

**CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT
DUVAL COUNTY, FLORIDA**

Case No. _____

SEMINOLE TRIBE OF FLORIDA,

Plaintiff,

v.

BIG CHANCES, INC., a Florida corporation, d/b/a Big Chances Internet Café; TEKWISE, INC., a Florida corporation, d/b/a Fun Café; GOLD DRAGON, INC., a Florida corporation, d/b/a Lakeshore Hot Spot; FUN SPOT, INC., a Florida Corporation, d/b/a Fun Spot; VIP COMPUTER CENTER, LLC, a Florida limited liability company, d/b/a VIP Café; FISH WORLD, LLC, a Florida limited liability company, d/b/a Fish World Arcade; NIKUNJ PATEL, d/b/a Hot Spot; TERRY EDDIE LAND, d/b/a Lucky's Cyber Center; THOMAS B. HANSON, d/b/a Wild Plum Jacksonville and d/b/a Wild Plum Arcade; TEKWIZ, INC., a Florida corporation, d/b/a Funcade a/k/a Fun Cade; FISH ARCADE, LLC, a Florida limited liability company; BILL AND BONNIE HUNTLEY INVESTMENTS, LTD., a Florida limited partnership; SAID SAMAAAN; SAMIRA SAMAAAN; AZMI SAMAAAN; VICTORIA SAMAAAN; FIRSTSUN FINANCIAL, INC., a Florida corporation; CHEN'S DEVELOPMENT COMPANY, a Florida corporation; SUMAN MAKKER and SHASHI MAKKER, as Trustees of the SHASHI MAKKER LIVING TRUST; GMIV, INC., a Florida corporation; ELSIE P. JAGODNIK; E. P. JAX, INC., Florida corporation; UNIVERSITY PTNERS, LLC, a Florida limited liability company; UBW-MS OWNER, LLC, a Delaware limited liability company; UBW-RB OWNER, LLC, a Delaware limited liability company; and WILD PLUM, LLC, a Florida limited liability company,

Defendants.

COMPLAINT

1. This is an action for injunctive relief.

2. Plaintiff, the Seminole Tribe of Florida (“the Tribe”), is a federally recognized tribal government possessing sovereign powers and rights of self-government. The Tribe is party to a gaming compact with the State of Florida entered in accordance with the Indian Gaming Regulatory Act, 25 U.S.C. section 2710 and ratified by the Florida Legislature in Chapter 2010-29 (“the Compact”). Pursuant to the Compact, the Tribe is paying the State hundreds of millions of dollars per year in exchange for the right to substantial exclusivity over the conduct of gaming offered within the State. The Tribe has standing to bring this action pursuant to sections 60.05, 501.211, 546.10, and 849.21, Florida Statutes.

3. Defendants, BIG CHANCES, INC., a Florida corporation, d/b/a Big Chances Internet Café; TEKWISE, INC., a Florida corporation, d/b/a Fun Café; GOLD DRAGON, INC., a Florida corporation, d/b/a Lakeshore Hot Spot; FUN SPOT, INC., a Florida Corporation, d/b/a Fun Spot; VIP COMPUTER CENTER, LLC, a Florida limited liability company, d/b/a VIP Café; FISH WORLD, LLC, a Florida limited liability company, d/b/a Fish World Arcade; NIKUNJ PATEL, d/b/a Hot Spot; TERRY EDDIE LAND, d/b/a Lucky’s Cyber Center; THOMAS B. HANSON, d/b/a Wild Plum Jacksonville and d/b/a Wild Plum Arcade; TEKWIZ, INC., a Florida corporation, d/b/a Funcade a/k/a Fun Cade; FISH ARCADE, LLC, a Florida limited liability company (“the Operating Defendants”)

each own, manage or maintain facilities that provide patrons with use of computer terminals and software, as well as other electronic devices, that allow them to engage in various forms of casino-style gambling whereby the patrons pay money in return for which they receive a chance to win greater sums of money as prizes. For purposes of this complaint, such facilities will be referred to as “electronic gambling parlors” or “EGPs.”

4. Defendants, BILL AND BONNIE HUNTLEY INVESTMENTS, LTD., a Florida limited partnership; SAID SAMAAN; SAMIRA SAMAAN; AZMI SAMAAN; VICTORIA SAMAAN; FIRSTSUN FINANCIAL, INC., a Florida corporation; CHEN’S DEVELOPMENT COMPANY, a Florida corporation; SUMAN MAKKER and SHASHI MAKKER, as Trustees of the SHASHI MAKKER LIVING TRUST; GMIV, INC., a Florida corporation; ELSIE P. JAGODNIK; E. P. JAX, INC., a Florida corporation; UNIVERSITY PTNERS, LLC, a Florida limited liability company; UBW-MS OWNER, LLC, a Delaware limited liability company; UBW-RB OWNER, LLC, a Delaware limited liability company; and WILD PLUM, LLC, a Florida limited liability company, (“the Landlord Defendants”) each own, manage or lease premises on which the aforesaid EGPs are operating and knowingly permit such unlawful gambling to take place.

Count I
Maintenance of a Nuisance
(Against the Operating Defendants)

5. The allegations of paragraphs 1 through 4 are restated.

6. The Operating Defendants are deemed by section 823.05, Florida Statutes, to be maintaining a nuisance. The Tribe is entitled pursuant to sections 60.05 and 823.05, Florida Statutes, to a judgment temporarily and permanently enjoining the Operating Defendants from continuing to operate EGPs.

7. The Tribe is entitled by section 60.05(4), Florida Statutes, to a judgment against the Operating Defendants for costs of this litigation.

8. The Tribe is entitled to a judgment lien on all personal property on the premises on which an EGP is located for payment of costs of this litigation pursuant to section 60.05(4), Florida Statutes.

Count II
Maintenance of a Nuisance
(Against the Landlord Defendants)

9. The allegations of paragraphs 1 through 4 are restated.

10. The buildings in which the EGPs are operated and the fixtures therein constitute nuisances pursuant to section 823.05, Florida Statutes.

11. The Tribe is entitled pursuant to sections 60.05, 823.05, and 849.21, Florida Statutes, to a judgment against the Landlord Defendants temporarily and

permanently enjoining them from continuing to permit the operation of EGPs on the premises owned, managed, or leased by them.

12. The Tribe is entitled pursuant to section 60.05(4), Florida Statutes, to a judgment against the Landlord Defendants for costs of this litigation.

13. The Tribe is entitled pursuant to section 60.05(4), Florida Statutes, to a judgment lien on the real property, building, and fixtures on the premises on which the EGP is located for payment of costs.

Count III
Deceptive and Unfair Trade Practices Act
(Against the Operating Defendants)

14. The allegations of paragraphs 1 through 4 are restated.

15. In 2010, the Tribe entered into a compact with the State of Florida in which the State agreed to provide the Tribe with substantial exclusivity to conduct casino-style gambling in casinos located on its reservations, subject to certain exceptions not applicable to the defendants. In consideration for such exclusivity, the Tribe agreed to pay to the State a share of the revenue generated by its exclusive casino-style gambling. The Tribe has thus far paid the State well in excess of \$1 billion in revenue sharing in return for the right to conduct exclusive casino gambling, and is continuing to pay the State millions of dollars per month for such exclusivity.

16. Operation of the EGPs by the Operating Defendants infringes upon the Tribe's right to substantial exclusivity in the operation of casino-style gambling.

17. Operation of the EGPs violates public policy established by Florida's anti-gambling laws set forth in Chapter 849, Florida Statutes.

18. Operation of the EGPs in violation of the aforesaid public policy constitutes an unfair method of competition and an unfair practice as prohibited by section 501.204, Florida Statutes.

19. The Tribe is entitled to a judgment enjoining the operation of the EGPs pursuant to sections 546.10(8)(a) and 501.211, Florida Statutes, and for costs and attorneys' fees for the prosecution of this action pursuant to sections 501.2105 and 501.211, Florida Statutes.

WHEREFORE, the plaintiffs seek a judgment:

- (1) Temporarily and permanently enjoining the Operating Defendants from operating EGPs.
- (2) Temporarily and permanently enjoining the Landlord Tenants from allowing use of premises owned, managed, or leased by them for operation of EGPs.
- (3) Awarding costs and attorneys' fees.

- (4) Imposing a lien for payment of costs and attorneys' fees on the real property in which the EGPs are located and all personal property and fixtures located on such property.

/s/ Barry Richard

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