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# The \_\_\_\_\_ MICHIGAN GAMING \_\_\_\_\_ Newsletter



## U.S. DISTRICT COURT GRANTS SAULT STE. MARIE TRIBE PRELIMINARY INJUNCTION TO OPEN ST. IGNACE CASINO

On Tuesday, August 28, 2007, Judge R. Allan Edgar of the United States District Court for the Western District of Michigan issued an Order granting the Sault Ste. Marie Tribe of Chippewa Indians ("the Tribe") a preliminary injunction allowing the Tribe to immediately open its new casino in St. Ignace, Michigan.

Judge Edgar's Order accepts and adopts the 20-page Report and Recommendation issued by Magistrate Judge Timothy Greeley on July 23, 2007, which concluded that: (1) the public interest is favored by allowing the Tribe to open its new casino; (2) third parties will not be harmed by allowing the Tribe to open its new facility; (3) the Tribe will suffer irreparable injury if it were barred from opening the new casino; and importantly, (4) the Tribe has demonstrated a likelihood that it will succeed on the merits of the underlying lawsuit.

In approving the preliminary injunction, Judge Edgar stated:

Plaintiff shall be and is permitted to immediately open and operate the plaintiff's new gambling casino...Pending the final disposition of this case and pending further order of this District Court, defendants shall not take any further action and steps to impede, prevent, stop or otherwise interfere with the plaintiff's operating and operating said new gambling casino.

The lawsuit itself was filed by the Tribe in November, 2006 challenging the National Indian Gaming Commission's final determination and order disapproving an amendment to the Tribe's gaming ordinance that would permit gaming on the parcel of land in St. Ignace where the new casino complex has been built.

*Continued on next page*

In a Kewadin News release issued today, the Chairman of the Tribe, and COO of the Kewadin Casinos made the following comments:

Chairperson Aaron Payment said, “We have worked diligently to pursue all available remedies to resolve the issue of our inability to operate gaming as it was intended in our new \$41 million casino in St. Ignace. One such remedy was federal legislation, which was sponsored by our Congressman Bart Stupak. This legislation has cleared the U.S. House of Representatives and is slated for approval in the Senate this fall. The other remedy was to file a federal lawsuit. Today, we received word that the federal judge has issued an injunction to allow us to immediately operate gaming at the main venue.”

Kewadin Casinos COO Tony Goetz added, “Tomorrow, the Board of Directors are joining me and the casino team members at the Shores Casino to ready the new facility for gaming operations by Labor Day weekend. A special celebratory promotion with over \$30,000 in cash prizes is being planned, as well, for this weekend.”

The release from the Tribe stated that as soon as possible, and consistent with the Court’s Order, the Tribe plans to open the new casino gaming space. Preparation to move slot machines and table games from the temporary structure to the main gaming floor is scheduled to happen as early as this afternoon. Thereafter, the Tribe will operate the casino on the new gaming floor while the lawsuit unfolds.

## **FEDERAL GOVERNMENT GRANTS THE SAGINAW CHIPPEWA TRIBE THE RIGHT TO CONVEY INTERESTS IN LAND OWNED BY THE TRIBE**

On August 13, 2007, President George W. Bush signed into law Public Law No. 110-76, which granted the Saginaw Chippewa Tribe (the “Tribe”) the right to convey land and interests in land owned by the Tribe. This piece of legislation was necessary due to the 1790 Indian Non-Intercourse Act, which prohibited states or any other entity from purchasing real estate owned by a Tribe without the express permission of Congress. Public Law No. 110-76 provides, in pertinent part:

...[N]otwithstanding any other provision of law (including regulations), the Saginaw Chippewa Indian Tribe of Michigan (including any agent or instrumentality of the

Tribe) (referred to in this section as the `Tribe'), may transfer, lease, encumber, or otherwise convey, without further authorization or approval, all or any part of the Tribe's interest in any real property that is not held in trust by the United States for the benefit of the Tribe.

## **SAGINAW CHIPPEWA TRIBE HOLDS JOB FAIR FOR STANDISH, MICHIGAN CASINO**

Earlier this week, the Saginaw Chippewa Tribe held an informational job fair for new employment positions that will be available once construction on the Tribe’s new \$44 million casino in Standish, Michigan is completed.

The job fair was attended by nearly 800 people interested in working at the new casino. The Tribe expects that the Standish casino will offer 300 new jobs to the area.

Though this job fair was informational in nature, the Tribe expects to hold a job fair where applicants will interview for positions sometime after the opening date for the casino is announced. Tribal spokesmen have said that they hope the casino will be open by December, 2007.

Persons interested in monitoring this development should visit [www.sagchip.org](http://www.sagchip.org).