

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

SENECA NATION OF INDIANS)

Plaintiff,)

v.)

Civil Action No. 10-CV-687-A

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.)

CAYUGA INDIAN NATION OF NEW YORK,)

Plaintiff-Intervenor.)

**PLAINTIFF-INTERVENOR CAYUGA NATION'S MOTION FOR A PRELIMINARY
INJUNCTION AND TEMPORARY RESTRAINING ORDER**

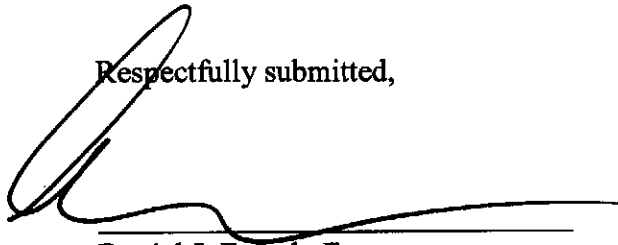
Pursuant to Rule 65 of the Federal Rules of Civil Procedure, as well as Local Rules 65(a)(1), (2) and 65(b), Plaintiff-Intervenor the Cayuga Indian Nation of New York ("Cayuga Nation") seeks a temporary restraining order and preliminary injunction against the Defendants, enjoining and restraining them from implementing, administering, or enforcing N.Y. Tax Law §§ 471(1), (2), (5), N.Y. Tax Law § 471-e, and 20 N.Y.C.R.R. § 74.6 during the pendency of this action. Unless restrained as requested herein, the Defendants' enforcement of the above-

referenced Tax Laws and regulations - which become effective on September 1, 2010 - will result in an irreparable deprivation of the Cayuga Nation's fundamental rights.

This motion is supported by the Cayuga Nation's Proposed Intervenor Complaint, filed August 25, 2010, the Declaration of Lee Alcott, Esq., dated August 25, 2010, and the Cayuga Nation's Memorandum of Law dated August 25, 2010.

If permitted by the Court, the plaintiffs intend to file and serve reply papers. Plaintiffs request oral argument of this motion.

Respectfully submitted,



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