

# O'CONNELL AND ARONOWITZ

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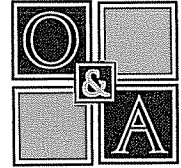
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July 8, 2008

**Via Email and U.S. Mail**

Mary Pat Fleming, Esq.  
U.S. Attorney's Office  
Federal Centre  
138 Delaware Avenue  
Buffalo, NY 14202

**Re: Citizens Against Casino Gambling in Erie County,  
et al. v. Hogen, et al., 07-CV-0451-WMS**

Dear Ms. Fleming:

As you know, Class III gaming on Indian lands is lawful only if, *inter alia*, such activities are authorized by an ordinance approved by the Chairman of the National Indian Gaming Commission ("NIGC"). 25 U.S.C. § 2710(d)(1)(A)(iii).

In light of Judge Skretny's July 8, 2008 decision in this matter invalidating the approval of the ordinance permitting the Seneca Nation of Indians to operate a class III gaming facility at the Buffalo Parcel (Document No. 61), we hereby request that you immediately advise whether or not the Chairman of the NIGC intends to exercise his authority pursuant to 25 U.S.C. § 2713(b) to order immediate cessation of the current gaming operation conducted by the Seneca Nation of Indians at the Buffalo Parcel. We respectfully call your attention to the fact that Judge Skretny granted Plaintiffs' motion for summary judgment whereby Plaintiffs asked in the Prayer for Relief that Defendants be enjoined "from maintaining or taking any actions which would condone, allow, permit or otherwise further casino gambling on the Buffalo Parcels . . . ."

We look forward to your immediate reply. Thank you for your consideration and attention.

Very truly yours,

O'CONNELL AND ARONOWITZ

By:

Cornelius D. Murray

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REGULATORY ADVISOR)  
\*NOT A MEMBER OF THE LEGAL  
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cc: Gina Louise Allery, Esq. (Via Email and U.S. Mail)  
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