

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

FREEMANVILLE WATER SYSTEM, INC.	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 07-688
	)	
POARCH BAND OF CREEK INDIANS,	)	
P.C.I. GAMING, and CREEK INDIAN	)	
ENTERPRISES,	)	
	)	
Defendants.	)	

**COMPLAINT**

Plaintiff Freemanville Water System, Inc. (Freemanville) files this complaint against The Poarch Band of Creek Indians (PBCI), Creek Indian Enterprises (CIE), and P.C.I. Gaming (PCI).

1. Defendant PBCI is a federally recognized Indian tribe.
2. Defendant PBCI's tribal lands include non-contiguous tracts of land within Escambia County, Alabama.
3. Defendant CIE is an entity wholly-owned by PBCI and chartered under the tribal laws of PBCI.
4. Defendant PCI is an entity wholly-owned by PBCI and chartered under the tribal laws of PBCI.
5. Plaintiff Freemanville is an Alabama corporation, organized to provide water to rural parts of Escambia County, Alabama.
6. Freemanville is currently a federal loan recipient under the Consolidated Farm and Rural Development Act, 7 U.S.C. § 1921, et seq.
7. Freemanville serves certain rural areas of Escambia County, Alabama.

8. Freemanville currently supplies water service for Defendants' tribal lands.
9. All of Defendants' tribal lands are in Escambia County, Alabama.
10. All of Defendants' tribal lands are within Freemanville's service area.
11. Defendants are preparing to construct a water treatment and distribution facility on its tribal lands.
12. Defendants plan to construct a water distribution system on and between its tribal lands, including distribution infrastructure beyond the boundaries of Defendants' tribal lands.
13. Under the federal loan program for rural development, Freemanville is currently protected against any curtailment or limitation of its service in the area Freemanville serves.
14. Defendants' planned construction of a water system on or between tribal lands will curtail or limit Freemanville's service.
15. Defendants' planned construction of a water system on or between tribal lands is barred by federal law, specifically the Consolidated Farm and Rural Development Act, 7 U.S.C. §1926(b).
16. This court has jurisdiction over this action based on federal questions that arise under 7 U.S.C. § 1921, et seq. and, specifically, 7 U.S.C. § 1926(b).

**COUNT ONE**

17. Plaintiff incorporates all allegations set out above.
18. Plaintiff has previously requested Defendants cease these development plans that will curtail Freemanville's service, and Defendant refuses. Copies of Freemanville's letter demanding that Defendants cease and Defendants' letter in response advising that it will not cease are attached as Exhibits A and B, respectively.
19. An imminent threat to Freemanville's service exists.

20. A justiciable controversy exists requiring this court's determination of the parties' rights and obligations under federal law.

WHEREFORE, the Plaintiff respectfully requests that the Court, after an adequate hearing, issue a declaration that Defendants are barred from constructing any facility or service system on or between tribal lands, and other legal or equitable relief this Court deems appropriate.

### **COUNT TWO**

21. Freemanville incorporates all allegations set out above.

22. Defendants' curtailment of Freemanville's service or service area poses an imminent threat and will cause Freemanville irreparable harm.

23. Defendants' planned service in Freemanville's service area violates federal law under 7 U.S.C. §1926(b).

24. Defendants should be enjoined from constructing any water facility or system on or between tribal lands, which are all within Freemanville's service area.

WHEREFORE, Plaintiff Freemanville respectfully requests a preliminary and permanent injunction against all acts by Defendants for inclusion in Freemanville's service area any similar service during the term of Freemanville's federal loan, and all other legal or equitable relief this Court deems appropriate.

/s/ H. William Wasden  
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PLEASE SERVE DEFENDANTS BY CERTIFIED MAIL AS FOLLOWS:

Poarch Band of Creek Indians

5811 Jack Springs Road

Atmore, Alabama 36502

P.C.I. Gaming

5811 Jack Springs Road

Atmore, Alabama 36502

Creek Indian Enterprises

5811 Jack Springs Road

Atmore, Alabama 36502