

January 26 , 2018

Volume 24, Issue 4

For more information on Michigan's gaming industry, please visit [www.michigangaming.com](http://www.michigangaming.com)

*Editor in Chief*

**David D. Waddell, Esq.**  
Phone: 517.507.3859  
[waddell@rmclegal.com](mailto:waddell@rmclegal.com)

*Senior Gaming Analyst  
& Editor*

**Robert R. Russell, II**  
Phone: 517.507.3858  
[russell@rmclegal.com](mailto:russell@rmclegal.com)

*Reporter and Associate Editor*

**J.J. Burchman, Esq.**  
Phone: 517.999.5414  
[burchman@rmclegal.com](mailto:burchman@rmclegal.com)

*Distribution Coordinator*

**Julie Williams**  
Phone: 517.507.3861  
[jwilliams@rmclegal.com](mailto:jwilliams@rmclegal.com)

*Subscription information:*  
[info@michigangaming.com](mailto:info@michigangaming.com)

A publication of  
**RMC Ventures, LLC**

Asher Court  
321 W. Lake Lansing Rd.  
East Lansing, MI 48823  
Phone: 517.507.3860  
Fax: 517.908.0235  
[www.rmclegal.com](http://www.rmclegal.com)

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



## **GUN LAKE PARTNERS WITH LOCAL CHARITY TO FEED HOMELESS IN GRAND RAPIDS**

Gun Lake Casino partnered with Degage Ministries last week to serve meals to those in need in the Grand Rapids area. The charitable effort combined food prepared at The Harvest Buffet and Sandhill Café at Gun Lake Casino with the efforts of casino employees who volunteered their time to serve meals to over 300 people at the Degage Ministries. "Gun Lake Casino team members volunteer with many local charitable organizations each year, and Degage Ministries is by far a team member favorite," said Eric Althaus, vice president and assistant general manager for Gun Lake Casino. "We're thrilled to be able to partner with such a great organization each year to provide these much-needed meals." Joining Gun Lake Casino was Grand Rapids musician, Sean Copenhaver, who volunteered his time to provide entertainment to the Degage Ministries patrons.

In addition to providing meals, Gun Lake Casino representatives also presented Degage Ministries with a check for \$2,500.

"We are so thankful for Gun Lake Casino's ongoing commitment to our ministry and for believing in our mission," said Marge Palmerlee, executive director for Degage Ministries. "Each year, their generosity helps supports our programs for the Heartside Community.

## **ONTARIO LOTTERY AND GAMING MAKES QUARTERLY COMMUNITY PAYMENTS: WINDSOR RECEIVES CLOSE TO \$2.3 MILLION**

According to a Press Release issued on January 19th, the Ontario Lottery and Gaming Corporation (OLG) issued third-quarter (October to December, 2017) non-tax gaming revenue payments totalling \$27,569,501 to 24 communities which currently host gaming facilities. To date, host communities have received more than \$1.4 billion in non-tax gaming revenue. According to the Windsor Star, Windsor received \$2,288,389 as a result of hosting Caesars Windsor. Since May 1994, Windsor has received more than \$46.3 million in non-tax gaming revenue.

“OLG’s host fees provide municipalities with important funds to enable investments in their communities,” Ontario Finance Minister Charles Sousa said in a media release announcing the payment. “People all across Ontario benefit from OLG revenues that support broader public services including health care and education.”

These payments are made under an equitable formula in the Municipality Contribution Agreement that determines the funds municipalities receive for hosting a gaming facility and are based on a graduated scale of gaming revenue that is consistent across all sites in Ontario.

At approximately \$2 billion annually, OLG provides the Ontario government with its largest source of non-tax revenue. In fiscal 2017-2018, the province will allocate \$115 million in gaming revenue to support charities through the Ontario Trillium Foundation. Every year, the Government of Ontario allocates funding to the province’s problem gambling program for research, treatment and prevention. The amount for fiscal 2017-2018 is \$38 million.

## **FEDERAL COURT AFFIRMS SOVEREIGN IMMUNITY AND DISMISSES TRIBE FROM ADVERSARY PROCEEDING RELATING TO GREEKTOWN BANKRUPTCY**

In a detailed 36-page opinion issued on Tuesday of this week, the United States District Court for the Eastern District of Michigan affirmed the sovereign immunity of the Sault Ste Marie tribe of Chippewa Indians and Kewadin Gaming Authority in adversary proceedings brought by the Litigation Trustee (“Trustee”) for the Greektown Litigation Trust. The adversary proceedings focused on transfers totaling \$177 million made by the debtor in advance of the filing for bankruptcy which the Trustee alleged were improper. The Trustee sought to have the transfers voided and the money recovered under the bankruptcy code and the Michigan Uniform Fraudulent Transfers Act.

Citing existing precedent requiring a tribe to expressly waive its sovereign immunity either in its charter or by agreement, the court found that no such express waiver had occurred.

The court also rejected arguments made by the Trustee that the tribe’s conduct in connection with the bankruptcy litigation had created an implied waiver of immunity.

“In absence of a different direction from Congress or the Supreme Court or the Sixth Circuit limiting the breadth of tribal immunity, this court is constrained to reject the Litigation Trustee’s novel theory of implied waiver”.

The Trustee could potentially appeal the decision to the Sixth Circuit Court of Appeals.

## **FIREKEEPERS ANNOUNCES EXTENSION OF TITLE SPONSORSHIP AGREEMENT FOR THE FIREKEEPERS CASINO 400**

Per a January 18, 2018 press release, FireKeepers Casino Hotel and Michigan International Speedway extended its partnership for a new multi-year agreement that will keep the casino as the entitlement sponsor for the June Monster Energy NASCAR Cup Series race, the FireKeepers Casino 400.

FireKeepers Casino Hotel has seen the benefits of partnering with Michigan International Speedway (“MIS”) since sponsoring pole day in 2014. In 2015, the casino became the entitlement sponsor for the Monster Energy NASCAR Cup Series race, viewing it as a way to increase its involvement in the sport and reach new guests.

“The FireKeepers Casino 400 is one of the region’s top sporting events and we are proud and excited to extend our title sponsorship with Michigan International Speedway,” FireKeepers Casino Hotel CEO Kathy George said. “The roar of the crowd and dramatic finishes will continue to draw tens of thousands of fans to our region and expand the brand awareness of the award-winning FireKeepers Casino Hotel.”

The casino has seen increased returns from its involvement with the race. FireKeepers Casino Hotel utilizes the partnership to market its casino and hotel to the loyal NASCAR fan base both in Michigan and nationwide.

“The Nottawaseppi Huron Band of the Potawatomi values local partnerships and community outreach and one of the tribe’s biggest collaborations is with Michigan International Speedway,” Tribal Council Chairperson Jamie Stuck said. “We are excited about the future of the FireKeepers Casino 400 and the positive impact it brings to the state of Michigan and FireKeepers Casino Hotel.”

MIS and FireKeepers Casino Hotel share the same philosophy of bringing tourists to the state of Michigan. This commitment to guest experience continues to strengthen the Michigan economy.