

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF NEW YORK

3 DANIEL T. WARREN)

4 Plaintiff,)

5 vs.)

6 UNITED STATES OF AMERICA, individually, and)
as trustee of the goods, credits and chattels of the)
7 federally recognized Indian nations and tribes)
situated in the State of New York; et al.)

8 Defendants)

DECLARATION OF DANIEL T. WARREN IN
SUPPORT OF MOTION TO AMEND THE
COMPLAINT

Case # 06-CV-00226 E(SR)

9 Daniel T. Warren, declares under the penalties of perjury:

- 10 1. This is an action based on the Administrative Procedure Act challenging the constitutionality
11 of the Indian Gaming Regulatory Act and the validity under federal law of the tribal-state
12 compact entered into between the State of New York and the Seneca Nation of Indians.
13 Barry E. Snyder, Sr. is currently the duly elected President of the Seneca Nation of Indians
14 and is acting pursuant to an unconstitutional act and/or an invalid tribal-state compact.
15 E. Brian Hansberry is the current President and Chief Executive Officer of the Seneca
16 Gaming Corporation. The proposed Second Amended Complaint is attached hereto and
17 marked as Exhibit "A"
18
- 19 2. Plaintiff makes this motion at this time because events have occurred subsequent to the filing
20 of an amended complaint as of right in August 2006 that are sufficiently related to the issues
21 and transactions that are already before the court that their joinder would not unduly delay
22 the proceedings and would not prejudice any party, the court could not properly determine
23 the matters currently before it without consideration of these new facts, and it is in the
24 interests of justice that all of the issues between the parties be litigated in a single action.
25 Also defendants filed motions to dismiss this complaint, claiming that the complaint was
deficient in that the complaint failed to state a cause of action, that this court lacks subject

1 matter jurisdiction, that plaintiff lacks standing to raise certain claims, that the claim is barred
2 by res judicata, and other defenses. Without conceding the merits of defendants' respective
3 motions, plaintiff believes that the proposed amended complaint sets forth additional facts
4 that adequately respond to the concerns raised in the motion and more accurately present to
5 the court the controversy between the parties and justice requires that plaintiff be given an
6 opportunity to correct the defects in his original complaint.

- 7
- 8 3. Plaintiff previously moved to add Barry E. Snyder, Sr. as President of the Seneca Nation of
9 Indians, John Pasqualoni, as President and Chief Executive Officer of Seneca Gaming Corp.
10 together with the Seneca Gaming Corp and/or the Seneca Nation of Indians which has been
11 submitted in December 2006 and the parties are still awaiting the Court's decision. Since
12 making this motion various events have occurred which has rendered a change in the
13 proposed parties necessary. Specifically John Pasqualoni has resigned from his position at
14 Seneca Gaming Corp and E. Brian Hansberry currently holds the positions previously held
15 by Mr. Pasqualoni and Maurice A. John was elected to succeed Barry Snyder as President of
16 the Seneca Nation of Indians.
- 17 4. Joinder of Maurice A. John as President of the Seneca Nation of Indians, E. Brian Hansberry,
18 as President and Chief Executive Officer of Seneca Gaming Corp.
- 19 5. This court may exercise personal jurisdiction over Maurice A. John as President of the
20 Seneca Nation of Indians, Maurice A. John, as President and Chief Executive Officer of
21 Seneca Gaming Corp. and they may be served with process.
- 22 6. Joinder of Maurice A. John, as President of the Seneca Nation of Indians, Maurice A. John,
23 as President and Chief Executive Officer of Seneca Gaming Corp., will not make this court
24 an improper venue for the trial of this action.
25

Executed on October 4, 2007

Daniel T. Warren