

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THE STATE OF MICHIGAN,
Plaintiff,

v

THE SAULT STE. MARIE TRIBE OF
CHIPPEWA INDIANS, AARON PAYMENT,
CHAIRMAN in his official capacity, LANA
CAUSELY, VICE CHAIRWOMAN, in her
official capacity, CATHY ABRAMSON,
SECRETARY in her official capacity, KEITH
MASSAWAY, TREASURER in his official
capacity, DENNIS MCKELVIE, DIRECTOR
in his official capacity, JENNIFER
MCLEOD, DIRECTOR, in her official
capacity, DEBRA ANN PINE, DIRECTOR, in
her official capacity, D.J. MALLOY,
DIRECTOR, in her official capacity,
CATHERINE HOLLOWELL, DIRECTOR, in
her official capacity, DARCY MORROW,
DIRECTOR, in her official capacity, DENISE
CHASE, DIRECTOR, in her official capacity,
BRIDGETT SORENSON, DIRECTOR, in her
official capacity and JOAN ANDERSON,
DIRECTOR, in her official capacity,
Defendants.

No. 1:12-cv-962

HON.

MAG.

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**PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

The State of Michigan (State), by and through its Attorney General Bill Schuette, moves pursuant to F.R.Civ.P. Rule 65 for a preliminary injunction in the above-captioned case.

The Sault Ste. Marie Tribe of Chippewa Indians (Sault Tribe or Tribe) has its reservation and Tribal offices in Chippewa County in the Upper Peninsula. In 1993 the Tribe entered into a gaming compact with the State to operate casinos in the Upper Peninsula. In § 9 of that compact the Tribe agreed that “An application to take [off-reservation] land in trust for gaming purposes . . . shall not be submitted to the Secretary of the Interior” until the Tribe had reached agreement with the State’s other tribes “to share in the revenue” of that casino. To the best of the State’s knowledge, no such revenue sharing agreement exists, yet the Sault Tribe has recently been quoted in numerous media reports and has stated on its web page that it has entered into an agreement with the City of Lansing to buy from the City property located in Lansing for the purpose of building and operating a casino on that property. This agreement is on the City and the Tribe’s web pages. The Tribe has also made it clear that it will apply to the United States Department of the Interior (Interior) to have that land taken into trust for the purpose of casino gaming. There is no question that a casino in Lansing would be “off-reservation.”

Conclusion and Relief Requested

Based on these indisputable facts, it is clear that Defendants are about to breach § 9 of the compact with the State. Federal law gives this Court jurisdiction

to enter an injunction to enjoin violations of such a compact where casino gaming is involved.

For these reasons, as discussed in detail in the accompanying brief, the State is respectfully asking that an injunction be entered prohibiting Defendants from applying in violation of the compact to have the property in Lansing taken into trust for gaming purposes, at least until the Tribe complies with the compact requirement that it obtain an agreement from the other tribes to share the revenues from any casino built on such property.

Respectfully submitted,

Bill Schuette
Attorney General

/s/ Louis B. Reinwasser

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LF: Sault Ste. Marie Tribe (Lansing Casino)\2012-0002261-A-G\ Motion – StateMotionPI 2012-08-07.doc