

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 ADD PARTIES

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 John Pasqualoni is the current President and Chief Executive Officer of the Seneca Gaming
16 Corporation.
17
18 2. The Seneca Nation of Indians is a federally recognized Indian nation by the Bureau of Indian
19 Affairs.
20 3. The Seneca Gaming Corp. is a corporation organized and existing by virtue of the laws of the
21 Seneca Nation of Indians with its principal place of business at 310 Fourth Street, Niagara
22 Falls, New York.
23 4. The Seneca Nation of Indians is a party to the alleged invalid tribal-state compact.
24 5. The Seneca Gaming Corporation is the entity designated within the compact as the Seneca
25 Gaming Authority which is responsible for regulating Class III Gaming undertaken by the
Nation under the subject tribal-state compact.

1 Therefore, it is clear that the claims to be asserted against Barry E. Snyder, Sr. as President of
2 the Seneca Nation of Indians, John Pasqualoni, as President and Chief Executive Officer of
3 Seneca Gaming Corp., the Seneca Nation of Indians and/or the Seneca Gaming Corporation
4 arise out of the same transactions, occurrences, or series of transactions and occurrences as
5 are presently before the court, and these claims will raise common issues of law or fact.

6 The Seneca Nation of Indians has moved for permission to file a brief as amicus curiae to
7 urge the dismissal of this action pursuant to FRCP 19 alleging that because in its absence it
8 will not be able to protect its interest in the subject matter of this action. The Nation also
9 served and filed a motion to withdraw their motion to file an amicus brief in this action and
10 neither motion has been heard or decided as of the time of this motion.
11

- 12 6. Joinder of Barry E. Snyder, Sr. as President of the Seneca Nation of Indians, John
13 Pasqualoni, as President and Chief Executive Officer of Seneca Gaming Corp., the Seneca
14 Nation of Indians and/or the Seneca Gaming Corporation will not deprive this court of
15 subject matter jurisdiction over this action.
- 16 7. This court may exercise personal jurisdiction over Barry E. Snyder, Sr. as President of the
17 Seneca Nation of Indians, John Pasqualoni, as President and Chief Executive Officer of
18 Seneca Gaming Corp., the Seneca Nation of Indians and/or the Seneca Gaming Corporation
19 and they may be served with process.
- 20 8. Joinder of Barry E. Snyder, Sr. as President of the Seneca Nation of Indians, John
21 Pasqualoni, as President and Chief Executive Officer of Seneca Gaming Corp., the Seneca
22 Nation of Indians and/or the Seneca Gaming Corporation will not make this court an
23 improper venue for the trial of this action.
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25 Executed on September 18, 2006

Daniel T. Warren