

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,)
)
Plaintiff,)
)
v.)
)
(1) TIGER HOBIA, as Town King)
and member of the Kialegee Tribal)
Town Business Committee;)
(2) THOMAS GIVENS, as 1st)
Warrior and member of the Kialegee)
Tribal Town Business Committee;)
(3) JOHN DOE No. 1, as 2nd Warrior)
and member of the Kialegee Tribal)
Town Business Committee;)
(4) LYNELLE SHATSWELL, as Secretary)
and member of the Kialegee Tribal)
Town Business Committee;)
(5) JOHN DOE No. 2, as Treasurer)
and member of the Kialegee Tribal)
Town Business Committee;)
(6) JOHN DOE No. 3, as a member)
of the Kialegee Tribal Town Business)
Committee;)
(7) JOHN DOE No. 4, as a member)
of the Kialegee Tribal Town Business)
Committee;)
(8) JOHN DOE No. 5, as a member)
of the Kialegee Tribal Town Business)
Committee;)
(9) JOHN DOE No. 6, as a member)
of the Kialegee Tribal Town Business)
Committee;)
(10) JOHN DOE No. 7, as a member)
of the Kialegee Tribal Town Business)
Committee;)
(11) FLORENCE DEVELOPMENT)
PARTNERS, LLC, an Oklahoma limited)
liability company; and)
(12) KIALEGEE TRIBAL TOWN, a)
federally chartered corporation;)
)
Defendants.)

Case No. _____

**MOTION FOR
PRELIMINARY INJUNCTION**

Draft (Final): 2/6/12 (p.m.)-Confidential Attorney-Client Privileged Communication

The Plaintiff, the State of Oklahoma (“State”), by and through its undersigned attorneys, and files this Motion for Preliminary Injunction, pursuant to Fed. R. Civ. P. 65, requesting that the Court enjoin Defendants Tiger Hobia *et al.* (“Defendants”), and anyone acting by, through, or under them, from taking any action to construct or operate a Class III gaming facility (“Casino”) on land known as the Burgess Allotment in the City of Broken Arrow, Oklahoma (“Broken Arrow Property”). As set forth fully in the State’s supporting brief and exhibits filed in support of this Motion pursuant to Local Rule 7.2, the State’s Motion for Preliminary Injunction should be granted because:

1. The State is likely to succeed on the merits of its claim that Defendants propose to construct and operate a casino on land over which they do not have jurisdiction and exercise government control, in violation of the Indian Gaming Regulatory Act, 25 U.S.C. §§2701-2721, and the governing Tribal-State Gaming Compact;

2. Failure to enjoin the construction and operation of the casino will cause irreparable injury to the State, outweighing any possible injury to Defendants resulting from the issuance of a preliminary injunction; and the public interest favors the entry of the requested injunction. And,

3. The entry of a preliminary injunction is necessary to maintain the status quo and prevent the State’s immediate and irreparable injury, loss, or damage until such time as the Court grants the State’s requested relief on the merits.

4. In support of this Motion, the State incorporates by reference the Complaint and its Brief in Support of Motion for Preliminary Injunction, together with all Exhibits attached to such Motion, as if fully stated herein.

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5. Due to the nature of this Motion, Plaintiffs' concurrence was not sought.

6. The State requests the court exercise its discretion under Fed. R. Civ. P. 65(c) and not require the State to post security.

WHEREFORE the State of Oklahoma respectfully requests that the Court grant its Motion for Preliminary Injunction pending resolution of this case on the merits.

Dated: February _____, 2012.

OKLAHOMA OFFICE OF THE ATTORNEY GENERAL

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