

U.S. DISTRICT COURT
N.D. OF N.Y.
FILEDUNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

SEP 16 2010

ST. REGIS MOHAWK TRIBE

Plaintiff,

v.

DAVID A. PATERSON, et. al.

Defendants.

LAWRENCE K. BAERMAN, CLERK
ALBANYCIVIL ACTION NO.
10-CV-1026, LEK/DRH**ORDER TO SHOW CAUSE WITH TEMPORARY RESTRAINING ORDER**

Upon the reading and filing of the Declaration of Marsha K. Schmidt, affirmed to on the 15th day of September 2010, with exhibits, the Declaration of Michele Mitchell, affirmed to on the 15th day of September, 2010, the Declaration of Elliott Lazore, affirmed to on the 15th day of September, 2010, the Memorandum of Law dated September 15, 2010, and the arguments of counsel for Plaintiff St. Regis Mohawk Tribe herein, it is hereby

ORDERED, that the Defendants, David Patterson, Governor of the State of New York, Jamie Woodward, Acting Commissioner, New York Department of Taxation and Finance, and William Comiskey, Deputy Commissioner, Office of Tax Enforcement, New York Department of Taxation and Finance show cause, at a Term of this Court to be held at the United States Courthouse, ^{445 Broadway, Albany 12207} ~~100 South Clinton Street, Syracuse, New York 13260~~, on the ^{23rd} ~~23rd~~ day of September, 2010, at ^{1:30} ~~10:00~~ o'clock in the ^{afternoon} ~~forenoon~~, or as soon thereafter as counsel can be heard, why a further Order should not be entered pursuant to Local Rule 7.1(e) of the Local Rules of the United States District Court for the Northern District of New York and Fed. Rules of Civ. Procedure 65(a) restraining and enjoining the Defendants and all those acting in concert or cooperation therewith, from enforcing the New York State Tax Law §471 and 471-e, and related regulations and guidance;

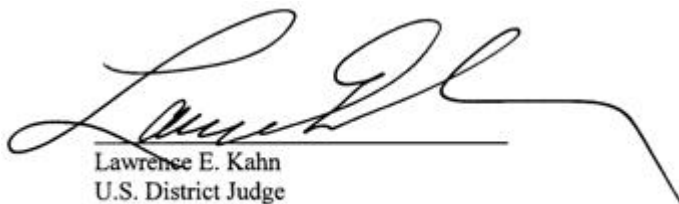
ORDERED, that until the final determination of Plaintiff's application for an Injunction, the Defendants along with their agents, employees and all other persons acting in concert or cooperation therewith, are temporarily restrained and enjoined from implementing, administering, and enforcing N.Y. Tax Law §§471(1), (2), (5), N.Y. Tax Law §471-e, and 20 N.Y.C.R.R. §74.6, pending further order of this Court,

ORDERED, that a copy of this Order and of the papers upon which the same is granted shall made by email delivery on September 16, 2010, and overnight service on or before September ¹⁷16, 2010 to David Roberts, Assistant Attorney General, at his offices in Albany and that such service shall be deemed good and sufficient service thereof.

ORDERED, Defendants deadline for filing and serving papers opposing the issuance of a preliminary injunction is 10 o'clock on ^{a.m.} September 21, 2010, plaintiff's deadline for any reply is 10 o'clock on ^{a.m.} September 22, 2010, and that a preliminary injunction hearing will be held in the undersigned courtroom in the United States Courthouse in Albany, New York at 1:30 o'clock on ^{p.m.} September 23, 2010.

DATED: September 16, 2010

ENTERED:


Lawrence E. Kahn
U.S. District Judge