

JOSEPH HAGE AARONSON LLC

485 LEXINGTON AVENUE
NEW YORK, NEW YORK 10017
(212) 407-1200
WWW.JHA.COM

PAMELA JARVIS
DIRECT DIAL: (212) 407-1250
DIRECT FAX: (212) 407-1278
EMAIL: pjarvis@jha.com

May 13, 2020

By E-Mail and NYSCEF

Hon. Joel M. Cohen
Supreme Court of the State of New York
Commercial Division
60 Centre Street, Room 570
New York, NY 10007
Sfc-part3@nycourts.gov

Re: ***Wells Fargo Bank, N.A. v. Chukchansi Economic Development Authority, et al.***
(N.Y. Sup. Ct. Index No. 654079/2019) (Motion Sequence 5)

Dear Justice Cohen:

On behalf of defendants Chukchansi Economic Development Authority, the Tribe of Picayune Rancheria of the Chukchansi Indians (the “**Tribe**”), and Chukchansi Finance Company LLC (collectively, the “**Defendants**”), we write regarding the oral argument, currently scheduled for May 28, 2020, on Motion Sequence 5 in the above-captioned action.

In accordance with California’s orders closing all but essential businesses due to the Covid-19 pandemic, Chukchansi Gold Resort & Casino (the “**Casino**”) closed in March 2020 and remains closed. Consequently, the Casino has no revenues and has had to furlough nearly all of its employees. There have been no distributions to the Tribe since March, and as a result the Tribe lacks revenue to provide services to its members during this pandemic. The Casino currently has less than \$12 million in cash on hand, which is in reserve for ongoing expenses and the substantial costs of reopening. There is great uncertainty as to when the Casino will be able to reopen. The Casino expects that when it does reopen, there will be significantly lower customer demand, and that social distancing protocols will increase operating costs and reduce the number of customers allowed on the property.

The cost of preparing for and participating in the oral argument will deplete funds the Casino needs to conserve in order to maintain its facilities and reopen, especially since, in addition to the legal fees incurred by the Casino for its own representation, the Casino is required by the Indenture to reimburse Plaintiff Wells Fargo Bank, N.A. (“**Wells Fargo**”) for its legal fees.

In light of the Casino’s need to conserve essential funds, Defendants respectfully request that Motion Sequence 5, currently scheduled for argument on May 28, 2020, be decided on the

JOSEPH HAGE AARONSON LLC

Hon. Joel M. Cohen
May 13, 2020
Page 2

parties' comprehensive briefing, which was completed on the return date of November 25, 2019. On Thursday, May 7, 2020, we asked Latham & Watkins, counsel for Wells Fargo, whether they would agree to our request to have Motion Sequence 5 decided on the papers. On Monday, May 11, 2020, Latham & Watkins advised us that we will have to wait for an indeterminate period of time before they provide a response. As a practical matter, we cannot afford such continued uncertainty. With just over two weeks before the scheduled oral argument, we will need to prepare for it—which will force the Casino to expend resources it needs to conserve. Thus, we respectfully ask Your Honor to rule now on whether the Court will grant our request to have Motion Sequence 5 decided on the papers.

Alternatively, if there is to be oral argument on Motion Sequence 5, we ask that it be adjourned without date, with a view to rescheduling it when the Casino has reopened and its financial situation has begun to stabilize.

Respectfully submitted,

/s/ Pamela Jarvis

Pamela Jarvis

Gregory P. Joseph
Pamela Jarvis
Rachel M. Cherington
Joseph Hage Aaronson LLC
485 Lexington Avenue, 30th Floor
New York, New York 10017
(212) 407-1200
gjoseph@jha.com

*Counsel for Defendants Chukchansi Economic
Development Authority, the Tribe of the
Picayune Rancheria of the Chukchansi Indians,
and Chukchansi Finance Company LLC*

cc (by e-mail): All counsel of record