

# The Philadelphia Inquirer

## Foxwoods files appeal to Pa. high court to save casino project

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Wed, Dec. 14, 2011



TOM GRALISH / Staff Photographer

Steve Wynn addressing the state Gaming Control Board in March 2010. His dropping out of the project the following month was a key setback for Foxwoods.



The investor group behind the embattled Foxwoods Casino planned for South Philadelphia filed a last-minute appeal Monday to salvage the project.

The deadline was 5 p.m. Monday for Philadelphia Entertainment & Development Partners L.P. to appeal its license revocation to the state Supreme Court.

The deadline came and went, and no such appeal was filed, according to the court's website, and the Pennsylvania Gaming Control Board said it was never served notice of an appeal Tuesday.

But a Foxwoods investor, Manny Stamatakis, insisted late Tuesday that an appeal had been made before the deadline, even though it had not been recorded on the official docket as late as 6 p.m. Tuesday.

Legal experts say that if the hard deadline was 5 p.m. Monday and the investor group filed with the Supreme Court by then - whether it has been docketed or not - the appeal should stand.

The investor group had 30 days from Nov. 10, the day a Commonwealth Court panel rejected an appeal to overturn the state Gaming Control Board's revocation of Foxwoods' casino license because of repeated delays in beginning construction. The panel ruled 6-1 in denying the appeal.

"Should the revocation indeed be final, the Board will pursue its obligations under the [Gambling] Act regarding the award of this license," Doug Harbach, spokesman for the Gaming Control Board, said early Tuesday, before he had heard that an appeal had been filed. "I would expect that an announcement on the next steps and any timetable for applying for this license will be forthcoming relatively soon."

Repeated calls and e-mails to Foxwoods attorneys Stephen A. Cozen and F. Warren Jacoby were not returned Tuesday.

Anti-casino groups were subdued in the response to Foxwoods' seeming lack of an appeal.

Foxwoods was to be Philadelphia's second casino. The first, SugarHouse on Delaware Avenue, opened Sept. 3, 2010.

"The victory is temporary," said Paul Boni, an attorney and board member of the national advocacy group Stop Predatory Gambling. "No elected official is talking about changing the state law's requirement of two casinos in Philadelphia.

"When, at some point, new proposals surface, the pro-casino politicians will be smarter, but the opposition will be, too."

Legislation in Harrisburg to put the casino license out to statewide bid is on hold until the matter is legally resolved, said State Rep. Curt Schroder (R., Chester), the bill's sponsor.

The Gaming Control Board's revocation one year ago of a license for Foxwoods capped a tortuous four-year journey for the investor group, which includes three high-profile friends of former Gov. Ed Rendell - Lewis Katz, a New Jersey entrepreneur; Center City developer Ron Rubin; and Comcast-Spectacor chairman Ed Snider.

The Foxwoods project was dealt a key setback when casino mogul Steve Wynn dropped out in April 2010, leaving the investor group scrambling to find a replacement. Neighborhood opposition remained strong against the casino, proposed for Columbus Boulevard between Tasker and Reed Streets, just north of a Home Depot and a Wal-Mart.

The board's action - the first time it had stripped a group of a \$50 million gaming license - prompted the Foxwoods investors to appeal to Commonwealth Court.

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