

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:
PITTSBURGH ATHLETIC
ASSOCIATION, *et al*¹
Debtors,

Jointly Administered at:
Case No. 17-22222-JAD

Bankruptcy Case Nos:
17-22222-JAD, and
17-22223-JAD

PITTSBURGH ATHLETIC ASSOCIATION
et al,
Movant,

Chapter 11

Related to Doc. No.

v.

Hearing: May 8, 2018 at 10:00 am

IRWIN KOTOVSKY, FRANK W.
GUSTINE, JR., RICHARD J. VELAN,
YVONNE L. ROSE, KAY MERGE,
CHARLES PRINGLE, LOVEY
KREITZER, GERALD KRUPP, RICK
EVANS, ROBERT SEMETHY, JR., DR.
PETER BOWER, DR. LILA
PENCHANSKY, PITTSBURGH
ATHLETIC ASSOCIATION
PRESERVATION ASSOCIATION,
Respondents.

Response Deadline: N/A

**DECLARATION OF EUGENE MYERS IN SUPPORT OF
EXPEDITED MOTION FOR CONTEMPT FOR VIOLATION
OF THE AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362
AND FOR VIOLATION OF PLAN EXCLUSIVITY PURSUANT
TO 11 U.S.C. § 1121 AND 1125**

I, Eugene Myers, make this declaration pursuant to 28 U.S.C. § 1746:

1. I am a member in good standing of Pittsburgh Athletic Association (the “**PAA**”, and together with the Pittsburgh Athletic Association Land Company, the “**Debtors**”). In this capacity, I am familiar with the history of PAA, the Debtors’ businesses, and the currently pending bankruptcy cases filed by the Debtors. I am over 18 years of age and duly authorized to submit this Declaration

¹ The Debtors have the following case pending Pittsburgh Athletic Association, Case No. 17-22222-JAD and the Pittsburgh Athletic Association Land Company, Case No. 17-22223-JAD, both cases are being jointly administered under Case No. 17-22222-JAD.

(the “Declaration”) in support of the Debtors’ Expedited Motion for Contempt for Violation of the Automatic Stay pursuant to 11 U.S.C. § 362 and for Violation of Plan Exclusivity pursuant to 11 U.S.C. §§ 1121 and 1125 (“**Contempt/Sanctions Motion**”).

2. I am a Director of the Debtor PAA serving on its Board of Directors.

3. I was initially contacted by Jacob D’Orazio, via phone, in late March of 2018, wherein he represented that he was a member of and calling on behalf of the Pittsburgh Athletic Association Preservation Association (“**PAAPA**”). During this initial call Mr. D’Orazio expressed that he was not in support of the Debtors’ current Amended Plan and the redevelopment proposed with Walnut Capital Acquisitions (“Walnut”). Mr. D’Orazio explained that he felt it was the “wrong deal” and a “bad deal” for PAA and asked if I would support an alternate plan.

4. On May 5, 2018, Mr. D’Orazio again contacted me by way of a call to my personal mobile phone. He reintroduced himself. Again Mr. D’Orazio represented to me how “bad” the redevelopment deal was with Walnut, as proposed through the Debtors’ Amended Plan and was explaining that it did not have any certainty that the PAA would continue to exist and that he knew of an alternate bidder who would be a better partner for PAA.

5. Also during his May 5th call to me, Mr. D’Orazio confirmed that McKnight Realty Partners was the alternate bidder. Mr. D’Orazio also asked me if I had “received and email from ‘us’”. When I said that I hadn’t received an email, he sent me the email in question to my personal email address without me providing it to him.

6. The email he was referring to and what I received is substantially the same as that which is attached to the Contempt/Sanctions Motion as Exhibit “A”.

7. Mr. D’Orazio asked me to vote **NO** against the Amended Plan.

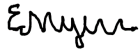
8. Despite Mr. D’Orazio’s representation that he is a member of PAA, I certify that he is NOT a member of PAA. Mr. D’Orazio has never been a member of PAA.

9. Based on information and belief, Mr. D’Orazio is an interloper who lacks any right to contact members of PAA by telephone or by email, or to solicit votes on the Debtors’ plan of reorganization, which proposes to pay all creditors 100% of their allowed claims.

10. Mr. D’Orazio also invited me to the meeting at the Wyndham Hotel in Oakland, Pittsburgh Pennsylvania on May 8, 2018 to discuss the alternate development proposal with McKnight.

I declare under penalty of perjury that the foregoing information is true and accurate to the best of my knowledge. I offer this Declaration in support of the Debtors’ Expedited Motion for Contempt for Violation of the Automatic Stay pursuant to 11 U.S.C. § 362 and for Violation of Plan Exclusivity pursuant to 11 U.S.C. §§ 1121 and 1125.

DATED: 5/7/2018

DocuSigned by:

6FF073CACA471...

DR. EUGENE MYERS
*Member of Pittsburgh Athletic Association
and Member of Board of Directors,
Pittsburgh Athletic Association*