



**FREDERICKS PEEBLES & MORGAN LLP**

ATTORNEYS AT LAW  
www.ndnlaw.com

**FOR IMMEDIATE RELEASE**

**PRESS CONTACT:**

Patrick Bergin  
Fredericks Peebles & Morgan LLP  
2020 L Street, Suite 250  
Sacramento, CA 95811  
pbergin@ndnlaw.com

***FPM WINS SUMMARY JUDGMENT IN \$7.6 MILLION MANAGEMENT  
CONTRACT DISPUTE***

Sacramento, California – September 9, 2015

Fredericks Peebles & Morgan LLP represented the Flandreau Santee Sioux Tribe in successfully moving for summary judgment regarding a breach of contract action against a gaming management contractor. The case is Flandreau Santee Sioux Tribe v. Bettor Racing, Inc. and J. Randy Gallo, case number 2013-11, in the Flandreau Santee Sioux Tribal Court.

In a well-reasoned 26-page opinion by the Honorable Sherman J. Marshall, the Tribe's motion was granted in its entirety. The Court held that Bettor Racing breached its contract for the management of the Tribe's off-track betting operation at the Tribe's Royal River Casino by retaining more revenue from the gaming operation than the contract allowed, and more than the maximum share permitted to a gaming manager under tribal and federal law.

The Court also held that the Tribe is entitled to restitution from Bettor Racing and its president, J. Randy Gallo, based on their unjust enrichment at the Tribe's expense from 2004 through 2010.

Finally, the Court rejected all of Bettor Racing's counterclaims asserted against the Tribe.

The Court ordered Bettor Racing to provide a complete accounting of its financial records for 2004 through 2010, to determine the precise amount of the Tribe's damages. The Court noted that the Tribe's calculation of its estimated damages at more than \$7.6 million, without the benefit of Bettor Racing's full financial records, was not disputed by Bettor Racing.

The Firm had obtained several key admissions in depositions and, using those admissions, successfully argued that the Defendants' claims failed for multiple reasons, including that there was no waiver of sovereign immunity on two counterclaims.

In addition to having summary judgment entered in their favor, the Tribe was awarded their costs.

FPM Partner, Patrick R. Bergin, argued the motion. With Mr. Bergin, on the briefs were Sacramento attorneys John M. Peebles, Partner; Tim Hennessy, Senior Associate; and Greg M. Narvaez, Associate.

Please direct any questions about this case to Patrick R. Bergin at (916) 441-2700.

#####

Fredericks Peebles & Morgan LLP is dedicated to the representation of American Indian tribes and organizations throughout the United States. The Firm goes beyond basic legal services to include legislative and governmental issues, corporate and financial affairs, energy and tax issues, as well as litigation. For more information, please visit <http://www.ndnlaw.com>