

PETITIONER, Philadelphia Entertainment and Development Partners, LP d/b/a Foxwoods Casino Philadelphia ("PEDP"), by and through its undersigned counsel, hereby files this Emergency Petition (a) in the Nature of an Appeal of the Order dated June 18, 2010 ("Discovery Order") issued by the Director of Hearings and Appeals ("Director") directing, *inter alia*, that all discovery in the within proceedings be completed by the close of business on Friday, July 30, 2010, (b) requesting an extension of the time within which all discovery must be completed in the within proceedings to October 31, 2010; and (c) scheduling the commencement of hearings in the within proceedings for November, 2010. In the alternative, should the Board determine to deny this Emergency Petition, in whole or in part, then (i) in accordance with 42 Pa. C. S. § 702(b), PEDP requests that this Board issue an Order certifying that its Order denying this Emergency Petition, and the Discovery Order are Orders involving controlling questions of law as to which there is substantial ground for difference of opinion and that an immediate appeal from such Orders will materially advance the ultimate termination of the matter; and (ii) pending a final decision on PEDP's appeal of the denial of this Emergency Petition and the Discovery Order, PEDP requests that this Board enter a stay of the instant proceedings pending appeal. In support thereof, PEDP avers as follows:

1. On September 1, 2009, the Pennsylvania Gaming Control Board ("Board"), acting pursuant to its discretion under section 1210 of the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. § 1210, issued an Adjudication and Order granting the Petition of PEDP to Extend the Time to Make Slot Machines Available subject to certain Conditions ("September 1 Order").

2. After a hearing on March 3, 2010, at which the Board heard testimony from representatives of PEDP and Wynn Resorts, Limited (“Wynn”) concerning PEDP’s agreement with Wynn and its affiliates (“Wynn Transaction”) that had recently been memorialized in a Term Sheet that had been provided by PEDP to the Bureau of Investigations and Enforcement (“BIE”), the Board entered an Order directing PEDP to submit definitive financing documents to the Board and OEC no later than March 31, 2010, and to submit the documents required by Conditions 5 and 6 of the Board’s Order of September 1, 2009, by April 26, 2010 (“March 3 Order”).

3. On March 31, 2010, PEDP submitted to BIE its definitive financial documents in conjunction with the proposed Wynn Transaction, and subsequently submitted fully executed copies of such documents to BIE on April 5, 2010. Thereafter, on April 6, 2010, PEDP submitted to BIE documents in response to Conditions 5 and 6 of the September 1, 2009 Order in conjunction with the Wynn Transaction.

4. At the April 7, 2010 meeting of the Board, BIE, through the Office of Enforcement Counsel (“OEC”), acknowledged that PEDP had complied with the deadlines imposed by the Board in its March 3, 2010 Order for the submission of definitive financial documents and the documents required by Conditions 4, 5 and 6 of the Board’s Order of September 1, 2009.

5. On April 8, 2010, without any warning or advance notice to PEDP, the Board, BIE, or any other state or local officials, Wynn unilaterally terminated the Wynn Transaction, and all related documents between Wynn and PEDP.

6. On April 28, 2010, PEDP and BIE, through OEC, entered into a Consent Agreement for submission to the Board pursuant to which, among other things, PEDP would

have been accorded 180 days from the Board's approval of the Consent Agreement within which to deliver to the Board and BIE certain documents and information as required by Conditions 4, 5 and 6 of the March 3 Order in order to provide PEDP with relief from the deadlines imposed by the Board's September 1 Order, as the result of the Wynn unilateral termination.

7. At its April 29, 2010 meeting, the Board issued its Order wherein it refused to approve such Consent Agreement, without prejudice.

8. Thereafter on that same day, April 29, 2010, shortly after the Board's rejection of the Consent Agreement, BIE, through OEC, filed the Complaint against PEDP seeking the revocation of PEDP's slot machine license ("Complaint").

9. Counsel for PEDP received the Complaint by electronic mail on April 29, 2010.

10. Thereafter, on May 13, 2010, PEDP submitted to the Director its Motion dated May 13, 2010 ("Motion for Extension") seeking an extension of time until July 1, 2010 to file a response to the Complaint and outlining the facts demonstrating that good cause existed to grant PEDP a thirty-day extension of time, and the reason why such extension time was necessary. A true and correct copy of the Motion for Extension is attached hereto and made a part hereof as Exhibit "A", and the averments therein are incorporated herein by reference thereto.

11. Prior to the filing of the Motion for Extension, the Chief Enforcement Counsel for BIE advised counsel for PEDP that BIE consented and/or had no objection to PEDP's Motion for Extension.

12. Nonetheless, by Order dated May 17, 2010, without explanation, the Director issued an Order denying PEDP's unopposed Motion for Extension ("Director's May 17 Order").

13. Thereafter, on May 19, 2010, PEDP filed a Petition in the Nature of an Appeal with the Board ("Appeal Petition"), requesting that the Board enter an Order overruling the Director's May 17 Order, and providing PEDP with a 30 day extension of time to file its response to the Complaint. A true and correct copy of the Appeal Petition is attached hereto and made a part hereof as Exhibit "B", and the averments therein are incorporated herein by reference thereto.

14. When the Board did not rule on PEDP's Appeal Petition prior to June 1, 2010 (the three prior days being the Memorial Day Holiday weekend), PEDP had no choice but to prepare and file its Response to the Complaint on June 1, 2010, together with a Motion requesting a Discovery Conference with the Director ("Discovery Motion"), and 2 other Motions seeking an extension of time to comply the conditions set forth in the September 1, 2009 Order and seeking an extension of time regarding its anticipated application for a table games certification.¹ A true and correct copy of the Discovery Motion is attached hereto and made a part hereof as Exhibit "C", and the averments therein are incorporated herein by reference thereto.

15. On June 11, 2010, the Director scheduled the requested Discovery Conference for June 17, 2010, 16 days after it was requested. In the Order issued scheduling the Discovery Conference, the Director told the parties to "[P]lease come prepared to set a discovery schedule in this matter, as well as discuss any other issues that the parties believe may aide [sic] in moving forward with the efficient and effective hearing of this matter." A true and correct copy of the Director's Order issued June 11, 2010 is attached hereto and made a part hereof as Exhibit "D".

¹ Given that its Appeal Petition was moot inasmuch as PEDP had filed its Answer by June 1, 2010 in order to avoid a default judgment being entered against it, on June 2, 2010, PEDP withdrew its Appeal Petition.

16. As instructed in the foregoing Order issued June 11, 2010 by the Director, Counsel for PEDP prepared for said Discovery Conference and attended same with the expectation that the parties, and the Director, would do exactly as the Director's June 11th Order indicated. However, at the very beginning of the conference, the Director announced that all discovery would be complete by July 30, 2010 – 45 days later, including the July 4th Holiday weekend, and notwithstanding the routine difficulties that are traditionally experienced when scheduling discovery during the months of June, July and August. The parties were also advised that, at that time, the Director did not know when the hearings would be scheduled and who would preside over such hearings. The Director indicated that the aforementioned date was not negotiable, irrespective of the legitimate discovery needs of the parties, which were not considered by the Director in scheduling the completion of discovery – the decision for which was made before counsel for either party could make any statement or presentation -- or factored into such decision. Finally, when asked by PEDP the Director indicated that if the parties made substantial progress with their discovery during July, then perhaps the Board might consider a one week extension.

17. While counsel for PEDP intends to make every effort to conduct discovery on an efficient and effective basis, the deadline established by the Director is, at best, Draconian, and – in the name of expedience – for all intents and purposes deprives PEDP of its due process rights and its entitlement to justice under the Federal and State Constitutions.

18. During the Discovery Conference, the Director indicated that the sole rationale for establishing this arbitrary deadline – without discussing or considering the legitimate discovery needs of the parties in this case of first impression wherein the BIE seeks to improperly deprive

PEDP of its Category Two Slot Machine License – was because she was required to do so pursuant to Section 491a.8(h) of the Board’s Regulations, which provides:

“Hearings will be scheduled by the OHA, except for hearings under §441a.7 which will be scheduled as the Board may direct. Hearings for violations of the act or this part will be scheduled within 90 days of the initiation of action by the Bureau.”

58 Pa. Code § 497a.5(a)(1).

19. At best, this provision is ambiguous, and does not in any event mandate that hearings be actually held – as opposed to dates being selected for same -- within 90 days of the initiation of action by the Bureau. Moreover, Section § 497a.5 clearly provides that the Board may grant an extension of this time requirement – no matter how interpreted – for good cause shown. Section § 497a.5(a)(1) provides, *inter alia*, “[W]henver under this part or by order by the Board, or notice given thereunder, an act is required or allowed to be done at or within a specified time, the time fixed or the period of time prescribed may be extended by the Board, for good cause, upon a motion made before expiration of the period originally prescribed or as previously extended.” 58 Pa. Code § 497a.5(a)(1).

20. On June 18, 2010, the Director issued her Order confirming the deadline for completing all discovery as July 30, 2010 (“Discovery Order”).

21. In the Discovery Order, the Director required, *inter alia*, that all discovery be completed by July 30, 2010. Given that the Complaint was filed and these proceedings were initiated on April 29, 2010, more than 90 days prior to July 30, 2010, the basis upon which the Director relied in unilaterally establishing the discovery deadline was improper, arbitrary, capricious and results in the abrogation of PEDP’s due process rights as set forth under the Federal and State Constitutions.

22. On the day following the Discovery Conference, PEDP served BIE, the Office of Enforcement Counsel and the Board with its First Set of Requests for Production and its First Set of Interrogatories setting forth PEDP's initial view as to the information and documents required for its to properly defend itself in these proceedings consistent with fundamental notions of due process and justice (collectively, the "Discovery Requests"), with the right to supplement such Discovery Requests as needed – as is commonplace in litigation such as these proceedings - particularly given the high stakes involved for PEDP.

23. PEDP has been and intends to proceed diligently and in good faith in the conduct of discovery in these proceedings, as is evidenced by the fact that on June 18th, the date of the Discovery Order, it served the respondents with its Discovery Requests.

24. It is contemplated that, based upon the information and documents provided to PEDP by the respondents, additional discovery, including depositions will be required.

25. Based upon discussions of counsel following the conclusion of the Discovery Conference, it must be anticipated that the respondents will object to many of the items of information and documents sought in the present Discovery Requests, and future supplements to same, which will further serve to materially delay the discovery process, and the depositions that need to be taken.

26. Under the Discovery Order, the respondents have 10 business days (i.e., two weeks, but that fails to consider the July 4th Holiday) to produce responses to the Discovery Requests, other than the documents that the Office of Enforcement Counsel agreed at the Discovery Conference would be produced on or before June 28, 2010.

27. The Complaint presently before the Board involves matters of first impression for this Board, as well as the potential loss to PEDP and its lenders of in excess of \$150 million. Given the degree of difficulty and the complexity involved with the issues before the Board, PEDP properly anticipates the need to obtain from the Board, BIE and the OEC documents relating to not only PEDP, but also to the guidelines, policies and protocols of the Board relating to situations involving suitability, revocations and other sanctions, including what practices and procedures have been in situations involving similar issues. This will result in the need for a substantial amount of documents from these respondents, in addition to the conduct of depositions of representatives and employees of the Board, BIE and OEC, as well as various state and local public officials and potentially others who have information and evidence relating to the delays encountered by PEDP in developing its casino site. Furthermore, based upon the initial comments received from counsel for BIE following the Discovery Conference, it must be reasonably anticipated that delays will be encountered by the parties due to disputes that may arise between them (which are to be resolved by the Director as set forth in the Discovery Order), and in scheduling depositions during the Summer months.

28. In addition, PEDP continues to work diligently to secure the necessary funding and/or financing for its casino project – following Wynn’s unilateral and wholly unexpected termination of the Wynn Transaction – so as to be able to make new submissions to the Board in response to Conditions 4, 5, and 6 of the September 1 Order, and the March 3 Order, and in that regard on June 1, 2010 submitted a Motion to the Board seeking a 4 month extension of those deadlines.

29. Moreover, during the period commencing with the filing of BIE’s Complaint, PEDP commenced an analysis of the events, litigation and documents relating to the period

commencing in December 2006 to date (including with respect to the Wynn Transaction) as part of its preparation of its defense against the revocation Complaint filed by BIE, all of which will bear materially upon the factual and legal issues to be presented to the Board in conjunction with its consideration and disposition of such Complaint.

30. Pursuant to 1 Pa. Code § 35.20, actions taken by a subordinate officer under authority delegated by the agency head may be appealed to the agency head by filing a petition within 10 days after service of notice of the action .

31. PEDP respectfully submits that, given the gravity of the sanction sought by the BIE - the revocation of the Category 2 slot machine license issued to PEDP - and the fact that such a sanction is a matter of first impression in this Commonwealth, the Order of the Director of Hearings and Appeals was issued in error, and has the operative and obvious effect of denying PEDP due process and of materially and adversely impacting the ability of PEDP to defend itself in the within proceedings in a manner that comports with the rights and privileges to which PEDP is entitled under the Federal and State Constitutions.

32. To date, the Board has never revoked any slot machine license issued under the Gaming Act or, indeed, held proceedings to consider the revocation of a slot machine license.

33. PEDP has only limited guidance as to many of the issues which are relevant to the disposition and adjudication of the claims of the BIE in these proceedings, as it prepares its defense to BIE's Complaint. Thus, in addition to its review of such matters and the facts and other information that PEDP is legitimately seeking in its Discovery Requests, it is also necessary to not only refer to Pennsylvania law, but to the law and rulings of other jurisdictions as to matters such as the proposed revocation. .

34. PEDP has invested substantial sums to obtain the slot machine license, including the \$50 million licensing fee paid to the Commonwealth, as well as many millions of dollars more in its efforts to develop a licensed gaming facility.

35. PEDP has also expended substantial efforts to develop its licensed gaming facility as approved by the Board, including its substantial, though ultimately unsuccessful, efforts invested in the Wynn Transaction over an extended period of time from November, 2009 until April, 2010, which was terminated for reasons beyond PEDP's control and anticipation, as well as that of the Board and BIE.

36. Given the gravity of the ultimate sanction at issue, the substantial investment and efforts by PEDP in this project, and the resulting significant record at issue, PEDP needs adequate time to take legitimate discovery to which it is entitled under the Board's Regulations, and to prepare its defenses to the claims of BIE as set forth in its the Complaint and PEDP does not anticipate being able to do so by July 30, 2010.

37. It is respectfully submitted that the determination of the Director was without legal or factual basis or precedent, particularly given the unique nature of this matter of first impression, and the glaringly obvious violations of the due process and other constitutional rights of PEDP that are being trampled upon by the Discovery Order.

38. Good cause exists for said extension of time to respond, and no prejudice will arise if said request is granted. *See* 58 Pa. Code § 497a.5(a)(1).

39. This application is made prior to the expiration of the time period originally prescribed by the Board's Regulations. *See* 58 Pa. Code § 497a.5(a)(1).

40. Accordingly, it is respectfully requested that the Board exercise its authority and overrule the decision of the Director and enter an Order providing for the completion of all discovery in the within proceedings by October 31, 2010 and scheduling the commencement of hearings in the within proceedings for November, 2010.

41. In the alternative, in accordance with 42 Pa. C. S. § 702(b), should the Board determine to deny this Emergency Petition, in whole or in part, PEDP requests that this Board issue an order certifying (i) its denial of PEDP's Emergency Petition, and (ii) the June 18, 2010 Order as Orders involving controlling questions of law as to which there is substantial ground for difference of opinion and that an immediate appeal from such Orders will materially advance the ultimate termination of the matter. Further, PEDP requests that this Board enter a stay of all proceedings in this action pending the receipt of a final decision on PEDP's appeal from these Orders.

WHEREFORE, for the foregoing reasons, Petitioner, Philadelphia Entertainment and Development Partners, LLP respectfully requests that the Pennsylvania Gaming Control Board consider this Petition on an emergency basis, and enter an Order overruling the decision of the Director of Hearings and Appeals, dated May June 18, 2010 and an Order providing for the completion of all discovery in the within proceedings by October 31, 2010 and scheduling the commencement of hearings in the within proceedings for November, 2010. In the alternative, in accordance with 42 Pa. C. S. § 702(b), should the Board determine to deny this Emergency

Petition, in whole or in part, PEDP respectfully requests that this Board issue an Order certifying (i) its denial of PEDP's Emergency Petition, and (ii) the June 18, 2010 Order as Orders involving controlling questions of law as to which there is substantial ground for difference of opinion and that an immediate appeal from such Orders will materially advance the ultimate termination of the matter. Further, PEDP requests that this Board enter a stay of all proceedings in this action pending the receipt of a final decision on PEDP's appeal from these Orders.

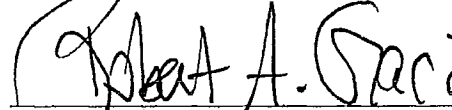
Respectfully submitted,

COZEN O'CONNOR



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F. Warren Jacoby, Esquire (PA ID #10012)
John V. Donnelly III, Esquire (PA ID #93846)
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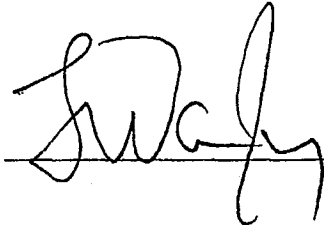
LeRoy S. Zimmerman, Esquire (PA ID #07278)
Robert A. Graci, Esquire (PA ID #26722)
213 Market Street, 8th Floor
Harrisburg, PA 17101
(717) 237-6000

*Attorneys for Philadelphia Entertainment and
Development Partners, L.P.*

Dated: June 19, 2010

VERIFICATION

I hereby state that I am authorized to make this Verification on behalf of PEDP, and I state that the facts above set forth in the foregoing Petition are true and correct to the best of my knowledge, information, and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



Dated: June 19, 2010

CERTIFICATE OF SERVICE

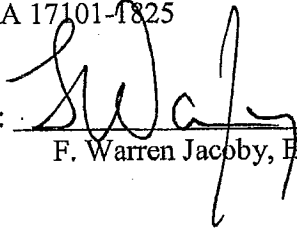
I certify that I am this day serving a complete copy of the foregoing Petition upon the following by E-Mail only:

Cyrus R. Pitre, Esquire
Chief Enforcement Counsel
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By: 
F. Warren Jacoby, Esquire

Dated: June 19, 2010

Exhibit A

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PA GAMING CONTROL BOARD
OFFICE OF THE CLERK
COMMONWEALTH OF

BEFORE THE
PENNSYLVANIA GAMING CONTROL BOARD

FILED
MAY 13 2010
1408-2010
Board Clerk PGCB

PENNSYLVANIA GAMING CONTROL
BOARD BUREAU OF
INVESTIGATIONS AND
ENFORCEMENT,
Complainant,

:
:
: Docket No. 1367
:
:
: Office of Hearings and Appeals Docket
: Number: 1498-2010

v.

: ADMINISTRATIVE HEARING

PHILADELPHIA ENTERTAINMENT
AND DEVELOPMENT PARTNERS, L.P.
D/B/A FOXWOODS CASINO
PHILADELPHIA SLOT MACHINE
LICENSE 1367,
Respondent.

: COMPLAINT, ORDER AND
: RULE TO SHOW CAUSE

: Counsel of Record:
Stephen A. Cozen, Esquire
(PA ID #03492)
F. Warren Jacoby, Esquire
(PA ID #10012)
John V. Donnelly III, Esquire
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Development Partners, L.P.

LeRoy S. Zimmerman, Esquire
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Robert A. Graci, Esquire
(PA ID #26722)
**ECKERT SEAMANS CHERIN &
MELLOTT, LLC**
213 Market Street, 8th Floor
Harrisburg, PA 17101
(717) 237-6000

**UNOPPOSED MOTION BY PHILADELPHIA
ENTERTAINMENT AND DEVELOPMENT PARTNERS, L.P.
FOR AN EXTENSION OF TIME TO RESPOND TO COMPLAINT,
ORDER AND RULE TO SHOW CAUSE PURSUANT TO 58 Pa. Code § 497a.5**

MOVANT, Philadelphia Entertainment and Development Partners, LP d/b/a Foxwoods Casino Philadelphia ("PEDP"), by and through its undersigned counsel, hereby moves for an extension of time to respond to the Complaint, Order and Rule to Show Cause ("Complaint") filed by the Office of Enforcement Counsel ("OEC") on behalf of the Bureau of Investigations and Enforcement ("BIE") for a period of 30 days pursuant to 58 Pa. Code § 497a.5, and, in support thereof, avers as follows:

1. On September 1, 2009, the Pennsylvania Gaming Control Board ("Board"), acting pursuant to its discretion under section 1210 of the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. § 1210, issued an Adjudication and Order granting the Petition of PEDP to Extend the Time to Make Slot Machines Available subject to certain Conditions.

2. After a hearing on March 3, 2010, at which the Board heard testimony from representatives of PEDP and Wynn Resorts, Limited ("Wynn") concerning PEDP's agreement with Wynn and its affiliates ("Wynn Transaction") that had recently been memorialized in a Term Sheet that had been provided by PEDP to BIE, the Board directed PEDP to submit definitive financing documents to the Board and OEC no later than March 31, 2010, and to submit the documents required by Conditions 5 and 6 of the Board's Order of September 1, 2009, by April 26, 2010.

3. On March 31, 2010, PEDP submitted to BIE its definitive financial documents in conjunction with the proposed Wynn Transaction, and subsequently submitted fully executed copies of such documents to BIE on April 5, 2010. Thereafter, on April 6, 2010, PEDP submitted to BIE documents in response to Conditions 5 and 6 of the September 1, 2009 Order in conjunction with the Wynn Transaction.

4. At the April 7, 2010 meeting of the Board, BIE, through OEC, acknowledged that PEDP complied with the deadlines imposed by the Board in its March 3, 2010 Order for the submission of definitive financial documents and the documents required by Conditions 4, 5 and 6 of the Board's Order of September 1, 2009.

5. On April 8, 2010, without any warning to PEDP, the Board, BIE, or any state or local officials, Wynn unilaterally terminated the Wynn Transaction, and all related documents between Wynn and PEDP.

6. On April 28, 2010, PEDP and BIE, through OEC, entered into a Consent Agreement for submission to the Board pursuant to which, among other things, PEDP would have been accorded 180 days from the Board's approval of the Consent Agreement within which to deliver to the Board and BIE certain documents and information as required by Conditions 4, 5 and 6 and the Board's Order of March 3, 2010 in order to provide PEDP relief from the deadlines imposed by the Board's September 1, 2010 Order, as amended by its March 3, 2010 Order, as the result of the Wynn unilateral termination..

7. At its April 29, 2010 meeting, the Board issued its Order wherein it refused to approve such Consent Agreement, without prejudice.

8. Thereafter on that same day, April 29, 2010, shortly after the Board's rejection of the Consent Agreement, BIE, through OEC, filed a Complaint against PEDP seeking the revocation of its slot machine license.

9. Counsel for PEDP received the Complaint by electronic mail on April 29, 2010.

10. Although the proposed Order that accompanied the Complaint calls for the Board to set the number of days in which PEDP is to answer the Complaint, pursuant to the Board's

Regulations, responses to complaints must be filed within 30 days after service of a complaint.
58 Pa. Code § 493a.5(a).

11. Since the last day of the 30 day response period is a Saturday and the next day after the due date that is not a Sunday or legal holiday is June 1, 2010, pursuant to the Board's regulations, PEDP's response to the Complaint is due on June 1, 2010. 58 Pa. Code § 493a.5(a).

12. PEDP continues to work diligently to secure the necessary funding and/or financing for its casino project – following Wynn's unilateral and wholly unexpected termination of the Wynn Transaction – so as to be able to make new submissions to the Board in response to Conditions 4, 5, and 6 of the Board's Order of September 1, 2009, and the Board's Order of March 3, 2010..

13. In addition, while it continues with its efforts of seeking funding and financing in place of that which was to have been provided by Wynn, PEDP is also continuing in its efforts to submit to BIE and the Board a proposal for the re-setting of the timeframes to comply with Conditions 4, 5 and 6, which would be acceptable to the BIE and Board, and consistent with its efforts and the status of its negotiations with potential investors to replace Wynn.

14. During the same time period, PEDP has commenced an analysis of the events, litigation and documents relating to the period commencing in December 2006 to date (including with respect to the Wynn Transaction) as part of its preparation of its defense against the revocation Complaint filed by BIE, all of which will bear materially upon the factual and legal issues to be presented to the Board in conjunction with its consideration and disposition of such Complaint.

15. Pursuant to § 497a.5 of the Board's regulations, 58 Pa. Code § 497a.5, the Board may, upon timely motion and for good cause shown, extend any period of time set forth in any Order of the Board.

16. PEDP respectfully submits that good cause exists here to grant PEDP a thirty-day extension of time within which to respond the Complaint until July 1, 2010.

17. By way of the Complaint, the BIE seeks the revocation of the Category 2 slot machine license issued to PEDP, which is effectively the ultimate sanction that the Board can impose on a slot machine licensee.

18. To date, the Board has never revoked any slot machine license issued under the Gaming Act or, indeed, held proceedings to consider the revocation of a slot machine license.

19. The slot machine licensure revocation proceeding commenced by the Complaint is therefore a matter of first impression, such that PEDP has only limited guidance as to matters of procedure and substance as it prepares its defense to such Complaint. Thus, in addition to its review of such matters, it is also necessary to not only refer to Pennsylvania law, but to the law and rulings of other jurisdictions as to matters such as the proposed revocation.

20. PEDP has invested substantial sums to obtain the slot machine license, including the \$50 million licensing fee paid to the Commonwealth, as well as many millions of dollars more in its efforts to develop a licensed gaming facility.

21. PEDP has also expended substantial efforts to develop its licensed gaming facility as approved by the Board, including its substantial, though ultimately unsuccessful, efforts invested in the Wynn Transaction over an extended period of time from November, 2009 until

April, 2010, which was terminated for reasons beyond PEDP's control and anticipation, as well as that of the Board and BIE.

22. Given the gravity of the ultimate sanction at issue, the substantial investment and efforts by PEDP in this project, and the resulting significant record at issue, PEDP needs adequate time to prepare its response to the Complaint and PEDP does not anticipate being able to do so by June 1, 2010.

23. Additionally, between the date of the filing of this Motion for Extension of Time and the date that PEDP's response is due, counsel for PEDP must prepare for and attend oral argument before the Commonwealth Court to defend against an attack on PEDP's license and the Board's Order of September 1, 2009, which is scheduled to be held before a panel of the Court sitting in Philadelphia on May 18, 2010.

24. Good cause exists for said extension of time to respond, and no prejudice will arise if said request is granted. *See* 58 Pa. Code § 497a.5(a)(1).

25. This application is made prior to the expiration of the time period originally prescribed by the Board's Regulations. *See* 58 Pa. Code § 497a.5(a)(1).

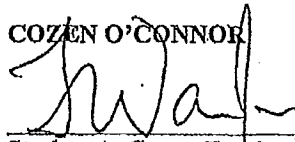
26. Chief Enforcement Counsel for BIE has advised the undersigned that BIE consents to PEDP's request for a 30 day extension to respond to the Complaint.

27. Accordingly, it is respectfully requested that the Board exercise its authority and grant PEDP's application for an extension of time to respond to the Complaint.

WHEREFORE, for the foregoing reasons, Movant, Philadelphia Entertainment and Development Partners, LLP respectfully requests that the Pennsylvania Gaming Control Board extend the time by which PEDP must respond to the Complaint, Order and Rule to Show Cause until July 1, 2010.

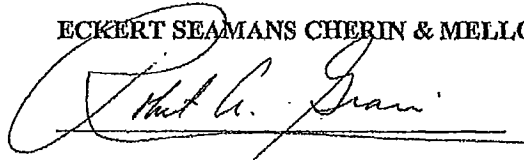
Respectfully submitted,

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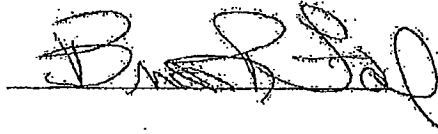
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*Attorneys for Philadelphia Entertainment and
Development Partners, L.P.*

VERIFICATION

I hereby state that I am authorized to make this Verification on behalf of PEDF, and I state that the facts above set forth in the foregoing Unopposed Motion to An Extension of Time to Respond to Complaint, Order and Rule to Show Cause are true and correct to the best of my knowledge, information, and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: May 3, 2010

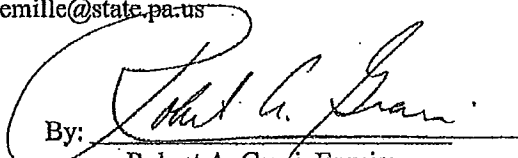
A handwritten signature in black ink, appearing to be "B. R. [unclear]", written over a horizontal line.

CERTIFICATE OF SERVICE

I certify that I am this day serving a complete copy of the foregoing Consent Motion to
Extend Time by electronic mail upon the following:

Cyrus R. Pitre, Esquire
Chief Enforcement Counsel
Strawberry Square—Verizon Tower
303 Walnut Street, 5th Floor
Harrisburg, PA 17101-1825
cpitre@state.pa.us

Dale William Miller, Esquire
Deputy Chief Enforcement Counsel
Pennsylvania Gaming Control Board
1001 Hector Street, Suite 410
Conshohocken, PA 19428-5300
dalemille@state.pa.us

By: 
Robert A. Graci, Esquire

Dated: May 13, 2010

**BEFORE THE
PENNSYLVANIA GAMING CONTROL BOARD**

IN RE :
PHILADELPHIA ENTERTAINMENT AND :
DEVELOPMENT PARTNERS, L.P., d/b/a : **PGCB Docket No. 1367**
FOXWOODS CASINO PHILADELPHIA :
:

ORDER

AND NOW, this ____ day of May 2010, the Board hereby **GRANTS** the Unopposed Motion by Philadelphia Entertainment and Development Partners, L.P. for an Extension of Time to Respond to Complaint, Order and Rule to Show Cause Pursuant to 58 Pa. Code § 497a.5 for good cause shown. The time for PEDP to respond to the Complaint, Order and Rule to Show Cause is hereby **EXTENDED** by 30 days until July 1, 2010.

By: _____
Gregory C. Fajt, Chairman
Pennsylvania Gaming Control Board

Exhibit B

RECEIVED

BEFORE THE
PENNSYLVANIA GAMING CONTROL BOARD

2010 MAY 19 AM 11:32

PA GAMING CONTROL BOARD
OFFICE OF THE CLERK

COMMONWEALTH OF
PENNSYLVANIA GAMING CONTROL
BOARD BUREAU OF
INVESTIGATIONS AND
ENFORCEMENT,

Complainant,

v.

PHILADELPHIA ENTERTAINMENT
AND DEVELOPMENT PARTNERS, L.P.
D/B/A FOXWOODS CASINO
PHILADELPHIA SLOT MACHINE
LICENSE 1367,

Respondent.

Filed By: Philadelphia Entertainment and
Development Partners, L.P.

Docket No. 1367

Office of Hearings and Appeals Docket
Number: 1498-2010

ADMINISTRATIVE HEARING

COMPLAINT, ORDER AND
RULE TO SHOW CAUSE

Counsel of Record:

Stephen A. Cozen, Esquire
(PA ID #03492)

F. Warren Jacoby, Esquire
(PA ID #10012)

John V. Donnelly III, Esquire
(PA ID #93846)

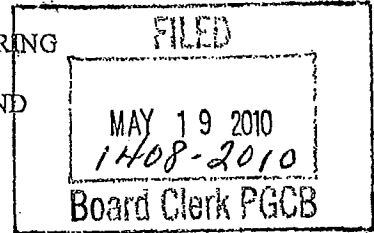
Jared D. Bayer, Esquire
(PA ID #201211)

COZEN O'CONNOR
1900 Market Street
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(215) 665-2000

LeRoy S. Zimmerman, Esquire
(PA ID #07278)

Robert A. Graci, Esquire
(PA ID #26722)

**ECKERT SEAMANS CHERIN &
MELLOTT, LLC**
213 Market Street, 8th Floor
Harrisburg, PA 17101
(717) 237-6000



UNOPPOSED PETITION IN THE NATURE OF AN APPEAL OF THE ORDER DATED
MAY 17, 2010 ISSUED BY THE DIRECTOR OF HEARINGS AND APPEALS
DENYING THE UNOPPOSED MOTION BY PHILADELPHIA ENTERTAINMENT
AND DEVELOPMENT PARTNERS, L.P. FOR AN EXTENSION OF TIME TO
RESPOND TO COMPLAINT, ORDER AND RULE TO SHOW CAUSE PURSUANT TO

58 Pa. Code § 497a.5

PETITIONER, Philadelphia Entertainment and Development Partners, LP d/b/a Foxwoods Casino Philadelphia ("PEDP"), by and through its undersigned counsel, hereby files this Petition in the Nature of an Appeal of the Order dated May 17, 2010 issued by the Director of Hearings and Appeals ("Order") denying the unopposed Motion by PEDP for an Extension of Time to respond to the Complaint, Order and Rule to Show Cause ("Complaint") filed by the Office of Enforcement Counsel ("OEC") on behalf of the Bureau of Investigations and Enforcement ("BIE") for a period of 30 days pursuant to 58 Pa. Code § 497a.5, and, in support thereof, avers as follows:

1. On September 1, 2009, the Pennsylvania Gaming Control Board ("Board"), acting pursuant to its discretion under section 1210 of the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. § 1210, issued an Adjudication and Order granting the Petition of PEDP to Extend the Time to Make Slot Machines Available subject to certain Conditions.

2. After a hearing on March 3, 2010, at which the Board heard testimony from representatives of PEDP and Wynn Resorts, Limited ("Wynn") concerning PEDP's agreement with Wynn and its affiliates ("Wynn Transaction") that had recently been memorialized in a Term Sheet that had been provided by PEDP to BIE, the Board directed PEDP to submit definitive financing documents to the Board and OEC no later than March 31, 2010, and to submit the documents required by Conditions 5 and 6 of the Board's Order of September 1, 2009, by April 26, 2010.

3. On March 31, 2010, PEDP submitted to BIE its definitive financial documents in conjunction with the proposed Wynn Transaction, and subsequently submitted fully executed copies of such documents to BIE on April 5, 2010. Thereafter, on April 6, 2010, PEDP

submitted to BIE documents in response to Conditions 5 and 6 of the September 1, 2009 Order in conjunction with the Wynn Transaction.

4. At the April 7, 2010 meeting of the Board, BIE, through OEC, acknowledged that PEDP complied with the deadlines imposed by the Board in its March 3, 2010 Order for the submission of definitive financial documents and the documents required by Conditions 4, 5 and 6 of the Board's Order of September 1, 2009.

5. On April 8, 2010, without any warning or advance notice to PEDP, the Board, BIE, or any other state or local officials, Wynn unilaterally terminated the Wynn Transaction, and all related documents between Wynn and PEDP.

6. On April 28, 2010, PEDP and BIE, through OEC, entered into a Consent Agreement for submission to the Board pursuant to which, among other things, PEDP would have been accorded 180 days from the Board's approval of the Consent Agreement within which to deliver to the Board and BIE certain documents and information as required by Conditions 4, 5 and 6 and the Board's Order of March 3, 2010 in order to provide PEDP relief from the deadlines imposed by the Board's September 1, 2010 Order, as amended by its March 3, 2010 Order, as the result of the Wynn unilateral termination.

7. At its April 29, 2010 meeting, the Board issued its Order wherein it refused to approve such Consent Agreement, without prejudice.

8. Thereafter on that same day, April 29, 2010, shortly after the Board's rejection of the Consent Agreement, BIE, through OEC, filed the Complaint against PEDP seeking the revocation of its slot machine license.

9. Counsel for PEDP received the Complaint by electronic mail on April 29, 2010.

10. Although the proposed Order that accompanied the Complaint calls for the Board to set the number of days in which PEDP is to answer the Complaint, pursuant to the Board's Regulations, responses to such complaints must be filed within 30 days after service of a complaint. 58 Pa. Code § 493a.5(a).

11. Since the last day of the 30 day response period is a Saturday and the next day after the due date that is not a Sunday or legal holiday is June 1, 2010, PEDP's response to the Complaint is due on June 1, 2010. 58 Pa. Code § 493a.5(a).

12. PEDP is diligently working on preparing its response to the Complaint.

13. In addition, PEDP continues to work diligently to secure the necessary funding and/or financing for its casino project -- following Wynn's unilateral and wholly unexpected termination of the Wynn Transaction -- so as to be able to make new submissions to the Board in response to Conditions 4, 5, and 6 of the Board's Order of September 1, 2009, and the Board's Order of March 3, 2010.

14. Furthermore, while it continues with its efforts of seeking funding and financing in place of that which was to have been provided by Wynn, PEDP is also continuing in its efforts to submit to BIE and the Board a proposal for the re-setting of the timeframes to comply with Conditions 4, 5 and 6, which would be acceptable to the BIE and Board, and consistent with its efforts and the status of its negotiations with potential investors to replace Wynn.

15. During the same time period, PEDP has commenced an analysis of the events, litigation and documents relating to the period commencing in December 2006 to date (including with respect to the Wynn Transaction) as part of its preparation of its defense against the revocation Complaint filed by BIE, all of which will bear materially upon the factual and legal

issues to be presented to the Board in conjunction with its consideration and disposition of such Complaint.

16. Pursuant to § 497a.5 of the Board's regulations, 58 Pa. Code § 497a.5, the Board may, upon timely motion and for good cause shown, extend any period of time set forth in any Order of the Board.

17. PEDP respectfully submitted a request for such an extension by Motion dated May 13, 2010 ("Motion for Extension") outlining the above facts demonstrating that good cause existed to grant PEDP a thirty-day extension of time within which to respond the Complaint until July 1, 2010.

18. Prior to the filing of the Motion for Extension, the Chief Enforcement Counsel for BIE advised counsel for PEDP that BIE consented to PEDP's Motion for Extension.

19. Nonetheless, by Order dated May 17, 2010, the Director of Hearings and Appeals issued an Order denying PEDP's unopposed Motion for Extension.

20. Pursuant to 1 Pa. Code § 35.20, actions taken by a subordinate officer under authority delegated by the agency head may be appealed to the agency head by filing a petition within 10 days after service of notice of the action.

21. PEDP respectfully submits that given the gravity of the sanction sought by the BIE - the revocation of the Category 2 slot machine license issued to PEDP, the fact that such a sanction is a matter of first impression in this Commonwealth, and the fact that the Chief Enforcement Counsel for BIE consented to the request for an extension of time, the Order of the Director of Hearings and Appeals was issued in error, and has the operative and obvious effect of denying PEDP due process and of materially and adversely impacting the ability of PEDP to

negotiate with and enter to agreements with potential investors and/or funders for its proposed casino project, as well as PEDP's relationships with others.

22. To date, the Board has never revoked any slot machine license issued under the Gaming Act or, indeed, held proceedings to consider the revocation of a slot machine license.

23. PEDP has only limited guidance as to matters of procedure and substance as it prepares its defense to such Complaint. Thus, in addition to its review of such matters, it is also necessary to not only refer to Pennsylvania law, but to the law and rulings of other jurisdictions as to matters such as the proposed revocation.

24. PEDP has invested substantial sums to obtain the slot machine license, including the \$50 million licensing fee paid to the Commonwealth, as well as many millions of dollars more in its efforts to develop a licensed gaming facility.

25. PEDP has also expended substantial efforts to develop its licensed gaming facility as approved by the Board, including its substantial, though ultimately unsuccessful, efforts invested in the Wynn Transaction over an extended period of time from November, 2009 until April, 2010, which was terminated for reasons beyond PEDP's control and anticipation, as well as that of the Board and BIE.

26. Given the gravity of the ultimate sanction at issue, the substantial investment and efforts by PEDP in this project, and the resulting significant record at issue, PEDP needs adequate time to prepare its response to the Complaint and PEDP does not anticipate being able to do so by June 1, 2010.

27. Additionally, between the date of the filing of this Petition for Review and the date that PEDP's response is due, counsel for PEDP must prepare for and attend oral argument

before the Commonwealth Court to defend against an attack on PEDP's license and the Board's Order of September 1, 2009, which is scheduled to be held before a panel of the Court sitting in Philadelphia on May 18, 2010.

28. Good cause exists for said extension of time to respond, and no prejudice will arise if said request is granted. *See* 58 Pa. Code § 497a.5(a)(1).

29. This application is made prior to the expiration of the time period originally prescribed by the Board's Regulations. *See* 58 Pa. Code § 497a.5(a)(1).

30. Chief Enforcement Counsel for BIE advised the undersigned that BIE continues to consent to PEDP's request for a 30 day extension to respond to the Complaint.

31. It is respectfully submitted that the determination of the Director of Hearings and Appeals was without legal or factual basis or precedent, particularly given the unique nature of this matter of first impression, and the consent of the BIE – the very party that initiated the enforcement proceedings without the direction or consent of the Board – to PEDP's Unopposed Motion.

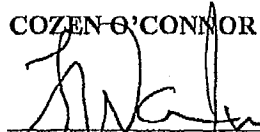
32. Accordingly, it is respectfully requested that the Board exercise its authority and overrule the decision of the Director of Hearings and Appeals and enter an Order granting PEDP's Petition for Review in the Nature of an Appeal from the Order dated May 17, 2010 and provide PEDP with a thirty (30) day extension of time to file its response to the Complaint.

WHEREFORE, for the foregoing reasons, Petitioner, Philadelphia Entertainment and Development Partners, LLP respectfully requests that the Pennsylvania Gaming Control Board enter an Order overruling the decision of the Director of Hearings and Appeals, dated May 17,

2010 and enter an Order providing PEDP with a thirty (30) day extension of time to file its response to the Complaint, Order and Rule to Show Cause until July 1, 2010.

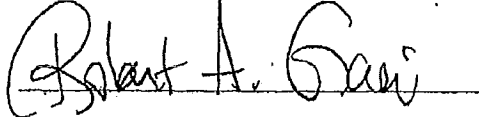
Respectfully submitted,

COZEN O'CONNOR



Stephen A. Cozen, Esquire (PA ID #03492)
F. Warren Jacoby, Esquire (PA ID #10012)
John V. Donnelly III, Esquire (PA ID #93846)
Jared D. Bayer, Esquire (PA ID #201211)
1900 Market Street
Philadelphia, PA 19103
(215) 665-2000

ECKERT SEAMANS CHERIN & MELLOTT, LLC



LeRoy S. Zimmerman, Esquire (PA ID #07278)
Robert A. Graci, Esquire (PA ID #26722)
213 Market Street, 8th Floor
Harrisburg, PA 17101
(717) 237-6000

*Attorneys for Philadelphia Entertainment and
Development Partners, L.P.*

VERIFICATION

I hereby state that I am authorized to make this Verification on behalf of PEDP, and I state that the facts above set forth in the foregoing Unopposed Motion to An Extension of Time to Respond to Complaint, Order and Rule to Show Cause are true and correct to the best of my knowledge, information, and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: May 8, 2010

B. R. Ford

CERTIFICATE OF SERVICE

I certify that I am this day serving a complete copy of the foregoing Consent Motion to
Extend Time by E-Mail upon the following:

Cyrus R. Pitre, Esquire
Chief Enforcement Counsel
Strawberry Square—Verizon Tower
303 Walnut Street, 5th Floor
Harrisburg, PA 17101-1825

Dale William Miller, Esquire
Deputy Chief Enforcement Counsel
Pennsylvania Gaming Control Board
1001 Hector Street, Suite 410
Conshohocken, PA 19428-5300

Linda Lloyd
Director of Hearings & Appeals
Pennsylvania Gaming Control Board
One Penn Center
2601 N. 3rd Street
Fifth Floor, Suite 502
Harrisburg, PA 17110

R. Douglas Sherman
Chief Counsel
Pennsylvania Gaming Control Board
Strawberry Square — Verizon Tower
303 Walnut Street, 5th Floor
Harrisburg, PA 17101-1825

By: 
F. Warren Jacoby, Esquire

Dated: May 19, 2010

**BEFORE THE
PENNSYLVANIA GAMING CONTROL BOARD**

IN RE :
PHILADELPHIA ENTERTAINMENT AND :
DEVELOPMENT PARTNERS, L.P., d/b/a : **PGCB Docket No. 1367**
FOXWOODS CASINO PHILADELPHIA :
:

ORDER

AND NOW, this ___ day of May 2010, the Board hereby **GRANTS** the Petition in the Nature of an Appeal of the May 17, 2010 Order issued by the Director of Hearings and Appeals denying Philadelphia Entertainment and Development Partners, L.P.'s Unopposed Motion for an Extension of Time to Respond to the Complaint, Order and Rule to Show Cause Pursuant to 58 Pa. Code § 497a.5. The time for PEDP to respond to the Complaint, Order and Rule to Show Cause is hereby **EXTENDED** by 30 days until July 1, 2010.

By: _____
Gregory C. Fajt, Chairman
Pennsylvania Gaming Control Board

Exhibit C

FILED
JUN - 1 2010
1408-2010
Board Clerk PGCB

BEFORE THE
PENNSYLVANIA GAMING CONTROL BOARD

COMMONWEALTH OF PENNSYLVANIA GAMING CONTROL BOARD BUREAU OF INVESTIGATIONS AND ENFORCEMENT, Complainant,	:	Docket No. 1367
v.	:	Office of Hearings and Appeals Docket Number: 1498-2010
PHILADELPHIA ENTERTAINMENT AND DEVELOPMENT PARTNERS, L.P. D/B/A FOXWOODS CASINO PHILADELPHIA SLOT MACHINE LICENSE 1367, Respondent.	:	ADMINISTRATIVE HEARING
Filed By: Philadelphia Entertainment and Development Partners, L.P.	:	COMPLAINT, ORDER AND RULE TO SHOW CAUSE
	:	<u>Counsel of Record:</u> Stephen A. Cozen, Esquire (PA ID #03492) F. Warren Jacoby, Esquire (PA ID #10012) John V. Donnelly III, Esquire (PA ID #93846) Jared D. Bayer, Esquire (PA ID #201211) COZEN O'CONNOR 1900 Market Street Philadelphia, PA 19103 (215) 665-2000 LeRoy S. Zimmerman, Esquire (PA ID #07278) Robert A. Graci, Esquire (PA ID #26722) ECKERT SEAMANS CHERIN & MELLOTT, LLC 213 Market Street, 8 th Floor Harrisburg, PA 17101 (717) 237-6000

**MOTION BY PHILADELPHIA
ENTERTAINMENT AND DEVELOPMENT PARTNERS, L.P.
FOR A DISCOVERY CONFERENCE PURSUANT TO 58 Pa. Code §**

MOVANT, Philadelphia Entertainment and Development Partners, LP d/b/a Foxwoods Casino Philadelphia ("PEDP"), by and through its undersigned counsel, hereby moves for a discovery conference pursuant to 58 Pa. Code §§ 491a.9 and 493a.11, and, in support thereof, avers as follows:

1. PEDP is the holder of a Category 2 slot machine license ("License").
2. On April 29, 2010, BIE, through OEC, filed a Complaint against PEDP seeking the revocation of its slot machine license.
3. Counsel for PEDP received the Complaint by electronic mail on April 29, 2010, and has filed its Answer and New Matter thereto on the date upon which PEDP has filed this Motion.
4. By way of the Complaint, BIE seeks the revocation of the License, which is effectively the ultimate sanction that the Board can impose on a slot machine licensee.
5. To date, the Board has never revoked any slot machine license issued under the Gaming Act or, indeed, held proceedings to consider the revocation of a slot machine license.
6. The slot machine licensure revocation proceedings commenced by the Complaint therefore involve matters of first impression, such that the parties have only limited guidance as to matters of procedure and substance.
7. PEDP has invested substantial sums to obtain the slot machine license, including the \$50 million licensing fee paid to the Commonwealth, as well as many millions of dollars more in its efforts to develop a licensed gaming facility.

8. PEDP has also expended substantial efforts to develop its licensed gaming facility as approved by the Board, including the substantial and highly visible, though ultimately unsuccessful, efforts invested in the PEDP's proposed transaction with Wynn Resorts, Limited and its affiliates ("Wynn") which was terminated unilaterally by Wynn (through no fault of PEDP).

9. Given the gravity of the ultimate sanction at issue, the substantial investment and efforts by PEDP in this project, and the resulting significant record at issue, a prehearing discovery conference is appropriate.

10. A prehearing discovery conference will aid in the orderly conduct and disposition of the proceedings by enabling the establishment of an appropriate discovery schedule, providing for, among other things, the production of documents by the parties, timelines for serving and responding to written discovery requests including interrogatories and requests for admissions, scheduling depositions of the parties' witnesses, and issuing subpoenas for the documents and depositions of third parties.

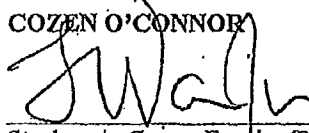
11. In addition, the schedule should include the timing and mechanism for resolving discovery disputes, a final prehearing settlement conference, timing for the exchange and acceptance of exhibits proposed to be offered into evidence, and timing for any stipulations regarding facts or the authenticity of documents.

12. The significant magnitude of this case and the fact that it is a case of first impression counsel in favor of providing a clear discovery schedule so that the parties may properly and sufficiently prepare their cases and marshal evidence in support of their claims and defenses.

WHEREFORE, for the foregoing reasons, Movant, Philadelphia Entertainment and Development Partners, LLP respectfully requests that the Pennsylvania Gaming Control Board (or presiding officer) schedule a prehearing discovery conference.

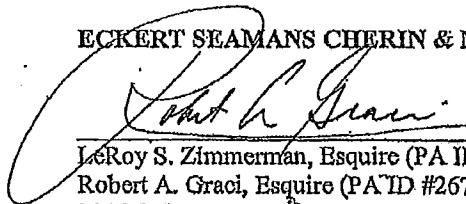
Respectfully submitted,

COZEN O'CONNOR



Stephen A. Cozen, Esquire (PA ID #03492)
F. Warren Jacoby, Esquire (PA ID #10012)
John V. Donnelly III, Esquire (PA ID #93846)
Jared D. Bayer, Esquire (PA ID #201211)
1900 Market Street
Philadelphia, PA 19103
(215) 665-2000.

ECKERT SEAMANS CHERIN & MELLOTT, LLC



LeRoy S. Zimmerman, Esquire (PA ID #07278)
Robert A. Graci, Esquire (PA ID #26722)
213 Market Street, 8th Floor
Harrisburg, PA 17101
(717) 237-6000

*Attorneys for Philadelphia Entertainment and
Development Partners, L.P.*

CERTIFICATE OF SERVICE

I certify that I am this day serving a complete copy of the foregoing Motion for Prehearing Discovery Conference by U.S. Mail upon the following:

R. Douglas Sherman, Esquire
Chief Counsel
Pennsylvania Gaming Control Board
Strawberry Square—Verizon Tower
303 Walnut Street, 5th Floor
Harrisburg, PA 17101-1825

Cyrus R. Pitre, Esquire
Chief Enforcement Counsel
Strawberry Square—Verizon Tower
303 Walnut Street, 5th Floor
Harrisburg, PA 17101-1825

Dale William Miller, Esquire
Deputy Chief Enforcement Counsel
Pennsylvania Gaming Control Board
1001 Hector Street, Suite 410
Conshohocken, PA 19428-5300

By: 

Robert A. Graci, Esquire

Dated: June 1, 2010

BEFORE THE
PENNSYLVANIA GAMING CONTROL BOARD

IN RE PHILADELPHIA ENTERTAINMENT AND DEVELOPMENT PARTNERS, L.P., d/b/a FOXWOODS CASINO PHILADELPHIA	: : : : :	PGCB Docket No. 1367
--	-----------------------	----------------------

ORDER

AND NOW, this ___ day of June 2010, the Motion by Philadelphia Entertainment and Development Partners, L.P. ("PEDP") for a discovery conference pursuant to 58 Pa. Code §§ 491a.9 and 493a.11 is hereby GRANTED. Counsel for the parties shall appear for the conference on _____, 2010, at _____, Harrisburg, Pennsylvania.

By: _____

Pennsylvania Gaming Control Board

Exhibit D

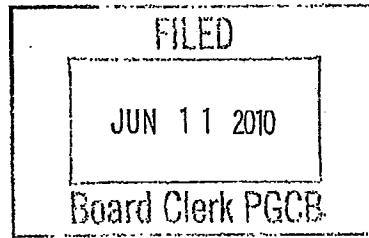
BEFORE THE
PENNSYLVANIA GAMING CONTROL BOARD

In Re:

Complaint for Revocation of the
Category 2 Slot Machine License
of Philadelphia Entertainment
and Development Partners, LP,
d/b/a as Foxwoods Casino
Philadelphia

Docket # 1408-2010

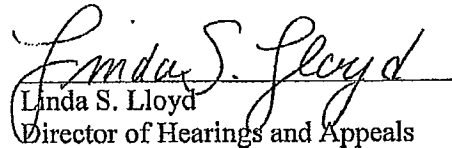
Philadelphia Entertainment and
Development Partners, LP, d/b/a
as Foxwoods Casino Philadelphia
Motion for Discovery Conference :



ORDER

AND NOW, this 11th day of June, 2010, the following is ORDERED:

A Discovery Conference in the above captioned matter will be conducted on **Thursday June 17, 2010 at 11:30 AM** in the Board's fifth floor conference room located at 303 Walnut Street, Strawberry Square, Verizon Tower, Harrisburg, PA 17101. Please come prepared to set a discovery schedule in this matter, as well as discuss any other issues that the parties believe may aide in moving forward with the efficient and expeditious hearing of this matter.


Linda S. Lloyd
Director of Hearings and Appeals

**BEFORE THE
PENNSYLVANIA GAMING CONTROL BOARD**

IN RE :
PHILADELPHIA ENTERTAINMENT AND :
DEVELOPMENT PARTNERS, L.P., d/b/a : PGCB Docket No. 1367
FOXWOODS CASINO PHILADELPHIA :
:

ORDER

AND NOW, this ___ day of June, 2010, the Board hereby **GRANTS** the Emergency Petition of Philadelphia Entertainment and Development Partners, L.P., in the Nature of an Appeal of the June 18, 2010 Order issued by the Director of Hearings and Appeals, and for further and other relief. All discovery in the within proceedings shall be completed by October 30, 2010, subject to further extension upon good cause shown; and the commencement of hearings in the within proceedings shall be in November, 2010:

By: _____
Gregory C. Fajt, Chairman
Pennsylvania Gaming Control Board

**BEFORE THE
PENNSYLVANIA GAMING CONTROL BOARD**

IN RE :
PHILADELPHIA ENTERTAINMENT AND :
DEVELOPMENT PARTNERS, L.P., d/b/a : **PGCB Docket No. 1367**
FOXWOODS CASINO PHILADELPHIA :
:

ORDER

AND NOW, this ___ day of June, 2010, the Board hereby **DENIES** the Emergency Petition of Philadelphia Entertainment and Development Partners, L.P., in the Nature of an Appeal of the June 18, 2010 Order issued by the Director of Hearings and Appeals, and for further and other relief.

Pursuant to 42 Pa. C.S. § 702(b), the Board determines that the June 18, 2010 Order and this Order involve controlling questions of law as to which there is substantial ground for difference of opinion and that an immediate appeal from such Orders will materially advance the ultimate termination of the matter.

Pending a final decision on the PEDP's appeal of this Order and the June 18, 2010 Order, all proceedings in the above captioned action are stayed.

By: _____
Gregory C. Fajt, Chairman
Pennsylvania Gaming Control Board