

FILED

COURT OF THE
SHAKOPEE MDEWAKANTON SIOUX (DAKOTA) COMMUNITY

APR 05 1995

Clifford S. Lydak
Clerk of Court

COUNTY OF SCOTT

STATE OF MINNESOTA

Leonard Prescott,

Court File No. 043-94

Plaintiff,

v.

MEMORANDUM
OF LAW

Shakopee Mdewakanton Sioux (Dakota)
Community Business Council,

Defendant.

I.

This lawsuit was initiated on July 28, 1994. The Plaintiff seeks a declaratory judgment determining the validity of Shakopee Mdewakanton Sioux (Dakota) General Council Resolution 7-27-94-001, which amends the Shakopee Mdewakanton Sioux (Dakota) Community Business Corporation Ordinance. The Plaintiff also seeks an injunction pending this Court's decision. The case presently is before the Court pursuant to the Plaintiff's motion to disqualify counsel for the Defendant ("counsel") and for the recusal and disqualification of the Judges of this Court, John E. Jacobson, Henry M. Buffalo, Jr., and Robert Grey Eagle ("the Judges"), for bias, prejudice, or appearance of impropriety.

II.

The arguments presented by the Plaintiff for disqualification of the Judges and counsel, and the facts upon which they rely, are identical to those brought before the Court in *In re Appeal of Leonard Louis Prescott from final order of the Shakopee Mdewakanton Sioux*

Community Gaming Commission, Ct. File No. 041-94. Accordingly the Court's Order and Memorandum in that case, dated November 8, 1994, is controlling and the reasoning set forth by the Court in its Memorandum of Law in support of the November 8, 1994 Order is incorporated herein by reference. (The Court's November 8, 1994 Order and Memorandum are attached hereto). Therefore, the Plaintiff's motions for disqualification of the Judges and counsel have been, in all things, denied.


HMB

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SHAKOPEE MDEWAKANTON SIOUX (DAKOTA) COMMUNITY

APR 05 1995
Carmel S. Seward
Clerk of Court

COUNTY OF SCOTT

STATE OF MINNESOTA

Leonard Prescott,

Court File No. 043-94

Plaintiff,

v.

ORDER

Shakopee Mdewakanton Sioux (Dakota)
Community Business Council,

Defendant.

The above entitled matter came on for hearing before the undersigned Judge of Tribal Court on the 7th day of December, 1994, at 2330 Sioux Trial Northwest, in the city of Prior Lake, County of Scott, State of Minnesota, on the Plaintiff's Motion to Disqualify Counsel for the Shakopee Mdewakanton Sioux Community Business Council ("counsel") and for the recusal and disqualification of the Judges of this Court, John E. Jacobson, Henry M. Buffalo, Jr, and Robert Grey Eagle ("the Judges").

Steven E. Wolter, Esq. appeared on behalf of the Plaintiff. Steven F. Olson, Esq. and Andrew Small, Esq. appeared on behalf of the Defendant.

The Court being fully advised of the premises and based on the files, records and evidence herein, as well as the arguments of counsel for both parties,

IT IS HEREBY ORDERED,

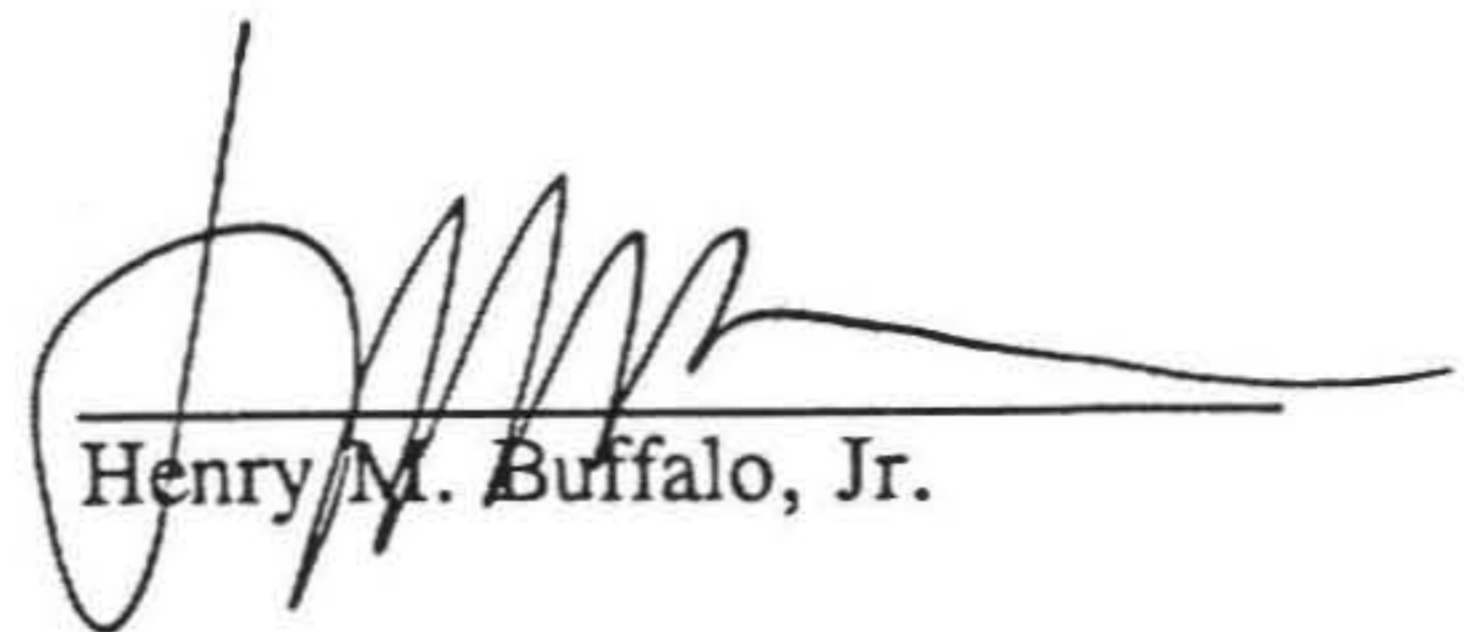
1. That the Plaintiff's motion for recusal and disqualification of the Judges be, and hereby is, in all things DENIED;

S0860.008

2. That the Plaintiff's motion to disqualify counsel be, and hereby is, in all things DENIED;

3. That the attached Memorandum of Law be, and hereby is, INCORPORATED into this Order.

Dated: 4/5/95


Henry M. Buffalo, Jr.