

Oneida Appeals Commission

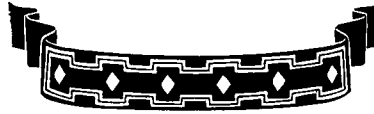
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Trial Court

Quality Construction Management, Inc.,

Kurt Jordan, Chris Fuss, Lance Vanden Heuvel,

Petitioner(s),

Docket No. 05-TC-018

vs.

Oneida Seven Generations Corp.,

Respondent

Date: March 9, 2005

Injunction Hearing

This case has come before the Oneida Appeals Commission Trial Court Judicial Officers Mary Adams, Janice McLester, and Leland Wigg-Ninham presiding.

I Background

On February 4, 2005, Petitioner, Quality Construction Management, Inc., filed for a Temporary Restraining Order against the Respondent, Oneida Seven Generations Corp., and Oneida Bingo and Casino to order a cease and desist on the 29 & 32 Project until an Injunction Hearing and decision is rendered. On February 17, 2005 Respondent, Oneida Bingo and Casino filed a Motion to Dismiss themselves as a party. On March 8, 2005 the Trial Court decided that Petitioner failed to provide enough evidence to support their claim that a continuance of the 29 & 32 Project will result in irreparable harm. Therefore the Motion for a Temporary Restraining Order was denied.

An injunction hearing was scheduled for March 3, 2005. Parties agreed to withdraw Motion of Injunction and set trial for damages. The Court agrees that there is merit to move forward. The Court granted the Motion to Dismiss filed by the Oneida Bingo and Casino as stipulated by Petitioner and Respondent (Oneida Seven Generations, Corporation). Due to the parties

agreement to excuse Oneida Bingo and Casino, this case will now be known as Quality Construction Management Inc., v. Oneida Seven Generations Corporation. Parties have agreed to argue the following issues:

1. Should Respondent be awarded attorney fees due to their response for the Temporary Restraining Order and Injunction Hearing?
2. Was there a breach of the Oneida Preference Law?
3. If so, were there any damages resulting from that breach?
4. Was Petitioner qualified to submit a bid for the 29 & 32 Project?

Parties are encouraged to discuss settlement or some type of compromise prior to trial proceedings.

II Order

The scheduling order will include:

Parties shall file all briefs and documents with the Oneida Appeals Commission in addition to serving the opposing party.

March 24, 2005	Petitioner's brief arguing above issues.
April 28, 2005	Respondent's answer to Petitioner's brief.
May 12, 2005	Petitioner's rebuttal brief.
May 19, 2005	Trial at 9:00 am.

III Decision

Motion to Dismiss Oneida Bingo & Casino as a party is granted. Motion by Petitioner to withdraw for an Injunction is granted. Request to move to trial to hear merits is granted.

It is so ordered.