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**Hearing Date: June 16, 2010 at 10:00 am**  
**Objection Date: June 9, 2010 at 4:00 pm**

and

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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

**NOTICE OF HEARING 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**

PLEASE TAKE NOTICE, that on May 7, 2010, Empire Resorts, Inc. (“Empire”), by and through its undersigned counsel, hereby filed 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* Dated May 7, 2010 (the “Motion”) to

the Honorable Martin Glenn, United States Bankruptcy Judge, at the United States Bankruptcy Court, One Bowling Green, New York, New York.

PLEASE TAKE FURTHER NOTICE, a hearing on the Motion will be held before the Honorable Martin Glenn, United States Bankruptcy Judge, in Courtroom 501 located at the United States Bankruptcy Court, One Bowling Green, New York, New York on **June 16, 2010 at 10:00 a.m.** or as soon after as counsel may be heard.

PLEASE TAKE FURTHER NOTICE, that any responses or objections to the Motion, must be in writing, conform to the Bankruptcy Rules and the Local Rules of the Bankruptcy Court, and be filed with the Bankruptcy Court electronically in accordance with General Order M-242 (General Order M-242 and the User's Manual for the Electronic Case Filing System ("ECF") can be found at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov), the official website for the Bankruptcy Court), by registered users of the Bankruptcy Court's filing system and, by other parties in interest, on a 3.5 inch disk, preferably in Portable Document Format (PDF), WordPerfect or any other Windows-based word processing format (with a hard copy delivered directly to Chambers of Judge Glenn) and shall be served in accordance with General Order M-242 so that they are received no later than **4:00 pm** (prevailing Eastern Time) on **June 9, 2010** upon: (i) United States Trustee for the Southern District of New York, 33 Whitehall Street, New York, New York, 10004, Attention: Andrew D. Velez-Rivera, Esq.; (ii) Olshan Grundman Frome Rosenzweig & Wolosky LLP, Park Avenue Tower, 65 East 55<sup>th</sup> Street, New York, New York 10022, Attention: Michael S. Fox, Esq. and/or Jordanna Nadritch, Esq; (iii) 33 North Street Monticello, New York 12701, Attention: Marvin Newberg, Esq.; and (iv) Cravath, Swaine & Moore LLP, 825 Eighth Avenue, New York, NY 10019, Attention: Richard B. Levin, Esq. Only

