

CIVIL COVER SHEET

10CV3958 Cedarbaum

JS 44C/SDNY
REV. 1/2008

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
THE NEW YORK RACING ASSOCIATION, INC.

DEFENDANTS
NEW YORK CITY OFF-TRACK BETTING CORPORATION

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Brian S. Rosen, Esq., Weil, Gotshal & Manges LLP
767 Fifth Avenue, New York, NY 10153 (212) 310-8000

ATTORNEYS (IF KNOWN)
Richard Levin, Esq., Cravath, Swaine & Moore LLP
825 Eighth Avenue, New York NY 10019 (212) 474-1000

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY) The New York Racing Association, Inc. appeals pursuant to 28 U.S.C. § 158(a) from the Order for Relief and Opinion and Order entered by the United States Bankruptcy Court (Glenn, J.) in *re New York City Off-Track Betting Corp.*, No. 09-17121.

Has this or a similar case been previously filed in SDNY at anytime? No? Yes? Judge Previously Assigned _____

If yes, was this case Vol. Invol. Dismissed. No? Yes? If yes, give date _____ & Case No. _____

NATURE OF SUIT

09-17121 #72

(PLACE AN [x] IN ONE BOX ONLY)

- | | | | | | | | | | | | |
|---|--|---|--|--|--|---|--|--|--|---|--|
| <p>CONTRACT</p> <p><input type="checkbox"/> 110 INSURANCE</p> <p><input type="checkbox"/> 120 MARINE</p> <p><input type="checkbox"/> 130 MILLER ACT</p> <p><input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT</p> <p><input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT</p> <p><input type="checkbox"/> 151 MEDICARE ACT</p> <p><input type="checkbox"/> 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL. VETERANS)</p> <p><input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS</p> <p><input type="checkbox"/> 160 STOCKHOLDERS SUITS</p> <p><input type="checkbox"/> 190 OTHER CONTRACT</p> <p><input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY</p> <p><input type="checkbox"/> 196 FRANCHISE</p> | | <p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 AIRPLANE</p> <p><input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY</p> <p><input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER</p> <p><input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY</p> <p><input type="checkbox"/> 340 MARINE</p> <p><input type="checkbox"/> 345 MARINE PRODUCT LIABILITY</p> <p><input type="checkbox"/> 350 MOTOR VEHICLE</p> <p><input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY</p> <p><input type="checkbox"/> 360 OTHER PERSONAL INJURY</p> <p><input type="checkbox"/> 362 PERSONAL INJURY MED. MALPRACTICE</p> <p><input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY</p> <p><input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY</p> | | <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 OTHER FRAUD</p> <p><input type="checkbox"/> 371 TRUTH IN LENDING</p> <p><input type="checkbox"/> 380 OTHER PERSONAL PROPERTY DAMAGE</p> <p><input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY</p> | | <p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 610 AGRICULTURE</p> <p><input type="checkbox"/> 620 FOOD & DRUG</p> <p><input type="checkbox"/> 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881</p> <p><input type="checkbox"/> 630 LIQUOR LAWS</p> <p><input type="checkbox"/> 640 R.R. & TRUCK</p> <p><input type="checkbox"/> 650 AIRLINE REGS</p> <p><input type="checkbox"/> 660 OCCUPATIONAL SAFETY/HEALTH</p> <p><input type="checkbox"/> 690 OTHER</p> | | <p>ACTIONS UNDER STATUTES</p> <p>BANKRUPTCY</p> <p><input checked="" type="checkbox"/> 422 APPEAL 28 USC 158</p> <p><input type="checkbox"/> 423 WITHDRAWAL 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 COPYRIGHTS</p> <p><input type="checkbox"/> 830 PATENT</p> <p><input type="checkbox"/> 840 TRADEMARK</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 MIA (1395f)</p> <p><input type="checkbox"/> 862 BLACK LUNG (923)</p> <p><input type="checkbox"/> 863 DIWC/DIMW (405(g))</p> <p><input type="checkbox"/> 864 SSID TITLE XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609</p> | | <p>OTHER STATUTES</p> <p><input type="checkbox"/> 400 STATE REAPPORTIONMENT</p> <p><input type="checkbox"/> 410 ANTITRUST</p> <p><input type="checkbox"/> 430 BANKS & BANKING</p> <p><input type="checkbox"/> 450 COMMERCE</p> <p><input type="checkbox"/> 460 DEPORTATION</p> <p><input type="checkbox"/> 470 RACKETEER IN-FLUENC & CORRUPT ORGANIZATION ACT (RICO)</p> <p><input type="checkbox"/> 480 CONSUMER CREDIT</p> <p><input type="checkbox"/> 490 CABLE/SATELLITE TV</p> <p><input type="checkbox"/> 810 SELECTIVE SERVICE</p> <p><input type="checkbox"/> 850 SECURITIES/ COM-MODITIES/ EXCHANGE</p> <p><input type="checkbox"/> 875 CUSTOMER CHALLENGE 12 USC 3410</p> <p><input type="checkbox"/> 890 OTHER STATUTORY ACTIONS</p> <p><input type="checkbox"/> 891 AGRICULTURE ACTS</p> <p><input type="checkbox"/> 892 ECONOMIC STABILIZATION ACT</p> <p><input type="checkbox"/> 893 ENVIRONMENTAL MATTERS</p> <p><input type="checkbox"/> 894 ENERGY ALLOCATION P</p> <p><input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT</p> <p><input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE</p> <p><input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES</p> | |
| <p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 LAND CONDEMNATION</p> <p><input type="checkbox"/> 220 FORECLOSURE</p> <p><input type="checkbox"/> 230 RENT LEASE & EJECTMENT</p> <p><input type="checkbox"/> 240 TORTS TO LAND</p> <p><input type="checkbox"/> 246 TORT PRODUCT LIABILITY</p> <p><input type="checkbox"/> 290 ALL OTHER REAL PROPERTY</p> | | <p>ACTIONS UNDER STATUTES</p> <p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 441 VOTING</p> <p><input type="checkbox"/> 442 EMPLOYMENT</p> <p><input type="checkbox"/> 443 HOUSING ACCOMMODATIONS</p> <p><input type="checkbox"/> 444 WELFARE</p> <p><input type="checkbox"/> 445 AMERICANS WITH DISABILITIES - EMPLOYMENT</p> <p><input type="checkbox"/> 446 AMERICANS WITH DISABILITIES - OTHER</p> <p>440 OTHER CIVIL RIGHTS</p> | | <p>PRISONER PETITIONS</p> <p><input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 20 USC 2255</p> <p><input type="checkbox"/> 530 HABEAS CORPUS</p> <p><input type="checkbox"/> 535 DEATH PENALTY</p> <p><input type="checkbox"/> 540 MANDAMUS AND OTHER</p> <p><input type="checkbox"/> 550 CIVIL RIGHTS</p> <p><input type="checkbox"/> 555 PRISON CONDITION</p> | | | | | | | |

Check if demanded in complaint

CHECK IF THIS IS A CLASS ACTION UNDER F R C P 23
DEMAND \$ _____

OTHER _____

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? No.
IF SO, STATE _____

JUDGE _____

DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: YES NO

US_ACTIVE: 143351161101165312.0004

NOTE:

Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding
- 2a Removed from State Court
- 2b Removed from State Court AND at least one party is a pro se.
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from [Specify District]
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judge Judgment

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- 1 U.S. PLAINTIFF
- 2 U.S. DEFENDANT
- 3 FEDERAL QUESTION (U.S. NOT A PARTY)
- 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE <input type="checkbox"/> 1	PTF	DEF	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF	DEF	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF	DEF
CITIZEN OF ANOTHER STATE <input type="checkbox"/> 2	1	1	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	3	3	FOREIGN NATION	5	5
	2	2		4	4		6	6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

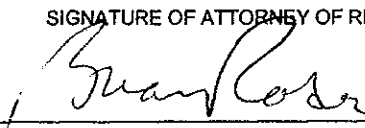
REPRESENTATION IS HEREBY MADE THAT AT THIS TIME, I HAVE BEEN UNABLE, WITHIN REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS FOLEY SQUARE
 (DO NOT check either box if this is a PRISONER PETITION)

DATE SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

Receipt #



NO
 YES (DATE ADMITTED Mo. 5 Yr. 1988
Attorney Bar Code # BR 0571

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J. Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)