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*Director Daniel Bergin, Arizona Department*  
13 *of Gaming*

14 UNITED STATES DISTRICT COURT  
15 DISTRICT OF ARIZONA

16 The Tohono O'odham Nation,  
17 Plaintiff,

18 v.

19 Douglas Ducey, Governor of Arizona;  
20 Mark Brnovich, Arizona Attorney  
General; and Daniel Bergin, Director,  
21 Arizona Department of Gaming, in their  
official capacities,

22 Defendants.

No. CV-15-01135-PHX-DGC

**NOTICE OF VIDEOTAPED  
RULE 30(b)(6) DEPOSITION OF  
PLAINTIFF THE TOHONO  
O'ODHAM NATION**

23  
24 You are hereby notified that, pursuant to Federal Rules of Civil Procedure 26 and  
25 30(b)(6), the deposition will be taken upon oral examination of Plaintiff The Tohono  
26 O'odham Nation at the time and place stated herein before an officer authorized by law to

1 administer oaths, and continuing thereafter from time to time until concluded. Testimony  
2 will be recorded by audio-video and stenographic means. LiveNote may be used.

3 Pursuant to Rule 30(b)(6), Plaintiff is required to designate one or more of its  
4 officers, directors, managing agents, or other persons who consent to testify on its behalf  
5 who are most knowledgeable on the matters described in **Exhibit A** attached hereto. For  
6 each designated deponent, the Nation may set forth the matters on which the person will  
7 testify. Such persons are required to testify to matters known or reasonably available to  
8 Plaintiff.

9 **DATE AND TIME OF DEPOSITION:** August 7, 2015, at 9:00 a.m.

10 **PLACE OF DEPOSITION:** Fennemore Craig, P.C.  
11 2394 E. Camelback Road, Suite 600  
12 Phoenix, Arizona 85016

13 DATED this 22nd day of July, 2015.

14 FENNEMORE CRAIG, P.C.

15  
16 By s/ Douglas C. Northup

17 Patrick Irvine  
18 Douglas C. Northup  
19 Carrie Pixler Ryerson

20 -and-

21 Matthew D. McGill  
22 Matthew A. Hoffman  
23 Timothy W. Loose  
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25 *Attorneys for Defendant*  
26 *Director Daniel Bergin, Arizona*  
*Department of Gaming*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 22, 2015, I electronically transmitted the attached document to the Clerk's Office using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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s/ Phyllis Warren  
An employee of Fennemore Craig, P.C.

**EXHIBIT A**

**DEFINITIONS**

1  
2  
3 1. “Nation” refers to Plaintiff, The Tohono O’odham Nation, all entities  
4 owned, controlled, or operated by Plaintiff (including, but not limited to, the Tohono  
5 O’odham Gaming Enterprise and Tohono O’odham Gaming Office), and all employees,  
6 servants, agents, representatives, and persons or entities acting on behalf of any of the  
7 foregoing.

8 2. “Revenue” refers to the total income produced from any source.

9 3. “Maricopa County Casino” refers to a resort and gaming facility that the  
10 Nation intends to open in Maricopa County.

11 4. “Gaming Operations” refers to Class 2 and Class 3 Gaming as defined  
12 herein.

13 5. “Vendors” refers to companies or individuals with which/whom the Nation  
14 does business or intends to do business in connection with the Maricopa County Casino.

15 6. “Class 2 Gaming” refers to gaming as defined in 25 U.S.C. § 2703(6),  
16 including bingo, certain similar games, and certain card games. *See* paragraph 21 of  
17 Plaintiff’s Complaint.

18 7. “Class 3 Gaming” refers to Gaming as defined in 25 U.S.C. § 2703(8),  
19 which is often referred to as “casino-style gaming,” that does not encompass Class 1 and  
20 Class 2 Gaming. *See* paragraph 21 of Plaintiff’s Complaint.

21 8. “Employees” refers to those individuals whom the Nation employs or  
22 intends to employ to provide services at the Maricopa County Casino.

23 9. “Department Notice” refers to the vendor notices by the Arizona  
24 Department of Gaming described in paragraphs 85-86 and 88 of Plaintiff’s Complaint.

**TOPICS**

1  
2 1. The facts and circumstances surrounding the Nation's decision to begin  
3 construction on a casino in Maricopa County.

4 2. The facts and circumstances surrounding the Nation's claim that it has  
5 already invested \$100 million in the Maricopa County casino. D.E. 3 at 37.

6 3. The Nation's annual Revenue, including the sources of the Revenue and  
7 amount of revenue from each source, from 2007-2015.

8 4. The Nation's anticipated Revenue from the Maricopa County Casino,  
9 including, but not limited to, all anticipated Revenue that would be generated if the  
10 Maricopa County Casino operates as a Class 2 Gaming facility, all anticipated Revenue  
11 that would be generated if the Maricopa County Casino operates as a Class 3 Gaming  
12 facility, and all anticipated Revenue that will be generated from the Maricopa County  
13 Casino from sources other than Class 2 and Class 3 Gaming.

14 5. The number of customers the Nation expects to attract per month to engage  
15 in Class 2 or Class 3 gaming at the Maricopa County Casino.

16 6. The Nation's hiring plan and hiring practices for the Maricopa County  
17 Casino.

18 7. The prior and current schedules for completion and opening of the Maricopa  
19 County Casino and any estimated costs for deviating from the current construction  
20 schedule.

21 8. The Nation's allegation that Gaming Operations are or will be chilled as a  
22 result of Defendants' conduct.

23 9. All allegations in the Verified Complaint.

24 10. The Nation's allegation that it is suffering a loss of goodwill and other  
25 intangible harms.

26 11. The impacts (either positive or negative) the Maricopa County Casino will

1 have on Maricopa County.

2 12. The impact of the Department Notice on the Maricopa County Casino,  
3 including in relation to Employees and Vendors.

4 13. Communications with prospective vendors, contractors, and employees,  
5 including the declarants in this action, regarding the provision of their services to the  
6 Maricopa County casino and the Vendor and Employee Notices referred to at paragraphs  
7 86-87 of the Complaint.

8 14. Communications with prospective vendors, contractors, and employees,  
9 including the declarants in this action, regarding the new forms referenced at paragraph 90  
10 of the Complaint.

11 15. The Nation's responses to Defendants' requests for production.

12 16. The Nation's plans for operating the Maricopa County Casino if Class 3  
13 Gaming does not occur at the facility.

14 17. The Nation's plans for obtaining land in Maricopa County upon which the  
15 Nation intended to build a casino and resort.

16 18. The Nation's property holdings in Maricopa County.

17 19. The Nation's plans for any revenue generated by the Maricopa County  
18 Casino.

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