



FRIDAY

November 22, 2002

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Local News - November 22, 2002

Both sides talk settlement after Mill Bay residents file suit

By Laurie Smith, World staff writer

MANSON - Members of Mill Bay Resort are alleging fraud, misrepresentation and breach of contract in a lawsuit filed Thursday against resort owner Chief Evans Inc.

The action came three days after the company shut off utilities to the now-closed recreational vehicle campground on Lake Chelan's north shore. Plaintiffs have said Chief Evans is trying to force them out, in violation of state law, so a waterfront casino and hotel could be built on the property.

Within hours of filing suit in Chelan County Superior Court, spokesmen for the members said Chief Evans' attorneys met with them and expressed a desire to resolve the conflict out of court.

Lead plaintiff Paul Grondal of Issaquah said this morning that he's hopeful that the water and electricity will be turned back on. He said he was assured by Chief Evans' attorneys Richard Price and Mike Arch that plans for developing a casino, hotel, conference center and marina on Mill Bay are no longer being considered.

"There seems to be a tone of cooperation right now that didn't exist before," Grondal said.

Price said he planned to meet with company President William Wapato Evans this morning to discuss a settlement.

According to a joint statement, resort members have agreed to hold off on serving the defendants with the summons and complaint.

Unless they serve the complaint within 60 days, members can't proceed with the lawsuit, even though the suit has been filed.

"Although statements in the complaint ... may be perceived as inflammatory, the representatives are desirous of lessening the animosity that has developed in the recent past," attorneys for both sides wrote.

The parties have been battling since mid-2001 over Chief Evans' attempts to close the park because, the company said, it was

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losing \$100,000 a year on the operation. More than 180 families who paid an estimated \$1.5 million to camp there still have many years left on their membership contracts.

Those people bought memberships during the 1980s and '90s from what was then a Washington state corporation, referred to in the lawsuit as Chief Evans I. In 1994, however, Chief Evans I was dissolved - without the members' knowledge, the lawsuit says - and Chief Evans II, a Colville tribal corporation, was formed.

As a tribal entity, Chief Evans II has claimed it is not bound by state laws, including the Consumer Protection Act and the Camping Resorts Act.

Among other allegations, the lawsuit asserts that Chief Evans Inc. fraudulently placed Evans family members on the payroll "to create the illusion that the resort was losing money."

It also claims that resort funds were intermingled with monies from other lessees on the 175 acres of Indian trust land for which Evans and family hold the master lease. Those lessees include a nine-hole golf course and the Mill Bay Casino operated by the Colville Tribal Enterprise Corp.

Remedies sought include the appointment of a receiver to operate the park and protect the interests of Mill Bay Resort members, along with an unspecified amount of damages and an injunction barring Chief Evans from taking an action that would infringe on members' contract rights.

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