

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WILLIAM CROSS, JR.,

Plaintiff,

v.

KEWADIN CASINOS GAMING  
AUTHORITY,

Defendant.

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Case No. 19-11326

SENIOR U.S. DISTRICT JUDGE  
ARTHUR J. TARNOW

U.S. MAGISTRATE JUDGE  
STEPHANIE DAWKINS DAVIS

**ORDER FOR DEFENDANT TO SHOW CAUSE WHY CASE SHOULD NOT BE  
REMANDED FOR LACK OF SUBJECT MATTER JURISDICTION; FOR PLAINTIFF TO  
FILE RESPONSE; AND ADJOURNING STATUS CONFERENCE**

On April 8, 2019, Plaintiff William Cross, Jr. commenced this action in the Wayne County Circuit Court against Defendant Kewadin Casinos Gaming Authority, a political subdivision of the Sault Ste. Marie Tribe of Chippewa Indians. Plaintiff alleges a state law claim for breach of a 2009 consulting agreement entered into between the parties.

On May 6, 2019, Defendant filed a Notice of Removal [1] in which it claims that the Indian Gaming Regulatory Act (“IGRA”) provides a basis for this Court’s subject matter jurisdiction over the Complaint.

The issue before the Court is whether the Complaint states a federal question under 28 U.S.C. § 1331, thereby authorizing Defendant’s removal of the action to federal court. “Ordinarily, determining whether a particular case arises under federal law turns on the well-pleaded complaint rule[,] *i.e.*, whether a federal question necessarily appears in the plaintiff’s statement of his own claim[.]” *Gardner v. Heartland Indus. Partners, LP*, 715 F.3d 609, 612 (6th Cir. 2013) (internal citation and quotation marks omitted). The exception to this rule on which Defendant appears to rely provides that where “a federal statute wholly displaces the state-law cause of action through complete pre-emption, the state claim can be removed.” *Id.*

“[T]here is no free-standing jurisdictional grant to the federal courts just because a tribe is involved.” *Lesperance v. Sault Ste. Marie Tribe of Chippewa Indians*, 259 F. Supp. 3d 713, 721 (W.D. Mich. 2017), *judgment entered*, No. 2:16-CV-232, 2017 WL 10812006 (W.D. Mich. Apr. 27, 2017), and *appeal dismissed*, No. 17-1629, 2017 WL 5899305 (6th Cir. Oct. 4, 2017).

Furthermore, based on the filings, the Court is not convinced that “the interpretation nor application of IGRA is necessary to the resolution of whether the Defendant[] breached . . . the agreement[.]” *Sungold Gaming (U.S.A.) Inc. v. United Nation of Chippewa, Ottawa, & Pottawatomi Indians of Mich., Inc.*, No. 1:99-CV-181, 1999 WL 33237035, at \*4 (W.D. Mich. June 7, 1999).

Accordingly,

**IT IS ORDERED** that Defendant **SHOW CAUSE** in writing by **June 7, 2019** why this case should not be remanded to the Wayne County Circuit Court for lack of subject matter jurisdiction.

**IT IS FURTHER ORDERED** that Plaintiff file a response by **June 21, 2019**.

**IT IS FURTHER ORDERED** that the status conference scheduled for **June 3, 2019** is **HEREBY ADJOURNED** until further notice.

**SO ORDERED.**

Dated: May 23, 2019

s/Arthur J. Tarnow

Arthur J. Tarnow

Senior United States District Judge