

WHEREAS, on December 28, 2017, Petitioner Sands filed a Petition for Review (“Petition”), which claims that the newly imposed “Supplemental Daily Assessment” (“Supplemental Assessment”), set forth in 4 Pa. C.S. §§ 1407(C.1),

1408(C.1) of the Pennsylvania Race Horse Development and Gaming Act, 4 Pa. C.S. § 1101 *et seq.*, *as amended* (2017) (the “Amended Act”), violates the Uniformity Clause of the Pennsylvania Constitution, the Special Laws Clause of the Pennsylvania Constitution, and the equal protection and due process guarantees of the Constitution of the United States.

WHEREAS, the Amended Act assesses casinos based on their daily slot machine revenues and requires the Supplemental Assessment be paid into a new, restricted fund called the “Casino Marketing and Capital Development Account” (“CMCD Account”);

WHEREAS, the Petition seeks a permanent injunction to enjoin collection of the Supplemental Assessment and distribution of the Supplemental Assessment proceeds under the Amended Act;

WHEREAS, the Act then requires the Gaming Board to distribute the Supplemental Assessment receipts from the CMCD Account to certain of the same casinos paying the Supplemental Assessment;

WHEREAS, the Supplemental Assessment went into effect on January 1, 2018, and Sands has already begun paying the Supplemental Assessment, which is assessed and remitted daily;

WHEREAS, on January 16, 2018, pursuant to 4 Pa. C.S. § 1904 and Rule 1531(a) of the Pennsylvania Rules of Civil Procedure, Sands filed a Petition for

Special Relief in the form of a preliminary injunction (“Preliminary Injunction Motion”) asserting that it will be irreparably harmed if the following emergency and temporary relief is not ordered pending final resolution of this action: (1) enjoin the Respondents from collecting the newly imposed Supplemental Assessment; (2) enjoin the Respondents from distributing the proceeds of the Supplemental Assessment from the CMCD Account under the Amended Act; and (3) alternatively, allow the Petitioner to deposit its payment of the Supplemental Assessment into an escrow account, with the deposits to be returned to Sands if it succeeds in this litigation;

WHEREAS, the Preliminary Injunction Motion also requested that this Court expedite the briefing on the merits of its Petition for Review;

WHEREAS, this Court has jurisdiction to hear this challenge and “to take such action as it deems appropriate, consistent with the Supreme Court retaining jurisdiction over such a matter, to find facts or to expedite a final judgment in connection with such a challenge or request for declaratory relief,” 4 Pa. C.S. § 1904;

WHEREAS, pursuant to Pennsylvania Rule of Appellate Procedure 1532(a), this Court may order special relief “in the interests of justice and consistent with the usages and principles of law”;

WHEREAS, the parties desire a prompt and final resolution of the Preliminary Injunction Motion without the need for a hearing and without the need to unnecessarily utilize Court resources;

AS SUCH, the parties hereby **STIPULATE** as follows:

1. Each of the foregoing recitals is incorporated as part of this Stipulation.

2. If the Court substantially grants the relief sought in the Petition for Review or the Supplemental Assessment otherwise is effectively invalidated, (a) Respondents are permitted by law to refund the Supplemental Assessment paid by Sands into the CMCD Account; and (b) within thirty (30) days of the Court's judgment, Respondents shall take all steps necessary to ensure the Pennsylvania Treasury, or such other applicable governmental entity, issues to Sands a full refund of the Supplemental Assessment paid by Sands into the CMCD Account.

3. If the Court grants the Petition for Review, it shall retain jurisdiction to oversee and ensure that any funds paid into the CMCD Account by Sands shall be returned to Sands.

4. Sands reserves the right to refile this preliminary injunction to enjoin Respondents from distributing the proceeds of the Supplemental Assessment from the CMCD Account. In order to permit Sands the opportunity to seek preliminary relief from this Court, Respondents shall provide Sands with written notice at least forty-five (45) days before Respondents distribute the proceeds of the

Supplemental Assessment from the CMCD Account under the Amended Act or otherwise.

5. The Parties agree to the following briefing schedule on the merits of the Petition for Review:

Petitioner's Brief:	February 28, 2018
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Respondents' Brief:	March 30, 2018
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Petitioner's Reply : (if necessary)	April 6, 2018
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Oral Argument:	May 2018 Session
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6. Upon entry of an order entering this Joint Stipulation, the January 16, 2018 Petition for Special Relief shall be withdrawn as moot.

Dated: February 28, 2018

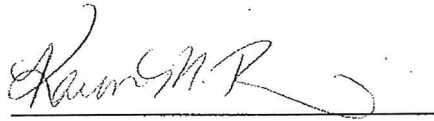
By:


Timothy J. Lowry
Ilana Eisenstein
Adam A. DeSipio
DLA PIPER LLP (US)
1650 Market Street, Suite 4900
Philadelphia, PA 19103

John J. Hamill (*Pro Hac Vice*)
DLA PIPER LLP (US)
444 West Lake Street, Suite 900
Chicago, IL 60606-0089

Attorneys for Petitioner
Sands Bethworks Gaming, LLC

By:


Karen M. Romano
PA ID 88848
Pennsylvania Office of Attorney General
Strawberry Square, 15th Floor
Harrisburg, PA 17120
Attorneys for Defendants

APPROVED BY THE COURT:

J.