

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**CHEROKEE NATION BUSINESSES,
LLC; CHEROKEE NATION
ENTERTAINMENT, LLC; and JENNIFER
MCGILL**

PLAINTIFFS

v.

No. 4:24-cv-969-DPM

**STATE OF ARKANSAS; SARAH
HUCKABEE SANDERS, Arkansas
Governor, in her official capacity;
ARKANSAS RACING COMMISSION;
ALEX LIEBLONG, in his official capacity;
MARK LAMBERTH, in his official
capacity; STEVE ANTHONY, in his
official capacity; DENNY EAST, in his
official capacity; MICHAEL POST, in his
official capacity; BO HUNTER, in his
official capacity; and STEVE LANDERS,
in his official capacity**

DEFENDANTS

ORDER

1. The motion to dismiss is mooted by the amended complaint. That motion, *Doc. 6*, is denied without prejudice.
2. The State of Arkansas and the Arkansas Racing Commission are dismissed as defendants based on sovereign immunity.

3. The parties must brief the motion to intervene, *Doc. 15*. Plaintiffs' brief due by 19 November 2024. Defendants' response, and proposed intervenor's reply, due by 22 November 2024.

4. For the reasons stated from the bench at the end of the 12 November 2024 motion hearing, the motion for a TRO is denied; the companion request for a preliminary injunction is denied without prejudice. *Doc. 2*. The plaintiffs' proposed schedule for expedited discovery, and a trial on injunctive relief and the merits as soon as practicable, is due by 15 November 2024. The trial will be set by separate notice.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

13 November 2024