



TOHONO O'ODHAM NATION  
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EDWARD D. MANUEL  
CHAIRMAN

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O'ODHAM HA-WE:HEJED  
"For the People"



## PRESS RELEASE

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### FOR IMMEDIATE RELEASE

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## U.S. NINTH CIRCUIT UNANIMOUSLY UPHOLDS RULING IN FAVOR OF TOHONO O'ODHAM NATION'S CASINO PROJECT

*Court ruling leaves no doubt that Nation has a right to Class III gaming on West Valley site*

SELLS, Ariz. – In a resounding victory for the Tohono O'odham Nation, the U.S. Court of Appeals for the Ninth Circuit has unanimously upheld a lower court ruling that the Nation can conduct gaming at its casino property near Glendale, Ariz. This is the 19<sup>th</sup> straight decision in favor of the project by courts and federal agencies. The Nation's Desert Diamond Casino – West Valley opened on Dec 20, 2015.

In its ruling, the Ninth Circuit found in the Nation's favor on all issues, upholding the following key points:

- The Ninth Circuit agreed with U.S. District Court Judge David Campbell's findings, reaffirming that the Nation's property was acquired through the settlement of a land claim and that the "unambiguous" language of the voter-approved state gaming compact does not bar gaming at the site.
- The Court also upheld that opponents' allegations of fraud and misrepresentation "do not constitute claims for a violation of the Compact."
- As a result, the Court emphatically ruled that the Nation's facility complies with the requirements of the Indian Gaming Regulatory Act and the Compact expressly allows the Nation to conduct Class III gaming in the Phoenix metropolitan area, including at the WVR.

Tohono O'odham Nation Chairman Edward D. Manuel said *"The Court's unanimous ruling leaves no doubt that the Nation has the right to move forward with Class III gaming. We call on our opponents to drop all outstanding, misguided challenges so that we can work together in partnership to create positive economic development for the Tohono O'odham Nation, the West Valley, and all of Arizona."*

Andy Asselin, CEO of the Tohono O'odham Gaming Enterprise, said *"This is a great day for the gaming operation and the nearly 600 families of the employees at our West Valley facility. Once we move forward with Class III gaming, we will be able to create 3,000 more jobs here in the community."* He went on to say: *"We are proud of the enduring relationships we have built in the West Valley. Just this weekend, we are supporting two major events in the community, the air show at Luke Air Force Base and the Desert Diamond West Valley Phoenix Grand Prix at the Phoenix International Raceway."*

Editor's Note: Attached is a copy of the Ninth Circuit ruling.

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