

# EXHIBIT A

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**To:** Matthew Katz; Les Marston  
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**Subject:** RE: Wells Fargo, N.A as Trustee v. Chukchansi Economic Development Authority, et al., Index No. 652140/2013  
**Date:** Friday, October 11, 2013 4:00:01 PM

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Matt,

You are mistaken regarding any effort to “sandbag” the Lewis faction. In an effort to treat each faction equally, Mr. Tan sent his October 1, 2013, letter regarding the September 2013 Excluded Asset Payments to both Nancy Ayala and Reggie Lewis via Federal Express. Moreover, copies of the letter were not provided to legal counsel for any of the parties. Mr. Tan believed that Ms. Ayala and Mr. Lewis would forward the letters to their respective counsel. Mr. Tan did not anticipate that Mr. Lewis would refuse to accept the letter. As soon as it came to Mr. Tan’s attention that Mr. Lewis refused to accept the October 1, 2013, Federal Express delivery, Mr. Tan promptly sent another Federal Express package on October 10, 2013 to both Ms. Ayala and Mr. Lewis advising them of the Casino’s October Excluded Assets Payments to the TGC and CEDA, and further advised that the Casino intended to make the Government Excluded Asset Payment on October 15<sup>th</sup>. Finally, Mr. Tan included his original October 1<sup>st</sup> letter.

As for your view that Mr. Tan’s action is in contempt of court, please note on July 18, 2013 the Lewis Faction asked the Court to hold a show cause hearing after the Casino made the Excluded Assets Payment to the Ayala faction on July 15, 2013. When the Lewis Faction objected in August to the Casino making the Excluded Assets Payments to the Ayala faction for August, the Casino refused to make the payment. Thereafter, both factions submitted extensive briefing on the matter to the Court, and on August 28, 2013, the Court directed the Casino to make the Excluded Assets Payments to the on-reservation TGC, CEDA and Government. Moreover, during the September 11, 2013, hearing, the Court stated, “The Casino isn’t operating properly if the [on site] Commission isn’t being paid, things could come to a halt.” See Transcript of September 11, 2013, hearing in *Wells Fargo v. Chukchansi Economic Development Authority, et al.* (Index N. 652140/2013). P. 21. Finally, the Court has yet to enter any order that would preclude the Casino from the Excluded Assets Payment to the on reservation TGC, CEDA and Government.

As set forth in Mr. Tan’s October 1 letter, it is the Casino Management’s position that its role in this dispute is to keep the Casino operating properly and efficiently to ensure that the bond holders are being paid and the Casino is protected for future generations of Tribal members. It is for these reasons that Casino Management looked to the Court’s prior actions in this matter to base its decision to pay the on reservation TGC, CEDA and Government. Although the factions are free to continue to litigate and not make any attempt to resolve the current dispute, Casino Management must keep the Casino running and has to be mindful of the requirement of applicable law in order to keep the Casino operating.

As for Rob's voicemail, I have reached out to my client and I will let you know what he has to say. The TGC and CEDA Excluded Assets Payments are due on the first of each month and have been made. The Government Excluded Assets Payment is due on the fifteenth of each month and is scheduled to be paid on Tuesday.

Thanks for your email. I will be back in touch after speaking with my client.

Fred



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**Subject:** RE: Wells Fargo, N.A as Trustee v. Chukchansi Economic Development Authority, et al., Index No. 652140/2013

Counsel,

We just received the attached letter informing us of Mr. Tan's apparent intent to distribute money to the Ayala Faction while there is a pending motion before the Court on the very propriety of making such a distribution. We note that ten days have transpired since the time the notice at issue was failed to be delivered, and in that time, counsel for the Lewis Parties had not been informed of Mr. Tan's letter. We also note that we have finally been apprised of Mr. Tan's unilateral action – which is in contempt of Justice Schweitzer's prior orders – on a Friday afternoon before a holiday weekend. Given the timing, we can only infer that Mr. Tan and/or his counsel or counsel for the Ayala Faction deliberately sandbagged the Lewis Parties to ensure that they did not have sufficient time to get to the Court.

In light of the above, we have no choice but to go to the Court immediately to seek a temporary restraining order.

We left a message with Fred Petti and have requested that the payment be delayed 2 to 3 days to permit the parties time to be heard by the Court. If the parties are willing to agree to delay the payment until the latter part of next week, we can proceed in a more orderly fashion. If not, we intend to go to Court as soon as possible.

Sincerely,  
Matt Katz



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