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PLAINTIFF

LUKAS WALTER as
REPRESENTATIVE PLAINTIFF

DEFENDANTS

WESTERN HOCKEY LEAGUE,
CANADIAN HOCKEY LEAGUE,
et al.

DOCUMENT

AFFIDAVIT OF SHELDON
HOWDENPARTY FILING THIS
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DEFENDANT

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Lawyers for the Plaintiff

I, Sheldon Howden, of the Town of Oakbank, in the Province of Manitoba, MAKE
OATH AND SAY:

1. I have two sons who have played hockey in the WHL. My eldest son Quinton played in the WHL with the Moose Jaw Warriors for four seasons between 2007 and 2012. My younger son Brett is currently playing his second season with the Moose Jaw Warriors. I have been actively involved in both of my sons' hockey experiences.

2. I have knowledge of the matters to which I depose in this affidavit, except where I state below that I have relied upon information from another source, in which case I indicate the source of my information and I believe the information to be true.

My Sons' Amateur Hockey Experiences prior to the WHL

3. Quinton and Brett both began playing minor league hockey in our hometown of Oakbank, Manitoba when they were about 6 years old. They both played in Oakbank until their midget season. Both boys were skilled and enjoyed competitive hockey, so they played at the top level for their age group throughout their development.

4. Manitoba has a province-wide Midget AAA hockey league. The league has 12 teams spread across the province and in northwestern Ontario. Each team is designated a region within the province. The teams are only allowed to select players within their designated region during the tryouts for the league.

5. The team closest to our home in Oakbank is the Eastmen Select Midget AAA team. The Eastmen's designated area for selecting players is bounded by Winnipeg on the West, the United States border on the South, the Ontario Border on the East, and Pine Falls, Manitoba on the North. The drive from Pine Falls, Manitoba to the US border is about three hours.

6. The Eastmen Select held open tryouts for players living in the team's designated area. Both Quinton and Brett tried out for Eastmen and were selected to play with the team. Quinton was 15 years old when he was selected and Brett was 14 years old when he was selected by Eastmen. Below I describe the Manitoba AAA Midget league and our family's experiences with the Eastmen Select.

Playing Hockey with the Eastmen Select Midget AAA

7. When Quinton played with the Eastmen Select, the team was located in Steinbach, Manitoba. Steinbach is about a 45 minute drive from our home. By the time that Brett played with Eastmen, the team had relocated to Beausejour, Manitoba which is only about a half hour drive from our home. Quinton and Brett lived at home when they played with the Eastmen Select. As a result, I dedicated a substantial amount of my time to driving the boys to practices, games and other team commitments.

8. To play in the Manitoba AAA Midget league, my wife Krystal and I were required to pay a registration fee of approximately \$5,000 per boy per season. The team only provided the boys with jerseys. Our family therefore purchased all of the hockey equipment that the boys required, including skates, sticks, and protective equipment. This equipment was often replaced every hockey season, because the boys either grew out of it after a season or it needed to be replaced after being used for the season. As a result, in addition to the registration fee, Krystal and I paid approximately \$2,500.00 to \$3,000.00 per boy per season to cover the cost of the equipment.

9. During the summers, Quinton and Brett also took power skating lessons and worked with a personal trainer. Krystal and I covered the costs of each of these additional training expenses which was approximately \$2,000.00 per boy per summer.

10. On top of the amounts that our family paid for the boys' registration fees and equipment, we also participated in fundraising initiatives organized by the team. The team was run almost

exclusively as a volunteer organization. The coaches were volunteers and all administration and organization of the team was done by parents and other volunteers. Many parents volunteered their time to the team and almost all parents were involved in fundraising efforts. There were 50/50 draws at games and bingo board games at most games. The amounts raised through the fundraisers went to cover many of the team's overhead costs such as ice time and the travel bus rental fee. Parents were also given the option of selling advertisements in the team's Program Book. We did this on a few occasions and were able to deduct a small portion of the registration fee that we paid to the team through our advertisement sales.

11. ***Time Commitments.*** The team practiced three times a week for about an hour and half each practice. I drove the boys to all of their practices. When Quinton played in Steinbach, I dedicated about four to four and a half hours of my time to each practice. The total driving time was about an hour and a half, the practice lasted about an hour and a half, and Quinton needed to be at the arena about an hour before practice started and usually needed another 15 or 20 minutes after practice to change and pack up. When Brett played in Beausejour, I dedicated about three and a half to four hours of my time to each of his practices. The driving time was about half an hour less to Beausejour.

12. The boys rarely, if ever, missed a practice when they played with the Eastmen Select. The team required players to attend all practices, and if a player missed practice he could be disciplined for doing so. For example, a player who missed practice might not get to play in the next game. In addition to the commitment that the boys were making to the team, our family also had rules around the commitment that the boys were making. Krystal and I never insisted that the boys play hockey each season, but when they made the decision to play with a team for a season, we required them to commit themselves and go above and beyond with that commitment. We would not permit either of the boys to miss practice unless they were ill or had something unusual arise.

13. As I mentioned above, the Eastmen Select competed in a 12 team league across all of Manitoba and northwestern Ontario. There were teams located as far away from our home as Thompson, Manitoba which is about an eight and a half hour drive from Oakbank and Dauphin, Manitoba which is about a three and a half hour drive from Oakbank.

14. The team played 44 games each season. Most of the games were held on the weekends, but the team did occasionally play during the week. For the team's away games that were further than two hours away, the team rented a bus to drive players, parents, and the coaches to the games. The team's schedule often involved away games on Saturdays and Sundays, so the team organized hotel rooms for the players to stay overnight. The cost of the players' hotel rooms was included in the registration fee. However, we also often paid for an additional hotel room since at least some of our family members travelled with the team.

15. For the boys' away games against teams that were located less than two hours away from Steinbach or Beausejour, the team did not organize travel for the players. As a result, I drove the boys to all of these games. My time commitments for these games was about five to six hours per game.

16. Either Krystal or I attended all of the boys' home games. One of us would also attend each of the away games. In addition to the registration fees that I described above, in order to attend the away games, we were required to buy tickets for approximately \$5 to \$10 per person per game, which was the regular adult admission fee for Manitoba AAA midget games. For some games, our whole family would attend so we would pay \$25 and \$50 in ticket fees for my wife and I, Brett and our daughters to attend.

17. Given the time commitments that I have outlined above, the boys spent between 20 and 30 hours a week on hockey development when they played with Eastmen. The boys did not have time during the school year to have a part-time job when they played with Eastmen. The boys' time and energy was focused on hockey and school.

18. **Schooling.** When Quinton and Brett played with the Eastmen Select, they were in their Grade 10 and Grade 9 respectively. Both boys attended Springfield Collegiate Institute in Oakbank. The team had no involvement in the boys' schooling. Unlike their time with the Moose Jaw Warriors, when the boys played with Eastmen our family was required to coordinate with the boys' school to make any accommodations the boys required in order to play hockey. We were also required to coordinate the boys' homework schedules with their hockey commitments. We had no assistance in this regard from either the team or the school.

19. Krystal and I placed an emphasis on our sons' educations. We encouraged and fostered their hockey development, but we placed their academic progress ahead of their hockey development. Our family's rule was that if either of the boys' grades dropped below a certain level, we would require them to sit out a practice or a game. Missing a practice or a game could also result in disciplinary consequences from the team, so the boys worked hard on their academics to avoid this.

20. ***Community Engagement.*** Unlike the boys' experiences in Moose Jaw, the Eastmen Select were not involved with any community volunteer activities.

Our Family's Experiences with the WHL

Decision for Quinton to Play with the Moose Jaw Warriors

21. Quinton was selected to play with the Moose Jaw Warriors during the Bantam Draft in 2007. Prior to his being selected to play with Moose Jaw, I had spent a few months exploring Quinton's options in the WHL as well as his options in the NCAA.

22. In terms of WHL teams, before the Bantam Draft it appeared that Quinton had a few different options in the WHL. I had received calls from a few teams that were interested in having Quinton play with them. I therefore talked to several former players' parents to hear about their family's experiences and any challenges they had when their sons played in the WHL. I took away from these conversations that Quinton would be well cared for and that the hockey development experience would be hard to beat. Through these conversations my concerns about having Quinton move away from home started to be addressed, because I heard about the rules and discipline imposed by the teams and the close supervision many teams exercised over the players. Because Quinton was used to an environment of rules and discipline, this was attractive to me, because I thought it would foster his continued success.

23. All of the parents that I talked to about the WHL assured me that the league had strong player supports and placed the players' needs above all else. I was impressed that Quinton would have all of his equipment costs, medical costs, schooling expenses, travel and room and board covered if he played in the WHL.

24. Krystal also spent time researching the various WHL team's local high schools. Krystal had always been the parent to spend a greater majority of her time on the boys' schooling. She spent time on their homework most school nights and organized their study schedules to balance with the demands of their hockey commitments. She coordinated with the high school to make sure they were aware of the boys' hockey schedules, and she stayed on top of test and exam schedules. She was therefore concerned that the boys' educations would suffer without this level of close supervision if they moved away from home. However, through her research she became comfortable that the WHL actively monitored players' academic progress and ensured that their educations remained a priority. Krystal felt assured that through the education advisors the teams had on staff, Quinton's education would be closely supervised in a manner similar to what she did for the boys at home.

25. By the time of the Bantam Draft, Krystal and I had become comfortable with Quinton playing hockey in Moose Jaw with the Warriors. We had attended a prospect game in Moose Jaw as a family to learn more about the team's program. We were impressed by the level of educational supports and one-on-one attention that was provided to players in Moose Jaw. We felt that Quinton would be cared for on and off the ice as if he was living at home, so we agreed that he could play with the Warriors if selected.

26. ***Quinton's NCAA Options.*** Quinton also appeared to have a few NCAA options at the time of the WHL Bantam Draft. We toured the University of North Dakota when he was 15 years old. I met with the men's hockey team scouts and staff who told me they would be interested in speaking to us about a scholarship program for Quinton if he was interested in playing with the team. Quinton was interested in UND and thoroughly enjoyed his tour of the school.

27. At the time, there were also a few other NCAA schools that had expressed some interest in having Quinton play with their teams. However, there weren't any NCAA options apart from UND that our family would have seriously considered.

28. Ultimately, we decided that for Quinton to maximize his hockey development potential and maintain his educational opportunities, playing in the WHL was the better route for him. We decided that it would be better for Quinton to play hockey in the WHL without the demands of

university while still keeping his post-secondary school options open if he decided not to play professional hockey after graduating from the WHL.

29. The WHL Scholarship program was an important part of our decision. We heard that for many players who opt to play hockey in the NCAA, the scholarship they are offered does not cover the entire cost of their tuition. By contrast, we knew that the WHL Scholarship would fully cover all of Quinton's tuition, fees and book expenses at the university of his choice. Given the cost of many US colleges, our family would have been stretched to try to cover the cost of even half of the tuition at some of the NCAA schools.

30. *Signing an SPA with the Warriors.* By the time of the Bantam Draft, Quinton had also decided that his first choice was to continue his hockey development in the WHL. Moose Jaw offered Quinton the opportunity to play with the team after training camp in the summer of 2007. The Warriors' General Manager Chad Lang explained the Standard Player Agreement to me.

31. I signed Quinton's SPA along with him. We understood that the Warriors were making commitments to our family as well as to Quinton. The team was promising to care for Quinton while he was in the team's care and to provide him with educational supports while he finished high school. The team was also making significant financial commitments to our family through the WHL Scholarship program. Because of these commitments, I felt that it was important for me to be signing the SPA along with Quinton.

32. I read and understood the terms of the SPA. I never thought that by signing the SPA Quinton was becoming an employee of the Warriors nor would I have wanted to sign him up for a part-time job playing hockey. Instead, our family was thrilled that Quinton had the opportunity to continue to develop his hockey skills, to pursue his continued education with the support of the WHL and to grow as a hockey player and young man with the Warriors.

Quinton's Experiences Playing with the Warriors

33. Quinton played five games of his Midget season with the Warriors. He then played the rest of that season with the Eastmen Select.

34. Quinton was 16 years old during his first full season with the Warriors. He struggled a bit at first with living away from home and it took about half the year for him to settle into a routine in Moose Jaw. The team's assistant coach spent a lot of time with Quinton that year helping him adjust to living away from home and to balancing his hockey schedule with his school commitments. The one on one attention that Quinton had from his assistant coach Kevin Higo made the difference in Quinton's adjustment. Quinton needed the guidance and mentorship.

35. During his first two seasons with the team, Quinton lived with a family who were hands-on billets and focused on his hockey. They provided him with everything that he needed while he lived in Moose Jaw, but after two years it was clear to us that Quinton's personality did not match well with his billets' personalities. As a result, after Quinton came home from his second full season with the team, we talked to him about moving to a new billet family. Quinton agreed, so I called the team's head coach who immediately found a new billet family for Quinton to live with the following season.

36. Quinton spent the next two years living with the Juliens. The Juliens were very caring and supportive billets. They created a home away from home for Quinton and welcomed him into their family as if he were their son.

37. By the time Quinton had moved to Moose Jaw, he had only completed Grade 10. He therefore enrolled in Vanier College, a high school in Moose Jaw for Grades 11 and 12. The team ensured that all of the courses Quinton took in Moose Jaw would transfer to his school in Oakbank at the end of each year. The team had an education advisor who kept Krystal and I up to speed on Quinton's progress at school and provided us with updates that were more regular than the information we had received from his school in Oakbank. The level of communication that we had from the team's education advisor helped Krystal to feel like she had a good handle on Quinton's progress and made her feel comfortable that he was able to excel at school while playing hockey in Moose Jaw.

38. While the players were giving the option of living in Moose Jaw with their billets after the hockey season ended, so they could finish their school year at the Moose Jaw high school, Quinton decided to come home at the end of each season. This meant that the team had to make even greater efforts to ensure that his courses would transfer, and he would not be disadvantaged

when he got back to Oakbank. Because of the team's efforts, we never had an issue with this nor did Quinton have any difficulties with his academic performance.

Quinton's Draft to the NHL

39. Quinton was drafted by the Florida Panthers in the 2010 NHL Draft when he was 18 years old. After Quinton signed a contract with the Panthers, he attended Florida's training camp and then went back to Moose Jaw for the hockey season to continue to develop his hockey skills.

40. Quinton played two seasons of hockey with the Warriors after he signed his contract with Florida. When Quinton got back to Moose Jaw after his first training camp with the Panthers, he was excited to be playing with the Warriors again and he took on a greater leadership role than he had played in the past. He had finished high school, so he spent more time on the team's community event initiatives which he really seemed to enjoy. He felt that it was important to contribute to the community that supported the Warriors, and he liked meeting new people and fostering relationships in the community.

41. Since graduating from the WHL, Quinton has now played five seasons of hockey with the Panthers and the team's affiliated AHL team the San Antonio Rampage. Moving back and forth between the Panthers and the Rampage has been challenging at times, but the character and strong personality that Quinton developed in the WHL has helped him through these challenges and transitions. He learned the importance of dedication, commitment and hard work in the WHL and those lessons have carried him to success in his NHL career, and I am confident that these lessons will continue to assist him.

Decision for Brett to Play in Moose Jaw

42. After the wonderful experiences that our family had with Quinton playing in Moose Jaw, we were thrilled to hear that the team was interested in Brett. There were a few other WHL teams that were interested in having Brett come to play with their team, so Krystal and I started our due diligence into some of the other teams in addition to keeping Moose Jaw in mind.

43. Although we were comfortable with Moose Jaw's organization, we wanted to make sure that if Brett was selected by another team he would be just as well cared for and supervised as

Quinton had been. We were worried about having Brett move too far away from home, so although we were impressed by some of the other teams that were interested in Brett, we ultimately decided that Moose Jaw was our family's first choice for Brett.

44. In the end, Moose Jaw did select Brett, and the first call we received after we spoke to the team's general manager was from the Juliens (Quinton's former billets). They had heard the news that the Warriors wanted to select Brett, and they wanted to invite Brett to live with him if we decided that he could go to play in Moose Jaw.

45. Just as I did with Quinton, I signed Brett's SPA along with him. We knew that when we signed the SPA, Brett was not entering into an employment relationship with the Warriors. Quite far from it, we knew that from Quinton's experiences with the team, the team would be giving Brett incredible training and development opportunities and would be caring for him in a parental-like relationship. The relationship that both Quinton and Brett had with the Warriors was a special bond that provided the boys with personal growth and development. Quinton grew into a strong, mature and confident young man and athlete with the Warriors. Brett has been fortunate to have similar experiences so far, and he has developed leaps and bounds with the team in the year and a half that he has played in Moose Jaw.

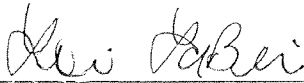
46. Brett has now completed a full season with the Warriors and is half way through his second season. He lives with the Juliens, and unlike Quinton's first year away from home, his adjustment to Moose Jaw was a quick and easy transition. I think this is based in part on Brett having had the opportunity to watch his older brother's experiences, but it is also based on the boy's different personalities. Brett loves living with the Juliens, and they treat him as a son. He is celebrated, cared for and supervised as if he were living at home. Krystal and I couldn't be more thankful for the support that both of our boys have had from the whole Warriors' organization.

47. The life experiences that our boys had and continue to have in Moose Jaw are invaluable. Their experiences and the life lessons they have learned are unlike anything they could have experienced from working a part-time job in Oakbank. From the community involvement and stewardship they have experienced to playing with the best athletes and coaches for their level, our family is extremely grateful for the opportunities that Quinton and Brett have been given by the Warriors and the WHL. Along with providing the boys with the highest caliber of hockey

development for their age and stage, the Warriors provided the boys with the structure and supports they required to meet their educational potentials. We have no regrets with any of the choices that we have made as a family for our boys' development and would not change anything about either of their experiences with the WHL.

48. Quinton and Brett were young boys when we decided they could play with the Warriors. For them, they were following their dreams with the hopes of one day playing in the NHL. Quinton has achieved great success in that regard and Brett is on his way to developing a bright future. I am proud of both of them and what they have achieved through the Warriors' guidance and support. I also recognize that they likely would not be where they are today if we had not agreed to send them to Moose Jaw.

SWORN BEFORE ME at ST. CLEMENTS
in the Province of MANITOBA
on 18th DECEMBER, 2015



Commissioner for Taking Affidavits
(or as may be)
A NOTARY PUBLIC

IN AND FOR THE PROVINCE OF MANITOBA



(Signature of deponent)