

The Law of Gambling and Regulated Gaming

*Carolina Academic Press
Law Casebook Series
Advisory Board*



Gary J. Simson, Chairman
Case Western Reserve University School of Law

John C. Coffee, Jr.
Columbia University Law School

Randall Coyne
University of Oklahoma College of Law

Paul Finkelman
Albany Law School

Robert M. Jarvis
*Shepard Broad Law Center
Nova Southeastern University*

Vincent R. Johnson
St. Mary's University School of Law

Michael A. Olivas
University of Houston Law Center

Kenneth L. Port
William Mitchell College of Law

H. Jefferson Powell
George Washington University Law School

Michael P. Scharf
Case Western Reserve University School of Law

Peter M. Shane
*Michael E. Moritz College of Law
The Ohio State University*

Emily L. Sherwin
Cornell Law School

John F. Sutton, Jr.
Emeritus, University of Texas School of Law

David B. Wexler
*James E. Rogers College of Law, University of Arizona
University of Puerto Rico School of Law*

The Law of Gambling and Regulated Gaming

Cases and Materials

Anthony N. Cabot

PARTNER AND PRACTICE GROUP LEADER OF THE
GAMING LAW PRACTICE GROUP,
LEWIS AND ROCA LLP

Keith C. Miller

ELLIS AND NELLE LEVITT DISTINGUISHED PROFESSOR OF LAW,
DRAKE UNIVERSITY LAW SCHOOL

CAROLINA ACADEMIC PRESS

Durham, North Carolina

Copyright © 2011
Carolina Academic Press
All Rights Reserved

ISBN: 978-1-59460-758-5
LCCN: 2010941997

Carolina Academic Press
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

*Anthony Cabot dedicates this book to his wife, Linda,
and his children, Trace and Dani, for just being special.
He thanks his law firm, Lewis and Roca, for fostering an environment
that encourages academic and social contributions to our community
and the legal profession.*

*Keith Miller dedicates the book to Liz and Dori.
The smiles, love, and support of Liz help to keep things in perspective.
So does the affection of my faithful Golden Retriever, Dori.*

Contents

Table of Cases	xvii
Preface and Acknowledgments	xxvii
Part I: Fundamentals of Gambling	
Chapter 1 • The History and Basics of Gambling	3
1. The History and Basics of Gambling	3
2. What Is Gambling?	6
A. What Is Consideration?	7
Notes	11
B. Skill? Chance? Both?	12
<i>Morrow v. Alaska</i>	12
<i>Boardwalk Regency Corp. v. Attorney General of New Jersey</i>	14
Notes	16
C. What Is a Prize?	17
<i>Wisconsin v. Hahn</i>	17
Notes	20
Chapter 2 • Gambling, Public Policy and Regulatory Models	21
1. Introduction	21
A. Prohibitory Model	21
Georgia Constitution, Article I, Section II	21
Idaho Constitution	21
Notes	22
B. Player Protection Model	23
<i>R. v. Police Commissioner of the Metropolis</i>	23
Gaming Act 1968, Chapter 65, Part I (Great Britain)	28
Notes	30
C. Government Interest Model	32
Nev. Rev. Stat. § 463.0129	32
Notes	33
2. When Interests Collide	34
Commonwealth of Puerto Rico Tourism Company Regulations	34
<i>Metropolitan Creditors Service of Sacramento v. Soheil Sadri</i>	35
Notes	40

Part II: Casino Gambling

Chapter 3 • Fundamentals of Regulatory Oversight	43
1. Introduction	43
2. Audit and Accounting	44
A. Minimum Internal Control Procedures	45
<i>Application of Playboy-Elsinore Associates</i>	45
Nevada Gaming Commission Regulation § 6.090	46
Notes	48
B. Governmental Participation and Audits	50
C. Currency Reporting	51
i. Generally	51
ii. Currency Transaction Reports	51
Notes	52
iii. SAR-C (Suspicious Activity Report by Casinos and Card Clubs)	53
Financial Crimes Enforcement Network Advisory	54
Notes	56
3. Enforcement	56
A. Generally	56
Colorado Limited Gaming Act of 1991	56
Nevada Gaming Commission Regulation § 5.045	57
Notes	58
B. Disciplinary Actions	59
<i>Romano v. Bible</i>	60
Notes	64
4. Protecting the Regulatory Process	65
A. Political Protection	65
<i>Casino Association of Louisiana v. Foster</i>	65
Notes	77
B. Other Protections	78
i. Conflicts of Interest Regulations	78
Michigan Gaming Control & Revenue Act of 1997	78
Notes	82
ii. “Cooling-Off” Period Employment Restrictions	83
NJ Casino Control Commission Regulations	83
Notes	85
Chapter 4 • Licensing	87
1. Generally	87
2. Breadth	88
A. Mandatory Licensing	89
86 Illinois Administrative Code § 3000.200	89
New Jersey Stat. § 5:12-82	89
New Jersey Stat. § 5:12-93	91
<i>Brown et al. v. Hotel & Restaurant Employees & Bartenders</i>	
<i>Int’l Union Local 54</i>	92
B. Discretionary Licensing	102
Mississippi Code Ann. § 75-76-61	102
<i>Nevada v. Glusman</i>	103
Notes	109

3. Depth	109
A. Generally	109
B. Individuals	110
C. Corporations	110
D. Publicly-Traded Corporations	110
i. Shareholders	111
68 Indiana Admin. Code § 5-1-4	111
Notes	113
ii. Officers and Employees	115
<i>Application of Lisa M. Lavigna for a Casino Key Employee License</i>	115
Note	120
4. Criteria	120
A. Generally	120
i. Personal Suitability	120
Nev. Rev. Stat. § 463.170	120
Michigan Compiled Laws § 432.206	121
Notes	124
ii. Business and Financial Suitability	126
Nevada Gaming Commission & State Gaming Control Board	
Regulation § 3.050	126
Nevada Gaming Commission and State Gaming Control Board	
Regulation § 3.090	126
New Jersey Stat. § 5:12-84	126
New Jersey Admin. Code § 19:43-4.2	127
New Jersey Admin. Code § 19:43-3.1	128
<i>Arch-View Casino Cruises, Inc. v. Illinois Gaming Board</i>	129
Notes	133
iii. Location Suitability	133
Nevada Gaming Commission & State Gaming Control Board	
Regulation § 3.010	133
Mississippi Gaming Commission Regulation & Licensing:	
Qualifications	134
Indiana Code § 4-33-6-7	136
Notes	137
5. Level of Review	137
A. Full Investigation and Licensing	137
B. Limited Investigation	142
C. Transactional and Temporary Approvals	142
D. Preliminary Approvals	143
E. Final Approvals	143
6. Standards of the Licensing Process	144
<i>In the Matter of the Application of Boardwalk Regency Corporation</i>	
for a Casino License	144
Notes	148
7. The Legal Nature of a Gaming License	149
<i>Nevada v. Rosenthal</i>	149
<i>Jacobson v. Hannifin</i>	154
<i>Kraft v. Jacka</i>	157
Notes	168

Chapter 5 • Gaming Contracts: Player Disputes and Casino Debt Collections	171
1. Introduction	171
2. Are Gaming Debts Enforceable?	172
<i>West Indies, Inc. v. First National Bank of Nevada</i>	172
<i>Resorts International Hotel, Inc. v. Agresta</i>	177
Notes	179
<i>MGM Desert Inn, Inc. v. Holz</i>	181
Notes	185
3. Defenses Available to the Debtor	186
<i>Hakimoglu v. Trump Taj Mahal Associates</i>	187
Notes	192
4. Resolution of Patron Disputes	194
<i>Erickson v. Desert Palace, Inc., et al.</i>	194
<i>Eash v. Imperial Palace of Mississippi, LLC</i>	197
Notes	202
 Chapter 6 • Exclusions and Problem Gambling	207
1. Generally	207
2. At the Track: Power to Exclude Licensees and Patrons	208
<i>Bresnik v. Beulah Park LTD Partnership, Inc.</i>	208
<i>Ziskis v. Kowalski</i>	212
Notes	218
3. Exclusions at the Casino: “We Don’t Want Your Action.”	219
<i>Uston v. Resorts International Hotel, Inc.</i>	219
<i>Uston v. Hilton Hotels Corp.</i>	223
Notes	226
4. Problem Gambling and Self-Exclusions	228
A. Problem Gambling Generally	228
<i>Taveras v. Resorts Intern. Hotel, Inc.</i>	228
<i>Tose v. Greate Bay Hotel and Casino Inc.</i>	234
Notes	239
B. Self-Exclusion Programs	240
<i>Merrill v. Trump Indiana, Inc.</i>	240
Notes	242
 Chapter 7 • Casino Crimes and Advantage Play	247
1. Casino Crimes Generally	247
2. Crimes by Owners	248
A. Skimming	248
<i>United States v. DeLuna</i>	248
Notes	251
B. Cheating by Owners	252
<i>Nevada Tax Commission v. Mackie</i>	252
Notes	254
3. Crimes by Employees	255
<i>Dumas v. Mississippi</i>	255
Notes	258
4. Cheating by Patrons	259
<i>Sheriff of Washoe County v. Martin</i>	260
Notes	263

<i>Lyons v. Nevada</i>	263
Notes	266
<i>State v. Smith</i>	269
Notes	271
5. Advantage Play	274
<i>Bartolo v. Boardwalk Regency Hotel Casino</i>	274
Notes	277
Chapter 8 • Ethical Issues and Duties Arising in the Gaming World	279
1. Introduction	279
2. Who Is the Client?	279
Notes	282
3. Candor to the Tribunal	284
A. Disclosure	284
Notes	285
B. Honesty	286
<i>People v. Lopez</i>	287
Notes	291
C. Zealous Advocacy	292
Notes	292
D. Competency	294
Notes	294
E. Communication	295
Notes	295
 Part III: Native American Gambling	
Chapter 9 • History and Pre-Statutory Development	301
1. Introduction to Tribal Sovereignty and Tribal Gaming	301
2. Early (Pre-IGRA) Regulation	305
<i>Seminole Tribe of Florida v. Butterworth</i>	305
<i>Barona Group of the Capitan Grande Band of Mission Indians v. Duffy</i>	310
Notes	314
<i>California v. Cabazon Band of Mission Indians</i>	316
Notes	322
Chapter 10 • Gaming on Indian Lands under the Indian Gaming Regulatory Act (IGRA)	325
1. Background of IGRA	325
2. Basic Structure of IGRA	326
3. Classification and Regulation: The Vagaries of Class II Gaming	327
<i>United States v. 162 Megamania Gambling Devices</i>	327
<i>United States v. Santee Sioux Tribe of Nebraska</i>	334
Notes	339
4. Casino Gaming on Tribal Lands—Class III	340
A. Is the State Required to Negotiate a Compact with a Tribe?	341
<i>Mashantucket Pequot Tribe v. State of Connecticut</i>	341
<i>Seminole Tribe of Florida v. Florida</i>	345
Notes	352
B. What Games Are Subject to Compact Negotiation?	356
<i>Northern Arapaho Tribe v. Wyoming</i>	356
Notes	360

C. Compact Terms under IGRA	362
<i>Rincon Band of Luiseno Mission Indians of the Rincon</i>	
<i>Reservation v. Schwarzenegger</i>	362
Notes	374
D. Who Has the Authority to Negotiate the Compact?	377
<i>Florida House of Representatives v. Crist</i>	377
Notes	385
E. Where Can Tribe-Operated Gaming Take Place?	386
<i>Lac Courte Oreilles Band of Lake Superior Chippewa Indians</i>	
<i>of Wisconsin v. United States</i>	386
Notes	391
F. The Powers of the National Indian Gaming Commission (NIGC)	395
i. Generally	395
ii. Management Contracts	396
<i>United States ex rel. Bernard v. Casino Magic Corp.</i>	396
Notes	401
iii. NIGC Authority over Class III Gaming	403
<i>Colorado River Indian Tribes v. National Indian Gaming Commission</i>	403
Notes	407
iv. NIGC Enforcement Powers	408
<i>United States v. Seminole Nation of Oklahoma</i>	408
Notes	412
5. Issues Created by Tribal Sovereignty	412
A. Generally	412
i. Doing Business and Contracting with Tribes	412
<i>World Touch Gaming, Inc. v. Massena Management, LLC</i>	412
Notes	417
ii. Labor and Employment Issues	418
<i>San Manuel Indian Bingo and Casino v. N.L.R.B.</i>	418
<i>Hartman v. Golden Eagle Casino, Inc.</i>	425
Notes	428
iii. State Tort Claims	430
<i>Kizis v. Morse Diesel Intern., Inc.</i>	430
Notes	434

Part IV: Federal and State Laws Affecting Gambling

Chapter 11 • Federal Gaming Law	437
1. The History of Federal Gaming Regulation	437
2. Gambling on International Waters	438
A. The Johnson Act—15 U.S.C. § 1171 et seq.	439
Notes	440
B. The Cruise Ship Competitiveness Act Amends the Johnson Act	441
Notes	443
C. Gambling Ship Act of 1949	443
Notes	445
D. United States Department of Justice Interpretation	446
Notes	448
3. Federal Wire Act	448
Notes	449

4. The Travel Act	450
Notes	450
5. Wagering Paraphernalia Act — 18 U.S.C. § 1953	455
Notes	455
6. Illegal Gambling Business Prohibition — 18 U.S.C. § 1955	458
<i>United States v. Mick</i>	460
Notes	461
<i>United States v. Useni</i>	463
Notes	467
Chapter 12 • Internet Gambling	469
1. Background	469
2. The Legality of Internet Gambling under Laws Existing before 2006	470
<i>United States v. Cohen</i>	470
<i>In Re Mastercard International, Inc.</i>	476
Notes	480
3. The Legality of Internet Gambling under Laws Existing after 2006	485
Anthony Cabot, <i>Betting on the Budget: Can State Legislatures</i>	
<i>Go All In or Will the Federal Government Force Them to Fold?:</i>	
<i>The Absence of a Comprehensive Federal Policy toward Internet</i>	
<i>and Sports Wagering and a Proposal for Change</i>	485
Notes	489
4. State Laws and Internet Gambling after 2006	490
<i>Rousso v. Washington</i>	490
Notes	499
Appendix Title VIII—Unlawful Internet Gambling Enforcement	500
Chapter 13 • Legal Restrictions on Gaming Advertising	511
1. Introduction	511
2. The Evolution of Gaming Advertising in the Supreme Court	512
<i>Posadas de Puerto Rico Associates v. Tourism Company of Puerto Rico</i>	512
<i>United States v. Edge Broadcasting Co.</i>	519
Notes	526
<i>Greater New Orleans Broadcasting Association, Inc. v. United States</i>	527
Notes	536
Part V: Other Forms of Gambling	
Chapter 14 • Sports Betting and Poker	541
1. Introduction	541
2. Legal and/or State Regulated Sports Wagering	542
A. Outside the State of Nevada	542
<i>National Football League v. Governor of State of Delaware</i>	542
Notes	548
B. The “Las Vegas Loophole”: Sports Betting in Nevada and the	
Closing of the Frontier	549
<i>In the Matter of the Petition of Casino Licensees for Approval</i>	
<i>of a New Game, Rulemaking and Authorization of a Test</i>	551
Notes	553

3. Fantasy Sports—Legal or Illegal?	555
A. The Birth and Basics of Fantasy Sports	555
B. Legal Issues of Fantasy Sports	555
i. Legality under State Law	556
<i>Humphrey v. Viacom, Inc.</i>	556
Notes	561
ii. Legality under Federal Law	561
C. Property Rights and Fantasy Sports—Who Owns the Numbers?	563
<i>C.B.C. Distribution and Marketing, Inc. v. Major League Baseball</i>	
<i>Advanced Media, L.P.</i>	563
Notes	566
4. Proscribed Sports Betting	567
A. Federal Law	568
<i>United States v. Scavo</i>	568
<i>United States v. Schullo</i>	571
Notes	574
B. State Law	575
i. Gambling	575
ii. Bookmaking	575
<i>Santoro v. State</i>	575
Notes	578
5. League and Amateur Organization Restrictions on Sports Betting	579
<i>United States v. Burke</i>	579
Notes	581
6. Poker: America's Game	584
A. Social Poker—The “Home Game”	585
<i>Fondren v. State</i>	585
Notes	586
B. Poker Rooms	587
C. State Court Prosecutions	587
<i>State v. Duci</i>	587
D. Is Playing Poker Gambling?	591
<i>Joker Club, L.L.C. v. Hardin</i>	591
Notes	594
E. Federal Law and Poker	596
 Chapter 15 • Pari-Mutuel Gaming	 599
1. Introduction	599
2. The Licensing Process	599
<i>Bedford Downs Management Corp. v. State Harness Racing Commission</i>	599
Notes	611
3. Where Can Pari-Mutuel Betting Take Place?	613
<i>State Ex Rel. Stenberg v. Omaha Exposition and Racing, Inc.</i>	614
Notes	619
4. Patron Disputes	623
<i>Ryan v. New Jersey Racing Commission</i>	623
<i>Bourgeois v. Fairground Corp.</i>	625
<i>Hochhalter v. Dakota Race Management</i>	626
<i>Szadolci v. Hollywood Park Operating Co.</i>	629

Notes	631
5. Trainer Regulation and Animal Welfare	632
A. Trainer's Responsibility	632
<i>Hudson v. Texas Racing Commission</i>	632
Notes	636
B. Animal Welfare	638
Notes	638
Chapter 16 • Lotteries	639
1. History and Background of Lotteries	639
Notes	640
2. State Constitutions and Lotteries	642
<i>State ex rel. Six v. Kansas Lottery</i>	642
Notes	647
3. Lottery Players Suing the Lottery	650
<i>Smith v. State Lottery Comm'n of Indiana</i>	650
<i>Reifschneider v. State</i>	655
Notes	662
4. Contractors and Third Parties Suing the Lottery	664
<i>Hawkeye Commodity Promotions, Inc. v. Vilsack</i>	664
Notes	671
5. Lottery Player v. Lottery Player	672
<i>Sokaitis v. Bakaysa</i>	672
<i>Meyer v. Hawkinson</i>	677
<i>Domingo v. Mitchell</i>	688
Notes	693
Index	695

Table of Cases

Principal cases are set in **bold**, while cases cited in the text and in the authors' notes are set in roman type.

- 44 Liquormart, Inc. v. Rhode Island, 517 U.S. 484 (1996), 527, 530
- Agua Caliente Band of Cahuilla Indians v. Superior Court, 148 P.3d 1126 (Cal. 2006), 434
- Ambeault v. Burrillvill Racing Ass'n, 1975 WL 169983 (R.I. Super. Ct. Jul. 8, 1975), 632
- Application of Lisa M. Lavigna for a Casino Key Employee License**, 95 N.S.A.R.2d (CCC) 1, 115
- Application of Playboy-Elsinore Associates**, 497 A.2d 526 (N.J. Super 1985), 45
- Arch-View Casino Cruises, Inc. v. Illinois Gaming Board**, 636 N.E.2d 42 (Ill. App. 1994), 129
- Artichoke Joe's California Grand Casino v. Norton, 353 F.3d 712 (9th Cir. 2003), 429
- Balmoral Racing Club, Inc. v. Illinois Racing Board, 603 N.E.2d 489 (Ill. 1992), 131, 611
- Barona Group of the Capitan Grande Band of Mission Indians v. Duffy**, 694 F.2d 1185 (9th Cir. 1982)3, 310
- Bartolo v. Boardwalk Regency Hotel Casino**, 449 A.2d 1339 (1982), 274
- Bass v. United States, 324 F.2d 168 (8th Cir. 1963), 451
- Bedford Downs Management Corp. v. State Harness Racing Commission**, 926 A.2d 908 (Pa. 2007), 599
- Bell Gardens Bicycle Club v. Dept. of Justice, 42 Cal. Rptr. 2d 730, 748 (Cal. Ct. App. 1995), 595
- Boardwalk Regency Corp. v. Attorney General of New Jersey**, 457 A.2d 847 (N.J. 1982), 14
- Bourgeois v. Fairground Corp.**, 480 So.2d 408 (La. App. 1985), 625
- Boyce v. State Horse Racing Comm'n, 651 A.2d 656 (Pa. Commw. Ct. 1994), 218
- Bresnik v. Beulah Park LTD Partnership, Inc.**, 617 N.E.2d 1096 (1993), 208
- Brown et al. v. Hotel & Restaurant Employees & Bartenders Int'l Union Local 54**, 468 U.S. 491 (1984), 92
- C.B.C. Distribution and Marketing, Inc., v. Major League Baseball Advanced Media, L.P.**, 505 F.3d 818 (8th Cir. 2007), 487
- Cabazon Band of Mission Indians v. Nat'l Indian Gaming Commission, 14 F.3d 633 (D.C. Cir.), 316, 333, 340, 341, 357, 467, 535
- California v. Cabazon Band of Mission Indians**, 480 U.S. 202, 209 (1987), 316
- Campione v. Adamar of New Jersey, 714 A.2d 299, 309 (1998), 226
- Campo Band of Mission Indians v. Superior Court, 39 Cal. Rptr. 3d 875 (2006), 434
- Carcieri v. Salazar, 129 S. Ct. 1058 (2009), 394
- Cashio v. Alpha Gulf Coast, Inc., 77 F.3d 477 (5th Cir. 1995), 277
- Casino Association of Louisiana v. Foster**, 820 So.2d 494 (La. 2002), 65
- Casino Venture v. Steward, 183 F.3d. 307 (4th Cir. 1999), 443
- Charnes v. Cent. City Opera House Ass'n., 773 P.2d 546, 551 (Colo. 1989), 595
- Chen v. Nevada State Gaming Control Bd., 994 P.2d. 1551 (Nev. 2000), 277
- Cheyenne River Sioux Tribe v. South Dakota, 3 F.3d 271 (8th Cir. 1993), 353, 358, 361

- Citizens United v. Federal Election Commission, 130 S. Ct. 876 (2010), 78, 445
- City of Rossville v. Norton, 219 F. Supp. 2d 130 (D.D.C. 2002), 392
- Coeur d'Alene Tribe v. Idaho, 842 F. Supp. 1268 (D. Idaho 1994), 358, 361
- Coghill v. Boardwalk Regency Corp, 396 A.2d 838 (Va. 1990), 186
- Cohen v. Dep't of Bus. Regulation, Div. of Parimutuel Wagering, 584 So. 2d 1083 (Fla. Dist. Ct. App. 1991), 613
- Cohen v. United States, 378 F.2d 751 (9th Cir.), 470, 474, 480, 570, 574
- Cole v. Hughes, 442 S.E.2d 86 (N.C. App. 1994), 682, 693
- Colorado River Indian Tribes v. National Indian Gaming Commission**, 466 F.3d 134 (D.C. Cir. 2006), 403
- Commissioner of Baseball v. Markell, 579 F.3d 293 (3d Cir. 2009), 551, 554, 583
- Commonwealth v. Katsafanas, 464 A.2d 1270 (Pa. Super. Ct. 1983), 649
- Commonwealth v. Webb, 274 A.2d 261 (Pa. Commw. Ct. 1971), 196, 637
- Condado Aruba Caribbean Hotel, N.V. v. Tickel, 561 P.2d 23 (Colo. App. 1977), 180
- Condado Holiday Inn v. Tourism Company Of Puerto Rico, 478 U.S. 328 (1986), 31
- Confederated Tribes of Siletz Indians of Oregon v. United States, 110 F.3d 688 (9th Cir. 1997), 389, 392
- Converse v. Lottery Commission, 783 P.2d 1116 (Wash. Ct. App. 1989), 664
- Cordero v. Corbisiero, 565 N.Y.S.2d 109 (N.Y. App. Div. 1991), 613
- Cossey v. Cherokee Nation Enterprises, LLC, 212 P.3d 447 (Okla. 2009), 434
- Cunard SS. Co. v. Mellon, 262 U.S. 100, 122 (1923), 446
- D'Avignon v. Ark. Racing Comm'n, 651 S.W.2d 87 (Ark. 1983), 636
- DePasquale v. Ogden Suffolk Downs, Inc., 564 N.E.2d 584 (Mass. App. 1991), 631
- Dewberry v. Kulongoski, 406 F. Supp. 1136 (D. Or. 2005), 385
- Diamond Game Enters., Inc. v. Reno, 230 F.3d 365 (D.C. Cir. 2000), 335, 340
- Diepenbrock v. Merkel, 97 P.3d 1063 (Kan. App. 2004), 434
- Dockery v. Sam's Town, 2007 WL 3023928 (W.D. La. 2007), 204
- Domingo v. Mitchell**, 257 S.W.3d 34 (Tex. App. 2008), 688
- Donovan v. Coeur d'Alene Tribal Farm, 751 F.2d 1113 (9th Cir. 1985), 420, 429
- Donovan v. Grand Victoria Casino & Resort, 915 N.E.2d 1001 (Ind. App. 2009), 227
- Dumas v. Mississippi**, 806 So.2d 1009 (Miss. 2000), 255
- E.E.O.C. v. Fond du Lac Heavy Equip. & Constr. Co., 986 F.2d 246 (8th Cir. 1993), 429
- Eash v. Imperial Palace Of Mississippi, LLC**, 4 So. 3d 1042 (Miss. 2009), 197
- Ecumenical Ministries of Oregon v. Oregon State Lottery Commission, 871 P.2d 106, 108 (1994), 648
- Edenfield v. Fane, 507 U.S. 761, 767 (1993), 526
- El Dorado Hotel, Inc., v. Coolidge Brown, 691 P.2d 436 (Nev. 1984), 272
- Ellis v. Allied Snow Plowing, Removal and Sanding Services Corp., 838 A.2d 237 (Conn. App. 2004), 434
- Erickson v. Desert Palace, Inc., et al.**, 942 F.2d 694, (9th Cir. 1991), 194
- Erlenbaugh v. United States, 409 U.S. 239 (1972)452, 455–456
- F.A.C.E Trading, Inc. v. Carter, 821 N.E.2d 38, 42 (Ind. Ct. App. 2005), 11
- Federal Power Commission v. Tuscarora Indian Nation, 362 U.S. 99, 116 (1960), 420, 428
- First Am. Kickapoo Operations, L.L.C. v. Multimedia Games, Inc., 412 F.3d 1166 (10th Cir. 2005), 402
- Flagler v. United States, 2007 WL 2814657 (D.N.J. Sept. 25, 2007), 554
- Fleegeer v. Bell, 2001 WL 1491252 (9th Cir. Nov. 26, 2001), 186, 244
- Florida House of Representatives v. Crist**, 999 So. 2d 601 (Fla. 2008), 377
- Fondren v. State**, 179 S.W. 1170 (Tex. Crim. 1915), 585

- Fort Independence Indian Community v. California, 679 F. Supp. 2d 1159 (E.D. Cal. 2009), 429
- Fullerton v. Dep't of Rev. Servs., 714 A.2d 1203 (Conn. 1998), 662
- GNLV. Corp. v. Jackson, 736 S.W.2d 893 (Tex. App. 1987), 186
- GNOC Corp. v. Aboud, 715 F. Supp. 644 (D.N.J. 1989), 187, 230, 239
- Graham v. State, 467 P.2d 1016 (Nev. 1970), 267
- Grand Casino Biloxi v. Hallman, 823 So.2d 1185 (Miss. 2002), 204
- Grant v. State, 44 S.E.2d 513 (Ga. Ct. App. 1947), 20
- Granton v. Wash. State Lottery Comm'n, 177 P.3d 745 (Wash. 2008), 662
- Greater New Orleans Broadcasting Association, Inc. v. United States**, 527 U.S. 173 (1999), 527
- Griggs v. Harrah's Casino, 929 So. 2d 204 (La. App. 2006), 204
- Grimes v. Board of Commissioners, 1 P.2d 570, 572 (1931), 150–152, 169
- Grosjean v. Imperial Palace, Inc, 212 P.3d. 1068 (Nev. 2009), 272
- Gulf Collateral, Inc. v. Morgan, 415 F. Supp. 319 (D. Ga. 1976), 180
- Gulfstream Park Racing Ass'n, Inc. v. Dep't Bus. Regulation, 441 So.2d 627, 629 (Fla. 1983), 612
- Gulfstream Park Racing Ass'n, Inc. v. Tampa Bay Downs, Inc., 294 F. Supp. 2d 1291, 1302 (M.D. Fla. 2003), 622
- Hakimoglu v. Trump Taj Mahal Associates**, 70 F.3d 291 (3rd Cir. 1995), 187, 230
- Harbour v. Col. State Racing Comm'n, 505 P.2d 22 (1973), 637
- Hartman v. Golden Eagle Casino, Inc.**, 243 F. Supp. 2d 1200 (D. Kan. 2003), 425
- Hawkeye Commodity Promotions, Inc. v. Vilsack**, 486 F.3d 430 (8th Cir. 2007), 664
- Haynes v. Dep't of Lottery, 630 So. 2d 1177 (Fla. Dist. Ct. App. 1994), 663
- Hazelwood v. Harrah's, 862 P.2d 1189 (Nev. 1993), 272
- Heatherly v. State of North Carolina, 658 S.E.2d 11 (N.C. Ct. App. 2008), 648
- Hialeah Racing Ass'n, LLC v. Department of Business and Professional Regulation, Div. of Parimutuel Wagering, 907 So. 2d 1235 (Fla. Dist. Ct. App. 2005), 612
- Hilton of San Juan, Inc. v. Lateano, 305 A.2d 538 (Conn. Cir. 1972), 180
- Hochhalter v. Dakota Race Management**, 524 N.W.2d 582 (N.D. 1994), 625–626, 678
- Hotel Employees & Restaurant Employees Int'l Union v. Davis, 981 P.2d 990 (Cal. 1999), 92, 362
- Hudson v. Texas Racing Commission**, 455 F.3d 597 (5th Cir. 2006), 632
- Humphrey v. Viacom, Inc.**, 2007 WL 1797648 (D.N.J. 2007), 556
- In re Great Outdoors Colorado Trust Fund, 913 P.2d 533 (Colo. 1996), 648
- In re Indian Gaming Related Cases, 331 F.3d 1094 (9th Cir. 2003), 363, 375
- In re Koonce, 262 B.R. 850 (Bankr. D. Nev. 2001), 663
- In re Louisiana Lottery Corp. Grand Prize Drawing of March 21**, 643 So.2d 843 (La. Ct. App. 1994), 664
- In Re Mastercard International, Inc.**, 313 F.3d 257 (5th Cir. 2002), 476
- In re Meyers, 139 B.R. 858 (Bankr. N.D. Ohio 1992), 664
- In re Stephen R. Edwards, 879 So. 2d 718 (La. 2004), 279
- In State ex rel Ohio Roundtable v. Taft, 2003 WL 21470307 (Ohio Ct. App. June 26, 2003), 647
- In the Matter of the Application of Boardwalk Regency Corporation for a Casino License**, 434 A.2d 1111 (N.J. Super. 1981), 144
- In the Matter of the Petition of Casino Licensees for Approval of a New Game, Rulemaking and Authorization of a Test**, 633 A.2d. 1050 (N.J. Super.), 551
- Indoor Recreation Enters., Inc. v. Douglas, 235 N.W.2d 398, 401 (Neb. 1975), 595
- Isbell v. State, 626 P.2d 1274 (Nev. 1981), 267
- Jacobson v. Hannifin**, 627 F.2d 177 (9th Cir. 1980), 154, 160
- Jacobson v. State, 510 P.2d 856 (Nev. 1973), 272

- James v. Churchill Downs, Inc., 620 S.W.2d 323 (Ky. Ct. App. 1981), 218
- Jena Band of Choctaw Indians v. Tri-Millennium Corp. Inc., 387 F. Supp. 2d 671 (W.D. La. 2005), 402
- Johnson v. Johnson, 594 N.Y.S.2d 259 (N.Y. App. Div. 1993), 13, 166, 293, 302, 380, 443, 494, 680, 685, 686, 693
- Joker Club, L.L.C. v. Hardin**, 643 S.E.2d 626 (N.C. App. 2007), 591
- Keefe v. Ohio Lottery Comm'n, 2006WL 1990814 (Ohio Ct. App. July 18, 2006), 663
- Kelly v. First Astri Corporation, 84 Cal. Rptr.2d 810 (1999), 255
- Kiowa Tribe of Oklahoma v. Mfg. Tech., Inc., 523 U.S. 751 (1998), 414, 428
- Kizis v. Morse Diesel Intern., Inc.**, 794 A.2d 498 (Conn. 2002), 430
- Kraft v. Jacka**, 872 F.2d 862 (9th Cir. 1989), 157
- La Bo J P'ship v. Louisiana Lottery Corp., 6 So.3d 191 (La. Ct. App. 2009), 649
- LaBorde v. La. State Racing Comm'n., 506 So.2d 634 (La. App. 1987), 636
- Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin v. United States**, 367 F.3d 650 (7th Cir. 2004), 386
- Lac du Flambeau Band of Lake Superior Chippewa Indians v. Wisconsin, 770 F. Supp. 480 (W.D. Wis. 1991), 357, 360
- Langley v. Ryder, 602 F. Supp. 335 (D. La. 1985), 314
- Lee v. Walters, 433 F.3d 672 (9th Cir. 2005), 218
- Livingston Downs Racing Ass'n, Inc. v. Jefferson Downs Corp., 192 F. Supp. 2d 519 (M.D. La. 2001), 611
- Lomonaco v. Sands Hotel Casino and Country Club, 614 A.2d 634, 639 (N.J. Super 1992), 193
- Lyons v. Nevada**, 775 P.2d 219 (Nev. 1989), 263
- M & R Investments, Co., v. Hacker, 511 So.2d 1099 (Fla. App. 1987), 186
- Madara v. Commonwealth, 323 A.2d 401 (Pa. Commw. Ct. 1974), 663
- Maffett v. Ohio Lottery Comm'n, 2005WL 1190713 (Ohio Ct. Cl. Apr. 20, 2005), 663
- Mahurin v. Oaklawn Jockey Club, 771 S.W.2d 19 (1989), 632
- Mali v. Keeper of the Common Jail of Hudson County, 120 U.S. 1 (1887), 446
- Marcangelo v. Boardwalk Regency, 847 F. Supp. 1222 (D. N.J. 1994), 203
- Marina Assocs. v. Barton, 563 N.E.2d 1110 (Ill. App. 1990), 186
- Marrone v. Washington Jockey Club, 227 U.S. 633 (1913), 215, 218
- Marshall v. United States, 355 F.2d 999 (9th Cir. 1966), 78, 454
- Mashantucket Pequot Tribe v. State of Connecticut**, 913 F.2d 1024 (2d Cir. 1990), 341, 358–360,
- Mathews v. Eldridge, 424 U.S. 319 (1976), 64
- McCabe v. Director of New Jersey Lottery Commission, 363 A.2d 387 (N.J. Super. Ct. Ch. Div. 1976), 664
- Memphis Biofuels, LLC v. Chickasaw Nation Indus., Inc., 585 F.3d 917 (6th Cir. 2009), 417
- Merrill v. Trump Indiana, Inc.**, 320 F.3d 729 (7th Cir. 2003), 240
- Metropolitan Creditors Service of Sacramento v. Soheil Sadri**, 35, 180
- Metropolitan Creditors Service v. Soheil Sadri, 19 Cal. Rptr. 2d 646 (1993), 35, 180
- Meyer v. Hawkinson**, 626 N.W.2d 262 (N.D. 2001), 677
- MGM Desert Inn, Inc. v. Holz**, 411 S.E.2d 399 (N.C. App. 1991), 181
- Midland States Life Ins. Co. v. Cardillo, 797 N.E.2d 11 (Mass. App. Ct. 2003), 663
- Mobil Oil Corp. v. Danforth, 455 S.W.2d 505, 509 (Mo. 1970), 6
- Monaci v. State Horse Racing Comm'n, 717 A.2d 612 (Pa. Commw. Ct. 1998), 636
- Montana v. Blackfeet Tribe of Indians, 471 U.S. 759, 766 (1985), 429
- Moore v. Detroit Entertainment, L.L.C., 2008 Mich. App. LEXIS 1105 (Ct. App. May 27, 2008), 272
- Moore v. State, 692 P.2d 1278 (Nev. 1984), 263

- Morrison v. Cal. Horse Racing Bd., 252. Cal. Rptr. 293 (Cal. Ct. App. 1988), 218
- Morrow v. Alaska**, 511 P.2d 127 (Ala. 1973), 12
- Narragansett Indian Tribe of Rhode Island v. State, 667 A.2d 280, 282 (R.I. 1995), 385
- Narragansett Racing Ass'n v. Mazzaro, 357 A.2d 442 (R.I. 1976), 218
- National Football League v. Governor of State of Delaware**, 435 F. Supp. 1372 (D. Del. 1977), 542
- Nelson v. MGM Grand Hotel, 287 Fed. Appx. 587 (9th Cir. 2008), 244
- Nemtin v. Zarin, 577 F. Supp. 1135 (D.N.J. 1983), 194
- Nevada Tax Commission v. Hicks, 310 P.2d 852 (Nev. 1957), 150, 151, 169, 253
- Nevada Tax Commission v. Mackie**, 333 P.2d 985 (Nev. 1959), 252
- Nevada v. Glusman**, 651 P.2d 639 (Nev. 1982), 103
- Nevada v. Rosenthal**, 559 P.2d 830 (Nev. 1977), 149
- New York v. United States, 505 U.S. 144 (1992), 352
- NFL v. Delaware, 435 F. Supp. 1372 (D. Del. 1977), 549
- Nix v. Whiteside, 475 U.S. 157 (1986), 292
- Northern Arapaho Tribe v. Wyoming**, 389 F.3d 1308 (10th Cir. 2004), 356
- Oklahoma Tax Comm'n v. Citizen Band Potawatomi Indian Tribe of Oklahoma, 498 U.S. 505 (1991), 429
- Oneida Tribe of Indians of Wisconsin v. Wisconsin, 518 F. Supp. 712 (D. Wis. 1981), 312, 314
- Palese v. Del. State Lottery Office, 2006WL 1875915 (Del. Ch. June 29, 2006), 663
- Palmetto Princess, LLC v. Georgetown County, 631 S.E.2d 68 (S.C. 2006), 443
- Palmisciano v. Burrillville Racing Ass'n, 603 A.2d 317 (R.I. 1992), 631
- Pando v. Daysi, 499 N.Y.S.2d 950 (N.Y. App. Div. 1986), 693
- Pearsall v. Alexander, 572 A.2d 113 (D.C. 1990), 427, 681, 693
- Pennsylvania v. Dent, No: 733 of 2008 (Pa. C.P. 26th Dist. Columbia County January 14, 2009), 594
- People v. Dubinsky, 31 N.Y.S.2d 234 (1941), 587
- People v. Johnson, 72 Cal. Rptr. 2d 805 (1998), 293
- People v. Lopez**, 796 P.2d 957 (Colo. 1990), 287
- Phalen v. Commonwealth of Virginia, 49 U.S. (8 How.) 163 (1850), 6
- Phillips v. Graham, 427 N.E.2d 550 (Ill. 1981), 218, 462
- Pic-A-State Pa., Inc. v. Commonwealth of Pennsylvania, 42 F.3d 175 (3d Cir. 1994), 455
- Pickle v. IGT, 830 So.2d 1214 (Miss.2002), 201, 204
- Pinder v. United States, 330 F.2d 119, 121 (5th Cir. 1969), 457
- Ponca Tribe v. Oklahoma, 37 F.3d 1422 (10th Cir. 1994), 353, 366
- Posadas de Puerto Rico Associates v. Tourism Company of Puerto Rico**, 478 U.S. 328 (1986), 512, 522, 530
- Printz v. United States, 521 U.S. 898 (1997), 352, 390
- Pueblo of Santa Ana v. Kelly, 104 F.3d 1546 (10th Cir. 1997), 380, 385
- R. v. Police Commissioner of the Metropolis**, 2 Q.B. 118 (1968), 23
- Reed v. Kansas Racing Comm'n, 860 P.2d 684 (Kan. 1993), 613
- Register v. Oaklawn Jockey Club, Inc., 811 S.W.2d 315 (Ark. 1991), 625, 631
- Reifschneider v. State**, 17 P.3d 907 (Kan. 2001), 655
- Resorts Int'l Hotel, Inc. v. Salomone, 178 N.J. Super. 598 (App. Div. 1981), 194
- Resorts International Hotel, Inc. v. Agresta**, 569 F. Supp. 24 (E.D. Va. 1982), 177
- Rewis v. United States, 401 U.S. 808 (1971), 451
- Rice v. New York State Racing and Wagering Bd., 653 N.Y.S.2d 601 (N.Y. App. Div. 1997), 613
- Rice v. Ohio Lottery Commission, 708 N.E.2d 796 (Ohio Ct. Cl. 1999), 649
- Rincon Band of Luiseno Mission Indians of the Rincon Reservation v. Schwarzenegger**, 602 F.3d 1019 (9th Cir. 2010), 362

- Robinson Band of Pomo Indians of Robinson Rancheria v. Babbitt, 1998 WL 355580 (N.D. Cal. June 26, 1998), 355
- Romano v. Bible**, 169 F.3d 1182 (9th Cir. 1999), 60
- Romanski v. Detroit Entertainment, 428 F.3d 629 (6th Cir. 2005), 272
- Rousso v. Washington**, 239 P.3d 1084 (Wash. 2010), 490
- Rubin v. Coors Brewing Co., 514 U.S. 476 (1995), 526
- Rumsey Indian Rancheria of Wintun Indians v. Wilson, 64 F.3d 1250 (9th Cir. 1994), 358, 361, 362
- Rush Creek Solutions, Inc. v. Ute Mountain Ute Tribe, 107 P.3d 402 (Colo. App. 2004), 417, 429
- Ryan v. New Jersey Racing Commission**, 764 A.2d 486 (2001), 623
- San Manuel Indian Bingo and Casino v. N.L.R.B.**, 475 F.3d 1306 (D.C. Cir. 2007), 418
- Sanabria v. United States, 437 U.S. 54 (1978), 462
- Sandstrom v. California Horse Racing Board, 189 P.2d 17 (Cal.1948), 636
- Santee Sioux Nation v. Norton, 2006 WL 2792734 (D. Neb. Sept. 26, 2006), 354
- Santoro v. State**, 959 So.2d 1235 (Fla. App. 2007), 575
- Saratoga County Chamber of Commerce, Inc. v. Pataki, 798 N.E.2d 1047 (2003), 380, 385
- Schvaneveldt v. Idaho State Horse Racing Comm'n, 578 P.2d 673 (1978), 637
- Seder v. Arlington Park Race Track Corp, 481 N.E.2d 9 (Ill. App. 1985), 628, 631
- Seely v. Okla. Horse Racing Comm'n, 743 P.2d 685 (Okla. Civ. App. 1987), 637
- Semaan v. IGT, 126 Fed. Appx. 794 (9th Cir. 2005), 203
- Seminole Tribe of Florida v. Butterworth**, 658 F.2d 310 (5th Cir. 1981), 305
- Seminole Tribe of Florida v. Florida**, 517 U.S. 44 (1996), 345
- Seminole Tribe of Florida v. McCor, 903 So. 2d 353 (Fla. App. 2005), 434
- Seneca-Cayuga Tribe of Okla., 327 F.3d 1019 (10th Cir. 2003), 327
- Sengel v. IGT, 2 P.3d 258 (Nev. 2000), 204
- Sheriff of Washoe County v. Martin**, 662 P.2d. 634 (Nev. 1983), 260
- Sheriff v. Anderson, 746 P.2d 643 (Nev. 1987), 260, 265, 273
- Silbert v. Ramsey, 482 A.2d 147 (Md. 1984), 227
- Singer Asset Fin. Co., L.L.C. v. Bachus, 741 N.Y.S.2d 618 (N.Y. App. Div. 2002), 664
- Sister Nira Ledoux v. Grand Casino-Coushatta, 954 So. 2d 902 (La. App. 2007), 204
- Skipper v. State, 879 P.2d 732, 734 (Nev. 1994), 267
- Smart v. State Farm Ins. Co., 868 F.2d 929 (7th Cir. 1989), 424, 429
- Smith v. Nevada, 482 P.2d 302 (Nev. 1971), 267
- Smith v. State Lottery Comm'n of Indiana**, 812 N.E.2d 1066 (Ind. Ct. App. 2004), 650
- Sokaitis v. Bakaysa**, 975 A.2d 51 (Conn. 2009), 672
- Solis v. Matheson, 563 F.3d 425 (9th Cir. 2009), 429
- Southern Ute Indian Tribe v. Board of County Comm'rs of the County of La Plata, 855 F. Supp. 1194 (D. Colo. 1994), 429
- Spokane Indian Tribe v. United States, 972 F.2d 1090 (9th Cir. 1992), 333, 340
- State ex rel. Six v. Kansas Lottery**, 186 P.3d 183 (2008), 642
- State Ex Rel. Stenberg v. Omaha Exposition and Racing, Inc.**, 644 N.W.2d 563 (2002), 614
- State v. Barr, 651 P.2d 649 (Nev. 1982), 267
- State v. Benevento, 350 A.2d 485 (N.J. Super. App. Div. 1975), 578
- State v. Cartwright, 510 P.2d 405 (Ariz. Ct. App. 1973), 578, 590
- State v. Duci**, 727 P.2d 316 (1986), 587
- State v. Erickson, 534 N.W.2d 804 (N.D. 1995), 194, 251, 680
- State v. Greenfield, 622 N.W.2d 403 (Minn. App. 2001), 578
- State v. Hansen, 816 P.2d 706 (Or. Ct. App. 1991), 587
- State v. Kimiinski, 474 N.W.2d 385 (Minn. App. 1991), 649

- State v. Owens, 703 P.2d 898 (N.M. Ct. App. 1984), 578
- State v. Schlein, 854 P.2d 296 (Kan. 1993), 587
- State v. Smith**, 2009 WL 3337632 (Iowa Ct. App. Oct. 9, 2009), 269
- State v. Williams, 459 A.2d 651 (1983), 149, 163
- Stepp v. Freeman, 694 N.E.2d 510 (Ohio Ct. App. 1997), 693
- Stern v. State, 512 N.Y.S.2d 580 (App. Div.), *appeal dismissed*, 514 N.E.2d 390 (N.Y. 1987), 663
- Sun Light Prepaid Phonocard Co. v. State, 600 S.E.2d 61 (S.C. 2004), 12
- Sycuan Band of Mission Indians v. Roache, 54 F.3d 535, 542 (9th Cir. 1994), 333, 340, 361
- Szadolci v. Hollywood Park Operating Co.**, 17 Cal. Rptr. 2d 356 (Cal. App. 1993), 629
- Talley v. Mathis, 453 S.E.2d 704 (Ga. 1995), 674, 681, 693
- Taveras v. Resorts Intern. Hotel, Inc.**, 2008 WL 4372791 (D.N.J. 2008), 228
- Termini v. Missouri Gaming Comm'n, 921 S.W.2d 159 (Mo. App. 1996), 227
- Terry v. Mohegan Tribal Gaming Authority, 2008 WL 2313677 (Conn. Super. May 16, 2008), 434
- Texas v. United States, 497 F.3d 491 (5th Cir. 2007), 354–356, 366
- Tichenor v. Missouri State Lottery Commission, 742 S.W.2d 170 (Mo. 1988), 648
- Tose v. Greate Bay Hotel and Casino Inc.**, 819 F. Supp. 1312 (D.N.J. 1993), 234
- Town of Mt. Pleasant v. Chimento, case No. 98045DB (S.C. Mun. Ct. Feb. 19, 2009), 595
- Triano v. Div. of State Lottery, 703 A.2d 333 (N.J. Super. Ct. App. Div. 1997), 663
- Tropical Park, Inc. v. Jock, 374 So. 2d 639 (Fla. Dist. Ct. App. 1979), 218
- United States ex rel Saints Regis Mohawk Tribe v. St. Regis Mgmt. Co., 451 F.3d 44 (2d Cir. 2006), 402
- United States ex rel. Bernard v. Casino Magic Corp.**, 293 F.3d 419 (8th Cir. 2002), 396
- United States v. \$6,976,934.65, 554 F.3d 123 (2009), 490
- United States v. 103 Electronic Gambling Devices, 223 F.3d 1091 (9th Cir. 2000), 329, 339
- United States v. 162 Megamania Gambling Devices**, 231 F.3d 713 (10th Cir. 2000), 327
- United States v. Allen, 588 F.2d 1100 (5th Cir. 1979), 467
- United States v. Alsobrook, 620 F.2d 139 (6th Cir. 1980), 451
- United States v. Anderson, 987 F.2d 251 (5th Cir. 1993), 454
- United States v. Aquino, 336 F. Supp. 737 (D. Mich. 1972), 438, 458
- United States v. Archer, 486 F.2d 670 (2d Cir. 1973), 452
- United States v. Avarello, 592 F.2d 1339 (5th Cir. 1979), 462
- United States v. Baker, 589 F.2d 1008 (9th Cir. 1979), 453, 457, 462
- United States v. Bala, 489 F. 3d 334 (8th Cir. 2007), 467
- United States v. Bally Mfg. Corp, 345 F. Supp. 410 (E.D. La. 1972), 452
- United States v. Barrow, 212 F. Supp. 837 (E.D. Pa. 1962), 453
- United States v. Bennett, 563 F.2d 879, 883–84 (8th Cir. 1977), 463
- United States v. Bergland, 318 F.2d 159 (7th Cir. 1963), 454
- United States v. Black, 291 F. Supp. 262 (S.D.N.Y. 1968), 445
- United States v. Bobo, 477 F.2d 974 (6th Cir. 1974), 462
- United States v. Boss, 671 F.2d 396 (10th Cir. 1982), 463, 467
- United States v. Bouy, 598 F.2d 445 (5th Cir. 1979), 462
- United States v. Bowers, 739 F.2d 1050 (6th Cir. 1984), 451
- United States v. Box, 530 F.2d 1258 (5th Cir. 1976), 462, 569
- United States v. Brennan, 394 F.2d 151, 153 (2d Cir. 1968), 454
- United States v. Burke**, 700 F.2d 70 (2d Cir. 1983), 579
- United States v. Campagnuolo, 556 F.2d 1209 (5th Cir. 1977), 453, 455

- United States v. Carpenter, 392 F.2d 205 (6th Cir. 1968), 451
- United States v. Ceraso, 467 F.2d 653 (3d Cir. 1972), 468, 572
- United States v. Chase, 372 F.2d 453 (4th Cir. 1967), 456
- United States v. Cohen**, 260 F.3d 68 (2d Cir. 2001), 470
- United States v. Colacurcio, 499 F.2d 1401 (9th Cir. 1974), 437
- United States v. Conley, 92 F.3d 157 (3d Cir. 1996), 597
- United States v. Cook, 922 F.2d 1026 (2d Cir. 1991), 467
- United States v. Corbin, 662 F.2d 1066 (4th Cir. 1981), 454
- United States v. Dakota, 796 F.2d 186 (6th Cir. 1986), 314, 319, 467
- United States v. DeLuna**, 763 F.2d 897 (8th Cir. 1985), 248
- United States v. Douglass, 780 F.2d 1472 (9th Cir. 1986), 454
- United States v. Drury, 396 F.3d 1303 (11th Cir. 2005), 453
- United States v. Edge Broadcasting Co.**, 509 U.S. 418 (1993), 437, 519
- United States v. Eisner, 533 F.2d 987 (6th Cir. 1976), 452
- United States v. Fabrizio, 385 U.S. 263 (1966), 456, 457
- United States v. Follin, 979 F.2d 369 (5th Cir. 1992), 462
- United States v. Fuller, 441 F.2d 755 (4th Cir. 1971), 575
- United States v. Gallo, 763 F.2d 1504 (6th Cir. 1985), 453, 454
- United States v. Garramone, 380 F. Supp. 590 (E.D. Pa. 1974), 451, 454
- United States v. Garrett, 716 F.2d 257 (5th Cir. 1983), 452
- United States v. Gilley, 836 F.2d 1206 (9th Cir. 1988), 467
- United States v. Goldberg, 928 F. Supp. 89 (D. Mass. 1996), 453
- United States v. Goldfarb, 643 F.2d 422 (6th Cir. 1981), 156, 251, 454
- United States v. Goldman, 750 F.2d 1221 (4th Cir. 1984), 453
- United States v. Gonzalez, 907 F. Supp. 785 (D. Del. 1995), 452, 455
- United States v. Gordon, 464 F.2d 357 (9th Cir. 1972), 251, 467
- United States v. Gotti, 459 F.3d 296 (2d Cir. 2006), 597
- United States v. Gresko, 632 F.2d 1128 (4th Cir. 1980), 468
- United States v. Grey, 56 F.3d 1219 (10th Cir. 1995), 462
- United States v. Harper, 450 U.S. 435 (1989), 59
- United States v. Heacock, 31 F.3d 249 (5th Cir. 1994), 453, 461–463
- United States v. Herrera, 584 F.2d 1137 (2d Cir. 1978), 451, 452
- United States v. Houlihan, 92 F.3d 1271 (1st Cir. 1996), 452
- United States v. Hung Quoc, 1998WL 141334 (9th Cir. Mar. 25, 1998), 259
- United States v. Isaacs, 493 F.2d 1124 (7th Cir. 1974), 452
- United States v. Jenkins, 649 F.2d 273 (4th Cir. 1981), 462
- United States v. Jones, 712 F.2d 115 (5th Cir. 1983), 462, 597
- United States v. Judkins, 428 F.2d 333 (6th Cir. 1970), 451
- United States v. Kaczowski, 114 F. Supp. 2d 143 (W.D.N.Y. 2000), 575
- United States v. Kelley, 395 F.2d 727 (2d Cir. 1968), 451, 575
- United States v. Kelly, 328 F.2d 227 (6th Cir. 1964), 458
- United States v. Killip, 819 F.2d 1542 (10th Cir. 1987), 468
- United States v. King, 834 F.2d 109 (6th Cir. 1987), 461, 462
- United States v. Kish, 303 F. Supp. 1212 (N.D. Ind. 1969), 458
- United States v. Le Faivre, 507 F.2d 1288 (4th Cir. 1974), 452, 453
- United States v. Levy, 969 F.2d 136 (5th Cir. 1992), 451
- United States v. Lisner, 524 F.2d 1263 (5th Cir. 1975), 454
- United States v. Lombardo, 639 F. Supp.2d 1271 (D. Utah 2007), 480, 490
- United States v. Lopez, 514 U.S. 549 (1995), 352, 453
- United States v. Lozano, 839 F.2d 1020 (4th Cir. 1988), 452

- United States v. Lynn, 178 F.3d 1297 (6th Cir. 1999), 597
 United States v. Mackey, 551 F.2d 967 (5th Cir. 1977), 462
 United States v. Manarite, 44 F.3d 1407 (9th Cir. 1995), 251
 United States v. Marrifield, 515 F.2d 877 (5th Cir. 1975), 468
 United States v. Massino, 546 F.3d 123 (2d Cir. 2008), 597
 United States v. Matya, 541 F.2d 741 (1976), 466, 467
 United States v. McHale, 495 F.2d 15 (7th Cir. 1974), 462
 United States v. Mendelsohn, 896 F.2d 1183 (9th Cir. 1989), 456
 United States v. Merrell, 701 F.2d 53 (6th Cir. 1983), 462
United States v. Mick, 263 F.3d 553 (6th Cir. 2001), 460
 United States v. Morris, 612 F.2d 483 (10th Cir. 1979), 462
 United States v. Morrison, 529 U.S. 598 (2000), 352
 United States v. Murray, 928 F.2d 1242 (1st Cir. 1991), 461, 463, 467
 United States v. Nerone, 563 F.2d 836 (7th Cir. 1977), 467
 United States v. O'Dell, 671 F.2d 191 (6th Cir. 1982), 451, 452
 United States v. One Big Six Wheel, 166 F.3d 498 (2d Cir. 1999), 446
 United States v. Pack, 1994WL 19945 (6th Cir. Jan. 25, 1994), 596
 United States v. Payne, 1993WL 218770 (4th Cir. June 21, 1993), 597
 United States v. Pepe, 747 F.2d 632 (11th Cir. 1984), 452
 United States v. Perrin, 580 F.2d 730 (5th Cir. 1978), 452, 453
 United States v. Peveto, 881 F.2d 844 (10th Cir. 1989), 452
 United States v. Phillips, 664 F.2d 971 (5th Cir. 1981), 462
 United States v. Polizzi, 500 F.2d 856 (9th Cir. 1974), 151, 455
 United States v. Prince, 529 F.2d 1108 (6th Cir. 1976), 453
 United States v. Real Property Title in the Names of Godfrey Soon Bong Kang and Darrell Lee, 120 F.3d 947 (9th Cir. 1997), 467
 United States v. Reeder, 614 F.2d 1179 (8th Cir. 1980), 462
 United States v. Rieger, 942 F.2d 230 (3d Cir. 1991), 467, 596
 United States v. Roselli, 432 F.2d 879 (9th Cir. 1970), 451, 454
United States v. Santee Sioux Tribe of Nebraska, 324 F.3d 607 (8th Cir. 2003), 334
 United States v. Scaglione, 446 F.2d 182 (5th Cir. 1971), 456
United States v. Scavo, 593 F.2d 837 (8th Cir. 1979), 449, 568
 United States v. Schaefer, 510 F.2d 1307 (8th Cir. 1975), 468
United States v. Schullo, 363 F. Supp. 246 (D. Minn. 1973), 571
United States v. Seminole Nation of Oklahoma, 321 F.3d 939 (10th Cir. 2002), 408, 412
 United States v. Sisseton-Wahpeton Sioux Tribe, 897 F.2d 358 (8th Cir. 1990), 358, 360
 United States v. Smaldone, 485 F.2d 1333 (10th Cir. 1973), 467
 United States v. Spokane Tribe of Indians, 139 F.3d 1297 (9th Cir. 1998), 333, 340, 353, 354
 United States v. Steele, 685 F.2d 793 (3d Cir.), *cert. denied*, 459 U.S. 908 (1982), 396, 455
 United States v. Stuebben, 799 F.2d 225 (5th Cir. 1986), 458
 United States v. Tille, 729 F.2d 615 (9th Cir. 1984), 468
 United States v. Trupiano, 11 F.3d 769 (8th Cir. 1993), 467
United States v. Useni, 516 F.3d 634 (7th Cir. 2008), 463
 United States v. Vaccaro, 115 F.3d 1211 (5th Cir. 1997), 259, 453, 454
 United States v. Valavanis, 689 F.2d 626 (6th Cir. 1982), 649
 United States v. Vigi, 363 F. Supp. 314 (E.D. Mich. 1973), 575
 United States v. Villano, 529 F.2d 1046 (10th Cir. 1976), 452

- United States v. Walton, 633 F. Supp. 1353 (D. Minn. 1986), 453
- United States v. Wilkinson, 601 F.2d 791 (5th Cir. 1979), 452
- United States v. Zannino, 895 F.2d 1 (1st Cir. 1990), 467
- United States v. Zemek, 634 F.2d 1159 (9th Cir. 1980), 468, 597
- United States v. Zizzo, 338 F.2d 577 (7th Cir. 1964), 451, 465
- Upjohn Co. v. United States, 449 U.S. 383 (1981), 282
- Uston v. Hilton Hotels Corp.**, 448 F. Supp. 116 (D. Nev. 1978), 223
- Uston v. Resorts International Hotel, Inc.**, 445 A.2d 370 (1982), 219
- Val/Del, Inc. v. Pima County Superior Court, 703 P.2d 502 (Ariz. Ct. App. 1985), 314
- Valois v. Gulfstream Park Racing Ass'n, 412 So.2d 959 (Fla. Ct. App. 1982), 626, 631
- Wallace v. Nevada, 2010 WL 3295117 (Nev. July 12, 2010), 267, 389
- Washington v. Heffner, 110 P.3d 219 (Wash. App. 2005), 61, 215, 218, 259, 320, 321, 407, 431, 490, 545
- Wells Fargo Bank, N.A. v. Lake of The Torches Economic Development Corp., 677 F. Supp. 2d 1056 (W.D. Wis. 2010), 402
- West Indies, Inc. v. First National Bank of Nevada, 214 P.2d 144 (Nev. 1950), 172
- White v. Turfway Park Racing Ass'n, 909 F.2d 941 (6th Cir. 1990), 632
- Williams v. Aztar Ind. Gaming Corp., 2003WL 1903369 (S.D. Ind. Apr. 5, 2003), 244
- Willis v. Fordice, 850 F. Supp. 523 (S.D. Miss. 1994), 385
- Winfield v. Noe, 426 S.E.2d 1148 (Fla. App. 1983), 227
- Wisconsin v. Hahn**, 586 N.W.2d 5 (Wis. Ct. App. 1998), 17
- World Touch Gaming, Inc. v. Massena Management, LLC**, 117 F. Supp.2d 271 (N.D.N.Y. 2000), 412
- Zapata v. Quinn, 707 F.2d 691 (2d Cir. 1983), 649
- Ziskis v. Kowalski**, 726 F. Supp. 902 (D. Conn. 1989), 212

Preface and Acknowledgments

A class in gaming law provides a unique opportunity to study how legal doctrine, politics, economics, social policy, religion, and even mathematics coalesce to regulate an activity that humans have engaged in for thousands of years. Lawyers serve in a variety of advocacy, regulatory, and policy-making roles in the gaming field, and an awareness of the basics of gaming law and its elaborate regulatory framework is critical to informed consideration of these issues. While for much of our nation's history, legal issues surrounding gambling were confined to criminal law, the regulated gaming industry has undergone tremendous expansion in the past twenty years. Indeed, areas like tribal gaming and Internet gaming have grown so rapidly that they warrant, and have received, discrete academic treatment. In this book, we strive to provide an introduction to the regulation of gaming law in the varied contexts in which it arises.

We welcome comments from you about the materials and are happy to talk to you about your use of the materials. Our contact information is Professor Keith C. Miller, Drake University Law School, (515) 271-2071, keith.miller@drake.edu, and Anthony Cabot, Lewis and Roca, (702) 949-8280, ACabot@LRLaw.com.

Many people have provided valuable assistance to us as we prepared these materials. Author Cabot would like to acknowledge the leadership, assistance and counsel of his fellow lawyers in the International Masters of Gaming Law, whose dedication to gaming law education through publication and seminars has raised the standards of gaming law throughout the world. He also would like to note the contributions of Robert Faiss and the late Grant Sawyer who mentored him in gaming law in the early 1980s when no legal resources on gaming law were available.

Author Miller offers his deepest thanks to his research assistants at Drake, Jordan Smith and Ben Arato. They worked long and hard on matters large and small and were a source of support and mature professional judgment. They will be a credit to the legal profession.