

February 8, 2012

Michael A. Siragusa, Esq.
Erie County Attorney
Edward A. Rath County Office Building
95 Franklin Street, Room 1634
Buffalo, New York 14202

Re: Request for Proposal (RFP) to Provide Legal Services in Connection with
the Lease of the County's Professional Football Stadium (the "Stadium")

Dear Mr. Siragusa:

The law firm of Kavinoky Cook LLP is pleased to respond to the RFP and would be honored to provide legal services to Erie County in connection with the lease of the Stadium.

As our detailed response to the RFP will demonstrate, our firm has a unique and demonstrated expertise in both regional sports, entertainment and Stadium matters as well as in complex financial transactions involving multiple public and private parties.

1. Experience

Kavinoky Cook LLP was counsel to the City of Buffalo throughout all phases of the planning, development, financing and construction of the \$128 million Crossroads Arena (now First Niagara Center), including the lease negotiations with the Sabres and the NHL. Ms. Chadsey of our firm guided the Sabres through the Arena development, environmental issues while with another firm. We, and particularly Mr. Shapiro of our firm, were counsel to Paul Snyder in connection with his acquisition and ownership of the Buffalo Braves of the National Basketball Association. Mr. Rubin (as General Counsel to the City's Development Companies) and Mr. Griffin (as a partner with the former Moot & Sprague firm) were counsel to the City of Buffalo in various phases of the planning, development, financing and construction of the \$42 million Pilot Field (now Coca-Cola Field). Mr. Rubin, in his capacity as Corporation Counsel to the City of Buffalo, dealt with all phases of the City's relationship with the Buffalo Bisons. Mr. Rubin is intimately familiar with the current County-Bills lease and related documents as a result of his tenure as County Attorney. Our firm served as counsel to the City of Buffalo in connection with the last lease renewal with the Buffalo Bisons.

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In addition to our stadium-specific experience, Kavinoky Cook LLP has a deep and broad experience in the structuring, negotiation, documentation and closing of regionally significant complex real estate development transactions, including Mr. Shapiro leading our efforts in such projects as The Harry and Jeannette Weinberg Campus, Ingram Micro, Inc.'s Wehrle Drive development, Darien Lake Theme Park and Campground, and the Buffalo Hyatt Hotel. Mr. Rubin's governmental experience includes such major projects as Geico, Key Towers, the Market Arcade Complex, Lafayette Square, the Buffalo Place Business Improvement District, New Buffalo Industrial Park, and Waterfront Village.

Our municipal and government law practice includes regularly advising public corporations on a wide range of New York State law, in such areas as economic development, public bidding and procurement requirements, environmental compliance, and State and Federal funding, as well as drafting State legislation. Our current clients include the Buffalo and Fort Erie Public Bridge Authority, the Buffalo Municipal Housing Authority, the City of Jamestown and the Village of Gowanda. Ms. Chadsey, one of our managing partners, serves as Village Attorney for Gowanda. Mr. Rubin has served as Erie County Attorney and Buffalo Corporation Counsel, among other public offices. We are well versed in the Federal, State and local laws affecting municipal stadium leases as well as the laws and cases specific to Erie County's construction and leasing of a stadium.

2. Personnel

The key individuals who will be assigned to provide legal services will be Mr. Shapiro and Mr. Rubin. As specific issues may require, other attorneys may be brought in, including Ms. Chadsey, Mr. LoTempio, Mr. Suneson and Ms. Eagen. Information regarding each attorney is enclosed, as well as an overview of our firm.

3. References

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726 Exchange Street, Suite 412
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David M. Dunkleman
The Harry and Jeanette Weinberg Campus
2700 North Forest Road
Getzville, New York 14068

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Thomas A. Hammond
Ingram Micro, Inc.
1759 Wehrle Drive
Williamsville, New York 14221

4. Conflicts of Interest

We have determined that there are no actual or potential conflicts of interest which may present themselves in our representation of Erie County in this matter.

5. Effective Period of Proposal

Our proposal shall remain in effect for one (1) year from the proposal date.

6. Proposer Certification

Enclosed is a signed copy of Schedule "A" to the RFP.

7. Cost Proposal

Our basic proposal for this engagement would be to bill for our services on an hourly basis, using a fee schedule representing a 25% discount from our regular hourly rates, plus disbursements of out-of-pocket expenses.

This discount will result in the following rates:

Partners	-	\$255/hour
Counsel	-	\$255/hour
Junior Partners	-	\$175/hour
Associates	-	\$140/hour
Paralegals	-	\$100/hour

We are familiar with the County's compensation guidelines as set forth in the RFP and we can comply with them in all respects.

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Kavinoky Cook LLP is very interested in the opportunity to represent the County of Erie in this important matter. We are prepared to give an oral presentation on both our capabilities as well as our perspectives on some of the critical issues facing the County with respect to a new Stadium lease.

We are available to answer any questions you have regarding this response.

Very truly yours,

KAVINOKY COOK LLP



Jonathan H. Gardner

JHG/bat

Enclosures

384505

SCHEDULE "A"

PROPOSER CERTIFICATION

The undersigned agrees and understands that this proposal and all attachments, additional information, etc. submitted herewith constitute merely an offer to negotiate with the County of Erie and is NOT A BID. Submission of this proposal, attachments, and additional information shall not obligate or entitle the proposing entity to enter into a service agreement with the County of Erie for the required services. The undersigned agrees and understands that the County of Erie is not obligated to respond to this proposal nor is it legally bound in any manner whatsoever by the submission of same. Further, the undersigned agrees and understands that any and all proposals and negotiations shall not be binding or valid against the County of Erie, its directors, officers, employees or agents unless an agreement is signed by a duly authorized officer of the County of Erie and, if necessary, approved by the Erie County Legislature and the Office of the County Attorney.

It is understood and agreed that the County of Erie reserves the right to reject consideration of any and all proposals including, but not limited to, proposals which are conditional or incomplete. It is further understood and agreed that the County of Erie reserves all rights specified in the Request for Proposals.

It is represented and warranted by those submitting this proposal that except as disclosed in the proposal, no officer or employee of the County of Erie is directly or indirectly a party to or in any other manner interested in this proposal or any subsequent service agreement that may be entered into.

KAVINOKY COOK LLP

Proposer Name

By: 

Name and Title

Jonathan H. Gardner, Partner



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SAMUEL L. SHAPIRO

Commercial Finance, Business Law and Health Care and Senior Facilities

Mr. Shapiro is a Senior Partner with Kavinoky Cook LLP practicing in the areas of health care, leasing, business law, contracts, mergers and acquisitions, commercial finance, construction law and banking. Mr. Shapiro graduated from Marietta College in 1962 and received his JD from the State University of New York in 1965. Mr. Shapiro is a member of the New York State Bar Association and the Erie County Bar Association. He has been the Chairman, Co-Chairman and Lecturer of the Practising Law Institute's National Panels on Equipment Leasing and has authored several publications on this subject.

Mr. Shapiro has been President of the University of Buffalo Law Alumni Association, a Director of the University of Buffalo Law Alumni Association, and is a member of the Dean's Advisory Council of the Law School of the State University of New York at Buffalo. He received the University of Buffalo Law Alumni Association 1999 Distinguished Alumnus Award for Leadership By Example as a Private Practitioner. He has also been named as one of the Best Lawyers in America, 2010, 2011 and 2012 in the specialties of Corporate Law and Health Care Law.

Mr. Shapiro actively participates in civic and charitable endeavors. He is a Vice Chairman of The Harry and Jeanette Weinberg Campus, has served as President of Temple Beth Zion, and as Vice Chairman and Treasurer of the Board of Directors of the Erie County Medical Center Corporation, and as a director in many other charitable and civic associations.

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LAURENCE K. RUBIN

Real Estate, Economic Development and Public Finance Law, Municipal Law

Larry Rubin concentrates in Public and Private Development, Real Property Law and Municipal Law, drawing upon a thirty year career in a wide range of public offices, including the unique experience of having been both the chief legal officer and the chief development and planning official for both the City of Buffalo and the County of Erie. Mr. Rubin has also served as special counsel to a variety of public entities in their development projects, including the City of Buffalo, the Buffalo Municipal Housing Authority and the City of Elmira.

Mr. Rubin was General Counsel to the City of Buffalo's local development companies, the City's Commissioner of Community Development, and Corporation Counsel. He has also served as the Commissioner of Environment and Planning for the County of Erie and as the Erie County Attorney. Between holding his City and his County offices, Mr. Rubin joined Kavinoky Cook LLP and rejoined the firm in November, 2007.

There are few major projects in Buffalo or Erie County that Mr. Rubin has not played a major role in, either as a key project manager or as counsel. Key Towers, Fountain Plaza, First Niagara Center, Waterfront Village, Ellicott Mall Housing Redevelopment, Frederick Douglas Housing Redevelopment, Coca-Cola Field, Lakeview Housing Redevelopment, the Root Building, New Buffalo Industrial Park, the Market Arcade Cinema and Complex, City Centre, GM Powertrain expansion, the Geico Office Development, and the Steuben Foods Plant development are some of the more well known of the projects he has helped bring to fruition.

Mr. Rubin frequently assists clients and projects in the use of and in many instances the invention of, new and creative public tools to assist private development. He has authored more than a dozen State laws to promote economic development with unique tax and real property tools. Mr. Rubin is a 1977 graduate of the State University at Buffalo Law School and is active in a wide range of community activities.

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DEBORAH J. CHADSEY

Environmental Law, Real Property Law, Land Use and Finance

*Columbia University Law School (J.D., 1987), Harlan Fiske Stone Scholar;
SUNY College at Buffalo (B.S., cum laude, 1981, Regional and Urban Planning*

Deborah Chadsey is a partner in the Firm and practices in the areas of environmental law, real estate and finance. In the environmental area, she has extensive experience with the full range of state and federal environmental laws and programs, including the Clean Water Act, NEPA, the Toxic Substances Control Act, RCRA, CERCLA, the Oil Spill Prevention and Compensation Act, and SEQRA. She represents businesses identified as Potentially Responsible Parties (PRPs) under CERCLA and related state statutes on a national basis. She has served as a Site Trust Fund Trustee at two Superfund sites. As counsel to the sole responsible party at two Superfund Sites on the National Priority List, she has negotiated with the EPA, coordinated engineering consultants and monitored implementation of remedial activities.

Ms. Chadsey has represented banks, public and private financial institutions, private funds, individuals and all forms of commercial borrowers in real estate and mortgage financing, and project and real property development financing transactions. She routinely provides advice regarding the environmental aspects of clients' lending, borrowing or fundraising activities, including performing risk assessments of current and potential borrowers and facilitating development of appropriate transaction structures for transactions with actual or potential environmental liability. She represents a regional bank in its real estate and corporate transaction in Western New York, and has been environmental counsel for the last 16 years to a former Fortune 500 company, now privately owned, involved in both its merger and acquisition activity and environmental compliance issues.

Ms. Chadsey is active in the community and currently serves on the Board of Directors for the Western New York Land Conservancy, Kensington-Bailey Neighborhood Housing Services/Gloria Parks Community Center, and the New York State Board of Advisors for Northwest Savings Bank.

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DAVID A. LOTEMPIO

**Corporate Law, Commercial Finance, Tax, Estates and Trusts
and General Business**

Mr. LoTempio joined Kavinoky Cook LLP on March 1, 1984 and has been a partner at that firm since 1990. He graduated *summa cum laude* in 1981 with a Bachelor of Science degree from the State University of New York at Buffalo School of Management, and graduated *cum laude* in 1984 with a Juris Doctor degree from the State University of New York at Buffalo School of Law. Mr. LoTempio is admitted to practice law in New York (1984) and in Washington, D.C. (1988), and is a Certified Public Accountant in the State of Florida since 1984. Mr. LoTempio is a member of the Erie County Bar Association and the Florida Institute of Certified Public Accountants.

Mr. LoTempio focuses his practice on the representation of individuals and small to medium-sized entities (public and private) in commercial transactions, including, but not limited to, mergers, acquisitions, formation and reorganization, construction and permanent financing, private lending, public offerings, low income housing, commercial leasing and tax planning. Mr. LoTempio also advises clients on estate planning, including U.S.-Canadian estate planning issues.

Mr. LoTempio's experience in the finance area includes representation of a manufacturing company with annual sales in excess of \$100 million, a retail operation with annual sales in excess of \$30 million, a contracting and manufacturing company with annual sales in excess of \$50 million, real estate development companies with holdings in excess of \$100 million, and the Buffalo Municipal Housing Authority in connection with the redevelopment of numerous low income housing projects at an aggregate cost in excess of \$50 million which were financed through a combination of Federal and State public financing programs, private financing and BMHA issued tax-exempt bonds.

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STEVE V. SUNESON

Corporate Law, Commercial Finance and General Business

Steve Suneson is an attorney with Kavinoky Cook LLP, a United States law firm. Steve devotes a significant portion of his practice to the representation of corporations, partnerships, limited liability companies, other commercial enterprises and individuals.

Fluent in Swedish, and born and raised in Sweden, Steve has a particular interest in the representation of Swedish and other European companies and individuals wishing to do business in the United States. Steve regularly represents foreign companies in connection with their business affairs in the United States, whether they be through a U.S. subsidiary, branch office, joint venture, distributorship or other business arrangement. He is a member of the Swedish-American Bar Association, the Swedish-American Chamber of Commerce and is a Swedish translator for the International Institute of Buffalo.

Steve's practice encompasses all aspects of corporate law, including formation and organization of start-up businesses, corporate planning and governance, corporate finance, mergers and acquisitions, cross-border transactions, complex commercial transactions and business disputes. Previously, Steve practiced business law at a large international law firm in New York City. There, among other things, he represented financial institutions including private equity funds, hedge funds, pension funds and private investors in transactions involving direct and indirect investments in funds or in portfolio companies. He also acted as general corporate counsel to one of the world's largest international distilleries. Steve has lectured on U.S. legal issues to foreign companies doing business in the U.S.

Steve is a graduate from the University of Colorado (B.A., cum laude, with honors and distinction, 1997) and a Phi Kappa Phi graduate of the University of Minnesota Law School (J.D., cum laude, 2000).

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Intellectual Property, General Business

KELLY E. EAGEN

Ms. Eagen is an Associate with Kavinoky Cook LLP. She concentrates her practice in the areas of intellectual property law, including trademark prosecution and litigation, as well as general business litigation. Ms. Eagen is admitted to practice law in the State of New York (2010), and the United States District Court Western District of New York (2010).

Ms. Eagen graduated magna cum laude from the State University of New York at Buffalo in 2006 with a Bachelor of Arts degree in Political Science. She graduated cum laude from the State University of New York at Buffalo Law School in 2009 with a Juris Doctor degree.

Ms. Eagen is a member of the American Bar Association, the New York State Bar Association, and the Bar Association of Erie County.

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Government Entities And Not-For-Profit Corporations

Because we have a long tradition of community service that dates back to our inception in 1949, Kavinoky Cook LLP has considerable experience representing governmental and not-for-profit entities. In Western New York, we have represented municipalities and county government, as well as public authorities and agencies. Our partners serve on the boards of major cultural and social service organizations in Buffalo and Western New York. Consequently, we have familiarity with municipal law, public employee labor relations, bond financing, New York State laws relating to the operation of municipal government and public authorities and laws related to not-for-profit organizations. We have formed many not-for-profit corporations and assisted not-for-profit organizations with matters such as governance and fund raising. We also have experience in forming and organizing charitable trusts, private foundations and other tax-exempt organizations.

Environmental Matters

Our environmental practice is integrated with both our Corporate and Real Estate practice groups. We have experience with both state and federal environmental laws and programs, including the Clean Water Act, the Toxic Substances Control Act, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response Compensation and Liability Act, the National Environmental Policy Act, and New York's corollary programs, including the state's Oil Spill Prevention and Compensation Act and the State Environmental Quality Review Act.

Our environmental/corporate practice focuses in two areas: the environmental aspects of merger and acquisition transactions and lending activities and in representing businesses identified as Potentially Responsible Parties (PRPs) under CERCLA and related state statutes where we serve or have served on executive, allocation and steering committees and as Site Trust Fund Trustee.

Our environmental/ real estate group focuses on real property acquisitions and development, including compliance matters under the National Environmental Policy Act and the New York State Environmental Quality Review Act, and on brownfield redevelopment projects

Real Estate and Real Property Tax Assessment

Our real estate practice is tightly integrated with our corporate practice. Our business lawyers have experience with real estate acquisition, financing and leasing. We also have highly experienced real estate lawyers with a depth of expertise in title and technical matters. Two of our paralegals regularly handle residential real estate work (which we do on a very cost-effective basis) and participate in larger real estate transactions with the supervision of a lawyer.

In addition, the firm has developed one of the largest real estate tax assessment practices in Western New York. We help developers and commercial and residential property owners obtain fair tax assessments. We regularly work with municipal tax assessment authorities across New York State to reduce assessments and in connection with condemnation proceedings. Although we recognize that it is frequently cost-effective to avoid litigation, our department's considerable trial experience offers our clients an alternative when a settlement cannot be achieved. Attorneys in our department frequently appear in trial and appellate courts as well as before local assessment review boards and other administrative officials.

Our litigators often represent clients in real estate litigation, including condemnation and eminent domain claims and proceedings, development and construction disputes, code enforcement litigation, and land use planning actions and proceedings.

Commercial Finance Practice

Kavinoky Cook LLP offers a full spectrum of legal services for lending institutions, borrowers, security issuers and investors in commercial financing transactions. We believe that by providing practical, knowledgeable, effective and efficient legal advice and services in a financing transaction, our client is given the tools to make informed business decisions relating to the risks and rewards inherent in any financing transaction and that present themselves in each particular transaction. In each commercial financing transaction we strive to represent our clients' interests to the fullest permissible extent while ensuring that our services facilitate and expedite the transaction. In keeping with our firm's philosophy, the services we provide to clients in commercial financing transactions are grounded in our desire to help our clients realize their own strategic and operational goals that flow from each transaction.

The attorneys of Kavinoky Cook LLP have extensive experience in representing banks, public and private financial institutions, lending consortiums, private funds, individuals and all forms of commercial borrowers in commercial lending transactions ranging in size from the hundreds of thousands to the hundreds of millions of dollars. We are routinely asked to provide legal guidance in a broad range of commercial finance transactions, including enterprise lending, asset

based lending, real estate and mortgage financing, project and development financing, equipment leasing, letters of credit, public debt financing, and private securities offerings.

Business Practice

Our business practice draws on a broad base of experience and expertise. We combine that with a willingness and flexibility to adapt to each client's style and approach to business.

We handle the immediate issues confronting each client in a timely and efficient manner, but we do that with an eye to helping you achieve your larger goals. While all of our corporate lawyers have individual areas of expertise, we think of ourselves first as "business lawyers" with general knowledge and experience in business and transactions in a wide variety of areas. We will not shuffle our clients or their matters among a collection of narrowly focused experts and departments. Our senior partners stay involved in all matters, drawing from within our firm individual expertise and manpower as it is needed. We think that is an advantage of working with our firm.

Our clients range from large public companies to family-owned businesses and entrepreneurial companies. Our firm is based in Buffalo, New York and Toronto, Ontario. We have many clients that operate in both the United States and Canada. In addition to having experience with cross-border issues, we have a full immigration practice that assists in enabling our Canadian clients to grow their businesses in the United States.

Our business experience includes: mergers and acquisitions, public and private offerings of securities, banking, debt financing, asset-backed financing, SEC compliance, corporate organization and governance, shareholder agreements, shareholder rights issues, joint ventures, reorganizations, real estate, environmental issues, employment matters, tax planning, protection of intellectual property, licensing and contracts. While we describe individual areas of concentration in greater detail below, they are all part of our integrated business group.

International Practice Group

A number of our business lawyers focus their practice in assisting foreign companies and individuals doing business throughout the United States. They pride themselves on helping clients solve problems, enabling clients can devote their energies to business.

The international practice group's focus includes corporate structuring, immigration counseling, tax planning and intellectual property protection. Of course, all other areas of the firm's expertise are available to our international clients.

For the convenience of our clients in Southern Ontario, we have maintained an office in Toronto for over a decade.

Our international practice group can also assist our U.S. based clients doing business around the world.

Tax Department

Our tax attorneys represent clients in all aspects of international, federal, state and local taxation, corporate and partnership taxation, taxable and tax-exempt financing, structured financing, and other tax claims before federal and state tax authorities.

Securities

Our expertise and experience with private and public offerings is unusual for a firm our size. We have experience in handling a variety of exempt private offerings, including preparation of private offering memos and negotiation of private placement agreements. We also have experience handling registered public offerings, re-sale registration statements and ongoing securities law compliance. We also assist with state securities law compliance for issuers.

Labor & Employment

Kavinoky Cook LLP represents employers and employees in a full range of employment and labor matters. These include wage and hour compliance, union organizing, contract, on-going labor relations and employment discrimination. We advise our clients on complex and delicate issues in this constantly changing area of law. We provide client seminars and training sessions and materials. While we emphasize ways to avoid litigation, when it cannot be avoided, we pursue an aggressive and cost-effective approach to resolve cases favorably. We offer creative thinking, efficiency and practical resolutions.

The labor and employment attorneys frequently appear in state and federal trial and appellate courts as well as before the Equal Employment Opportunity Commission, the Federal and State Labor Departments, and the National Labor Relations Board.

Commercial Litigation

Kavinoky Cook LLP's litigators are highly experienced trial and appellate advocacy attorneys. We regularly represent clients in contested matters before various United States Courts of Appeals, numerous United States District Courts, the New York Court of Appeals, all of New York's Appellate Divisions and numerous other trial courts, as well as in arbitration proceedings and other venues for alternate dispute resolution.

Regardless of the size or complexity of the litigation, we try to maximize favorable outcomes in a cost-effective manner consistent with the goals of our clients.

Our business litigators assess risk and exposure before disputes arise, and pursue strategies which allow clients to evaluate, manage, and avoid the problems which produce litigation.

When litigation arises or must be commenced, we aggressively pursue the financial and business interests of our clients.

Our commercial litigation practice areas include: banking, commercial paper, condemnation, construction, corporate and shareholder disputes, distribution, employment, environmental, federal and state income taxation, health, hotel and hospitality, intellectual property, leasing, real property taxation, securities, and state sales and use taxation.

Health Care And Senior Care Facilities

The firm's Health Care and Senior Care Facilities practice is a highly focused practice area that also incorporates many of the firm's more general practice areas, including business, finance, tax, real estate, labor, employment, not-for-profit expertise and litigation. The attorneys in our Health Care and Senior Care Facilities practice regularly counsel clients in the formation, organization, management, operation, financing and acquisition of not-for-profit health care and senior care facilities, including nursing homes, licensed adult health care homes, skilled nursing facilities, assisted living programs, continuing care communities and senior housing projects. The Health Care and Senior Care Facilities practice also counsels individual physicians and physician practice groups, as well as other licensed health care professionals in such matters as the negotiation of service and provider reimbursement agreements with health insurance and health maintenance organizations and hospitals.