

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SENECA NATION OF INDIANS,

Plaintiff,

v.

PRE-HEARING ORDER
10-CV-687A

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.

A preliminary injunction hearing in this matter is scheduled for
September 14, 2010 at 10:00 a.m.

Counsel are to provide the Court with two sets of the required
submissions listed below one day before the hearing. One set of the required
submissions should be e-filed on CM/ECF and another set should be brought

directly to the Court's chambers. Each submission should be filed under separate cover.

1. EXHIBITS: Each party shall submit a list of exhibits it anticipates using at the hearing. The exhibits must be pre-marked numerically and any sub-exhibits should be pre-marked alphabetically, pursuant to Rule 29 of the U.S. District Court for the Western District of New York Local Rules of Civil Procedure ("Local Rules").

The parties shall use the Court's form, copy of which is attached, in preparing the exhibit list. The parties may supplement their exhibit lists as discovery material is provided. When possible, exhibits should be stipulated into evidence. The stipulation must be submitted to the Court. (See Rule 29 of the Local Rules for the stipulation procedure.)

Two copies of each documentary exhibit shall also be provided to the Court. Each set of copies shall be "tabbed" for reference and bound in a three-ring binder or in a similar fashion.

2. WITNESS LIST: Each party must submit the names and addresses of all prospective witnesses, a summary of their anticipated testimony, and an estimate as to the length (hours/minutes) of the witness's testimony. The summary should be sufficiently detailed so as to provide the Court and opposing counsel with a general understanding of the nature of the witness's testimony and

the facts to which that witness will testify. Failure to meet these requirements with respect to any witness may result in preclusion of testimony by that witness.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: September 7, 2010

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EXHIBIT LIST

Case No. _____

____ Plaintiff

Date: _____

_____ Defendant

[illegible]

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