

# Court orders Mill Bay Resort back open

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For those who have followed the controversy over the Mill Bay Resort since its beginnings back in 2001, recent developments may lend a sense of déjà vu. Once again, negotiations have broken down between the resort members and Chief Evans Incorporated (CEI). Once again, CEI has closed the park and cut off the utilities. And once again, CEI has been forced to reopen the park by a restraining order.

For those new to this debacle, it began back in late 2000 when rumors that the Mill Bay Casino would be moved to the Mill Bay Resort site began circulating. After receiving assurances from CEI that this was not the case, the resort members received letters stating that the continued operation of the Mill Bay Resort was causing the company to hemorrhage money and would therefore immediately cease. The resort members had decades remaining on their membership agreements. Thus began a lengthy legal battle that has spanned, to date, three separate courts. Most recently, CEI and the resort members were in negotiations to settle this matter without engaging in a lawsuit in Chelan County Court. These negotiations collapsed when CEI and the resort members could not agree upon payment to keep the park open. When the negotiations broke down, CEI closed the park and shut down the utilities.

Over the last week, the open-

ing engagements in federal court have resulted in Mill Bay Resort being reopened, at least temporarily. A temporary restraining order sought by the resort members was granted. CEI's attorneys argued against this on several grounds. The resort member's claim relies heavily on the Camping Resorts Act, RCW Chapter 19.105. CEI argued that this act does not apply, as the Mill Bay Resort is located on Indian trust land, outside of Washington State's jurisdiction.

CEI also stated that the very membership agreements that the resort members sought to enforce contained language that made this impossible. A condition of emergency and irreparable harm was also a requirement for this restraining order to pass. CEI argued that vacation property being inaccessible did not constitute an emergency nor would the utilities being off at said vacation property cause any irreparable harm.

Finally, CEI protested the vague language of the request for relief made by the members. They argued that in a case such as this, specific detail was absolutely critical.

Part of the reason the resort member's request for a restraining order was granted is yet another familiar theme in this case. The Mill Bay Resort is on Indian trust land and operated by CEI, which is a tribal corporation. Trouble is, CEI was a Washington State corporation at the time of the signing of the membership agreements.

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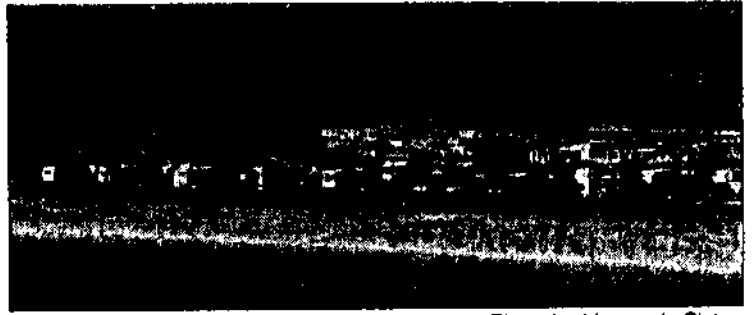


Photo by Morgan L. Picton

The hotly contested Mill bay Resort has been ordered reopened by a federal judge.

## ...Mill Bay Resort

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The Colville Tribal Court itself declared it did not have jurisdiction over this matter. The question of who does remains. The federal court in Spokane ordered the Mill Bay Resort status quo prior to the shut down be restored until it determines

just what jurisdiction this case falls under.

For now, CEI is forbidden from closing the park or cutting off utilities. All Mill Bay Resort members are to have full access to the park. A telephone hearing concerning the jurisdiction question will be held on April 18.