketing campaigns strongly grounded in responsibility and will follow advertising and marketing guidelines set by NASCAR that are consistent with the Distilled Spirits Council's advertising code.

"Spirits companies are recognized as leaders in responsibility and are encouraging adults who choose to drink, to do so responsibly. We are confident that the spirits companies entering our sport will come to apply that same level of responsibility to their involvement in NASCAR, and will communicate the same responsible marketing and messages that beer companies have exhibited in the sport for the past 25 years," Helton said.

"Additionally, this will provide numerous new sponsorship opportunities to our teams. While the

NASCAR industry will benefit across the board, teams will be the primary beneficiaries of this decision in a way that promotes a responsible drinking message consistent with the practices in other motorsports."

NASCAR's internal review included outreach to advocacy groups such as the National Commission Against Drunk Driving and other experts in the field of alcohol-related issues.

Additionally, NASCAR reached out to industry groups such as the Distilled Spirits Council of the United States (DISCUS) and The Century Council. NASCAR based its guidelines on the input received from these groups.

The distilled spirits companies participating in NASCAR must agree to comply with the Distilled Spirits Council's "Code of Responsible Practices for Beverage Alcohol Advertising and Marketing" and abide by the Code Review Board's decisions.

Each company's marketing activities will be grounded in a responsible behavior message. A dedicated portion of advertising by spirits companies in NASCAR will be solely focused on encouraging responsible drinking decisions, with all remaining advertising including a responsible behavior tag.

Item: 2.1.a.

CODE OF RESPONSIBLE PRACTICES

FOR BEVERAGE ALCOHOL ADVERTISING AND MARKETING

DISTILLED SPIRITS COUNCIL
OF THE UNITED STATES INC.

www.discus.org

JANUARY 2002

Preamble

- The Distilled Spirits Council of the United States, Inc. (DISCUS) is the national trade association representing producers and marketers of distilled spirits sold in the United States. Some of our members also are producers and marketers of many malt beverage (beer) and wine brands sold in the United States. With a full portfolio of beverage alcohol products, DISCUS members have developed a Code of advertising and marketing responsible practices to provide guidance to all those involved in the promotion of their respective brands.

- DISCUS members are committed to the responsible placement and content of their brand communications. The overriding principle of our Code is to market our products to adults in a responsible and appropriate manner. Towards this end, DISCUS members pledge voluntarily to conduct their advertising and marketing practices in the United States in accordance with the provisions of this Code.

- The consumption of beverage alcohol products has played an accepted and important role in the cultural and social traditions of both ancient and modern society. DISCUS members take special pride in their products and their commitment to promoting responsible drinking by those adults who choose to drink.

- DISCUS members encourage responsible decision-making regarding drinking, or not drinking, by adults, and discourage abusive consumption of their products. DISCUS members urge that adults who choose to drink, do so responsibly. Nevertheless, it is the obligation of each consumer who chooses to drink to enjoy beverage alcohol products in a responsible manner.

Scope

- This Code applies to all activities undertaken to advertise and market distilled spirits, malt beverage and wine brands. These activities include brand advertising, consumer communications, promotional events, packaging, labels, and distribution and sales materials.

- The provisions of the Code apply to every type of print and electronic media, including the internet and any other on-line communications, used to advertise or market beverage alcohol. These provisions also apply to every type of promotional or marketing activity or event, including all product placements (e.g., movies, television programs, music videos, video games) and sponsorships. Sponsorships are commercial, contractual agreements between a beverage alcohol company (the sponsor) and a sponsored party or sponsorship property establishing an association between the sponsor's brands or products and the sponsored party or sponsorship property in return for rights to promote this association.

- DISCUS members recognize that it is not possible to cover every eventuality and, therefore, agree to observe the spirit, as well as the letter, of this Code. Questions about the interpretation of the Code, member companies' compliance with the Code, and the application of its provisions are directed to the Code Review Board of DISCUS.

Overview of the Code Review Process

- For more than 70 years, distillers have abided by a voluntary Code of advertising practices. First adopted in 1934, the Code now includes over 40 provisions regarding the responsible placement and content of beverage alcohol advertising and marketing materials.

- Through these voluntary provisions, DISCUS members hold themselves to a standard higher than mandated by any law or regulation. By this Code, DISCUS members hold all of their beverage alcohol products — distilled spirits, beer and wine — to the same high standard.

- Our commitment to responsibility and self-regulation always has been, and will continue to be, the cornerstone of our advertising and marketing practices.

- A Code Review Board, established under the provisions of the Code, provides a mechanism for any complaints or inquiries regarding all advertising and marketing materials subject to this Code. The Code Review Board has been a functioning and effective component of our voluntary Code for decades.

Responsible Placement

Adult Audiences/Underage Persons

1. Beverage alcohol advertising and marketing materials are intended for adults of legal purchase age who choose to drink.

2. Beverage alcohol products should not be advertised or marketed in any manner directed or primarily appealing to persons below the legal purchase age. (The definition of "primarily appeal" is set forth under the Responsible Content provisions.)

3. Beverage alcohol advertising and marketing should be placed in broadcast, cable, radio, print, and internet/digital communications only where at least 70 percent of the audience is reasonably expected to be above the legal purchase age (determined by using reliable, up-to-date audience composition data).

    - To facilitate these placement commitments, recognized electronic and print composition data should be reviewed on a regular basis (at least annually) in order to ensure that the audience composition data are current and appropriate.

    - Internal, semi-annual after-the-fact audits of a random portion of past placements should be undertaken to verify that such past placements were in compliance with this Code and to take appropriate, corrective action for future placements.

- Detailed demographic data/advertisement placement guidelines have been developed to implement the responsible placement provisions, which are posted on the DISCUS website and updated periodically to reflect the most current and appropriate data.

4. Appropriate measures and best efforts should be taken so that beverage alcohol advertising and marketing are not specifically aimed at events unless at least 70 percent of the audience is reasonably expected to be above the legal purchase age.

5. Fixed beverage alcohol advertising and marketing materials may be placed at venues that are used primarily for adult-oriented events defined as where at least 70 percent of the audience attending those venue events is reasonably expected to be above the legal purchase age.

6. Beverage alcohol products should not be advertised or marketed in college or university newspapers, or on college and university campuses except for licensed retail establishments located on such campuses.

7. Supplier-sponsored beverage alcohol promotions should not be conducted in an on-campus licensed retail establishment owned or operated by a college or university.

8. Beverage alcohol advertising should not be placed on any outdoor stationary location within five hundred (500) linear feet of an established place of worship, an elementary school or secondary school except on a licensed premise.

Responsible Content

Adult Audiences/Underage Persons

1. Beverage alcohol advertising and marketing materials are intended for adults of legal purchase age who choose to drink. Beverage alcohol advertising and marketing materials must comply with all aspects of the Code regardless of where these materials are placed; for example, the nature or subject matter of a particular publication is not relevant.

2. The content of beverage alcohol advertising and marketing materials should not primarily appeal to individuals below the legal purchase age.

3. Beverage alcohol advertising and marketing materials should not depict a child or portray objects, images or cartoon figures that primarily appeal to persons below the legal purchase age. Advertising or marketing material is considered to "primarily appeal" to persons below the legal purchase age if it has special attractiveness to such persons beyond the general attractiveness it has for persons of legal purchase age.

4. Beverage alcohol advertising and marketing materials should not contain the name of or depict Santa Claus.

5. Beverage alcohol products should not be advertised or marketed on the comic pages of newspapers, magazines or other publications.

6. Beverage alcohol products should not be advertised or marketed in a manner associated with the attainment of adulthood or the "rite of passage" to adulthood.

7. Beverage alcohol products should not be advertised or promoted by any person who is below the legal purchase age or who is made to appear to be below the legal purchase age. To help ensure that individuals in beverage alcohol advertising are and appear to be above the legal purchase age, models and actors employed should be a minimum of 25 years old, substantiated by proper identification and should reasonably appear to be 21 years of age and older.

8. No brand identification, including logos, trademarks or names, should be used or licensed for use on clothing, toys, games, or game equipment, or other items intended for use primarily by persons below the legal purchase age.

9. DISCUS members should limit the manufacture of brand logoed apparel, and the licensing of member company trademarks used in connection with the sale of brand logoed apparel, to only adult sizes.

Websites

10. Age affirmation mechanisms, utilizing month, day and year, should be employed for DISCUS member-controlled beverage alcohol advertising and marketing websites. They also should contain a reminder of the legal purchase age.

11. DISCUS members recognize the crucial role parents play in educating their children about the legal and responsible consumption of beverage alcohol. To enable parents who choose to prevent their children from accessing internet websites without their supervision, DISCUS will provide those parents and the manufacturers of parental control software upon request the website address of each member company so that the parent or manufacturer can use this information.

12. Each DISCUS member-controlled website with advertising or marketing materials should provide a link to a responsible decision-making site.

13. DISCUS member-controlled websites that contain downloadable advertising or marketing content should include instructions to individuals downloading the content that they should not forward these materials to individuals below the legal purchase age and also should include on the downloadable content a responsible drinking statement where practicable.

Social Responsibility

14. Beverage alcohol advertising and marketing materials should portray beverage alcohol products and drinkers in a responsible manner. Beverage alcohol products and drinkers may be portrayed as part of responsible personal and social experiences and activities, such as the depiction of persons in a social or romantic setting, persons who appear to be attractive or affluent, and persons who appear to be relaxing or in an enjoyable setting.

15. Beverage alcohol advertising and marketing materials should not depict situations where beverage alcohol is being consumed excessively or in an irresponsible manner. These materials should not portray persons in a state of intoxication or in any way suggest that intoxication is socially acceptable conduct, and they should not promote the intoxicating effects of beverage alcohol consumption.

16. Beverage alcohol advertising and marketing materials should not contain any curative or therapeutic claim except as permitted by law.

17. Beverage alcohol advertising and marketing materials should contain no claims or representations that individuals can attain social, professional, educational, or athletic success or status as a result of beverage alcohol consumption.

18. Beverage alcohol products should not be advertised or marketed in any manner associated with abusive or violent relationships or situations.

19. Beverage alcohol advertising and marketing materials should nor imply illegal activity of any kind.

20. Beverage alcohol advertising and marketing materials should not portray beverage alcohol being consumed by a person who is engaged in, or is immediately about to engage in, any activity that requires a high degree of alertness or physical coordination.

21. Beverage alcohol advertising and marketing materials should not be associated with anti-social or dangerous behavior.

22. Driving while intoxicated is against the law. Beverage alcohol advertising and marketing materials should not portray, encourage or condone driving any motor vehicle while intoxicated.

Good Taste

23. Beverage alcohol advertising and marketing materials should reflect generally accepted contemporary standards of good taste.

24. Beverage alcohol advertising and marketing materials should not degrade the image, form, or status of women, men, or of any ethnic, minority, sexually-oriented, religious, or other group.

25. Beverage alcohol advertising and marketing materials should not contain any lewd or indecent images or language.

26. Beverage alcohol advertising and marketing materials should not employ religion or religious themes.

Sexual Prowess and Sexual Success

27. Beverage alcohol advertising and marketing materials may depict affection or other amorous gestures or other attributes associated with sociability and friendship. While a brand preference may be portrayed as a mark of good taste and discernment, beverage alcohol advertising and marketing materials should not rely upon sexual prowess or sexual success as a selling point for the brand. Accordingly, advertising and marketing materials should not contain or depict:
    - graphic or gratuitous nudity;
    - overt sexual activity;
    - promiscuity; or
    - sexually lewd or indecent images or language.

Promotional Events

28. On-premise promotions sponsored by DISCUS members should encourage responsible consumption by those adults who choose to drink and discourage activities, including those drinking games, that reward or encourage excessive/abusive consumption.

29. Where supplier sampling is permitted, DISCUS members should ensure that appropriate measures are employed to safeguard against underage drinking, including ensuring that individuals conducting the sampling on behalf of the supplier are of legal purchase age.

30. DISCUS members should not promote or encourage any drinking in conjunction with reckless and/or irresponsible behavior at an on-premise promotion sponsored by DISCUS members.

31. Beverage alcohol advertising and marketing materials should not use the term "spring break" or sponsor events or activities that use the term "spring break" except if those events or activities are located at a licensed retail establishment.

Product Placements

32. Movies, television programs, music videos, and video games frequently may portray the consumption of beverage alcohol products and related signage in their productions. For those DISCUS members who seek placement opportunities, product placements will be guided by the following principles:

    a. Case-by-case assessment: DISCUS members should approve or reject a product placement on a case-by-case basis based upon the information about the movie, television program, music video, or video game available at the time provided by the project's producers.

    b. Portrayal of drinking and driving: Driving while intoxicated is against the law and beverage alcohol advertising and marketing materials should not portray, encourage or condone driving any motor vehicle while intoxicated. DISCUS members should not approve a product placement where the characters engage in illegal or irresponsible consumption of their products in connection with driving.

    c. Underage drinking: DISCUS members strongly oppose underage drinking. DISCUS members should not approve a product placement which portrays the purchase or consumption of their products by persons who are below the legal purchase age.

    d. Primary appeal to persons below the legal purchase age: DISCUS members should not approve a product placement where the the primary theme(s), because of its content or presentation, is especially attractive to persons below the legal purchase age beyond the general attractiveness such theme(s) has for persons of the legal purchase age.

    e. Portraying alcoholism/alcohol abuse: DISCUS members should not approve a product placement where characters use their products irresponsibly or abusively or where alcoholism is portrayed, unless the depiction supports a responsible-consumption message.

    f. Measured media: DISCUS members should not request or approve a product placement in any measured media unless the placement is consistent with the responsible placement provisions of the Code.

Alcohol Content

33. Beverage alcohol advertising and marketing materials should not refer to the alcohol content of a beverage alcohol product except in a straightforward and factual manner or promote the potency of a beverage alcohol product.

Social Responsibility Statements

34. Responsible drinking statements should be included in beverage alcohol advertising, marketing materials and promotional events where practicable.

Internal Compliance System

1. DISCUS members should establish an internal process to ensure compliance with the Code. To the extent possible given a company's size and organizational structure, this process should include a separate review of advertising and marketing materials by a company employee who is not in the marketing department or who was not involved in the development of the advertising or marketing materials.

2. DISCUS members should establish and conduct a training program for employees involved in the advertising or marketing of a member company's brands, including appropriate initial and recurrent training.

3. DISCUS members should provide a copy of the Code to advertising agencies, media buyers and other external consultants involved in a member's advertising or marketing activities.

Code Review Board

There shall be established and maintained a Code Review Board, which shall meet when necessary to consider complaints lodged by DISCUS members or other interested parties, including members of the public.

The Code Review Board shall be comprised of no less than five (5) members in good standing of the DISCUS Board of Directors or his/her designee. Each member shall be elected by a majority vote of the Board of Directors.

Findings of the majority of the members of the Code Review Board shall be communicated promptly to the responsible advertiser and, in appropriate circumstances, to all members of the DISCUS Board of Directors.

Code Review Board Process

1. Complaint Review

- All complaints involving advertising and/or marketing materials of the distilled spirits, beer and wine brands marketed by a DISCUS member company and distilled spirits products of a nonmember company are forwarded to the DISCUS Code Review Board for their review and consideration. Complainants are afforded the option of anonymity in processing their complaint.

- Upon receipt of a complaint, the Code Review Board staff liaison notifies the advertiser and invites the advertiser to respond to the complaint and to participate in the Board's review of the complaint to answer any questions. DISCUS members are expected to respond forthwith. Non-DISCUS members have 15 business days to respond.

- The Code Review Board convenes to consider the complaint and the advertiser's response, and then deliberates and renders a decision. The Code Review Board proceeds in its deliberations usually within a week for DISCUS member company complaints and after the time period noted above has elapsed for non-DISCUS member complaints even when the advertiser has not responded.

- The advertiser is notified of the Board's decision and, if a violation has occurred, the Board urges the advertiser to revise or withdraw the advertisement forthwith. The Board is available to answer questions or assist with compliance.

- The Code Review Board's decision and the advertiser's response are summarized in the Semi-Annual Code Report described below.

This process is reviewed periodically and may be revised when warranted.

2. Media Summits and Other Training Seminars

- To increase awareness of the Code and to incorporate best practices in complying with its provisions, DISCUS will host on a periodic basis "media summits" and other training seminars for both DISCUS member companies and non-DISCUS member companies, and their respective advertising agencies, media buyers and other external consultants.

Semi-Annual Code Report

On a semi-annual basis, the Code Review Board will issue a public report summarizing complaint decisions and the advertiser's response.

How to File a Complaint

- Questions regarding the Code or a concern about a particular advertisement or marketing material subject to the Code should be sent to the DISCUS Code Review Board, c/o Lynne Omlie, 1250 Eye Street, N.W., Suite 400, Washington, D.C. 20005 or emailed to Lynne Omlie, the DISCUS Code Review Board staff liaison, at lomlie@discus.org.

- Complaints should be made in writing, identify the provisions of the Code in question and provide an explanation for the basis of the complaint. The advertisement and/or marketing materials in question should be appended to the complaint to ensure that it is processed properly and expeditiously.

Outside Advisors

On a voluntary, nonbinding and confidential basis, DISCUS will make available a mechanism whereby beverage alcohol industry member advertisers can seek the guidance of the Outside Advisors concerning any questions an advertiser may have about whether particular advertising or marketing materials are consistent with the Code.

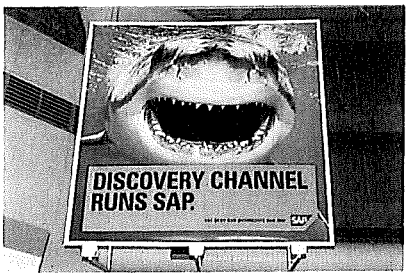
These Outside Advisors also will be contacted for their respective opinion if the Code Review Board cannot arrive at a majority decision about a particular advertisement or marketing material.

DISTILLED
SPIRITS
COUNCIL
OF THE UNITED STATES, INC.

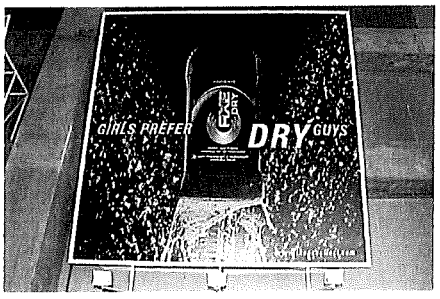
www.discus.org

1250 Eye Street, N.W., Suite 400
Washington, D.C. 20005
Phone: 202.682.8824
Fax: 202.682.8837

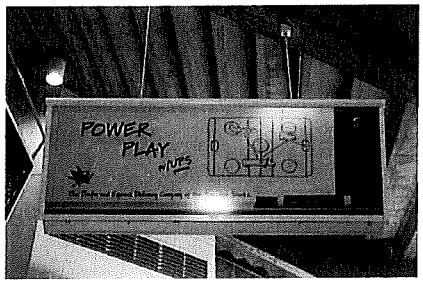
Entrance Jumbo - Concourse



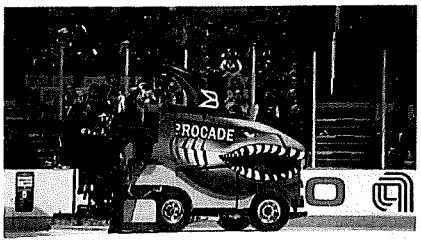
Exit Jumbo - Concourse



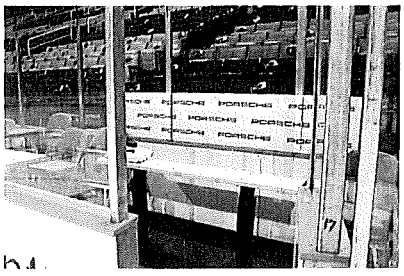
Concourse Pendant - Concourse

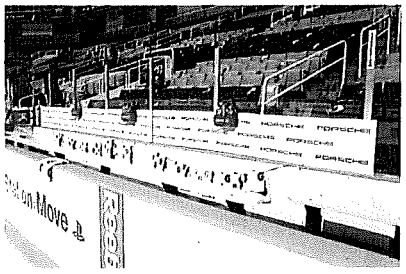


Zamboni - Line of Sight

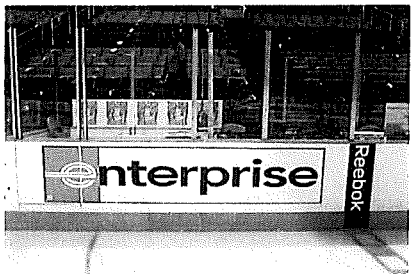


Bench/Penalty Box Signage - Line of Sight

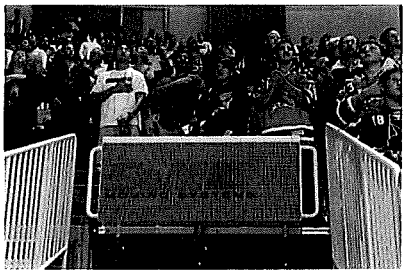




Dasherboard - Line of Sight



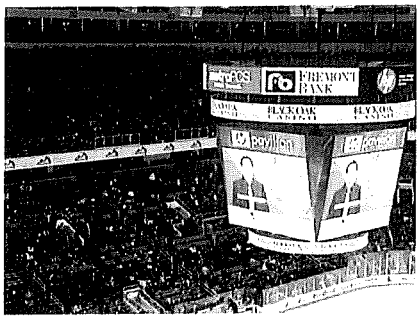
LED Sharks Head Tunnel (128 Vom) - Line of Sight



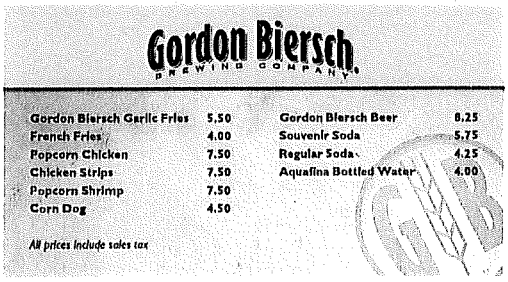
LED Zamboni Tunnel - Line of Sight

Bench Tunnel Signage - Line of Sight

LED Static Exclusive - In-Bowl

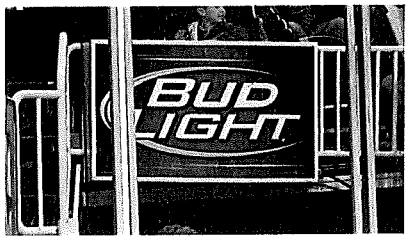


Menu Boards - Concourse



In Ice Logo - Line of Sight

Visitors Tunnel Signage - Line of Sight



ATTACHMENT 8
TO
MANAGEMENT AGREEMENT: ARENA ADVERTISING

Definition

The term "advertising" shall include any graphic device that incorporates a registered trademark or trade name. The area of an advertising sign or device shall be the largest rectangle that encompasses all copy (both advertising and non-advertising), television monitor(s), background, and frame of such sign or device, not including suspension pendants or support posts.

Excluded from this definition of advertising shall be:

1. Safety, directional and informational signage of the type and extent shown on the construction documents prepared by the Office of Michael Manwaring and dated July 4, 1990 as revised and approved by SJ and Manager.

2. Decorative graphics of the type and extent shown on the construction documents prepared by the Office of Michael Manwaring and dated July 4, 1990 as revised and approved by SJ and Manager.

3. Decorative and commemorative art as may be incorporated into the project by SJ and/or the Fine Arts Commission.

4. Announcements displayed on the reader board or other electronic boards within the Arena of Arena events.

5. Temporary presentations of advertising or promotional materials displayed or distributed within the Arena, except in areas specifically prohibited from being used for such purposes, but in any event conforming to the Advertising Plan and Applicable Standard.

6. Within the club and restaurant, but not in areas visible from the concourse.

Exterior Advertising

With the exception of advertising expressly associated with the naming of the Arena building, all exterior advertising shall be prohibited, whether free-standing or affixed to the Arena Building. Announcements of future events at the Arena within areas designated for same shall be permitted. Reader Board, or other Facilities, unless approved by SJ and consistent with the Management Agreement.

Building Name

Advertising associated with naming of the Arena shall be handled pursuant to Section 6.03 of the Management Agreement.

Interior Advertising

It is the intention of the parties that except for advertising within the Concourse which shall be governed by special provisions as set forth below, Manager shall be permitted to display or present advertising within the Arena consistent with an advertising plan developed by Manager and presented from time to time to the City for approval which approval shall be reasonably and promptly given. Said advertising plan shall be approved at least once every two (2) years and shall contain the locations/areas within the Arena where advertising is intended to be displayed and the manner and visual appearance of presentation. Manager and SJ acknowledge

1. SJ's continuing strong public interest in the visual appearance of the Arena and established public policy to require advertising within the Arena comply with the Applicable Standard and be compatible with the design aesthetics of the Arena, and

2. Manager's' legitimate expectations to develop and promote advertising within the Arena that is consistent with the applicable policies contained in this Attachment and in the Management Agreement.

   Said advertising plan shall address such items as:

   (1) The scoreboards;
   (2) Hockey dasher boards;
   (3) The balcony fascia;
   (4) Team benches;
   (5) Scorers tables and penalty boxes;
   (6) Video systems;
   (7) User/location of banners;
   (8) Sky box level sound walls;
   (9) Sale and promotion of merchandise associated with events at the Arena;

(10) Location of temporary advertising; and
(11) Proprietary signs regarding name of club.

Advertising within the Concourse

1. Advertising of products not associated with events at the Arena within the Concourse shall be limited to 32 pendant signs with two faces each. Each face shall measure no more than 48 square feet.

2. Signs identifying concession franchises on concession stand fascias and back walls. Fascia signage shall not be larger in area than the product of one-half the fascia height times the length of the front edge of the counter.

3. Frames around television monitors. Television monitors shall be confined to the pendant concourse signs and to the fascia or back wall of concession stands.

4. Signs on portable stands.

5. Proprietary signage necessary to identify the owner or operator of devices such as telephones and automatic teller machines.

6. From time to time, Manager may submit requests to the City for its approval for alternative standards and systems to be used in the Concourse.

ATTACHMENT NO. 11

I. Smoking.

A. Within Arena - not permitted.

B. Within Concourse - permitted only in limited areas designated jointly by Manager and City.

C. Private Suites - permitted at discretion of suite holder.

D. Club, restaurant - permitted within areas designated by Manager only, subject to general City ordinances.

E. Offices (private) - not permitted.

F. Enforcement/signage - active employees education training program and an effective signing policy to be developed and carried out by Manager.

G. No distribution of tobacco products or samples outside of the club.

II. Serving Alcohol.

A. Beer, wine and hard liquor may be served in Club, restaurant, concourse area, private offices, private suites and Arena club seats. Service to other Arena seats will be limited to beer and wine only.

B. Specific limitations may be imposed by Manager on sales depending on event, such as:

1. Purchase limits.

2. Sales cut-offs late in an event, subject to general City ordinances.

3. No vending in seats.

4. Limiting sizes.

5. Third party requests for no-alcohol event, i.e., childrens shows, religious gatherings, etc.

C. Manager will develop and implement an education and training program to educate and train employees (parking lot attendants, vendors, ticket takers, security, management and anyone else working at the facility) to promote responsible alcohol use at an event.

III. Advertising Policies.

A.

1. Manager will not display ads for tobacco products anywhere in the Arena Facilities. Beer and wine products will be permitted to be so advertised and displayed. Hard liquor advertising shall be affixed only to the scoreboard.

2. Within the concourse, no display affixed to walls of ads for hard liquor products.

3. On exterior of Arena, no displays of tobacco or hard alcohol products.

4. On the reader board and temporary signs during events only, event related displays of tobacco products sold by event sponsors.

5. In other interior portions of the Arena (i.e., Club, restaurant, etc.), no restrictions on alcohol advertising.

B. In addition, Manager will refrain from advertising products in the concourse and other public areas of the Arena which because of their nature may be inappropriate for general public viewing.

IV. Club Entertainment.

A. Subject to general City ordinances, City may regulate entertainment (including employee costumes) when minors are permitted access to the Club, and nudity at all times.

B. Except as provided above, all entertainment (including employee costumes) in the Club shall be permitted, subject to general City ordinances and state laws proscribing criminal behavior.

C. Dancing by customers is permitted subject to general City ordinances.

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