UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CAYUGA NATION, by and through its lawful governing body, the CAYUGA NATION COUNCIL,
Plaintiff,
v.

Case No. 5:22-cv-128

Response to 319 Motion for Plaintiff Attorney Fees

DUSTIN PARKER, NORA WEBER, JOSE VERDUGO, JR., ANDREW HERNANDEZ, PAUL MEYER, BLUE BEAR WHOLESALE, LLC, IROQUOIS ENERGY GROUP, INC., JUSTICE FOR NATIVE FIRST PEOPLE, LLC, C.B. BROOKS LLC, AND JOHN DOES 1-10,
Defendants.

Barclay Damon should not be awarded any Attorney fees as sanctions are appropriate against them.

The Jury verdict intentions obviously and overwhelmingly displayed that they believed that Parker and Weber were substantially victimized by "the Cayuga Nation." In order for the jury to award fees to them, they had to find that Parker and Weber were liable to "the Cayuga Nation" for some amount (even a dollar) or they could not award Parker and Weber damages. This requirement is likely a awkward twist in a action like this as are issues like recoupment and treble damages. It is my believe that the Jury gamed the award by granting the Cayuga Nation trivial stepping stone damages so as to award Parker/Weber substantially more.

Barclay Damon had no legal basis to bring this lawsuit in the first place because:

1. It can not be ignored or denied that Barclay Damon's client "The Cayuga Nation" run by Clint Halftown is selling contraband and money laundering illegally as a criminal organization.

2. RICO statutes were not developed to assist Cayuga Nation to recoup losses of illegal cigarette contraband and money laundering profits of their enterprise for the same reasons that cannabis was disallowed in Shulman v. Kaplan. Plaintiffs are not allowed (no legal basis) to sue others for their own illegal losses from another's illegal profits. The Gambinos can not sue the Corleones for lost profits from illegal cigarette sales, gambling, murder/robbery/arson for hire, and the racketeering activity described in RICO offenses. It would be preposterous if a criminal groups attorney's filed suit requesting this; however, that is precisely what has happen in this instance. It naturally flows that attorney fees would not be allowed either. Plaintiff's motion for attorney fees and the verdict toward Parker/Weber must be denied and set aside for these reasons.

3. Also, The legality docturine disallows suing for illegal purposes. Further, ABA Rule 1.2(d) .. " a lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent."

4. Barclays Damons client deals in highly regulated areas and they are familure with their clients conduct; further Barclay Damon has a duty to inquire as to the legality of their own clients operation. Being a member of a Native sovereign Nation does not justify allowing members or officials to break the law with complete personal immunity.

Barclay Damon had no Factual basis:

5. Barclay Damons many Complaint assertions that I was involved in a RICO (as one of the "defendants") were never supported by any facts. Barclay Damon did not inquire or investigate these false assertions. The initial complaint (by Mr. Birch) mostly lumped all Defendants actions together; all allegation towards me and were false, fabricated, and demonstrably untrue. Frankly, all my attorneys and I were clueless as to what Barclay Damon was even alledging that I did ? As the jury determined, the assertion that I sold a property to Parker that I purchased [7/8/2021 per Plaintiffs own Exhibit G 2/10/2022 filing] before any of Parker's activities, does not support a RICO action. Also, Mr. Nicholson never asked about any of Mr. Burch's defendant complaint allegations during my deposition; such would make one question the motive of bringing me into this lawsuit.

Barclay Damon acted in Bad Faith to annoy, intimidate to extort a settlement from me.

6. Barclay Damon went into ridiculous detail to drive up the cost of this litigation for me in terms of them protesting the most mundane items over years, all while asserting the

false premises of approximately 70 (complaint assertions) of my "defendants" involvement. Barclay Damon then tried to extort me by asking me to give them a commercial property for free as a settlement.

Unreasonableness of Barclays conduct.

7. First, reasonable attorneys would not represent a client that is clearly breaking the law in a massive ongoing cigarette and Narcotics contraband money laundering scheme. I can not image opening and exposing a clients illegal conduct on the record? Next, it was unreasonable for Barclay Damon to ask this Court for financial relief for alleged lost sales to their clients clearly illegal operation, especially as Barclay Damon points out that they are a NLJ500 firm with complex federal experience. Conduct by Barclay Damon, using the Courts to enforce their clients marketshare for illegal conduct undermines the judicial system and societal values.

I hereby pray for relief as deemed appropriate by this Court including dening their request for attorney fees, setting aside Parker/Weber verdict, and sanctions against Barclay Damon for attorney fees and Costs as the Court deems appropriate,

Sworn to me as true:

Paul Meyer 8/26/2026

Paul Meyer

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Plaintiff,
v.
Case No. 5:22-cv-128
DUSTIN PARKER, NORA WEBER, JOSE VERDUGO, JR., ANDREW HERNANDEZ, PAUL MEYER, BLUE BEAR WHOLESALE, LLC, IROQUOIS ENERGY GROUP, INC., JUSTICE FOR NATIVE FIRST PEOPLE, LLC, C.B. BROOKS LLC, AND JOHN DOES 1-10,
Defendants.

Affidavit of Paul Meyer

The following is sworn to be known as true. I have known several Cayuga Nation Native members for about 20 years. The Cayuga Nation and the Seneca Cayuga Nation (of Oklahoma) are equally Federally Recognized successors to the 64,000 acre claim area in NY. The Cayuga Nation has traditionally been governed by Clan Mothers and Chiefs; and internally is still today. There are roughly five separate Clans; each Clan chooses a Clan Mother and She chooses a Chief. There are only about 300 members of the Cayuga Nation. Out of those, today only say 30 live in the local claim area around Cayuga Lake.

A Cayuga Nation Member by the name of Clint Halftown self asserted himself (without the consent of almost all of the Cayuga Members) as a Federal Representative of the

Cayuga Nation to the BIA about 15 years ago. It is this Clint Halftown that calls himself (for optics) the "Cayuga Nation..by and thru its lawful Governing body" and He is the Plaintiff in this action before this Court. There was never any legitimate Cayuga Nation member vote for Halftown (as Halftown self produced a purported write in support letter to the BIA certified by his Mother Sharon Leroy [she called herself the Nation secretary] and Halftown has refused to allow any ongoing freewill of Cayuga Members to vote for over 15 years. This practice is very unusual as even the Seneca Cayugas Nation has a leadership vote every four years.

Halftown opened a "Cayuga Nation Smokeshop store" around 2002 and began exclusively personally enriching himself by selling millions per month in contraband tax free cigarettes (against both Federal and State laws) while not supporting most Nation Members. During this ongoing and current business operation, the local Cayuga Members have been upset that Halftown keeps the bulk of the money to himself as his personal business. (The Halftown employee Dwyer deposition in the present action(pg71) asserts that Halftown exclusively controls all the "Cayuga Nation" enterprises) The undisputed Cayuga Nation Chief Sam George, Clan mothers, and all the members I know of, receive no compensation from Clint Halftown's "Cayuga Nation Enterprises", purportedly run by him on their behalf. The bulk of the Cayuga Nation members have made parade floats, websites, T Shirts, NYT articles, rallies, and have had fund raisers to try and rid themselves from the warlord financial dictatorship control of

Clint Halftown. It is Halftown claiming to be the " Cayuga Nation by and thru its lawful governing body" in this action. Halftown continues to not allow elections or traditional leadership consensus; He has set up a Court with a Judge chosen and hired by him. Halftown created a law that disallows any member to conduct *any* business unless he approves it. There are never any open meetings and no one is allowed to ever see any financial information on any and all businesses Clint Halftown operates under the "Cayuga Nation soverign" optics.

During many of the Cayuga Nation Member protests on tribal grounds (of the exclusive business enrichment actions of Clint Halftown), the Cayuga members have been beaten by trained armed militia hired at great expense (by Clint Halftown) and such militia came in multiple times by the bus load. Halftown "deputized them" and these events have been widely publicized. One Cayuga Nation Member Carl Hill told me of himself and other Cayuga members being repeatedly violently beaten into submission with billyclubs from Clint Halftowns non Native hired private Army. Halftown over time has also violently bulldozed down several "Cayuga Nation" buildings and homes of Cayuga Nation members; these are very tragic as one event had terrified kids inside.

All Nation businesses are personally operated by Clint Halftown under the false "sovereign" guise and optics of the "Cayuga Nation by it lawful council." Halftown illegally profits by being involved in the selling of Controlled narcotics "marijuana" and selling Cigarettes to non Natives without collecting the required Tax; thereby selling contraband and money laundering. This Court rightly noted the illegality of both in (doc 286) refusal to allow Halftowns cause of action on his "Cayuga Nation" illegal narcotics sales and also (Doc 294 pretrial transcript, pg9, line 10), "I do not see how anyone has the right to sell cigarettes, unstamped cigarettes to non-natives...on the reservation..there is no statue that says that.." Mr. Halftown and the personal businesses he runs under the guise of the Cayuga Nation (nor even the Cayuga Nation members if they were actually involved), have any right to sell the above products legally to non natives. It is completely illegal. This defendant agrees with the Court conclusion . While a Tribal Nation may be sovereign, Individual members and Tribal Officials participating in illegal conduct may be prosecuted.

As further background, NYS sued Grand River Enterprises and Native Wholesale Supply (the maker of the Seneca Brand) about five years ago to stop the millions in untaxed sales NYS alleged they made to non natives via Native sellers. In 2022, those companies agreed to a 56 Million dollar settlement agreement with NYS that included not distributing non taxed product. For the last few years, Mr Halftown picked up the contested illegal cigarette scheme of Tax free Cigarette contraband distribution by personally (via his personally owned but optics shell Great swamp Enterprises, Inc.

"Cayuga Nation, by and through its lawful governing body" company) distributing these contested non Cayuga Nation made and untaxed Seneca cigarettes; such sales amount to millions of dollars a week in contraband illegal sales, money laundering and high profits to Halftown's enterprise. All profits controlled By Mr. Halftown.

A token of the Millions in illicit monthly profits partly go to fund lawsuits filed by Barclay Damon and paid for by Halftown. The recent sixty or so mostly unsuccessful (Cayuga Nation by Halftown) harassment lawsuits ~~recently~~ include Halftown suing New York State, The United States, the Showtime TV Network, Academy Award winning director Andrew Sorkin, fifty Cayuga Nation Members lawsuits (some multiple times), too many State/local/Federal Agencies to list, a Movie Drive in theater (that I own) and myself as the owner.

The remainder below is all Public Policy Health Concerns of Smoking Justifying Regulation

Cigarettes are a deadly and costly public health problem. Smoking causes a host of crippling and deadly diseases, including cardiovascular disease, coronary heart disease, emphysema, aortic aneurysms, and a wide range of cancers. Report on the Global Tobacco Epidemic 8 (WHO 2008 Reports).1 Each year, tobacco-related illnesses kill approximately 440,000 people in the United States. CDC, Smoking-Attributable Mortality, Years of Potential Life Lost, and Productivity Losses--United States, 2000-2004 (2008);2 Statement of Vice Admiral Richard H. Carmona, U.S. Surgeon General, reprinted at 155 Cong Rec. S6000 (June 3, 2009). In other words, tobacco kills more people than AIDS, alcohol, drug abuse, car crashes, murders, suicides, and fires combined.

Children are particularly vulnerable to the dangers of tobacco. As the Supreme Court has observed, “tobacco use, particularly among children and adolescents, poses perhaps the single most significant threat to public health in the United States.” FDA v. Brown & Williamson Tobacco Corp., 529 U.S. 120, 161 (2000). "Everyday, approximately 4,000 children under age 18 experiment with cigarettes for the first time; another 1,500 become regular smokers. Of those who become regular smokers, about half eventually die from a disease caused by tobacco use.” President’s Cancer Panel, “Promoting Healthy Lifestyles,” at 64 (2007).3 In addition, tobacco use may function as a “gateway drug" to the use of illegal substances such as cocaine and heroin. See, e.g., Shenghan Lai et al., The Association Between Cigarette Smoking and Drug Abuse in the United States, J. of Addictive Diseases, Dec. 2000, at 11. 1 Available at http://www.who.int/tobacco/mpower/en/. 2 Available at http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5745a3.htm. 3 Available at http://deainfo.nci.nih.gov/advisory/pcp/ pcp07rpt/pcp07rpt.pdf. 5 Tobacco is also a substantial drain on the public fiscally. Tobacco-related disease and death costs $193 billion a year in health-care spending and loss of productivity. SmokingAttributable Mortality, Years of Potential Life Lost, and Productivity Losses—United States, 2000-2004, supra. Smoking costs the Medicaid program an estimated $30 billion annually and the Medicare program an estimated $27 million. CDC, Sustaining State Programs for Tobacco Control: Data Highlights 2006, at 17 (Medicaid)4 ; Xiulan Zhang et al., Cost of Smoking to Medicare Program, 1993, 20 Health Care Financing Rev. 1-19 (1999) (Medicare).

Given these enormous public-health and economic costs associated with tobacco, the states and federal government have a strong interest in regulating the sale and use of tobacco.

In New York, a host of statutes authorizes New York to regulate cigarettes. See, e.g., N.Y. Exec. Law § 156-c (fire safety standards); N.Y. Pub. Health Law §§ 1399-cc (age verification), 1399-ll (banning delivery of cigarettes to consumers), and 1399-ll(3) (labeling) (see also, generally, N.Y. Pub. Health Law §§ 1399-aa-1399-mm); N.Y. Tax Law §§ 472 (stamping and agent requirements), 480 (licensing of wholesalers), 480-a (registration of retail dealers), and 483-489 (marketing).

One such manner of regulation is the taxing of cigarettes possessed for sale within the state. See N.Y. Tax Law § 471(1).

New York imposes such a tax because "[i]t is well established that an increase in the price of cigarettes decreases their use and that raising tobacco excise taxes is one of the most effective policies for reducing the use of tobacco." Inst. of Med., Ending the Tobacco Problem: A Blueprint for the Nation 80, 182 (2007); Report of the Surgeon General, How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease, at 654 4 Available at http://www.cdc.gov/tobacco/data_statistics/state_data/data_highlights/2006/pdfs/dataHighlights06rev.pdf. 6 (2010)5 (noting that "increases in the price of cigarettes through excise taxes [...] are an effective policy intervention to prevent smoking initiation among adolescents and young adults, reduce cigarette consumption, and increase the number of smokers who quit").

It is estimated that a ten-percent increase in prices reduces cigarette demand among adults by three to five percent. Frank J. Chaloupka & Rosalie Liccardo Pecula, The Impact of Price on Youth Tobacco Use, National Cancer Institute Monograph No. 14, at 194 (Nov. 2001).6 Youth response to price increases is even greater; a ten-percent uptick in cigarette prices is estimated to reduce the number of youth smokers by at least six or seven percent. See Prevent All Cigarette Trafficking Act of 2007, and the Smuggled Tobacco Prevention Act of 2008: Hearing Before the Subcomm. on Crime, Terrorism, and Homeland Security of the H. Comm. on the Judiciary, 110 Cong. 50, 52 (May 1, 2008) (Statement of Matthew L. Myers, President, Campaigning for Tobacco-Free Kids).

Indeed, "[i]t is well established that an increase in the price of cigarettes decreases their use and that raising tobacco excise taxes is one of the most effective policies for reducing the use of tobacco." Inst. of Med., Ending the Tobacco Problem: A Blueprint for the Nation 80, 182 (2007). Furthermore, "limit[ing] smuggling and the availability of untaxed tobacco products is essential to maximizing the effectiveness of higher taxes in reducing tobacco use[.]" Report of the Surgeon General, How Tobacco Smoke Causes

Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease (2010), at 654.

The federal government also imposes a cigarette tax, and has instituted other legal requirements and restrictions pertaining to the sale and advertising of cigarettes. See, e.g., Family Smoking Prevention and Tobacco Control Act of 2009, Pub. L. No. 111-31 (authorizing 5 Available at http://www.surgeongeneral.gov/library/tobaccosmoke/report/chapter9.pdf. 6 Available at http://cancercontrol.cancer.govTCRB/ monographs/14/m14_12.pdf. 7 the federal Food and Drug Administration to regulate the content, marketing and sale of tobacco products); Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341. The two federal statutes are of importance, the CCTA and the PACT Act, assist the States with enforcing their own tobacco laws.

The above is sworn to me to be true.

Paul Meyer

Sworn to this
25th of August 2026

NATHANIEL D. METARKO
Notary Public, State of New York
Qualified in Cayuga County
Reg. # 01ME6375866
Term Expires May 29, 20 30

10/10