

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ST. LAWRENCE

MAR 21 2012

HCI Distribution, Inc.,

Plaintiff,

**AFFIDAVIT OF
LEISA GUERRERO**

-vs-

Index No. 138276
I.A.S. #44-1-2012-0145

New York State Police, Troop B Commander,
Ray Brook, New York;
New York State Police Evidence Custodian,
Ray Brook, New York;
St. Lawrence County District Attorney Nicole M. Duvé;
St. Lawrence County Assistant District Attorney John Becker;
Does 1-20.

Defendants.

2012 MAR -2 A 10:59
ST. LAW. CO.
CLERKS OFF.

COMES NOW Leisa Guerrero and being duly sworn under oath testifies as follows:

1. My name is Leisa Guerrero and I am the Vice President of Ho-Chunk Tobacco Division, an operating division of Ho-Chunk, Inc. Ho-Chunk, Inc. is an economic and political subdivision of the Winnebago Tribe of Nebraska, a federal recognized Indian tribe.
2. HCI Distribution, Inc. ("HCI") is a subsidiary of Ho-Chunk, Inc.
2. As Vice President of Ho-Chunk Tobacco Division, I am responsible for the day to day operations of HCI, which includes placing orders for tobacco products with suppliers and ensuring that orders from customers for those tobacco products are fulfilled.
3. On January 23, 2012, the New York State Police seized HCI's property which consists of tobacco products purchased on the St. Regis Mohawk Indian Reservation while that property was being shipped from the St. Regis Mohawk Indian Reservation to HCI facilities on

the Winnebago Tribe of Nebraska's reservation located within the exterior boundaries of the State of Nebraska.

4. Additionally, on February 13, 2012, the New York State Police seized property belonging to Woodlands Distribution Company, another subsidiary of Ho-Chunk, Inc., which consists of tobacco products purchased on the St. Regis Mohawk Indian Reservation while that property was being shipped from the St. Regis Mohawk Indian Reservation to Woodland's facilities on the Winnebago Tribe of Nebraska's reservation located within the exterior boundaries of the State of Nebraska.

5. HCI has been refused return of its property. Further, based upon the additional February 13, 2012 seizure of Woodland's property, it is my understanding that these seizures will continue.

6. Because of these seizures, HCI is not able to fulfill orders to customers for tobacco products. As a consequence, HCI is losing customers. Once a customer is lost due to inability to supply them with the products required for their daily operations, it is extremely difficult to get those customers back as they usually immediately retain another distribution company to supply their needs. The loss of customers due to the continuing seizures by the State of New York threatens irreparable harm to HCI.

7. Also as a result of these seizures, Ohserase Manufacturing, LLC, which is one of HCI's major suppliers, informed me that as of February 28, 2012, it will cease supplying HCI with tobacco products. This has left HCI without a supplier for the orders placed by its customers. The loss of a major supplier is certain to further the erosion of HCI's customer base and threatens irreparable harm to HCI.

Dated: February 28 2012

