

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

KG URBAN ENTERPRISES, LLC

*Plaintiff,*

v.

DEVAL L. PATRICK, in his official capacity  
as governor of the Commonwealth of  
Massachusetts, and

CHAIRMAN AND COMMISSIONERS OF  
THE MASSACHUSETTS GAMING  
COMMISSION, in their official capacities

*Defendants.*

No. 01-11-cv-102070-NMG

**CONDITIONAL MOTION TO INTERVENE**

Pursuant to Federal Rule of Civil Procedure 24, The Aquinnah/Gay Head Community Association, Inc. (“AGHCA”) conditionally moves to intervene as defendants as a matter of right pursuant to Fed. R. Civ. P. 24(a)(2), or in the alternative by permission pursuant to Fed. R. Civ. P. 24(b)(1)(B), in the event that the Court grants the Motion to Intervene filed on behalf of The Wampanoag Tribe of Gay Head (Aquinnah) and The Aquinnah Gaming Corporation (together, “the Tribe”). The grounds for AGHCA’s motion are specifically set forth in AGHCA’s memorandum in support of this motion, filed herewith.

**LOCAL RULE 7.1(a)(2) CERTIFICATION**

Undersigned counsel certifies that she has conferred with counsel for the other parties pursuant to Local Rule 7.1(a)(2) in a good faith effort to resolve or narrow the issue presented by this motion.

**CORPORATE DISCLOSURE STATEMENT**

AGHCA is non-profit corporation organized under the laws of the Commonwealth of Massachusetts. AGHCA has no parent corporation and no publicly-held corporation owns more than 10% of AGHCA's stock.

AQUINNAH/GAY HEAD COMMUNITY  
ASSOCIATION, INC.

By its attorneys,

/s/ Felicia H. Ellsworth  
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September 17, 2012

**CERTIFICATE OF SERVICE**

In accordance with Local Rule 5.2(b), I hereby certify that this document filed through the ECF system on September 17, 2012 will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Felicia H. Ellsworth

Felicia H. Ellsworth