

W.D.N.Y.
10-cv-0687
Arcara, J.

United States Court of Appeals

FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 9th day of December, two thousand ten,

Present:

Wilfred Feinberg,
Barrington D. Parker,
Richard C. Wesley,
Circuit Judges.

David Paterson, Governor of the State of New York, *et al.*,

*Defendants-Intervenors-Defendants-
Appellants-Cross-Appellees,*

v.

10-4272-cv (L)
10-4477-cv (XAP)
10-4758-cv (Con)

Seneca Nation of Indians,

Plaintiff-Appellee-Cross-Appellant,

Cayuga Indian Nation of New York,

Intervenor-Plaintiff.

Appellants, through counsel, move to vacate, or, alternatively, modify the stay order entered by the district court, to consolidate the appeal docketed under 10-4272-cv with the appeals docketed under 10-4477-cv and 10-4265-cv, and to expedite the briefing schedule. The New York Association of Convenience Stores, the City of New York, and the St. Regis Mohawk Tribe move for leave to file and participate in the briefs. Upon due consideration, it is hereby ORDERED that the motion to vacate the

A True Copy

Catherine O'Hagan Wolpe


United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolpe

CERTIFIED COPY ISSUED ON

district court's order is DENIED. *See McCue v. City of New York (In re World Trade Ctr. Disaster Site Litig.)*, 503 F.3d 167, 170 (2d Cir. 2007). The motion to consolidate the appeals is GRANTED. A further order with regard to an expedited briefing schedule will follow.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

The signature "Catherine O'Hagan Wolfe" is written in cursive over a circular seal. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

2

The signature "Catherine O'Hagan Wolfe" is written in cursive over a circular seal. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".