



An Update from Chief and Council regarding the 35%-20% Trial

March 1, 2008

The trial began on February 13th, 2008, in the Federal Court in Toronto. The trial judge is Mr. Justice Arthur Gans of the Superior Court of Justice for Ontario.

At the start of proceedings, the Chiefs of Ontario (COO) formally abandoned their law suit claiming 20% of gross Casino Rama revenues, the share seized by the province in 1996 known as the "20% Wintax". On February 7th, COO announced a settlement with the province in this matter, so are no longer seeking to recover their shares of revenues through a court proceeding. RMFN has not yet resolved its 20% Wintax claim in this matter.

In opening statements, Philip Tunley, external legal counsel representing RMFN, spoke to the reasons why the community believes that we made a deal with the province entitling us to an ongoing 35% share of net Casino Rama revenues. He spoke about the criteria used by the site selection committee, a key factor being the revenue sharing formula.

The lawyer for the Chiefs of Ontario said that revenue sharing was negotiated after the selection process was complete and that a deal between the province and an individual First Nation could not be applicable. An agreement on revenue sharing would have to include all Ontario First Nation leadership.

RMFN began presenting its case with our first witness, Ted Williams.

RMFN's case so far has been that:

- Discussions about a First Nations casino beginning as early as 1992.
- In 1993, Aboriginal Gaming Meetings began to take place with other First Nations which included representation from the province.
- Issues discussed included the province's role in "conducting and managing", the 20% Wintax taken from the Windsor Casino and criteria for a selection process.
- Larger share of revenues for the host community were discussed and many communities agreed it would be required.
- Activities in RMFN during this period included community consultations which reflected positive and negative impacts of a casino.
- In September of 1994, a plebiscite was held, resulting in community support for moving ahead with a casino project.
- In November of 1994, the community submitted the 35% Revenue Sharing proposal.
- A month later, it was announced that RMFN was the successful applicant.

The trial is on a 2-week break while Justice Gans concludes prior trial commitments. Court is scheduled to resume on March 10, 2008.

For further information, please contact any member of Chief and Council.