

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

STATE OF CONNECTICUT,  
MOHEGAN TRIBE OF INDIANS OF  
CONNECTICUT, AND  
MASHANTUCKET PEQUOT TRIBE,  
*Plaintiffs,*

v.

RYAN ZINKE, in his official capacity as  
Secretary of the Interior, and the U.S.  
DEPARTMENT OF THE INTERIOR,  
*Defendants.*

Civil No. 17-cv-02564-RC

**PLAINTIFF STATE OF CONNECTICUT'S OPPOSITION TO**  
**MOTION FOR LEAVE TO INTERVENE OF**  
**MGM RESORTS INTERNATIONAL GLOBAL GAMING DEVELOPMENT LLC**

The plaintiff State of Connecticut opposes the motion of MGM Resorts Global Development, LLC (MGM) for leave to intervene for the reasons set forth in the Opposition to MGM's motion filed by co-plaintiffs' Mohegan Tribe of Indians of Connecticut and Mashantucket Pequot Tribe (collectively, the Tribes). As the Tribes' Opposition amply demonstrates, MGM has failed to satisfy the standards for either intervention as of right or permissive intervention. MGM has no interest in this litigation that justifies its intervention.

This case presents a very narrow legal question: whether the defendant violated federal law in failing to treat gaming compact amendments negotiated by the State and the Tribes as deemed approved and failing to publish notice in the Federal Register that those amendments were deemed approved. That question does not implicate any legally

protected interest of MGM, and it certainly does not implicate the broader questions of casino gaming policy in Connecticut that MGM apparently seeks to interject into this litigation.

The purpose of the amendments is a limited one, albeit important to the State and Tribes as parties to the gaming arrangements between them under the Indian Gaming Regulatory Act (IGRA). That purpose is to maintain the existing arrangements between the State and the Tribes governing the Tribes' gaming operations on their respective reservations, which are subject to IGRA, and to make clear that those arrangements are unchanged by the State's separate authorization under state law of MMCT Venture, LLC's operation of a commercial gaming facility not on Indian land, which is not subject to IGRA. The amendments only affect the obligations and relationships between the State and the Tribes with regard to the existing gaming operations on their reservations. They do not govern or in any respect authorize MMCT Venture's proposed facility.

MGM's purported interests relate entirely to the alleged impacts on it as a potential competitor to MMCT Venture in the gaming market. As the Tribe's Opposition makes clear, those interests are not implicated by the legal question of whether the defendant acted unlawfully in not publishing the compact amendments as deemed approved. Whether there will be a point in later developments that MGM's purported interests would justify its participation in litigation remains to be seen and at present is entirely speculative. But this litigation, which presents a limited legal question about the defendant's actions under IGRA and the defendant's own regulations about the approval of compact amendments, is not that place.

Therefore, the State joins in the Tribe's Opposition to MGM's Motion for Intervention, and that motion should be denied.

Dated: March 5, 2018

Respectfully submitted,

STATE OF CONNECTICUT

By: /s/ Mark F. Kohler  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 5th day of March, 2018, a copy of the foregoing was filed through the Court's CM/ECF management system and electronically served on counsel of record.

/s/ Mark F. Kohler