

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SENECA NATION OF INDIANS

Plaintiff,

Civil Action No. 10-cv-00687-RJA

v.

DAVID PATERSON, Governor of the
State of New York, JAMIE WOODWARD,
Acting Commissioner, New York State
Department of Taxation and Finance,
WILLIAM COMISKEY, Deputy
Commissioner, Office of Tax Enforcement,
New York State Department of Taxation and
Finance, JOHN MELVILLE, Acting
Superintendent, New York State Police, each
in his or her official capacity,

Defendants.

**DECLARATION OF JAMES DRISCOLL-MACEACHRON
IN SUPPORT OF PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

James Driscoll-MacEachron declares that the attached are true and correct copies of the following documents:

1) Attached as Exhibit A, Affirmation of Jamie Woodward, Acting Commissioner, Department of Taxation and Finance, filed in *Day Wholesale, Inc. v. State*, No. 06-7668 (N.Y. Sup. Ct. Erie Cty. filed Aug. 10, 2006), dated August 5, 2010 (exhibits omitted).

2) Attached as Exhibit B, 1988 Department of Tax and Finance Regulations pertaining to the Cigarette Tax.

3) Attached as Exhibit C, Comments of the Seneca Nation of Indians on Proposed Rule Making I.D. Tag No. 10-10-0004-P, Certification by Cigarette Stamping Agents (NYS Register/March 10, 2010), dated April 23, 2010.

4) Attached as Exhibit D, Letter from Michael H. Urbach, Commissioner, Department of Taxation and Finance, to Hon. William R. Sears and Hon. Jess J. Present, New York State Senators (Mar. 27, 1995).

I DECLARE UNDER PENALTY OF PERJURY that the foregoing statements are true and correct.

Respectfully submitted this 20th day of August, 2010.

By: /s/ James Driscoll-MacEachron
James Driscoll-MacEachron