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**SUPREME COURT
EASTERN DISTRICT**

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IN THE SUPREME COURT OF PENNSYLVANIA

NEIGHBORS ALLIED FOR THE BEST
RIVERFRONT; BELLA VISTA UNITED CIVIC
ASSOCIATION; THE FRIENDS OF PENN
TREATY PARK; HILARY REGAN; BRUCE
SCHIMMEL; EDWARD VERRALL; BROMLEY
PALAMOUNTAIN; RICHARD WOLK; JOHN
DIETEL AND KATHLEEN O'NEILL, A
MARRIED COUPLE, FOR THEMSELVES AND
THEIR MINOR CHILD; AND LOUIS COOK,

Petitioners,

v.

THE PENNSYLVANIA GAMING
CONTROL BOARD,

Respondent.

DOCKET NO.

NOTICE TO PARTICIPATE:
IF YOU INTEND TO
PARTICIPATE IN THIS
PROCEEDING IN THE
SUPREME COURT, YOU MUST
SERVE AND FILE A NOTICE
OF INTERVENTION UNDER
RULE 1531 OF THE
PENNSYLVANIA RULES OF
APPELLATE PROCEDURE
WITHIN 30 DAYS.

PETITION FOR REVIEW

Pursuant to Rule 1513 of the Pennsylvania Rules of Appellate Procedure, the
Petitioners, Neighbors Allied for the Best Riverfront; Bella Vista United Civic
Association; The Friends of Penn Treaty Park; Hilary Regan; Bruce Schimmel; Edward
Verrall; Bromley Palamountain; Richard Wolk; John Dietel And Kathleen O'Neill, a
married couple, for themselves and their minor child; and Louis Cook, hereby file this
Petition for Review and allege as follows:

Statement of the Basis for the Jurisdiction of the Court:

1. This Court has jurisdiction pursuant to 4 Pa. C.S. § 1204 over this appeal alleging the Pennsylvania Gaming Control Board (the “Board”) committed an error of law; specifically, this appeal alleges the Board, in making its decisions, failed to comply with Article 1, Section 27 of the Pennsylvania Constitution.

Name of the Party or Persons Seeking Review:

2. Neighbors Allied for the Best Riverfront (“NABR”) is a Pennsylvania nonprofit corporation under formation as of March 1, 2007 and in existence as an unincorporated association since April 2006. NABR supports community-based planning and development that is sensible, sustainable, and inclusive of public involvement. NABR holds the position that any governmental authority that issues licenses or approvals to developers along the Delaware River waterfront should only do so after taking into consideration the potential environmental impacts of the project and make reasonable efforts to minimize such impact. NABR works to support Philadelphia’s communities and unite with them to envision and plan the development of the riverfront and surrounding areas. NABR provides educational information to neighbors and community groups. NABR attempts to protect the Delaware River waterfront from inappropriate development, including the two proposed casinos, the licensing for which is the subject matter of this Petition for Review. NABR has a direct, immediate and substantial interest in the subject matter of this appeal.

3. Bella Vista United Civic Association is a Pennsylvania corporation functioning for the past ten years as a neighborhood civic association in the Bella Vista

community of Philadelphia. The Bella Vista community is located between Sixth Street and Eleventh Street and between South Street and Washington Avenue. The Civic Association has approximately 300 members, most of whom are residents and property owners in the neighborhood. The Civic Association is concerned about the Philadelphia Entertainment & Development Partners, LP (“Foxwoods”) Casino’s effect on the health and safety of its members, including the negative impacts to air quality caused by the thousands of cars that would be associated with the Foxwoods Casino. The Civic Association believes that many of these additional vehicles would invade Bella Vista by trying to use Washington Avenue. The Civic Association has a direct, immediate and substantial interest in the subject matter of this appeal.

4. The Friends of Penn Treaty Park is a Pennsylvania corporation focusing its efforts on the care and maintenance and historical interpretation of Penn Treaty Park. Penn Treaty Park is located between Delaware Avenue and the Delaware River and is approximately 500 feet north of the proposed site of the HSP Gaming LP (“Sugarhouse”) Casino. Penn Treaty Park is the traditional site of a treaty between William Penn and the Lenape Indians and the Park is commemorative of peaceful relations with the Indians. The Friends group holds clean-up days for the park and work to preserve the historical nature of the park. The Friends group supports appropriate development along the Delaware River waterfront but believe that the proposed Sugarhouse Casino is inappropriate. The Friends group believes that the size and bulk of Sugarhouse would be out of context with the riverfront and that the establishment would be inconsistent with the historic nature of the Park and surrounding areas. The Friends group also believes that the Sugarhouse Casino may negatively impact the natural fauna of the park, including hawks, ducks and

bird varieties. The Friends group is also appreciative of the natural environment of the Park, the riverfront and the river. The Friends group believes that development along the riverfront should be sensitive to the natural environment and respectful of the functions and values of the river. The Friends group has a direct, immediate and substantial interest in the subject matter of this appeal.

5. Ms. Hilary Regan is a resident of Northern Liberties and lives at 923 N 4th Street, Philadelphia, PA 19123. Ms. Regan routinely visits the Delaware River waterfront at places such as Penn Treaty Park and other nearby areas to experience the natural environment for recreational activities such as running and hobbies such as photography. Ms. Regan is involved with environmental advocacy and education in the Northern Liberties neighborhood specifically, including the riverfront area in the immediate vicinity of the proposed Sugarhouse casino. As a water quality advocate she monitors the waterfront for sediment and erosion controls and non-point source pollution. Ms. Regan believes that the development of the Sugarhouse Casino will detrimentally impact the natural environment and her enjoyment of the same. Ms. Regan has a direct, immediate and substantial interest in the subject matter of this appeal.

6. Mr. Bruce Schimmel is a resident of the historic Society Hill neighborhood of Philadelphia and his address is 220 Locust St., 24e/f, Philadelphia, PA 19106. His residence is approximately equidistant from the proposed locations of the Foxwoods and Sugarhouse casinos. Mr. Schimmel believes that the size and bulk of the proposed casinos would be out of place in the context in which they would be located. While the views and environment he currently enjoys are not pristine, he believes that the development of the proposed casinos would have negative impacts. Mr. Schimmel believes that the increased

traffic attendant to the development of the proposed casinos will result in additional particulates and thereby exacerbate the respiratory health problems in his neighborhood as well as the interior of his residence. He also believes that the increased traffic attendant to the development of the proposed casinos will result in additional noise pollution in his neighborhood as well as the interior of his residence. Finally, as someone who pilots a motorized glider and who walks along the Delaware waterfront, Mr. Schimmel believes that the size and bulk of the proposed casinos would be out of place in the context in which they would be located and would detrimentally harm the natural and scenic views he enjoys. Mr. Schimmel has a direct, immediate and substantial interest in the subject matter of this appeal.

7. Mr. Edward Verrall lives at 123 E. Allen Street, Philadelphia, PA 19125. He owns a 16-foot motorboat and routinely takes the boat onto the Delaware River, up and down the waterway and, while he recognizes that the waterfront is not pristine, he travels these waters in part to enjoy the natural beauty of the river and its surrounding areas. Mr. Verrall believes that the proposed Sugarhouse Casino would be an inappropriate development in this setting and that it would detrimentally harm the aesthetic values of the natural views of and from the waterfront. He believes the development of the casino will result in filling in parts of the river ecosystem. Mr. Verrall has a direct, immediate and substantial interest in the subject matter of this appeal.

8. Mr. Bromley Palamountain lives at 1 Christian Street, # 11, Philadelphia, PA, which is about 3 blocks away from the proposed Foxwoods casino. He is 80 years old and walks extensively along Delaware Avenue near his house. He walks up to Penns Landing along the riverfront and along the way he enjoys looking at the river and the

natural environment associated with the river. Mr. Palamountain believes that the development of the Foxwoods Casino would be detrimental to the natural environment in the area, including the river and the aesthetics of the river. Because of the anticipated tremendous amount of additional vehicles that would be associated with Foxwoods, he is also concerned about traffic safety as well as impairments to the air quality in his neighborhood. Mr. Palamountain has a direct, immediate and substantial interest in the subject matter of this appeal.

9. Mr. Richard Wolk lives at 200 Christian Street in the Queen Village neighborhood of Philadelphia. His house is approximately 4 blocks from the proposed Foxwoods Casino. Mr. Wolk frequently walks from his house to Delaware Avenue and then to other areas, such as Old City. He walks along the riverfront because he enjoys looking at the river for its aesthetic views and also to experience the calm it brings to him. Mr. Wolk believes that the development of the Foxwoods facility would interfere with his enjoyment of the river and his appreciation for the natural environment around him. He believes that the additional vehicular congestion would be harmful not just for traffic safety reasons but also to the air quality in his neighborhood. Mr. Wolk has a direct, immediate and substantial interest in the subject matter of this appeal.

10. John Dietel and Kathleen O'Neill are a married couple living in the Pennsport neighborhood of Philadelphia, at 1238 S. Second Street, Philadelphia, PA. They have a 7-year old child who suffers from asthma and a hearing impairment. Mr. Dietel and Ms. O'Neill believe that the additional vehicular traffic generated by the proposed Foxwoods Casino, located approximately 3 blocks from their home, will adversely affect the quality of the air in their neighborhood, thereby exacerbating the frequency and

distribution of asthma in the area and exacerbate their child's asthma. Mr. Dietel and Ms. O'Neill also believe that the Foxwoods Casino, if developed, will result in more noise pollution in the area of their home, thereby making it more difficult for their child to hear. Finally, Ms. O'Neill routinely jogs along the east side of Delaware Avenue, from Pennsport to Fishtown, and she uses this route because of the river environment. She believes her enjoyment of this activity would be negatively affected by the two proposed casinos. Mr. Dietel and Ms. O'Neill, for themselves and on behalf of their minor child, have direct, immediate and substantial interests in the subject matter of this appeal.

11. Mr. Louis Cook lives at 1259 Hunt Club Lane, Media, PA 19063 and by hobby is a frequent fisherman. He has and will fish in the Delaware River in the vicinity of the proposed Sugarhouse Casino. He is opposed to the development of the Sugarhouse Casino because he believes the project is unsuitable for its proposed location. He believes the project will negatively impact the river ecosystem and his enjoyment of fishing the river.

Name of the Government Unit that Made the Order or Other Determination Sought to Be Reviewed:

12. The Pennsylvania Gaming Control Board made the Order sought to be reviewed.

Reference to the Order or Other Determination Sought to be Reviewed, Including the Date the Order or Other Determination Was Entered:

13. The Order sought to be reviewed is the Order of the Pennsylvania Gaming Control Board issued on February 1, 2007 (and, upon information and belief, entered that same day), regarding Docket Nos. 1356, 1364, 1367, 1751 and 1362, with such applicants being grouped as

“Applications for Category 2 Slot Machine Licenses In Philadelphia, PA a City of the First Class.”

A copy of the Order is attached hereto as Exhibit A.

A General Statement of the Objections to the Order or Other Determination

14. Petitioners request that this Court invalidate the Order because the Pennsylvania Gaming Control Board’s (the “Board”) decisions approving Category 2 licenses in the City of Philadelphia did not comply with Article 1, Section 27 of the Pennsylvania Constitution.

15. Article I, Section 27 of the Pennsylvania Constitution provides as follows:

The people have a right to clear air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

Pennsylvania Constitution, Article I, Section 27 (the “Environmental Amendment”).

16. The Environmental Amendment is self-executing against Commonwealth agencies, as explained by this Court as follows:

There can be no question that the Amendment itself declares and creates a public trust of public natural resources for the benefit of all the people (including future generations as yet unborn) and that the Commonwealth is made the trustee of said resources, commanded to conserve and maintain them. No implementing legislation is needed to enunciate these broad purposes and establish these relationships; the amendment does so by its own *ipse dixit*.

Payne v. Kassab, 361 A.2d 263, 272, 468 Pa. 226 245 (1976).

17. To comply with the Environmental Amendment courts have required the government agency to undertake the following 3-pronged analysis:

(a) Was there compliance with all applicable statutes and regulations relevant to the protection of the Commonwealth's public natural resources?

(b) Does the record demonstrate a reasonable effort to reduce the environmental incursion to a minimum?

(c) Does the environmental harm that will result from the challenged decision or action so clearly outweigh the benefits to be derived therefrom that to proceed further would be an abuse of discretion?

Id.

18. To undertake the required analysis it is therefore necessary for the agency to gather information about the potential environmental impacts of the proposed project(s).

19. The process employed to license casinos in Philadelphia was constitutionally defective because the Gaming Control Board, during the application process, did not properly seek or consider information about potential environmental impacts, let alone balance those impacts against the economic and social benefits (if any) or harm that would be attendant to any particular casino applicant.

20. At the outset of the process, the Board allowed five separate entities to apply and vie for two licenses in Philadelphia.

21. Each applicant identified the real estate on which its facility would be constructed, including the "location and description of the facility." 58 Pa. Code § 441.4(a)(17).

22. In its Local Impact Report, each applicant was required to provide only information that would meet the following description: "which includes but is not limited to; engineering reports and traffic studies, including details of any adverse impact on transportation, transit access, housing, water and sewer systems, local police and

emergency service capabilities, existing tourism, including historical and cultural resources or other municipal service or resource.” 58 Pa. Code § 441.4(a)(21).

23. In response to these requirements, the applicants submitted varying amounts of materials in terms of impacts to the natural environment.

24. For instance, according to the record made available by the Board, Foxwoods submitted nothing about impacts to the natural environment, such as air or water.

25. Foxwoods did not submit any information about the following:

- a. Whether and to what extent the thousands of additional vehicles drawn to and from its facility will result in impaired air quality;
- b. Whether and to what extent its project will involve movement of contaminated soils;
- c. Whether and to what extent its project will involve increased noise pollution;
- d. Whether and to what extent its project will involve impacts to wetlands;
- e. Whether and to what extent its project will involve impacts to floodplains;
- f. Whether and to what extent its project will involve runoff of storm water into the river;
- g. Whether and to what extent its project will involve erosion and/or sedimentation;
- h. Whether and to what extent its project will impact the water quality of the river;
- i. Whether and to what extent its project will impact the flow of water in the river;
- j. Whether and to what extent its project will impact fish and wildlife;
- k. Whether and to what extent its project will impact plants;
- l. Whether and to what extent its project will impact aquatic habitat
- m. Whether and to what extent its project will impact threatened or endangered species of any kind, or associated habitat
- n. Whether and to what extent its project will impact water uses
- o. Any other environmental impacts contemplated by the Environmental Amendment.

26. Foxwoods instead submitted a Local Impact Report consisting almost entirely of economic information and traffic information.

27. In contrast, the Local Impact Report submitted by Sugarhouse contains some information about the natural environment.

28. However, massive areas of environmental data and inquiry, of the types listed three paragraphs above, were not contained in the Sugarhouse application.

29. The Board could not possibly have known how the environmental impacts described in the Sugarhouse application compares to the environmental impacts associated with the Foxwoods proposal, since Foxwoods did not include any environmental information.

30. Similarly neither of these two applications were capable of being compared (and the Board did not even pretend to do so) to the other three applications, in terms of environmental impact.

31. At a meeting on December 20, 2006, the Board announced that it had awarded Category 2 licenses to Foxwoods and to Sugarhouse.

32. At the same meeting, the Board denied the applications filed by the other three applicants for Philadelphia casinos, thereby making a fundamental land use decision approving casinos at two particular locations and not at three others, on the basis of many factors none of which related to its constitutional obligation under the Environmental Amendment.

33. Speaking to the press on the day of the announcement, the Board Chairman stated that the members of the Board conducted their group deliberations only during a four-hour private meeting the prior day.

34. On February 1, 2007 the Board issued a 113-page Adjudication containing the reasoning for its decisions.

35. The Board's Order and Adjudication stated that the reasons for the Board's decisions are all contained in the Adjudication.

36. The Adjudication states that "[t]he successful applicants were the applicants which possessed the projects which the Board evaluated, in its discretion, to be the best projects for licensure under the criteria of the Act." Adjudication at p. 7.

37. The criteria of the Act did not include a consideration of the impact of the proposed facilities on Pennsylvania's public natural resources or on clear air, pure water, or the natural, scenic, historic and esthetic values of the environment.

38. The two Philadelphia stand-alone casinos would result in the development of combined areas of more than 38 acres along the Delaware River waterfront.

39. The two casinos would be approximately 2.4 miles apart from each other.

40. The Board emphasized that its decisions would have far greater consequences than simply the 38 acres owned by the two applicants.

41. In the portion of its Adjudication described as "Conclusions of Law and Comparative Discussion," the Board stated as follows:

Also significant in the Board's opinion and to its decision is the Delaware River which flows past these two locations. The River-view (sic) properties provide an exciting yet tranquil setting for the building of a new industry in Pennsylvania, providing opportunities for the development along the river-front (sic) not only of casinos, but also of hotels with associated amenities which will spur other riverfront economic development. Further, as several proposals have demonstrated, the River (sic) can actually be incorporated into the proposals creating a synergy between the Delaware River, the waterfront properties and the City.

Adjudication at p. 84.

42. The Board further stated:

In the Board's opinion having weighed the record evidence, these two proposals [Sugarhouse and Foxwoods] capture the essence of what the Board finds to be right for Philadelphia – the development of the Delaware Riverfront in a manner taking advantage of sweeping views, easy access from a major interstate and the river, all in an atmosphere of upscale grandness.

Adjudication at p. 93.

43. The Board therefore engaged in what might be considered the single most consequential land use decision in the history of Philadelphia.

44. This Court has consistently held that the Environmental Amendment requires the Commonwealth to balance the environmental harms against the social and economic harms/benefits.

45. There is no evidence in the record that these factors were gathered from all applicants let alone considered by the Board.

46. The Board committed an error of law by failing to comply with the Environmental Amendment.

47. In the written public comments submitted to the Board, almost a hundred Philadelphians pled with the Board to consider the environmental impacts of the proposed casinos.

48. The Board did not hear these people.

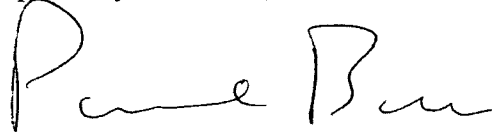
A Short Statement of the Relief Sought

For all of the foregoing reasons, Petitioners respectfully request that the Court invalidate the Order and remand this matter to the Gaming Control Board with the following instructions:

- a. The Board shall reopen the application process to solicit information about the potential environmental impacts of the proposed facilities, including a re-opener of the public comment period once the applications have been supplemented;
- b. The Board shall make an assessment of the degree to which the applicants can comply with environmental laws;
- c. The Board shall determine whether the casinos have minimized the environmental incursion;
- d. The Board shall reopen the application process to solicit information about the economic and social harms/benefits of the proposed facilities, including a re-opener of the public comment period once the applications have been supplemented;
- e. The Board shall balance the environmental impacts against the economic and social impacts harms/benefits, including an assessment of whether the siting of a major casino in a densely populated urban area (i.e., something never before accomplished anywhere) has any net benefit in terms of social and economic impacts.

Petitioners further request that they be allowed to amend and supplement this Petition for Review if and when substantial parts of the record withheld from the public to date become released and available to the public.

Respectfully submitted,



Dated: March 2, 2007

Paul Boni, Esquire (I.D. No. 59393)
LAW OFFICES OF PAUL BONI, P.C.
Constitution Place, Suite 1109
325 Chestnut Street
Philadelphia, PA 19106
215-989-0034
Counsel for Petitioners

Exhibit A

COMMONWEALTH OF PENNSYLVANIA
GAMING CONTROL BOARD

IN RE: :
: :
APPLICATION OF HSP GAMING LP : DOCKET NO. 1356
: :
APPLICATION OF KEYSTONE :
REDEVELOPMENT PARTNERS, LLC : DOCKET NO. 1364
: :
APPLICATION OF PHILADELPHIA :
ENTERTAINMENT AND DEVELOPMENT :
PARTNERS, LP : DOCKET NO. 1367
: :
APPLICATION OF PINNACLE :
ENTERTAINMENT, INC. AND :
PNK (PA), LLC : DOCKET NO. 1751
: :
APPLICATION OF RIVERWALK :
CASINO, LP : DOCKET NO. 1362
: :
Applications for Category 2 :
Slot Machine Licenses in Philadelphia, PA :
a City of the First Class :
:

ORDER

AND NOW this 1st day of February, 2007, based upon the full and careful consideration of the record evidence before it, the provisions of the Pennsylvania Race Horse Development and Gaming Act ("Act") (4 Pa.C.S. §§ 1101 – 1904, as amended) and the Act's accompanying regulations, the Pennsylvania Gaming Control Board (PGCB) issues the following:

IT IS ORDERED THAT, the applications for licensure as Category 2 licensees in the City of Philadelphia of **HSP Gaming, LP** and **Philadelphia Entertainment & Development Partners, LP**, are **GRANTED** and the licenses are approved for the reasons set forth in the Gaming Control Board's Adjudication of the Applications for Category 2 Slot Machine Licenses

in Philadelphia, PA, a City of the First Class, issued this date, and subject to satisfaction of the following conditions prior to the issuance of the Category 2 licenses:

1. The expiration of the thirty (30) day appeal period permitted by the Pennsylvania Rules of Appellate Procedure;

2. The payment of any outstanding fees, other than the \$50 million licensing fee, as determined by the PGCB pursuant to 4 Pa.C.S. § 1208;

3. The agreement to the Statement of Conditions of licensure to be imposed and issued by the Gaming Control Board, as evidenced by the signing of the agreements by HSP Gaming, LP's and Philadelphia Entertainment & Developments Partners, LP's executive officers or designees within five business days of the receipt of the Statement of Conditions from the PGCB; and

4. The payment of the one time \$50,000,000 slot machine license fee required pursuant to 4 Pa.C.S. § 1209, made by the latter of four months from the date of this Order or ten (10) calendar days following the conclusions of any appeals to the grant of this license pursuant to 4 Pa.C.S. §1204 (if any), and no less than ten (10) business days prior to the beginning of the test period necessary to commence slot machine operations under 58 Pa. Code § 467.2(a)(9).

IT IS ORDERED THAT the applications for licensure as a Category 2 licensee in the City of Philadelphia of **Keystone Redevelopment Partners, LLC; PNK (PA), LLC** and **Riverwalk Casino, LP**, are **DENIED** for the reasons set forth in the Gaming Control Board's Adjudication of the Applications for Category 2 Slot Machine Licenses in Philadelphia, PA, a City of the First Class issued this date.

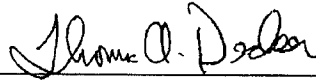
IT IS FURTHER ORDERED THAT the PGCB delegates to a designated Board member, in consultation with the Executive Director, authorization to permit HSP Gaming, LP

and Philadelphia Entertainment & Development Partners, LP to commence a test period pursuant to 58 Pa. Code § 467.2(a)(9), which test period shall commence on such date and time and shall continue for such duration as shall be determined by a designated Board member, in consultation with the Executive Director. A designated Board member, in consultation with the Executive Director, shall be authorized to establish, terminate, restrict, limit, extend or otherwise modify the test period or the hours thereof. The authority delegated shall include the right to order HSP Gaming, LP and Philadelphia Entertainment & Development Partners, LP to take whatever actions are necessary to preserve the policies of the Act, the regulations and any technical standards adopted by the PGCB and/or to assure an effective evaluation during the test period including permitting, limiting, restricting or prohibiting HSP Gaming, LP and Philadelphia Entertainment & Development Partners, LP from conducting slot operations.

IT IS FURTHER ORDERED THAT the PGCB delegates to a designated Board member, in consultation with the Executive Director, the ability to determine the successful completion of the test period and to authorize the effective date and time at which slot operations may commence pursuant to 58 Pa. Code § 467.2(b), such authorization to include a specific number of slot machines and gaming floor square footage. The authority delegated shall include the right to restrict, limit, condition or abrogate any authority to conduct slot operations and the authority to subsequently amend, modify or remove any restriction, limitation, condition or prohibition imposed pursuant to any authority granted hereunder;

that the delegation of authority to a designated Board member shall expire as determined by the PGCB; and

that in the event that a designated Board member cannot perform the delegated duties, the Chairman shall have the authority to select an alternate PGCB member to fulfill these duties.

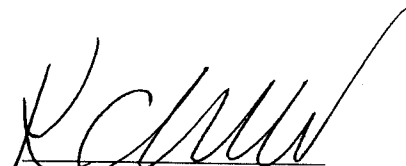


Thomas A. Decker, Chairman
Pennsylvania Gaming Control Board

In accordance with 4 Pa.C.S. § 1204, the Supreme Court has been vested with exclusive appellate jurisdiction to consider appeals of any final order, determination or decision of the board involving the approval, issuance, denial or conditioning of all licensed entity applications. Pa.R.A.P. provides for any Petition for Review to a PGCB decision to be filed within thirty (30) days after the entry of the order.

VERIFICATION

I, Kathleen O'Neill (printed name), hereby verify that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief. I make this statement subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.


(signature)

DATED: March 2, 2007

VERIFICATION

I, Bruce A Schimmel (printed name), hereby verify that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief. I make this statement subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

BA Schimmel
(signature)

DATED: 2 Mar 07

CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2007, I served a copy of the foregoing Petition for Review via certified mail to the following:

Frank T. Donaghue, Esquire,
The Pa Gaming Control Board
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Thomas W. Corbett, Jr., Esquire
Attorney General, Commonwealth of Pa
Strawberry Square, 16th Floor
Harrisburg, PA 17125
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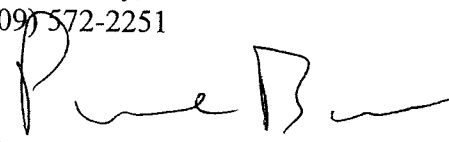
Philadelphia Entertainment and Development Partners, LP
c/o Stephen D. Schrier, Esquire (215) 665-3198
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Keystone Redevelopment Partners, LLC
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Pinnacle Entertainment, Inc. & PNK (PA) LLC
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Riverwalk Casino, LP
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