



FREDERICKS PEEBLES & MORGAN LLP

ATTORNEYS AT LAW

FLANDREAU SANTEE SIOUX TRIBE PROTECTED FROM STATE FINANCIAL PROBE

Fredericks, Peebles & Morgan, LLP recently won a victory for the Flandreau Santee Sioux Tribe (“Tribe”) against the State of South Dakota. The victory arose in the Tribe’s case against the State of South Dakota, wherein the Tribe has argued that the State failed to negotiate with it in good faith, as required by the Indian Gaming Regulatory Act, for a new gaming compact. In that case, the State sought to obtain the Tribe’s financial statements and records. The Tribe objected to the production of this information and filed a Motion for Protective Order to preclude the State from obtaining this information..

In response to the Tribe’s Motion, the State of South Dakota argued that the Indian Gaming Regulatory Act required the Tribe to disclose its financial records related to its gaming operations. The Tribe countered that their financial information is not relevant to a claim or defense in the lawsuit and that its financial information is confidential. The District Court agreed with the Tribe.

On October 29, 2010, a decision was handed down by the United States District Court, District of South Dakota, Southern Division, prohibiting the State of South Dakota from examining the Flandreau Santee Sioux Tribe’s financial records. Fredericks Peebles & Morgan LLP attorneys John Peebles, Shilee Mullin, John Nyhan and Patrick Bergin represented the Tribe in this case.