

EXHIBIT A

From: [Donna Howard](#)
To: [Jonathan Hochman](#); [Steven Schindler](#); [Francesca Celestre](#); [Wyron, Richard H.](#); [Matthew Katz](#); [armstrong@rosettela.com](#); [David Osterfeld](#); [ghash@rosettela.com](#); [Leigh Wink](#); [Mike Kellis](#); [Nicole St. Germain](#); [Richard Verri](#); [Rob Rosette](#); [Saba Bazzazieh](#)
Cc: [Daryl Concha](#)
Subject: Giffen Tan letter 10012013
Date: Friday, October 11, 2013 12:22:26 PM
Attachments: [2013 10 10 Ltr from Giffen Tan re Excluded Asset Payment for Oct.pdf](#)
Importance: High

Good morning,

Attached is a letter from Giffen Tan dated October 10, 2013 regarding his intention to pay the Ayala faction the Excluded Asset Payments for October. The payment will be made on October 15, 2013.

His letter also states a federal express delivery to our office on October 1, 2013 was refused and attaches a copy of the Federal Express bill stating "don't want." I have no idea who is rejecting mail at our office. This occurred again last week when Rosalyn Hills' federal express was returned to her also marked "don't want." I spoke with Fred Alcorta on Wednesday about the return last week. I am at a complete loss as to why someone is refusing to accept mail.

Should you have any questions or require clarification of the within, please do not hesitate to telephone me at the numbers listed below.

Sincerely,

Donna K. Howard
Paralegal
Picayune Rancheria
of the Chukchansi Indians

Office: (559) 370-4141 ext. 2010

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www.chukchansi-nsn.gov





October 10, 2013

Dear Nancy and Reggie,

On October 1, 2013, I sent, via Federal Express, a letter to both of you explaining that the Casino had made the September 2013 Excluded Asset payments to the on-reservation TGC, CEDA Board and Tribal Government. It came to my attention, yesterday, that Reggie refused delivery of my October 1, 2013 letter. *See* Federal Express Notification, attached hereto as Exhibit 1. Reggie, for your benefit I have attached a copy of my October 1, 2013 letter hereto as Exhibit 2.

The purpose of today's letter is to inform both Parties that consistent with the reasons delineated in my October 1, 2013 letter, the Casino intends to follow the New York Court's precedent and pay the on-reservation TGC and CEDA Board their respective Excluded Asset Payments for October. Similarly, using the Court's August 28 Order as precedent and further guided by the New York Court's statements during the September 11, 2013 hearing, the Excluded Asset Payments for the Tribal Government will be made to the on-reservation Tribal Government on October 15, 2013 to ensure that essential services continue to be provided to Tribal Members.

The on-going dispute continues to weigh heavily on the casino, the Tribe and its Members; I urge both of you to please work together for an amicable resolution.

Sincerely yours,


Giffen Tan

EXHIBIT - 1

fedex.com 1.800.GoFedEx 1.800.463.3339

FedEx Express US Airbill

Tracking Number: 8625 3394 0872

1 From

Date

Sender's Name

Phone

Company

Address

City

State

ZIP

2 Your Internal Billing Reference

3 To

Recipient's Name

Phone

Company

Recipient's Address

We cannot deliver to P.O. boxes or P.O. ZIP codes

Address

To ensure a package is held at a specific FedEx location, print FedEx address here.

City

State

ZIP

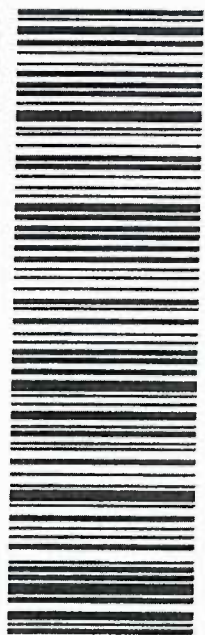


8625 3394 0872

FedEx TRK# 8625 3394 0872

WED - 02 OCT 10:30A PRIORITY OVERNIGHT

WC TRMA 272066248 93711 CA-US FAT



Emp# 200220 010CT13 FATA 519C1/A81B/934B

FedEx EXCEPTION / SEND AGAIN

Express

Customer's Package/Shipments was delayed due to:

FOR IN STATION USE ONLY

Package Researched Date: _____ Initial: _____

Comments: _____

****UPDATE ALL INFORMATION AND POD INTO COSMOS****

- Address is correct/Recipient no longer at this address
- Incorrect recipient address/incomplete recipient address
- Need apartment or suite number
- Recipient moved and left no forwarding address or phone number
- Not in / Business closed / Not authorized to leave shipment without a signature
 - 1st Attempt
 - 2nd Attempt
 - 3rd Attempt
- Signature required, please contact shipper for disposition
- Holiday - Closed
- Package not attempted (reason): _____
- Refused (reason): Don't want
- Future delivery. Reattempt on (date): _____
- Recipient requested hold for pickup
- Collect on Delivery. Payment not available. Reattempt to be made on (date): _____
- Bill recipient shipment. Payment not available. Reattempt to be made on (date): _____
- Other: _____

Date: _____ Employee #: _____

REMOVE LABEL BEFORE DELIVERY* 117465 M-0025 01/01 RRD

Peel here

Peel here



October 1, 2013

Letter to Both Factions from Giffen Tan

Dear Nancy and Reggie,

On June 18, 2013, Wells Fargo Bank, N.A. ("Wells Fargo" or "Plaintiff"), acting in its capacity as Trustee and Collateral Agent under the Indenture and Security Agreement (the "Indenture"), respectively, brought a Complaint in the Supreme Court of the State of New York against the Chukchansi Economic Development Authority ("CEDA"), the Picayune Rancheria of the Chukchansi Indians (the "Tribe"), and the Picayune Rancheria Tribal Gaming Commission ("TGC"), among others. *See Wells Fargo v. Chukchansi Economic Development Authority, et al.* (Index No. 652140/2013). Although I am not a named party to this matter, I was named by the Court in its July 2, 2013, Order and tasked with certain responsibilities. *See Transcript of July 2, 2013 hearing, in Wells Fargo v. Chukchansi Economic Development Authority, et al.* (Index No. 652140/2013), p. 7. *See also* Order dated July 2, 2013 and entered July 3, 2013. *See* Docket No. 57 (the "July 2 Order").

As you know, the ongoing dispute between your two Factions has put the Casino in a very difficult position with competing demands from both Factions, the banks, the third party vendors who are not getting paid, and the New York Court. Casino Management has worked very diligently over the last few months, under tremendous pressure, to ensure that the Casino continues to operate and provide the world class service that our patrons have come to expect. At the same time, Casino Management has tried to allay employee concerns and interact with a multitude of lawyers and bankers while keeping the Casino running. To say that this has been a challenge would be an understatement. Nevertheless, Casino Management has tried to remain neutral and encourages both of you to focus your efforts on trying to identify a forum to assist you in a resolution of this dispute for the good of the Tribe and all of its Members.

Competing Requests for Excluded Asset Payments

I am in receipt of correspondence from both of your respective Factions requesting immediate payment of the so-called "Excluded Assets" as that term is defined in the Indenture. Specifically, on September 12, 2013, the Casino received a Notice of Violation from the on-reservation TGC regarding the Casino's failure to make the facility license payment of \$316,017 in a timely manner. Furthermore, on September 12, 2013, the Casino received a request from the on-reservation Tribal Government and CEDA Board regarding its monthly payments of \$1,000,000 and \$400,000, respectively.

Thereafter, on September 18, 2013, I received a letter from Mr. Lewis requesting the immediate transfer of those same Excluded Asset Payments -- \$400,000, \$316,000, and \$1,000,000 -- to the off-reservation CEDA Board, the off-reservation TGC and the off-reservation Tribal Government. Mr. Lewis' letter also contained General Council Resolutions directing me to accept and recognize the Lewis Council as the rightful Tribal Government and to disavow any other Factions expressly including, but not limited to, the Ayala Council.

In response to Mr. Lewis' letter citing the General Council Resolutions, the on-reservation TGC's attorney, Rory Dilweg, sent the Casino a letter refuting the validity of the General Council meeting and disputing that the General Council had recognized the Lewis Council as the Tribal Government. Similarly, the on-reservation Tribal Government's attorney, Les Marston, sent the Casino a letter declaring that the adoption of the General Council Resolutions were in violation of the Tribe's Constitution and thereby *void ab initio*.

After carefully reading the submissions by both Factions, it is very clear to me that I am not in a position to decide who may be the rightful government of the Tribe. Despite my inability to decide who the rightful government is, I do have a responsibility to Tribal Members and to the bond holders under the Indenture to ensure that the Casino stays open and operating in order to provide money for tribal and debt services. Towards that end, I am not without guidance to determine who should receive the Excluded Asset Payments.

The New York Court's August 28, 2013 Order Regarding the Excluded Asset Payments

During August 2013, as part of the Court-ordered meet and confer process, the Lewis Faction objected to the Ayala Faction's request for the Excluded Asset Payments for the month of August 2013. After extensive letter briefing from both Factions, the New York Court issued an Order, dated August 28, 2013, directing the Casino to make the Excluded Asset Payments to the on-reservation TGC, CEDA and Government. *See* Docket No. 128 (the "August 28 Order").

The September 11, 2013 Hearing in New York Court


At the hearing on September 11, 2013, Justice Schweitzer stated that with respect to Casino operation, his approach is to make certain that interest payments due under the Indenture continue to be made. *See* Transcript of September 11, 2013 hearing in *Wells Fargo v. Chukchansi Economic Development Authority, et al.* (Index No. 652140/2013), p. 21. Moreover, Justice Schweitzer added, "The casino isn't operating properly if the [on site] Commission isn't being paid, things could come to a halt." *Id.*

Excluded Asset Payments Will Be Paid to the On-Reservation TGC, CEDA and Tribal Government

Due to the fact that the September 12, 2013 Notice of Violation from the on-reservation TGC indicates the same level of Casino closure risk as the August Notice of Violation that led to the New York Court's August 28 Order, Casino Management has determined that it is proper to follow the New York Court's precedent and pay the on-reservation TGC the facilities license fee. Similarly, using the Court's August 28 Order as precedent and further guided by the New York

Court's statements during the September 11, 2013 hearing, the Excluded Asset Payments for CEDA and the Tribal Government will be made to the on-reservation CEDA and Tribal Government to ensure that essential services are provided for Tribal Members and that the CEDA Board can continue to function.

Sincerely yours,


Giffen Tan
General Manager