



FREDERICKS PEEBLES & MORGAN LLP
ATTORNEYS AT LAW

LAW FIRM SCORES MAJOR VICTORY FOR FLANDREAU SANTEE SIOUX TRIBE

Fredericks Peebles & Morgan LLP are pleased to announce a successful conclusion to a multi-year negotiation and court case filed by the Firm on behalf of the Flandreau Santee Sioux Tribe. The Tribe's Royal River Casino has been the center of a lengthy battle with the state of South Dakota. The Tribe entered into a gaming compact with the State in 1990 which allowed them to install a maximum of 250 slot machines at the casino. And the Tribe has not seen an increase in that limitation since that time.

During subsequent years, the Tribe has made a significant attempt to negotiate with the State for a new compact but the State has refused to participate. Fredericks Peebles & Morgan, LLP brought the litigation, on behalf of Flandreau Santee Sioux Tribe in 2007 asserting that the State of South Dakota had failed to "negotiate in good faith" for a gaming compact.

The Firm's attorneys handled the litigation almost exclusively and prevailed in a number of pre-trial skirmishes, including attempts by the State to access the Tribe's financial records at the Royal River Casino and severely restrict the Tribe's access to the State's own records. The discovery in this case was substantial and included a production of 9,288 documents (18,907 pages of paper), as well as 18 depositions of current and former high-ranking State officials, experts and other witnesses.

The case was scheduled for a two-week trial in Federal Court in Sioux Falls beginning on July 11, 2011. Both parties had filed motions for summary judgments in their favor. On Monday, June 27, 2011, the U. S. District Court Judge rejected both motions. But he did indicate in his decision that the record before the Court did suggest "an unwillingness to negotiate in good faith on the part of the State".

However, the Tribe's attorneys and the South Dakota Governor were able to reach an agreement that same day before the case would have gone to trial. Governor Daugard indicated that the arrival of an Iowa casino across the river has the state viewing the Tribe's Royal River Casino as more of an ally and less of a competitor to state-operated gaming.

The lead attorneys for the Firm were John Peebles, John Nyhan, Shilee Mullin and Patrick Bergin. John Peebles and John Nyhan handled the settlement discussions with the South Dakota Governor, Lt. Governor and Attorney General.