

# United States District Court

Northern District of New York

U. S. DISTRICT COURT  
N. D. OF N. Y.  
FILED

APR 23 2004

## JUDGMENT IN A CIVIL CASE

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M  
LAWRENCE K. BAERMAN, Clerk  
UTICA

CASE NUMBER: 5:03-CV-1270 (DNH)(DEP)

CAYUGA INDIAN NATION OF NEW YORK,

- v -

VILLAGE OF UNION SPRINGS; TOWN OF SPRINGPORT; and COUNTY OF CAYUGA  
NEW YORK,

- [ ] Jury verdict. This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- [xx] Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED that**

1. The defendants Village of Union Springs, Town of Springport and County of Cayuga, New York's counterclaims are **DISMISSED**;
2. The Property or parcel of land designated by the County of Cayuga as 141.05-1-3 is Indian Country pursuant to 18 U.S.C. § 1151(a);
3. The defendants Village of Union Springs, Town of Springport and County of Cayuga, New York and any of their boards, officers, agents, servants, employees, and any other persons acting on their behalf, are without authority or jurisdiction, and are preempted from, applying or enforcing defendants' zoning and land use laws, or any other laws, ordinances, rules, regulations or other requirements which seek or purport to regulate, control, or otherwise interfere with activities by or on behalf of the plaintiff Cayuga Indian Nation of New York occurring on the Property, including building activities and/or land usage occurring on the Property, or from interfering with the plaintiff's ownership and possession of the Property;
4. The defendants Village of Union Springs, Town of Springport and County of Cayuga, New York, and any of their boards, officers, agents, servants, employees, and any other persons acting on their behalf are hereby **ENJOINED** and **RESTRAINED** from applying or enforcing defendants' zoning and land use laws, or any other laws, ordinances, rules, regulations or other requirements which seek or purport to regulate,

control, or otherwise interfere with activities by or on behalf of the plaintiff Cayuga Indian Nation of New York occurring on the Property, including building activities and/or land usage occurring on the Property, or from interfering with the plaintiff's ownership and possession of the Property, including the commencement of any actions to apply or enforce said laws against the plaintiff; and are further ENJOINED to rescind and reverse all notices, Stop Work Orders, Orders to Remedy Violations, and other official documents or acts taken with respect to the enforcement of zoning and land use laws; and

5. The plaintiff Cayuga Indian Nation of New York's claims for attorney fees and sanctions are DISMISSED.

April 23, 2004

\_\_\_\_\_  
DATE

A handwritten signature in black ink, appearing to read "Lawrence L. Berman". The signature is written in a cursive style with a large initial "L".

C. Mergenthaler  
(BY) DEPUTY CLERK