

STATE OF INDIANA) IN THE MARION SUPERIOR COURT
)SS:
COUNTY OF MARION) CAUSE NO.: 49D110906CT 031016

CASINO ASSOCIATION OF INDIANA,)
INC. FOR AND ON BEHALF OF: HORSESHOE)
HAMMOND, LLC; THE MAJESTIC STAR)
CASINO, LLC; THE MAJESTIC STAR CASINO)
II, INC.; AZTAR INDIANA GAMING)
COMPANY; INDIANAPOLIS DOWNS, LLC;)
CAESARS RIVERBOAT CASINO, LLC;)
AMERISTAR CASINO EAST CHICAGO, LLC;)
BLUE SKY CASINO, LLC;)
THE INDIANA GAMING COMPANY LP;)
BELTERRA RESORT INDIANA, LLC; HOOSIER)
PARK LP; GRAND VICTORIA CASINO &)
RESORT L.P.; AND BLUE CHIP CASINO, LLC,)
INDIVIDUALLY,)

Plaintiffs,)

vs.)

GOVERNOR MITCH DANIELS,)
INDIANA GAMING COMMISSION, and)
THE ATTORNEY GENERAL OF)
INDIANA,)
Defendants.)

FILED

(259) JUN 30 2009

Elizabeth A. White
CLERK OF THE MARION CIRCUIT COURT

**ORDER GRANTING PLAINTIFFS' MOTION FOR TEMPORARY
RESTRAINING ORDER**

Plaintiffs, having filed their Verified Complaint and Motion for Temporary Restraining Order and/or Preliminary Injunction.

The Court, having considered Plaintiffs' Motion, supporting affidavit and certifications now finds and concludes as follows:

1. Plaintiffs have cause to believe that on July 1, 2009 at 12:01 a.m., the Defendants will implement a governmental shut down, which would include all Indiana casinos owned and operated by Plaintiffs.

2. Plaintiff casinos employ approximately 16,000 people at their various casinos throughout Indiana.

3. To date, over \$6.6 billion in wagering taxes and \$1.2 billion in admission taxes have been paid to the State of Indiana and local governments. In 2008, Plaintiffs casinos paid the State of Indiana \$738.9 million in wagering tax.

4. All costs associated with the enforcement of the Indiana Gaming Commissions' powers and duties are paid for directly by the casinos including all the costs associated with gaming agents who are on site in every casino. No monies are expended by the State of Indiana to pay for gaming agents or the cost of enforcing regulations.

5. Closure of Indiana Casinos would result in the loss of approximately \$3 million per day in tax revenue to the State of Indiana.

6. In the event of a governmental shutdown requiring Plaintiffs to close, Plaintiffs would suffer irreparable economic injuries. Any monetary judgment following full adjudication would not make Plaintiffs whole.

7. For each day Plaintiffs' casinos are closed, the State of Indiana would lose approximately \$3 million in tax revenue. Additionally, approximately 16,000 employees would be laid off; casinos would potentially lose valuable trained employees and the various state funds and local governments benefitting from casino operations would suffer greatly.

8. Removing gaming agents from Plaintiffs' casinos resulting in closure would constitute a taking of property by Defendant. Plaintiffs are therefore entitled to due process of law under the Constitutions of both the United States and Indiana and the Indiana Administrative Code.

9. Since all expenses associated with the Gaming Commission and the gaming agents are required to be paid directly by Plaintiffs the State of Indiana will incur no benefit by shutting down Plaintiffs' casinos. However, the injury to Plaintiffs would be catastrophic and total negative effect of such action by Defendants is unpredictable. By shutting down Indiana casinos, the State will lose millions of dollars in tax revenue and receive no benefit. Both Plaintiffs and Defendants would benefit by the continued operation of Plaintiffs casinos.

10. Restraining Defendants from shutting down Plaintiffs' casinos will allow the State of Indiana to continue to receive millions of dollars per day in wagering and admission taxes from the casinos; approximately 16,000 people will remain employed and continue to pay income tax to Indiana; future business will not jeopardized by closure and the good reputation of Indiana casinos remains in tact.

11. The presence of gaming agents at Plaintiffs' casinos ensures the continued operation of those casinos which contribute millions of dollars in revenue to the State. Gaming agents are essential employees in that they are necessary to protect and preserve the State's financial assets and resources by allowing Plaintiffs' casinos to operate and pay taxes to the State.

12. It is clear from the affidavit of Michael Smith and verified complaint that Plaintiffs will suffer irreparable injury and loss before the Defendants or their attorneys can be heard on this matter

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. Defendants shall show cause before this court on the 8 day of JULY, 2009, at 10 o'clock ^{or as} or as soon thereafter as counsel may be heard, why an Order should not be entered enjoining defendants from acting or causing others to act to prevent plaintiffs from operating their casinos.
2. IT IS FURTHER ORDERED that pending the aforesaid hearing, the status quo shall be maintained and no action shall be taken or ordered to be taken to prevent the plaintiffs from operating their casinos; that is, the Indiana Gaming Commission shall continue to maintain statutorily mandated staffing levels.

The Court NOW sets this matter for hearing on the 8 day of JULY, 2009, at 10 a.m./~~p.m.~~

ENTERED THIS 30 DAY OF JUNE, 2009. AT 4:20 P.M.



JUDGE
MARION COUNTY SUPERIOR COURT

DISTRIBUTION:

Governor Mitch Daniels
206 State House
Indianapolis, Indiana 46204

Indiana Gaming Commission
101 West Washington Street, East Tower
Suite 1600

Indianapolis, Indiana 46204

Attorney General

State of Indiana

302 West Washington Street

Indianapolis, Indiana 46204

Dennis E. Zahn #1462-49

David E. Deal #22939-49

VOYLES ZAHN PAUL HOGAN and MERRIMAN

141 E. Washington Street

Suite 300

Indianapolis, IN 46204

(317) 632-4463