

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK : PART 45

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WELLS FARGO BANK, N.A., AS TRUSTEE,

Plaintiff,

-against-

CHUKCHANSI ECONOMIC DEVELOPMENT  
AUTHORITY, THE BOARD OF THE CHUKCHANSI  
ECONOMIC DEVELOPMENT AUTHORITY, THE  
TRIBE OF PICAYUNE RANCHERIA OF THE  
CHUKCHANSI INDIANS, THE TRIBAL COUNCIL OF  
THE TRIBE OF PICAYUNE RANCHERIA OF THE  
CHUKCHANSI INDIANS, THE PICAYUNE  
RANCHERIA TRIBAL GAMING COMMISSION,  
RABOBANK, N.A., GLOBAL CASH ACCESS, INC.,  
NANCY AYALA, TRACEY BRECHBUEHL, KAREN  
WYNN, CHARLES SARGOSA, REGGIE LEWIS,  
CHANCE ALBERTA, CARL BUSHMAN, and BANK  
OF AMERICA, N.A.,

Defendants.  
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Index No. 652140/13

ORDER

**MELVIN L. SCHWEITZER, J.:**

The court heard argument on October 16, 2013 with respect to issues raised by a letter dated October 15, 2013 filed by counsel for the Trustee. In that letter, the Trustee notified the court that,

CEDA failed to make the full interest payment to the Trustee, on behalf of the Holders, of approximately \$12.49 million that was due under the Indenture on September 30, 2013. CEDA paid only \$6.25 million of the interest payment, and stated in its Form 8-K that “the remaining balance is expected to be paid from operating cash flow during the fourth quarter of 2013.”

The Trustee also noted that CEDA and the Casino had failed to provide the Trustee with financial information in violation of the court’s July 2, 2013 Order.

Argument had originally been scheduled on the Lewis Faction's October 11, 2013 Order to Show Cause regarding Excluded Asset payments. That motion remains pending, and Excluded Asset payments were discussed only insofar as they related to the urgent issue of non-payment raised by the Trustee. In addition to the argument of counsel, material information was provided by Larry King, the Chief Financial Officer for the Chukchansi Gold Resort and Casino (Casino), who appeared by telephone. Based on the information that was revealed at the hearing, the following facts appear not to be in dispute:

- (1) The Casino was obligated to make an interest payment of \$12.49 Million to the bondholders on September 30, 2013, but paid only \$6.25 Million;
- (2) The Casino and CEDA stated that they have no existing plan for payment of the remaining interest;
- (3) The Casino acknowledged that, presently, it does not have sufficient funds to make the remaining interest payment, and might not have sufficient funds before the end of the year;
- (4) Neither the Casino nor CEDA has provided the Trustee with unaudited or audited financial statements or information for any part of 2012 or 2013; and
- (5) Neither engagement letters with Ernst & Young (i) to conduct an audit of the Casino's financials for the latter part of 2012 and for 2013, nor (ii) to review the Casino's unaudited financial information for 2013 have been finalized and executed.

Accordingly, it is hereby

ORDERED that the Casino shall provide to the Trustee its unaudited financial information for all of 2012 and for 2013 through October 15, 2013, by no later than October 23, 2013; and it is further

ORDERED that CEDA (both the "Ayala CEDA" and the "Lewis CEDA") shall provide to the Trustee its financial information for all of 2012 and for 2013 through October 15, 2013, by no later than October 23, 2013; and it is further

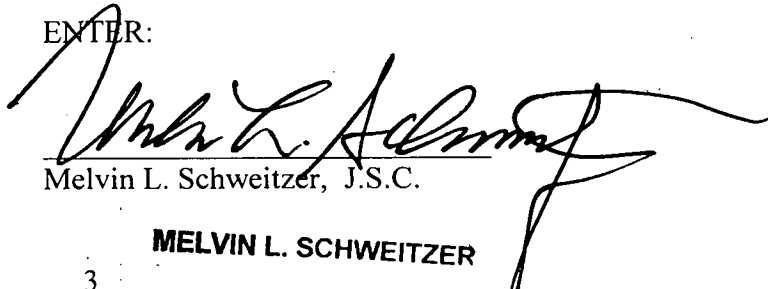
ORDERED that the Trustee shall provide to representatives of each of the Ayala faction and the Lewis faction copies of the financial information furnished to the Trustee by the Casino and both CEDAs as it deems appropriate; and it is further

ORDERED that the engagement letters with Ernst & Young, to conduct a financial audit of the Casino and of CEDA (both the "Ayala CEDA" and the "Lewis CEDA") for the latter part of 2012 and for 2013, and to review the unaudited financial information of the Casino and of both CEDAs for 2013 shall be finalized, then executed by Casino Management and all other necessary signatories by no later than October 23, 2013, and on completion of the audit(s), the audited financial statements shall be provided to the Trustee immediately thereafter for dissemination by the Trustee as it sees fit; and it is further

ORDERED that no further Excluded Asset payments shall be made unless and until: the unaudited financial statements and information have been provided to the Trustee by the Casino and CEDA (both the "Ayala CEDA" and the "Lewis CEDA"), respectively; the Trustee has reviewed the financials so provided; and a plan for the payment of interest that was due but unpaid on September 30, 2013 has been formulated and completed by the parties, and approved by the Trustee.

Dated: October 16, 2013

ENTER:

  
Melvin L. Schweitzer, J.S.C.

**MELVIN L. SCHWEITZER**