

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff/Counterclaim-Defendant,

and

**THE AQUINNAH/GAY HEAD COMMUNITY
ASSOCIATION, INC. (AGHCA) and TOWN
OF AQUINNAH,**

Intervenors/Plaintiffs,

v.

**THE WAMPANOAG TRIBE OF GAY HEAD
(AQUINNAH), THE WAMPANOAG TRIBAL
COUNCIL OF GAY HEAD, INC., and THE
AQUINNAH WAMPANOAG GAMING
CORPORATION,**

**Defendants/Counterclaim-
Plaintiffs,**

v.

**CHARLIE BAKER, in his official capacity as
GOVERNOR, COMMONWEALTH OF
MASSACHUSETTS, et al.,**

Third-Party Defendants.

**Civil Action No.
13-13286-FDS**

ORDER

SAYLOR, J.

On July 14, 2015, intervenor Town of Aquinnah moved for a temporary restraining order and/or preliminary injunction pursuant to Fed. R. Civ. P. 65 enjoining defendants the Wampanoag Tribe of Gay Head (Aquinnah), the Wampanoag Tribal Council of Gay Head, Inc.,

and the Aquinnah Wampanoag Gaming Corporation from continuing construction on an apparent gaming facility. On July 15, 2015, intervenor the Aquinnah Gay Head Community Association and plaintiff Commonwealth of Massachusetts each filed memoranda in support of the Town's motion. The Tribe filed its opposition on July 27, 2015, and the Town replied on that same day.

A hearing was held on the motion on July 28, 2015. After the hearing, and for the reasons stated in open court, the Court finds that the requirements for a preliminary injunction pursuant to Fed. R. Civ. P. 65 have been met.¹

Accordingly, it is hereby ORDERED that:

1. The Wampanoag Tribe of Gay Head (Aquinnah) and the Aquinnah Wampanoag Gaming Corporation are enjoined and restrained from commencing or continuing the construction of a gaming facility at or on the Wampanoag Community Center building site without first complying with the permit requirements of the Town of Aquinnah, pending further order of the Court.
2. Pursuant to Fed. R. Civ. P. 65(c), the Town of Aquinnah is ordered to post a \$1,000 unsecured bond as security. The bond shall be posted no later than August 4, 2015.

So Ordered.

Dated: July 28, 2015

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge

¹ As stated in open court, the Court declines to issue a temporary restraining order under the circumstances presented here, as the issues have been fully briefed and all parties have had an opportunity to be heard.