

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

OXFORD CASINO HOTEL,  
BB DEVELOPMENT, LLC, and  
CHURCHILL DOWNS INCORPORATED,

Plaintiffs,

v.

Case No. 1:26-cv-00046-LEW

MILTON F. CHAMPION, in his official  
capacity as Executive Director of the Maine  
Gambling Control Unit,

Defendant,

HOULTON BAND OF MALISEET  
INDIANS, MI'KMAQ NATION,  
PASSAMAQUODDY TRIBE, and  
PENOBSCOT NATION,

Intervenor-Defendants.

**DEFENDANTS' JOINT SUPPORTING STATEMENT OF MATERIAL FACTS**

Pursuant to Local Rule 56(b), Defendant Milton F. Champion and Intervenor-Defendants Houlton Band of Maliseet Indians, Mi'kmaq Nation, Passamaquoddy Tribe, and Penobscot Nation submit this joint statement of material facts as to which there is no dispute:

**Wabanaki Nations**

**Houlton Band of Maliseet Indians**

1. The Houlton Band of Maliseet Indians (“Houlton Band” or “Maliseet”) is a federally recognized Indian nation with approximately 2,000 tribal citizens located in Aroostook County, Maine. Sabattis Dec. ¶ 1.

2. The Maliseet call themselves Wolastoqewiyik or “People of the Beautiful, Flowing River.” Sabattis Dec. ¶ 1.

3. The Wolastoq, the River of its name, is also known as the St. John, and is bisected by the international boundary with Canada. Sabattis Dec. ¶ 1.

4. The Maliseet reservation lands comprise approximately 4,000 acres along the Meduxnekeag River, a tributary of the St. John, and near the towns of Houlton, Littleton, and Monticello. Sabattis Dec. ¶ 1.

5. The Houlton Band has resided in the lands located within what is now the State of Maine, including the St. John and Meduxnekeag River watersheds, since time immemorial. Sabattis Dec. ¶ 2.

6. Its tribal citizens and their Maliseet ancestors have camped; fished for searun fish such as alewives, American eel, blueback herring, Atlantic salmon, and shad; and gathered ash for woven baskets and fiddleheads (emerging ostrich fern) for food and tonic along the Meduxnekeag and other tributaries of the Wolastoq-St. John for generations. Sabattis Dec. ¶ 2.

7. The Maliseets are also renowned birch bark canoe builders. Sabattis Dec. ¶ 2.

8. The Maliseet homelands, filled with the productive soils that now grow potatoes, once grew the biggest and best canoe birches. Sabattis Dec. ¶ 2.

9. With these light, sturdy craft Maliseets traveled the rivers and streams of the Wolastoq-St. John watershed to reach their hunting grounds and to portage to streams and rivers in other watersheds. Sabattis Dec. ¶ 2

10. The Houlton Band’s government-to-government relationship with the United States dates to the earliest days of the republic. Sabattis Dec. ¶ 3.

11. Maliseet ancestors and those of the Micmacs agreed to send 600 warriors to fight alongside General George Washington against Great Britain, and the United States solemnly promised to protect and provide for the Maliseet. Sabattis Dec. ¶ 3.

12. More than 200 years later, in 1980, Congress confirmed the Maliseet's status as a federally recognized tribe in the Maine Indian Claims Settlement Act (MICSA), Pub. L. No. 96-420. Sabattis Dec. ¶ 3.

13. Beginning around 1870, the State of Maine encouraged non-Indians to settle in Aroostook County by offering land to settlers at bargain prices. Sabattis Dec. ¶ 4.

14. These settlers occupied the Maliseet's traditional hunting and fishing grounds and gradually excluded the Maliseet from its aboriginal territory, which originally spanned more than one million acres. Sabattis Dec. ¶ 4.

15. Thus, while the Maliseet had neither signed a treaty ceding its lands to Massachusetts or Maine nor voluntarily left its lands, by the middle of the twentieth century the Houlton Band was landless. Sabattis Dec. ¶ 4.

16. In MICSA, Congress provided the Houlton Band just \$900,000 to reacquire lands and natural resources. Sabattis Dec. ¶ 5.

17. Despite this limited funding, the Houlton Band has reestablished its land base along the Meduxnekeag River, near one of the best fishing holes and resource-abundant floodplains, and wilderness areas. Sabattis Dec. ¶ 5.

18. These lands allow its tribal citizens to engage in subsistence fishing, hunting, and gathering activities, and traditional cultural practices. Sabattis Dec. ¶ 5.

19. The Houlton Band performs core governmental functions and provides essential services to its citizens and other community members including, by way of example, a medical clinic, low-income housing, child welfare and elder care programs, Maliseet Tribal Court and

Healing to Wellness Court, behavioral health and substance use services, an addiction recovery home, Boys and Girls Club of Maliseet, food distribution, domestic violence and sexual assault services, Head Start and adult education, vocational rehabilitation, transportation services, emergency management, and natural resources management and protection. Sabattis Dec. ¶ 6.

20. Many of the Houlton Band's programs and services are available to both non-tribal and tribal citizens, including its Health and Wellness Court, domestic violence and sexual assault services, Boys and Girls Club, recovery home, Head Start, and food pantry. Sabattis Dec. ¶ 7.

21. All the tribal services the Houlton Band provides reduce the strain on State and County services and budgets. Sabattis Dec. ¶ 7.

22. For example, every person who enters its Court system helps to preserve resources in the state system for other Aroostook County residents. Sabattis Dec. ¶ 7.

23. The Houlton Band also makes community-wide investments aimed at improving conditions throughout Aroostook County. Sabattis Dec. ¶ 8.

24. For example, the Houlton Band secured over \$18 million in funding for road and bridge improvements (including widening, sidewalks, and lighting) to a state road maintained by the Town of Houlton. Sabattis Dec. ¶ 8.

25. The Houlton Band worked closely with the Houlton Water Company on water and wastewater infrastructure improvement projects serving both tribal and non-tribal lands. Sabattis Dec. ¶ 8.

26. The Houlton Band has helped secure funding for road improvements and a large culvert replacement to provide access to a major local employer (Tate & Lyle Ingredients) and fish passage on an important tributary of the Meduxnekeag River. Sabattis Dec. ¶ 8.

27. The Houlton Band also donated a police cruiser to the Town of Houlton and snow rescue equipment for emergency medical services in the Town of Littleton. Sabattis Dec. ¶ 8.

28. And for more than 30 years, the Houlton Band has been engaged in comprehensive efforts to restore the Meduxnekeag River watershed and native fish species, including reducing contamination from legacy pollutants such as arsenic and DDT, planting riparian buffers, helping farmers implement best agricultural management practices, completing more than five miles of instream habitat restoration, and partnering with the local Conservation District. Sabattis Dec. ¶ 8.

29. The Houlton Band owns and operates three small businesses: Wilderness Pines Campground, a year-round cabin and camping complex that caters to fishers and hunters, snowmobile and ATV enthusiasts, and weddings and other special events; Wolastoq Inn & Suites; and Rollerama, a roller-skating rink in Houlton. Sabattis Dec. ¶ 9.

30. The funding generated by these enterprises, which provide job opportunities for tribal citizens and other community members, are all used to support tribal government services. Sabattis Dec. ¶ 9.

31. Through its tribal government and enterprises, the Houlton Band employs about 140 people, with approximately 35% of its employees being non-tribal individuals. Sabattis Dec. ¶ 10.

32. The Houlton Band also purchases goods and services from local construction companies, skilled trades, and other vendors, which benefits neighboring communities and the greater Aroostook County economy. Sabattis Dec. ¶ 10.

33. The ability to generate governmental revenues to support programs and services is essential to maintaining a strong tribal government and thriving Maliseet community. Sabattis Dec. ¶ 11.

34. And the needs of the Maliseet community are significant. Sabattis Dec. ¶ 11.

35. The percentage of tribal citizens with a household income of less than \$25,000 is 31.4%, which is nearly double the statewide percentage of 16.7%. Sabattis Dec. ¶ 11.

36. Further, 11.6% of tribal citizens lack a high school diploma or GED, which is more than double the statewide percentage of 5.4%. Sabattis Dec. ¶ 11.

37. All but one of the Wabanaki Nations' reservations sit within the two rural counties (Aroostook and Washington) that garner the lowest socioeconomic rankings in Maine. Sabattis Dec. ¶ 11.

38. For decades, the Maliseet, the Mi'kmaq Nation, the Passamaquoddy Tribe, and the Penobscot Indian Nation were excluded from participating in any of the same gaming activities as other federally recognized Indian tribes. Sabattis Dec. ¶ 12.

39. In December 2023, the Maliseet began offering mobile sports wagering, as authorized under state law. Sabattis Dec. ¶ 12.

40. The Houlton Band of Maliseet Indians Sports Wagering Commission is responsible for overseeing the Maliseet's sports wagering operations and maintaining full compliance with all applicable laws and Maine Gambling Control Unit regulations. Sabattis Dec. ¶ 12.

41. The Houlton Band has used the revenues generated by mobile sports wagering to purchase new tribal housing units and improve existing housing units, to fund programming for the Boys and Girls Club and elders, and to provide child welfare and other social services. Sabattis Dec. ¶ 12.

42. The enactment, in January 2026, of An Act to Create Economic Opportunity for the Wabanaki Nations Through Internet Gaming, LD 1164 (the "Economic Opportunity Act"), is crucial to advancing the Houlton Band's efforts to develop independent, long-term revenue sources that are not dependent on federal funding. Sabattis Dec. ¶ 13.

43. The Economic Opportunity Act will enable the Houlton Band to support and expand governmental services for Maliseet families and other community members. Sabattis Dec. ¶ 13.

44. The Economic Opportunity Act is a result of collaboration between the Wabanaki Nations, the Legislature, and the Governor under their unique jurisdictional relationship to create opportunities that will enable the Nations to general governmental funding and share in the benefits of gaming. Sabattis Dec. ¶ 13.

45. While the Maliseet Tribal Council has not formally determined how it will use internet gaming revenues, Maliseet Chief Clarissa Sabattis anticipates that the Maliseet will use these funds to support investments in governmental programs and infrastructure, similar to how it has used funds generated from mobile sports wagering. Sabattis Dec. ¶ 14.

46. The Houlton Band has significant funding gaps for critical services that it provides to its community, and internet gaming would provide a stable source of governmental funding to support these programs. Sabattis Dec. ¶ 14.

47. A few examples of the Houlton Band's needs and funding gaps include the following. Sabattis Dec. ¶ 14.

#### *Housing*

48. Housing for tribal families, including tribal citizens and non-tribal family members, is a high priority. Sabattis Dec. ¶ 14.a.

49. The Houlton Band has received no significant increase in housing funding from the U.S. Department of Housing and Urban Development since the early 1990s. Sabattis Dec. ¶ 14.a.

50. The Maliseet Indian Housing Authority has 100 homes that need substantial maintenance and improvements to ensure habitability. Sabattis Dec. ¶ 14.a.

51. The Houlton Band is also working to acquire new manufactured homes and to support tribal-citizen home ownership on tribal lands. The need for additional funding is great, with housing costs having increased significantly since the COVID-19 pandemic. Sabattis Dec. ¶ 14.a.

*Substance Abuse Treatment*

52. The Houlton Band has made important strides in addressing the opioid epidemic in its community, but the availability of federal funding from the Substance Abuse and Mental Health Services Administration to support its programs is unstable, uncertain, and insufficient. Sabattis Dec. ¶ 14.b.

53. The Houlton Band has established its own addiction recovery home, which also serves non-tribal individuals, and the Maine Attorney General supported the Maliseet in this effort. Sabattis Dec. ¶ 14.b.

54. The Houlton Band needs to be able to self-fund its substance abuse programming, including its recovery home and case managers and peer advocates, to ensure that the ongoing treatment and progress of persons in recovery is not jeopardized. Sabattis Dec. ¶ 14.b.

*Youth Services*

55. The Houlton Band has a great demand for youth services, but it does not have sufficient funding sources to meet that demand. Sabattis Dec. ¶ 14.c.

56. In 2017, the Houlton Band had virtually no youth program. Sabattis Dec. ¶ 14.c.

57. Today, the Houlton Band has built up its own wonderful Boys and Girls Club of Maliseet, which offers after-school activities, tutoring, evening meals, and summer programs to tribal and non-tribal children. Sabattis Dec. ¶ 14.c.

58. But the Houlton Band still cannot meet community need with the limited grant funding available. Sabattis Dec. ¶ 14.c.

59. The Houlton Band has a waiting list of children who are eager to join its programs, but unfortunately it does not have enough staff or facilities to serve them. Sabattis Dec. ¶ 14.c.

60. The Houlton Band also has dire need for a new building to serve the tribal and non-tribal children in its Head Start program. Sabattis Dec. ¶ 14.c.

*Child Welfare Services*

61. The Houlton Band has tremendous need for additional funding for child welfare services, as MICSA has impaired its ability to access federal funds in this area. Sabattis Dec. ¶ 14.d.

62. Specific needs include funding to support Maliseet families (to avoid removal of a child), tribal foster families, and family reunification efforts; to provide private spaces for family visits; and to pay for additional case workers. Sabattis Dec. ¶ 14.d.

63. The Houlton Band continues to work hard to build its governmental capacity in numerous important areas, despite resource limitations. Sabattis Dec. ¶ 15.

64. These ongoing efforts include establishing its own Maliseet Police Department, constructing a dedicated building to house the Maliseet Tribal Court (which currently must use the Tribal Council chambers to hold judicial proceedings), and expanding its food distribution program. Sabattis Dec. ¶ 15.

65. The governmental-funding opportunity provided by the Economic Opportunity Act is vital to the Houlton Band's self-determination and economic self-sufficiency. Sabattis Dec. ¶ 16.

66. Internet gaming revenues will provide the Houlton Band's tribal government with a more secure, long-term source of revenue that will help it provide essential services and make critical investments in community infrastructure. Sabattis Dec. ¶ 16.

Mi'kmaq Nation

67. The Mi'kmaq Nation has resided in the lands located within what is now the State of Maine since time immemorial. McCormack Dec. ¶ 2.

68. The Mi'kmaq Nation has 1,634 members and holds 3,284 acres of land (1,930 acres in trust, and an additional 1,364 acres of land in fee simple). McCormack Dec. ¶ 1.

69. The Mi'kmaq Nation performs core governmental functions and provides essential governmental services to its members. McCormack Dec. ¶ 3.

70. The Mi'kmaq Nation supports the delivery of essential services to Tribal Citizens through a variety of tribally operated departments and programs including a health department, education department, environmental health department, emergency response and preparedness, child and family services, community support services, cultural programs, among others. McCormack Dec. ¶ 3.

71. The Mi'kmaq Nation also makes community-wide investments aimed at improving socioeconomic conditions throughout northeast Maine. McCormack Dec. ¶ 4.

72. For instance, the Mi'kmaq Nation invests significant resources in education, Tribal cultural education, providing youth opportunities for advancement, health and welfare, and public infrastructure. McCormack Dec. ¶ 4.

73. The Mi'kmaq Nation Health Department provides comprehensive medical oversight of Tribal Citizens through primary care, preventive care, and community health services. McCormack Dec. ¶ 5a.

74. The Health Department operates a family clinic which provides clinical medical services including preventative exams and on-site infectious disease screening. McCormack Dec. ¶ 5a.

75. The Health Department also provides community health and wellness programs which support Tribal Citizen health education, fitness, and nutritional education. McCormack Dec. ¶ 5a.

76. Specialized care, including home fall risk assessments and tobacco cessation programs, is also offered through the Health Department. McCormack Dec. ¶ 5a.

77. The Behavioral Health Department provides necessary mental and substance abuse care to Tribal Citizens including through individual and family therapy and Medication-Assisted Therapy. McCormack Dec. ¶ 5b

78. The ICWA department provides culturally tailored support focused on tribal foster and adoptive care through the Indian Child Welfare Act process. McCormack Dec. ¶ 5c.

79. The Domestic Violence program provides protection from family violence and domestic violence prevention resources. McCormack Dec. ¶ 5d.

80. The Mi'kmaq Nation Community Support Services administers the Low Income Home Energy Assistance Program (LIHEAP), the Low Income Household Water Assistance Program (LIHWAP), a Tribal Citizen food pantry, childcare assistance for Tribal Citizens, and emergency assistance. McCormack Dec. ¶ 5e.

81. The Nation provides approximately forty (40) food boxes per month to the general public through its food pantry. McCormack Dec. ¶ 5e.

82. Due to limited funding, the Nation is only able to assist one hundred and forty (140) to one hundred and seventy (170) Tribal families per year through LIHEAP. McCormack Dec. ¶ 5e.

83. The Nation's Housing Department provides necessary living accommodation for Tribal Citizens and is currently comprised of one hundred and ten (110) units between Connor, Presque Isle, and Littleton, Maine. McCormack Dec. ¶ 5f.

84. The Nation's program serves 300 families within the County and has a two-year waiting list. McCormack Dec. ¶ 5f.

85. The Elders Program provides meals, opportunities for social interaction through gathering, transportation services (such as for medical appointments), and community services to Tribal elders. McCormack Dec. ¶ 5g.

86. The Elders Program promotes a sense of well-being and cultural tradition to enhance mental health outcomes for Elders. McCormack Dec. ¶ 5g.

87. The Mi'kmaq Nation Boys and Girls Club provides a safe and structure environment for Tribal youth (ages 5-18) aimed at encouraging cultural activities and education through after-school and summer programs including physical fitness, drumming and crafting, and mentorship. McCormack Dec. ¶ 5h.

88. The Boys and Girls Club is provided to all children in the surrounding area, regardless of whether they are Mi'kmaq Nation citizens or descendants. McCormack Dec. ¶ 5h.

89. The Education Department provides necessary assistance to Mi'kmaq Nation youth and adults to further education and work placement outcomes. McCormack Dec. ¶ 5i.

90. The Education Department offers educational support to all students regardless of ages and operates a number of programs including the Mi'kmaq Nation Johnson O'Malley Program, the Adult Education Program which supports Tribal Citizens through career education projects, vocational training programs, and a Tribal library. McCormack Dec. ¶ 5i.

91. The Little Feathers Head Start Program provides free, comprehensive early education programs for Tribal Citizens and non-citizens in the surrounding community (ages 3-5) which focus on primary school readiness and emphasize Mi'kmaq culture, heritage, and language through stories, crafts, and music. McCormack Dec. ¶ 5j.

92. The program also offers nutrition-based meals, health screenings, and transportation services for enrolled children. McCormack Dec. ¶ 5j.

93. The Mi'kmaq Nation Cultural Department preserves and transmits Mi'kmaq language, traditions, arts, ceremonies, and history to current and future Tribal Citizens and the surrounding community. McCormack Dec. ¶ 5k.

94. Cultural programs are designed by sharing expertise, resources, and through the open forum exchange of ideas to assist the Mi'kmaq Nation in carrying out its mandate. McCormack Dec. ¶ 5k.

95. Programs include Mi'kmaq language instruction and preservation, cross generational interactions, and Mi'kmaq crafts such as ash wood basketry, snow shoes, and canoes. McCormack Dec. ¶ 5k.

96. The Cultural Department works closely with the Tribal Historic Preservation Officer to ensure Mi'kmaq history and culture are protected and secure. McCormack Dec. ¶ 5k.

97. The Mi'kmaq Environment and Natural Resources Department (ENRD) provides water testing for Tribal Citizens and the surrounding community and oversee the Mi'kmaq Nation's farm and fish hatcheries which provide necessary food products to Tribal Citizens. McCormack Dec. ¶ 5l.

98. The ENRD also provides farm fresh vegetables and freshwater trout. McCormack Dec. ¶ 5l.

99. The Internet Technology (IT) Department protects and preserves Tribal electronic records and systems and assists Tribal Citizens with their internet technology needs. McCormack Dec. ¶ 5m.

100. The IT Department assists Tribal Citizens in paying for internet connection services in their homes. McCormack Dec. ¶ 5m.

101. The Transportation and Realty Asset Management Department (TRAMD) manages the Mi'kmaq Nation's infrastructure, facilities, and property and provides vital services that benefit Tribal Citizens and the surrounding community. McCormack Dec. ¶ 5n.

102. TRAMD service include road construction and maintenance, snow plowing in the winter, and long-range transportation planning. McCormack Dec. ¶ 5n.

103. The Tribal Clerk oversees all citizenship issues for the Tribe and provides and processes hunting and fishing licenses to the surrounding community. McCormack Dec. ¶ 5o.

104. Together, these essential governmental services and community-wide investments provided to the Mi'kmaq Nation's members and the surrounding community advance the Nation's sovereignty and self-government. McCormack Dec. ¶ 6.

105. The Mi'kmaq Nation has limited resources with which to fund these core governmental functions and services and community-wide investments. McCormack Dec. ¶ 7.

106. These services and programs are funded through a combination of federal awards, such as grants and contracts administered through federal agencies including the Indian Health Service, the Administration for Children and Families, and the Bureau of Indian Affairs, and with funds from revenues generated through the Nation's economic operations. McCormack Dec. ¶ 7.

107. However, each of the above-described programs and services remains severely underfunded. McCormack Dec. ¶ 7.

108. The Mi'kmaq Nation Tribal Council has adopted a Tribal Reallocation Plan that governs how unrestricted economic revenues are allocated and utilized across the Mi'kmaq Nation's governmental departments and programs. McCormack Dec. ¶ 8.

109. The Reallocation Plan reflects the Tribal Council's judgment as to the Nation's most critical governmental priorities and ensures that revenues from economic activities are

directed toward services that directly benefit Tribal Citizens and the surrounding community. McCormack Dec. ¶ 8.

110. In 2022, the State of Maine enacted L.D. 585, Public Law Chapter 681, which authorized mobile sports wagering activities within Maine conducted by federally recognized Indian tribes in the State of Maine pursuant to a license issued by the Director of the Gambling Control Unit. McCormack Dec. ¶ 9.

111. As a result of L.D. 585, the Mi'kmaq Nation was able to generate meaningful revenues for the first time to support tribal government functions and programs, as set forth in the Reallocation Plan. McCormack Dec. ¶ 9.

112. However, revenues generated from mobile sports wagering alone are insufficient to overcome the severe limitations in funding sources faced by the Mi'kmaq Nation and fully implement the Mi'kmaq Nation's tribal government programs and services to address Tribal Citizen needs. McCormack Dec. ¶ 9.

113. Despite the Mi'kmaq Nation's best efforts to maximize the impact of available federal awards and current sports wagering revenues, all of the services and programs described herein are chronically underfunded relative to actual Tribal and community needs. McCormack Dec. ¶ 10.

114. As a result, the Tribal Council has been forced to make difficult prioritization decisions and defer long term improvements to programs and facilities that host critical health, education, and social services. McCormack Dec. ¶ 10.

115. For these reasons, the revenues generated by the Mi'kmaq Nation as a result of Maine's "An Act to Create Economic Opportunity for the Wabanaki Nations Through Internet Gaming" will be critical to the Mi'kmaq Nation and will be used directly to fund the Mi'kmaq

Nation's governmental functions and, in turn, the exact programs and investments discussed above. McCormack Dec. ¶ 11.

116. Maine's "An Act to Create Economic Opportunity for the Wabanaki Nations Through Internet Gaming" therefore enhances the Mi'kmaq Nation's efforts to establish long-term economic sovereignty, self-sufficiency, and self-determination in the state and to strengthen its tribal government. McCormack Dec. ¶ 12.

#### Passamaquoddy Tribe

117. The Passamaquoddy Tribe has resided in what is now the State of Maine since time immemorial and is one of the Wabanaki Nations, a group of federally recognized Tribal Nations in Maine. Bassett Dec. ¶ 2; Nicholas Dec. ¶ 2.

118. The Passamaquoddy Tribe is governed by a Joint Tribal Council and is composed of two primary communities: Sipayik (Pleasant Point) and Motahkomikuk (Indian Township), which serve different geographic populations within the Tribe's aboriginal territory. Bassett Dec. ¶ 3; Nicholas Dec. ¶ 4.

119. The Joint Tribal Council is comprised of a Chief, Vice Chief, and six-member Tribal Council from each of the Indian Township and Pleasant Point Reservations. Bassett Dec. ¶ 3; Nicholas Dec. ¶ 4.

120. The Joint Tribal Council delegated to each Reservation the ability to manage local affairs, including providing for the administration of local government and affairs within each respective reservation. Nicholas Dec. ¶ 5.

121. The Tribe's current land base includes the Passamaquoddy Indian Township Reservation ("Indian Township" or "Passamaquoddy Tribe at Indian Township") and the Passamaquoddy Pleasant Point Reservation ("Pleasant Point") (collectively referred to as "the

Reservations”), as well as additional federally protected trust lands and tribally-owned fee lands. Bassett Dec. ¶ 4.

122. In total, the Tribe maintains a defined land base of over 130,000 acres of land and provides services both on-reservation and trust lands, and within a broader service area. Bassett Dec. ¶ 4.

123. Indian Township comprises approximately 23,000 acres between Princeton, Maine to the south and Waite, Maine to the north. Nicholas Dec. ¶ 6.

124. The Passamaquoddy Tribe at Indian Township has a total census population of 1,517 Tribal citizens with 690 Tribal citizens residing within the Reservation and another 107 Tribal citizens residing within the Indian Township service area. Nicholas Dec. ¶ 7.

125. The Pleasant Point Reservation is located near Perry, Maine, in the easternmost region of the State. Bassett Dec. ¶ 4.

126. The Passamaquoddy Tribe at Pleasant Point has a total census population of 2,163 Tribal citizens, including approximately 637 Tribal citizens residing on the Pleasant Point Reservation and approximately 318 Tribal citizens residing off the Reservation but within the Pleasant Point service area. Bassett Dec. ¶ 5.

127. The Pleasant Point Reservation is also home to nearly 200 non-Tribal residents and descendants, many of whom are directly served by the Tribe through various public works, healthcare, or social services programs. Bassett Dec. ¶ 5.

128. The Indian Township Tribal Government performs core governmental functions and provides essential governmental services to its Tribal citizens, including, but not limited to, healthcare, education, law enforcement, fire, and emergency services, water and sewer, waste management, and social services, through a variety of Tribal operated departments and programs

including a health center, court, police department, social service department, public works, fire department, and a housing authority, among others. Nicholas Dec. ¶ 9.

129. Indian Township also makes region-wide investments aimed at improving socioeconomic conditions across the State. Nicholas Dec. ¶ 11.

130. For example, Indian Township invests significant resources to substance abuse treatment, public works projects, workforce development, and provides law enforcement, fire, and emergency services in Washington County. Nicholas Dec. ¶ 11.

131. In addition to services-based contributions to local communities, Washington County, and the State of Maine, the Passamaquoddy Tribe at Indian Township also donates to non-profit organizations statewide, including local youth sports programs. Nicholas Dec. ¶ 12.

132. The Tribe at Indian Township also pays taxes or payments in-lieu of taxes to the communities of Grand Lake Stream, Waite, Talmadge, Topsfield, Moose River, and Washington County. Nicholas Dec. ¶ 13.

133. Indian Township provides these services, contributions, and taxes to non-tribal entities despite chronic underfunding from its Bureau of Indian Affairs (BIA) and Indian Health Services (IHS) funding sources, in part because of Indian Township's ability to generate governmental income through economic development activities, including the operation of a Passamaquoddy-owned blueberry company called Passamaquoddy Wild Blueberry Company, and, more recently, gaming. Nicholas Dec. ¶ 14.

134. The Tribe's economy historically relied on income from the annual wild blueberry harvest to address governmental, and community needs not funded through federal sources. Nicholas Dec. ¶ 15.

135. The Pleasant Point Tribal Government performs core governmental functions and provides essential governmental services to its Tribal citizens and other community members. Bassett Dec. ¶ 6.

136. These services are delivered through Tribal-operated departments and programs, including healthcare, law enforcement, fire and emergency services, public works, housing, social services, education, and workforce development and cultural programming. Bassett Dec. ¶ 6.

137. The Tribe at Pleasant Point also operates public works services, including wastewater treatment, road maintenance, waste management, and a housing authority that manages Tribally owned housing throughout the community. Bassett Dec. ¶ 6.

138. These services support the health, safety, and welfare of Tribal citizens and community as a whole. Bassett Dec. ¶ 6.

139. Funding for the Pleasant Point Tribal Government's services is supported through a combination of federal funding and Tribal-source revenues. Bassett Dec. ¶ 7.

140. The Indian Township Tribal Government currently has 182 employees, including both Tribal citizens and non-Natives, which is an increase of roughly forty employees since 2022 when Indian Township was Washington County's tenth largest employer with 156 employees. Nicholas Dec. ¶ 10.

141. The Pleasant Point Tribal Government employs approximately 127 individuals and is a significant employer within its local community in Washington County, Maine. Bassett Dec. ¶ 8.

142. The Passamaquoddy Tribe at Indian Township has a lower per capita income than the State of Maine (\$14,435 for Indian Township and \$34,593 for the State of Maine) and a higher rate of childhood poverty than the State of Maine (40.2% for Indian Township and 15.1% for the State of Maine) based on 2019 US Census data. Nicholas Dec. ¶ 8.

143. The Passamaquoddy Tribe at Pleasant Point and its citizens face significant economic challenges relative to the State of Maine. Bassett Dec. ¶ 9.

144. Available data reflects that: per capita income at Pleasant Point is approximately \$13,741, compared to \$34,593 statewide; child poverty rates are approximately 58.3%, compared to 15.1% statewide; and Unemployment rates at Pleasant Point are higher than the statewide average, with available data reflecting approximately 8.7% unemployment compared to approximately 4.1% statewide. Bassett Dec. ¶ 10.

145. These disparities are consistent with broader patterns observed across the Wabanaki Nations. Bassett Dec. ¶ 11

146. These conditions increase the demand for governmental services while limiting the resources available to provide them. Bassett Dec. ¶ 12.

147. The Tribe operates under a legal framework that differs from that applicable to most other federally recognized tribal governments in the United States. Bassett Dec. ¶ 13.

148. In Maine, certain federal laws and programs that support tribal self-governance and economic development do not apply in the same manner. Bassett Dec. ¶ 13.

149. As a result, the Tribe faces additional constraints in accessing funding, implementing programs, and developing independent revenue sources. Bassett Dec. ¶ 13.

150. Since 2023, the governmental income generated by the Tribe's mobile gaming operations have funded core governmental functions, services, and programs and community-wide investments, including: Language preservation and cultural revitalization, including Passamaquoddy language immersion initiatives; Public health and behavioral health services, including substance use treatment programs and medically-assisted prevention and treatment programming (MAT); Social services and workforce development programs; General governmental operations necessary to serve Tribal citizens; Emergency services, medical assistance, and general

welfare programs for Tribal citizens, including support for elders; Housing repair and maintenance through Tribal public works and community carpentry programs; Development and maintenance of Tribal facilities and infrastructure, including water and sewer, community, cultural, and health facilities; Community support services, including elder nutrition programs, elder advocacy, and cultural programming. Bassett Dec. ¶ 15; Nicholas Dec. ¶ 16.

151. The Tribe relies on revenue generated through its mobile sports wagering operations and other economic activities, such as the harvest of wild blueberries, to fund essential governmental services and programs. Bassett Dec. ¶ 14.

152. Income from tribal government economic development supplements federal funding that does not fully meet community needs, including funding for Indian Health Service and Bureau of Indian Affairs programs, which are not funded at levels sufficient to meet basic service demands. Bassett Dec. ¶ 16.

153. The Passamaquoddy Tribe at Pleasant Point faces significant infrastructure and service challenges, including aging housing stock requiring ongoing repairs, limited access to nearby healthcare services, and the need for substantial investment in core facilities and infrastructure. Bassett Dec. ¶ 17

154. For example, the most recent 100-year flood maps issued by the Federal Emergency Management Agency estimate that the tribal-operated wastewater treatment plant and entire portions of residential areas within Pleasant Point will likely be inundated with water and become flooded due to rising sea levels in the coming decades. Bassett Dec. ¶ 18.

155. Flooding of the wastewater treatment plant would result in the discharge of toxic wastewater into the Pleasant Point Reservation and into the surrounding saltwater bay. Cost estimates to relocate the wastewater treatment plant exceed \$40 million. Bassett Dec. ¶ 18.

156. Pleasant Point also faces ongoing housing constraints, including limited resources for new housing development. Bassett Dec. ¶ 19

157. Tribal members residing at Pleasant Point must travel approximately 22 miles for basic emergency medical services and over 100 miles for higher-level care. In addition, the remote location increases the cost of delivering essential services. Bassett Dec. ¶ 19

158. Funding generated from sports betting has only recently begun to be realized by the Tribe, and additional income sources remain important to support ongoing governmental needs. Bassett Dec. ¶ 20

159. Internet gaming represents a potential source of additional governmental funding to support the Tribe's governmental operations. Bassett Dec. ¶ 21

160. Expanded tribal government-led gaming opportunities are intended to support economic development, create employment opportunities for Tribal citizens, and strengthen the Tribe's ability to fund essential services across its territory. Bassett Dec. ¶ 22

161. Stable governmental income from tribally-owned businesses supports the Tribe's overall governmental capacity and long-term planning, including the ability to address infrastructure, housing, health, and service needs and to expand economic development opportunities for the Tribe and the surrounding region. Bassett Dec. ¶ 23.

162. The Tribe currently operates its wholly tribally-owned mobile sports wagering business pursuant to a State of Maine-approved management agreement with DraftKings, a Massachusetts-based company. Nicholas Dec. ¶ 17.

163. The Tribe also intends to rely on DraftKings management services for the operation internet gaming pursuant to the "An Act to Create Economic Opportunity for the Wabanaki Nations Through Internet Gaming." Nicholas Dec. ¶ 18.

164. As a result of the Act, the Tribe anticipates its income-generating capacity will become more secure, predictable, and stable, thereby ensuring the Tribe's ability to fund the core governmental functions, social services, and the community-wide investments detailed above, in order to promote its economic development, self-sufficiency, and tribal government. Nicholas Dec. ¶ 19.

#### Penobscot Nation

165. The Penobscot Nation and its citizens have resided on the lands located within what is now the State of Maine since time immemorial. Francis Dec. ¶ 2.

166. The Penobscot Nation is a federally-recognized Tribal Nation and one of the Tribal Nations comprising the historic Wabanaki Confederacy. Francis Dec. ¶¶ 1, 2.

167. As a government, the Penobscot Nation performs core governmental functions and provides essential governmental services for its citizens, which currently includes about 2,400 individuals. Francis Dec. ¶ 3.

168. Additionally, the Nation provides limited services to descendants of Penobscot Nation citizens and to citizens of other federally-recognized Tribal Nations who live within its federally-recognized service area. Francis Dec. ¶ 3.

169. Such services include primary health and dental care, food and nutrition assistance, snow removal, garbage removal, energy assistance, housing assistance, substance abuse and recovery services, daycare, education and career services, cultural activities and language classes. Francis Dec. ¶ 3.

170. The Penobscot Nation government currently operates approximately 110 programs, including a housing department, health and dental clinic, natural resources department, education department, social services department, food pantry, fitness center, police department, game

wardens, court system, youth program, sober living program, assisted living facility, daycare center, language classes, and historic preservation office. Francis Dec. ¶ 4.

171. The Nation's operation of approximately 110 government programs relieves the burden from state, county and city governments from having to provide services to the people Penobscot serves. Francis Dec. ¶ 4.

172. The Penobscot Nation currently has over 123,000 acres in land holdings. Francis Dec. ¶ 5.

173. Penobscot land holdings became scattered after the enactment of a land claim settlement between it, the State of Maine and the federal government in 1980. Francis Dec. ¶ 5.

174. Given the non-contiguous nature of Penobscot land, various tribal territories can be a three-hour drive from each other. Francis Dec. ¶ 5.

175. Additionally, Penobscot's land base includes about 200 islands located within approximately 80 miles of the Penobscot River, with Indian Island being the seat of its government and largest housing community. Francis Dec. ¶ 5.

176. The Penobscot Nation is responsible for funding and building all infrastructure on tribal lands. Francis Dec. ¶ 6.

177. This includes roads, sidewalks, a bridge connecting Indian Island to the mainland, water and sewer infrastructure, government buildings to house various programs, a gymnasium and fitness center, and museum. Francis Dec. ¶ 6.

178. Additionally, Penobscot supplements funding for a federally-operated school located on tribal lands that serves early childhood and grades K-8, with a curriculum that includes the study of Wabanaki language and culture. Francis Dec. ¶ 6.

179. As a government, the Penobscot Nation creates its own laws, ordinances and regulations through its legislative body, and which are published on the National Indian Law Library's website. Francis Dec. ¶ 7.

180. The Penobscot Nation Tribal Code contains 33 chapters and covers areas particular to the Nation such as elections, judicial system, criminal jurisdiction, land tenure system, census and citizenship, fish and game, residency, banishment, freedom of information, probate and other areas. Francis Dec. ¶ 7.

181. The Penobscot Nation Tribal Council Rules of Order and Judicial System Rules of Court are also published and accessible on the Indian Law Library's website. Francis Dec. ¶ 7.

182. The Penobscot Nation's Clerk's Office acts as a Maine Bureau of Motor Vehicle agent for the purpose of registering, licensing and collecting fees associated with vehicles, boats, and all terrain vehicles located within the Nation's territories. Francis Dec. ¶ 8.

183. The Penobscot Nation also makes community-wide investments aimed at improving socioeconomic conditions across the State. Francis Dec. ¶ 9.

184. The Penobscot Nation government is one of the largest employers in the region, employing approximately 206 individuals. Francis Dec. ¶ 9.

185. The Nation's government purchases goods and services from numerous local vendors. Francis Dec. ¶ 9.

186. Penobscot provides nearby towns with access to its community center and gymnasium. Francis Dec. ¶ 9.

187. Penobscot's cultural department provides training to teachers throughout the state of Maine on Wabanaki studies. Francis Dec. ¶ 9.

188. Penobscot's education department assists in covering the cost of tribal citizens and descendants attending college and vocational programs throughout the State, and the Nation partners with the University of Maine system. Francis Dec. ¶ 9.

189. Additionally, Penobscot's Tribal Historic Preservation Office and cultural department work closely with the federal National Park Service on management of the Katahdin Woods & Waters National Monument. Francis Dec. ¶ 9.

190. The Penobscot Nation has entered many government-to-government agreements and memoranda of understanding with the federal, state and local governments. Francis Dec. ¶ 10.

191. For example, it supports the nearby City of Old Town by contracting with their fire and police departments to assist with public safety on Nation lands, and with Old Town's water department to provide services and water to Indian Island. Francis Dec. ¶ 10.

192. In 2013, the four Wabanaki Nations and the State signed a memorandum of understanding to create the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission focused on investigating whether Wabanaki children were being disproportionately removed from their communities and recommend changes to improve compliance with the Federal Indian Child Welfare Act and address historical trauma through joint action between the Wabanaki Nations and State. Francis Dec. ¶ 10.

193. The Nation has entered into agreements with the Maine State Police governing the implementation of Tribal and State criminal jurisdiction over crimes committed on Penobscot Nation lands for which the Penobscot Nation Tribal Court will exercise exclusive jurisdiction. Francis Dec. ¶ 11.

194. Additionally, Penobscot Nation and State game wardens are cross deputized to streamline enforcement of both governments' fish and game laws, boating laws, and other conservation laws. Francis Dec. ¶ 11.

195. The Nation has also entered into agreements with the Federal Bureau of Investigation to access certain information contained in federal databases. Francis Dec. ¶ 11.

196. The Penobscot Nation relies on federal grant funds and the federal government's trust and treaty responsibility to provide limited funding for certain basic government services to the Penobscot people, including health care, housing and education. Francis Dec. ¶ 12.

197. The limited unrestricted economic revenues that the Penobscot Nation generates goes towards supplementing federal funds for core governmental programs, and funding programs and services for which the federal government does not provide any funding, such as youth programs, food pantry, daycare services, college and vocational studies, language and cultural activities, among others. Francis Dec. ¶ 12.

198. As a government, all funds of the Penobscot Nation and its enterprises go back into the general treasury of the Penobscot Nation government to be used for programs, services, infrastructure and community-wide investments. Francis Dec. ¶ 13.

199. Being in a rural area, the Penobscot Nation, like other rural governments, struggles to develop an economy that does not rely on grant funds. Francis Dec. ¶ 13.

200. Since late 2023, the Penobscot Nation has operated online sports wagering pursuant to state law. Francis Dec. ¶ 14.

201. Online sports wagering is currently the only form of gaming activity that the Penobscot Nation is involved in. Francis Dec. ¶ 14.

202. The funds from these gaming operations go towards funding some tribal government programs and services for which Penobscot receives no federal funding. Francis Dec. ¶ 14.

203. Penobscot anticipates that any future funds from its expanded gaming activities conducted pursuant to Maine's "An Act to Create Economic Opportunity for the Wabanaki

Nations Through Internet Gaming” will also help fund programs and services for which it receives no federal funds and supplement other tribal government programs and services. Francis Dec. ¶ 14.

204. Maine’s “An Act to Create Economic Opportunity for the Wabanaki Nations Through Internet Gaming” represents a culmination of the Penobscot Nation’s efforts to establish long-term economic self-sufficiency and sovereignty in the state and to strengthen its government functions, programs, services and community-wide benefits. Francis Dec. ¶ 15.

205. As a result of Maine’s “An Act to Create Economic Opportunity for the Wabanaki Nations Through Internet Gaming,” the Penobscot Nation anticipates its government funding to become more secure, predictable, and stable, thereby ensuring the Penobscot Nation’s ability to fund the core governmental functions and services and community-wide investments detailed above, and promoting its economic development, self-sufficiency, and self-governance. Francis Dec. ¶ 16.

206. Funds generated from tribal government gaming activities authorized by this law will help expand services and programs for youth and elders, costs associated with post-high school education and career development, home energy and air quality, substance abuse recovery and sober living, and other essential government programs and services. Francis Dec. ¶ 16.

### **Gaming in Maine**

207. In the November 4, 2003, election, Maine voters were presented with the following referendum question on a citizen initiated bill (entitled *An Act to Allow Slot Machines at Commercial Horse Racing Tracks*) known as “Question 2”: “Do you want to allow slot machines at certain commercial horse racing tracks if part of the proceeds are used to lower prescription drug costs for the elderly and disabled, and for scholarships to the state universities and technical colleges?” McBrien Dec. ¶ 9.

208. A majority of Maine voters (272,394 in favor and 242,490 opposed) voted “Yes” on Question 2. McBrien Dec. ¶ 11; McBrien Ex. 1.

209. In the November 4, 2003, election, Maine voters were presented with the following referendum question on a citizen initiated bill (entitled *The Maine Tribal Gaming Act*) known as “Question 3”: “Do you want to allow a casino to be run by the Passamaquoddy Tribe and Penobscot Nation if part of the revenue is used for state education and municipal revenue sharing?” McBrien Dec. ¶ 12.

210. A majority of Maine voters (170,500 in favor and 346,583 opposed) voted “No” on Question 3. McBrien Dec. ¶ 14; McBrien Ex. 2.

211. In the November 2, 2010, election, Maine voters were presented with the following referendum question on a citizen initiated bill (entitled *An Act to Allow a Casino in Oxford County*) known as “Question 1”: “Do you want to allow a casino with table games and slot machines at a single site in Oxford County, subject to local approval, with part of the profits going to specific state, local and tribal programs?” McBrien Dec. ¶ 15.

212. A majority of Maine voters (284,934 in favor and 280,211 opposed) voted “Yes” on Question 1. McBrien Dec. ¶ 17; McBrien Ex. 3.

213. There are two licensed casinos in the State of Maine. Champion Dec. ¶ 11.

214. One casino license is held by BB Development, LLC d/b/a Oxford Casino Hotel (Oxford Casino); the other casino license is held by HC Bangor, LLC (Hollywood Casino). Champion Dec. ¶ 12.

215. Oxford Casino has generated net slot machine revenue during the last 5 years in the following amounts: \$86,152,873.35 in 2025; \$85,154,409.66 in 2024; \$ 90,468,659.81 in 2023; \$89,903,283.84 in 2022; and \$78,906,166.81 in 2021. Champion Dec. ¶ 15.

216. Oxford Casino has generated net table game revenue during the last 5 years in the following amounts: \$14,112,571.75 in 2025; \$14,420,883.05 in 2024; \$ 16,534,807.27 in 2023; \$17,907,137.43 in 2022; and \$14,268,871.13 in 2021. Champion Dec. ¶ 16

217. Hollywood Casino has generated net slot machine revenue during the last 5 years in the following amounts: \$55,714,789.50 in 2025; \$52,165,931.50 in 2024; \$53,276,070.43 in 2023; \$49,941,241.78 in 2022; and \$47,887,282.86 in 2021. Champion Dec. ¶ 17.

218. Hollywood Casino has generated net table game revenue during the last 5 years in the following amounts: \$10,383,486.88 in 2025; \$10,109,462.00 in 2024; \$7,658,826.84 in 2023; \$7,331,567.78 in 2022; and \$5,865,852.00 in 2021. Champion Dec. ¶ 18.

219. The Gambling Control Unit (GCU) is the bureau within the Maine Department of Public Safety that is charged with administering the State's charitable gaming, fantasy contest, sports wagering and iGaming licensure programs. Champion Dec. ¶ 7.

220. The Maine laws governing sports wagering (8 M.R.S. § 1201 et seq.) prescribe multiple categories of licensure within the sports wagering program. Champion Dec. ¶ 21.

221. Those categories include facility sports wagering operator, mobile sports wagering operator, supplier, management service provider, and individual employee occupational licensure. Champion Dec. ¶ 22

222. There are currently 46 entities with a sports wagering license (including temporary pending final approval and finally approved) issued by Maine. Champion Dec. ¶ 23.

223. Of those 46 entities, there are: three (3) licensed facility sports wagering operators; four (4) licensed mobile sports wagering operators; three (3) management services providers; and thirty-six (36) suppliers. Champion Dec. ¶ 24.

224. One of the facility sports wagering operators licensed in Maine is BB Development, LLC. Champion Dec. ¶ 25.

225. The four licensed mobile sports wagering operators are the Houlton Band of Maliseet Indians, the Mi'kmaq Nation, the Passamaquoddy Tribe, and the Penobscot Nation. Champion Dec. ¶ 26.

226. The Passamaquoddy Tribe's license is held by a Maine entity that is wholly owned by the Tribe, Passamaquoddy Gaming, LLC. Champion Dec. ¶ 27.

227. The three licensed management service providers for sports wagering in Maine are businesses that were organized outside the State of Maine and have principal places of business outside of Maine. Champion Dec. ¶ 28.

228. At present, there are no similar in-state entities that are licensed to provide sports wagering management services. Champion Dec. ¶ 28.

229. All of the 36 licensed suppliers for sports wagering in Maine are businesses that were organized outside the State of Maine and have principal places of business outside of Maine. Champion Dec. ¶ 29.

230. At present, there are no similar in-state entities that are licensed to provide sports wagering supplier services. Champion Dec. ¶ 29.

231. Milt Champion, the Executive Director of the GCU, is not aware of any Maine business that would be able to provide supplier or management services under the sports wagering law or the new iGaming law. Champion Dec. ¶ 30; *see also* Champion Dec. ¶¶ 5-10.

232. Generally, sports wagering supplier licensees provide goods or services to a sports wagering operator that are material to conducting sports wagering. Champion Dec. ¶ 31.

233. Sports wagering supplier licensees include the following types of providers: payment processors; identity and/or age verification service providers; geolocation providers; marketing affiliates; risk management providers; integrity monitors; and kiosk providers. Champion Dec. ¶ 32.

234. Geolocation system providers, who must be licensed by the GCU as a sports wagering supplier, supply technology to detect the physical, geographical location of a mobile sports wagering patron when the patron is attempting to access the mobile wagering system and place a wager. Champion Dec. ¶¶ 33, 36.

235. Mobile sports wagering operator licensees or their management services providers must use a geolocation system to ensure that wagers are not accepted from individuals outside the State of Maine. Champion Dec. ¶ 34.

236. A geolocation system must reasonably detect the physical location of a patron attempting to access the mobile sports wagering system; and to monitor and block unauthorized attempts to access the mobile sports wagering system. Champion Dec. ¶ 35.

237. Because all sports wagering licensees, whether mobile or facilities-based, must have a principal place of business in the State, *see* 8 M.R.S. §§ 1206(2), 1207(2), Maine's sports wagering laws ensure sports wagering occurs entirely with the State of Maine. Champion Dec. ¶ 37.

238. The Maine laws governing iGaming contemplate categories of licensure analogous to sports wagering: iGaming operator, supplier, management service provider, and individual employee occupational licensure. Champion Dec. ¶ 38.

239. On May 6, 2026, the Maine Secretary of State published a notice of state agency rulemaking by GCU with respect to internet gaming as authorized by Title 8, Chapter 39, of the Maine Revised Statutes. Champion Dec. ¶¶ 39-40.

240. The proposed iGaming rules include similar provisions to the mobile sports wagering rules with respect to geolocation services. Champion Dec. ¶ 41; Champion Ex. 1.

241. An iGaming operator or their management service provider must use a geolocation system to ensure that wagers are not accepted from individuals outside the State of Maine. Champion Dec. ¶ 42.

242. Because all iGaming licensees must have a principal place of business in the State, see 8 M.R.S. § 1406(2), Maine's iGaming laws ensure that iGaming activity occurs entirely with the State of Maine. Champion Dec. ¶ 43.

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 8, 2026, I electronically filed this document and any attachments with the Clerk of the Court using the CM/ECF system and that the same will be sent electronically to registered participants as identified in the CM/ECF electronic filing system for this matter.

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