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**UNITED STATES BANKRUPTCY COURT
THE SOUTHERN DISTRICT OF NEW YORK**

In re:

NEW YORK CITY OFF-TRACK BETTING
CORPORATION,

Debtor.

Chapter 9
Case No. 09-17121 (MG)

**ORDER GRANTING THE MOTION OF EMPIRE RESORTS, INC. TO COMPEL THE
DEBTOR TO COMPLY WITH THE REQUIREMENTS OF THE NEW YORK RACING,
PARI-MUTUEL WAGERING AND BREEDING LAW AND
MAKE CERTAIN STATUTORY DISTRIBUTIONS**

Upon the Motion (the “Motion”)¹ of Empire Resorts, Inc. (“Empire”), by and through its undersigned counsel, for the issuance and entry of an order compelling New York City Off-Track Betting Corporation, the above-captioned debtor (the “Debtor”), to comply with the statutory requirements of the New York Racing, Pari-Mutuel Wagering and Breeding Law (the

¹ All capitalized terms not defined herein shall have the meaning ascribed to them in the Motion.

“NY Racing Law”) to fulfill the post-petition statutory distributions currently owed and all future post-petition distributions to Empire, through its wholly-owned subsidiary, Monticello Raceway Management, Inc., pursuant to NY Racing Law §§ 532, 1015 and 1017, 11 U.S.C. §§ 105(a) and 503(b) and 28 U.S.C. § 959(b); and upon due deliberation and sufficient cause appearing therefor, it is accordingly hereby:

ORDERED, that the Motion is granted to the extent set forth herein; and it is further

ORDERED, that all responses or objections to the relief requested in the Motion that have not been withdrawn, waived or settled as announced to the Court at the hearing on the Motion are overruled or resolved by this Order; and it is further

ORDERED, that the Debtor must comply with the requirements of the NY Racing Law §§ 532, 1015 and 1017 to make the postpetition statutory distributions currently owed and all future postpetition statutory distributions pursuant to 28 U.S.C. § 959(b), and 11 U.S.C. §§ 105(a) and 503(b); and it is further

ORDERED, that the dark day monies, dailies, and maintenance of effort payments which have been earned pursuant to NY Racing Law §§ 532, 1015 and 1017 from the Petition Date through the date hereof should be paid upon entry of this Order; and it is further

ORDERED, that all dark day monies, dailies, and maintenance of effort payments accrued after the date hereof, shall be made on an ongoing basis no later than 30 days after same have accrued; and it is further

ORDERED, that the Court shall retain jurisdiction to hear and determine any matter or disputes arising from or relating to this Order of the matters addressed in the Motion.

Dated: June __, 2010

HONORABLE MARTIN GLENN
United States Bankruptcy Judge