

Richard N. Gilberg, Esq.  
Hanan B. Kolko, Esq.  
MEYER, SUOZZI, ENGLISH & KLEIN, P.C.  
1350 Broadway, Suite 501  
P.O. Box 822  
New York, NY 10018  
T: 212-239-4999  
F: 212-239-1311  
E-mail: rgilberg@msek.com  
hkolko@msek.com

Hearing Date: January 20, 2010 at 11:00 a.m.

*Attorneys for Local 858, International Brotherhood of Teamsters*

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

-----X  
In re

Chapter 9

NEW YORK CITY OFF-TRACK BETTING  
CORPORATION,

Case No. 09-17121 (MG)

Debtor.

-----X

**JOINDER OF LOCAL 858, INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
TO RESPONSE OF THE NEW YORK CITY OFF-TRACK BETTING CORPORATION  
TO OBJECTION OF THE NEW YORK RACING ASSOCIATION, INC. TO THE  
DEBTOR'S BANKRUPTCY PETITION AND STATEMENT OF QUALIFICATIONS  
UNDER SECTION 109(c)**

**TO THE HONORABLE MARTIN GLENN  
UNITED STATES BANKRUPTCY JUDGE:**

Local 858, International Brotherhood of Teamsters ("Local 858") by and through their undersigned counsel, hereby join in the Response of the New York City Off-Track Betting Corporation to Objection of the New York Racing Association, Inc. to the Debtor's Bankruptcy Petition and Statement of Qualifications under Section 109(c), and state:

**BACKGROUND – LOCAL 858**

1. Local 858 is a Labor Union. It represents approximately 167 employees of the debtor, New York City Off-Track Betting Corporation ("OTB" or "Debtor"). Local 858's members work for Debtor as branch managers.

2. Local 858 and OTB are operating under a collective bargaining agreement, which expired in December, 2007. That expired collective bargaining agreement governs wages, hours, fringe benefits and working conditions of the Local 858 represented OTB employees.

3. In December 2009, in recognition of the difficult financial circumstances which OTB found itself in, and in response to OTB's request to negotiate, Local 858 entered into negotiations with OTB. In these negotiations, OTB and Local 858 addressed OTB's request for certain relief. On or about December 4, 2009, OTB and Local 858 entered into a Memorandum of Agreement granting OTB certain relief, contingent on OTB achieving an overall reorganization. In particular, under that agreement, Local 858 agreed to a reduction in force of 55 employees, elimination of double-time pay for work performed on Sundays, and broad banding of titles.

4. Local 858 entered into this agreement in recognition of OTB's difficulties, and in recognition of the need for all stakeholders to make sacrifices to ensure OTB's ultimate survival and prosperity.

5. Local 858 and its members are keenly interested and affected by OTB's performance and have worked hard and will work hard to ensure that, on a going forward basis, OTB is able to successfully reorganize.

#### OTB'S PETITION

6. On December 3, 2009, OTB filed a Statement of Qualifications under Section 109(c) of the Bankruptcy Code (the "Qualifications Statement"). [Docket No. 6]. It also filed the Declaration of Robert J. Garry in Support of the Chapter 9 Petition and the Statement of Qualifications (the "Garry Declaration") [Docket No. 2] and the

Declaration of Raymond Casey in Support of Chapter 9 Petition and the Statement of Qualifications (the "Casey Declaration") [Docket No. 3].

### THE OBJECTIONS

7. On January 4, 2010, the New York Racing Association, Inc. ("NYRA") filed an Objection of the New York Racing Association, Inc. to Debtor's Bankruptcy Petition and Statement of Qualifications under Section 109(c). [Docket No. 33]. On January 4, 2010, the New York Thoroughbred Horsemen's Association, Inc. (the "Thoroughbred Horsemen") filed a Joinder of New York Thoroughbred Horsemen's Association, Inc. in the Objection of the New York Racing Association, Inc. to Debtor's Bankruptcy Petition and Statement of Qualifications under Section 109(c) [Docket No. 34]. On January 6, 2010, the New York Thoroughbred Breeders, Inc. (the "Thoroughbred Breeders") filed a Joinder to the NYRA Objection [Docket No. 37].<sup>1</sup>

### OTB'S RESPONSE AND LOCAL 858's JOINDER

8. On January 13, 2010, Debtor filed its Response of The New York City Off-Track Betting Corporation to Objection of The New York Racing Association, Inc. to the Debtor's Bankruptcy Petition and Statement of Qualifications Under Section 109(c) ("Debtor's Response") [Docket No. 40].

9. Local 858 hereby joins in Debtor's Response and urges this Court to overrule the objection filed by NYRA, the Thoroughbred Horsemen, and the Thoroughbred Breeders.<sup>2</sup>

10. Local 858 reserves its right to amend and supplement this Joinder,

---

<sup>1</sup> The New York Thoroughbred Breeders, Inc. Joinder was filed after the January 4, 2010 deadline.

<sup>2</sup> To the extent that Debtor's response makes factual assertions that Local 858 is not in a position to know, it does not join in the assertions.

WHEREFORE, Local 858 respectfully requests that this Court find that OTB is qualified to be a Debtor under Chapter 9.

Dated: January 13, 2010  
New York, New York

**MEYER, SUOZZI, ENGLISH & KLEIN, P.C.**

By: Hanan B. Kolko/yn  
Richard N. Gilberg, Esq.  
Hanan B. Kolko, Esq.  
1350 Broadway, Suite 501  
P.O. Box 822  
New York, New York 10018  
Telephone: 212-239-4999  
Facsimile: 212-239-1311  
E-mail: rgilberg@msek.com  
hkolko@msek.com  
*Attorneys for Local 858, International  
Brotherhood of Teamsters*