

Team Wins Second Circuit Victory for Cayuga Nation in Gaming Rights Dispute

News

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On July 27, a Second Circuit panel unanimously ruled against a New York village that sought to shut down the Cayuga Nation's electronic bingo hall. In doing so, the court pointed to precedent shaped by the firm's US Supreme Court victory in *McGirt v. Oklahoma* last year.

In *Cayuga Nation et al. v. Tanner et al*, the village of Union Springs sought to overturn a New York federal judge's 2020 decision that the federal Indian Gaming Regulatory Act blocked the village from enforcing its anti-gambling ordinance on the tribe's reservation. The village argued that the IGRA doesn't preempt the village's law because the federally recognized Cayuga tribe didn't exercise governmental authority over the land.

But the Second Circuit said prior litigation over the tribe's gaming didn't bar the current suit, and that IGRA trumps Union Springs' law because the site of the bingo hall, while within the village, qualifies as "Indian lands" under IGRA because it remains within the tribe's reservation boundaries.

In addition, the panel said, "the village's position is irreconcilable with the Supreme Court's recent decision in *McGirt v. Oklahoma*." In that case, the firm successfully argued that the Muscogee (Creek) Nation's eastern Oklahoma reservation still exists despite Oklahoma's contention — similar to Union Springs' argument in the current case — that tribe members comprise only a small portion of those living on the disputed land.

News of the Second Circuit's decision was reported by *Bloomberg Law* and *Law360*.

The team representing the Cayuga Nation included Partners David W. DeBruin and Zachary C. Schauf, Associates Allison M. Tjemsland and Kathryn L. Wynbrandt, and former associate David Manners-Weber. Paralegal Cheryl Olson provided valuable assistance.

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