

Q1: Is online sports wagering illegal from solely the Boyd state statute or is it also illegal in Boyd's state constitution?

A: Sports wagering is illegal pursuant to BRS § 334.665. Nothing in the Boyd Constitution concerns sports wagering.

Q2: Is there a revenue sharing system in place with Alpha Tribe and the Boyd?

A: No, there is not a revenue sharing system in place with the Alpha Tribe and Boyd.

Q3: Is there any geolocation aspect to the app? For example, can the app tell when you are betting outside of the state of Boyd and if so, will the app not allow the wager?

A: Yes, the app can tell when a patron attempts to place a bet outside of Boyd and the app will not allow the wager if the bettor is outside of Boyd.

Q4: What date was BRS § 334.665 passed?

A: BRS § 334.665 was passed January 1, 1985.

Q5: Were the diminished economic conditions experienced by Wonder City solely the result of the case or were there other reasonings behind Wonder City's economic downturn?

A: This is a point for the Petitioner and Respondent to contest; Wonder City's economic conditions have been affected by the app, but the extent to which the app is the sole cause is left for competitors to contest.

Q6: Are the other 6 pari-mutuel casinos experiencing decline in Boyd?

A: No, assume for the sake of this problem that Wonder City is the only casino experiencing decline since the release of the app.

Q7: Did the Commission revoke the license or did the Board revoke the license?

A: Per Page 7, lines 3-4, the Board has the power to revoke the license and the Commission acts in a judicial capacity. Here, the Board revoked the Alpha Tribe's license, and the revocation was affirmed by the Commission. The Tribe appealed the Commission's decision to affirm the revocation.

Q8: Was the District Court of Boyd located in the principal place of business of Alpha Tribe?

A: Assume that the District Court had full jurisdictional authority to hear and decide this case, as stated in Part III.C of the rules.

Q9: Is there a compact between Alpha Tribe and Boyd? If so, what does it say?

A: No, there is no compact between the Alpha Tribe and Boyd.

Q10: Is the suit to enjoin the tribe from operating the app? Is the Tribe challenging the Board's revocation?

A: The suit is to enjoin the tribe from operating the app. The Tribe is challenging the Board's revocation of its license, which was affirmed by the Commission.

Q11: How are the funds being transferred through the wagers? Are they using financial intermediaries?

A: When a bettor places their wager, the funds are routed from the bettor's account directly to the servers located in the Alpha Tribe's casino. No financial intermediaries are involved.

Q12: What counts as adequate consideration in the state of Boyd in the context of a gambling transaction?

A: For a gambling transaction, assume the consideration necessary is a wager from a bettor, which is a sum of money or representative of value.

Q13: Did the Commission ever make a final decision on the revocation of the Tribe's license?

A: The Commission affirmed the revocation of the Tribe's license by the Board. Per Page 7, lines 3-4, the Board has the power to revoke the license and the Commission acts in a judicial capacity. Here, the Board revoked the Alpha Tribe's license, and the revocation was affirmed by the Commission. The Tribe appealed the Commission's decision to affirm the revocation.

Q14: Did the Board's revocation of the license happen immediately after the mobile betting app went live?

A: Please assume that the Alpha Tribe's license was revoked on March 10, 2021 and the district court granted summary judgment on March 20, 2021. Up until March 10, 2021, the Tribe was able to receive wagers through the app.

Q15: On page 8 of the majority opinion, the majority quotes the Commissions regulations by saying that: “**activities shall be lawful on Native lands only if** such gaming meets certain conditions, including that it is **conducted in**

conformance with the Commission's regulations.” Is the bolded quoted language from another regulation not included in the appendix?

A: The bolded language does not appear verbatim in the Commission's regulation attached to the appendix. Please disregard the quotation marks and assume that the court is paraphrasing/using its own language to interpret the Regulation.

Q16: What cause of action was asserted in district court and what type of relief was each party seeking? Was the casino seeking an injunction or damages?

A: In the district court, the Alpha Tribe appealed the Commission's decision to revoke the tribe's gaming license. Please assume that the casino was seeking an injunction.