

IN THE  
**Supreme Court of Indiana**

No. \_\_\_\_\_

**Court of Appeals Cause No. 49A02-0711-CV-987**

FOUNDATIONS OF EAST CHICAGO, INC.,	)	Appeal from the
successor by merger to EAST CHICAGO	)	Marion Superior Court
COMMUNITY DEVELOPMENT	)	
FOUNDATION, INC. and TWIN CITY	)	Cause No.
EDUCATION FOUNDATION, INC.,	)	49D13-0705-PL-019348
	)	
Appellant (Plaintiff Below),	)	The Honorable
	)	S.K. Reid, Judge
v.	)	
	)	
CITY OF EAST CHICAGO,	)	
	)	
Appellee (Defendant Below), and	)	
	)	
STATE OF INDIANA,	)	
	)	
Appellee (Intervenor-Defendant	)	
Below).	)	

**MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF  
MOTION TO STRIKE *AMICUS CURIAE* BRIEF OF THE  
INDIANA GAMING COMMISSION**

Appellee the State of Indiana, by counsel, pursuant to Indiana Rule of Appellate Procedure 34(D), respectfully requests leave to file a reply memorandum in support of its Motion to Strike *Amicus Curiae* Brief of the Indiana Gaming Commission in Support of the Petition to Transfer. In support thereof, the State asserts the following:

1. The State filed its Motion to Strike *Amicus Curiae* Brief of the Indiana Gaming Commission in Support of Petition to Transfer on June 5, 2009, arguing that the Commission's brief should be struck because the Attorney General has not

authorized the Commission to be represented in court by anyone other than the Attorney General and his deputies.

2. On June 12, 2009, the Indiana Gaming Commission (“Commission”) and the Foundations of East Chicago, Inc. (“FEC”) filed responses in opposition to the Attorney General’s motion.

3. The Court’s decision on the State’s Motion to Strike may have an enormous impact on the ability of the Attorney General to execute the duties of office as specified in the Indiana Code, not just in this case but across a wide spectrum of cases where State agencies may disagree with the legal and litigation policy determinations of the Attorney General. That is, the Motion to Strike cuts at the very heart of what it means to have an Attorney General. The issues at stake are thus sufficiently weighty and fundamental to the operations of State government that the State should be allowed to respond to the arguments of the FEC and the Commission, which arguments these parties have never before presented in any court.

WHEREFORE, the State of Indiana respectfully requests that this Court GRANT its Motion for Leave to File Reply in Support of Motion to Strike *Amicus Curiae* Brief of the Indiana Gaming Commission and accept the reply memorandum tendered herewith.

Respectfully submitted,

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By:

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## CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of June, 2009, a copy of the foregoing was served via First Class United States mail, postage pre-paid upon the following:

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