

IN THE SUPREME COURT OF PENNSYLVANIA

SANDS BETHWORKS GAMING, LLC	:	
	:	
Petitioner,	:	
	:	No. 216 MM 2017
v.	:	
	:	
PENNSYLVANIA DEPARTMENT OF	:	
REVENUE; C. DANIEL HASSELL IN	:	
HIS OFFICIAL CAPACITY AS	:	
SECRETARY OF THE	:	
PENNSYLVANIA DEPARTMENT OF	:	
REVENUE; and THE PENNSYLVANIA	:	
GAMING CONTROL BOARD	:	
	:	
Respondents.	:	

**INTERVENOR’S ANSWER TO PETITIONER’S APPLICATION FOR
LEAVE TO FILE POST-SUBMISSION COMMUNICATION**

Pursuant to the August 3, 2018, letter from the Office of the Prothonotary, Intervenor Greenwood Gaming and Entertainment, Inc. (“GGE”), submits this Answer to Petitioner Sands Bethworks Gaming, LLC’s (“Sands”) Application for Leave to File Post-Submission Communication, and states as follow:

1. GGE concurs in Sands’ request for leave to inform this Court of the Office of the Attorney General’s July 20, 2018, letter, which states that the Pennsylvania Gaming Control Board intends to begin making distributions from

the Casino Marketing and Capital Develop (“CMCD”) Account in September 2018.

2. GGE agrees with Sands that the issue of whether the Gaming Control Board can lawfully make payments out of the CMCD Account is central to this action, and further agrees with Sands that the Respondents have indicated that they would return the CMCD funds if the Court rules in favor of GGE and Sands. Indeed, the Respondents expressly stated in their Brief in Opposition to the Verified Petition that:

[T]he money deposited in the CMCD Account can only be spent on the very distributions and grants that are challenged by Sands in this case. 4 Pa. C.S. § 1407.1(b). For this reason, the Respondents have agreed to “take all steps necessary to ensure” that Sands receives a “full refund” of the supplemental daily assessment that it pays into the CMCD Account in the event that §§ 1407(c.1), 1407.1 and 1408(c.1) are invalidated. The Respondents will honor the terms of their agreement and voluntarily attempt to secure a refund for Sands and all similarly situated slot machine licensees if this Court determines that the challenged provisions of the Gaming Act are unconstitutional.

(Respondents’ Brief In Opposition to the Verified Petition at 21-22 (emphasis added)).

3. The relief sought by GGE and Sands in this action, and the Respondents’ agreement to refund the assessments paid into the CMCD Account, would be materially impacted if the Gaming Control Board carries through with its current scheme to begin distribution of the funds in the CMCD Account before the Court renders a decision in this action.

{L0771118.1}

4. The potential issues stemming from distribution of the funds in the CMCD Account could be avoided by this Court rendering its decision in this action before September 2018, or by the Gaming Control Board simply waiting to act until the Court issues its ruling.

WHEREFORE, Intervenor Greenwood Gaming and Entertainment, Inc., respectfully requests that this Court grant Petitioner Sands Bethworks Gaming, LLC's Application for Leave to File Post-Submission Communication.

Respectfully Submitted,



Date: August 8, 2018

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CERTIFICATE OF COMPLIANCE

I hereby certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.



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CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2018, I served a copy of the foregoing Intervenor's Answer to Petitioner's Application for Leave to File Post-Submission Communication upon the following persons and in the manner indicated below, which service satisfies the requirements of Pa.R.A.P. 121:

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