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Casino ruling is put on hold Thunder Valley attorneys question standing of jurist who said former employees could pursue their lawsuit.

June 21, 2006
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By Dorothy Korber

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--Attorneys for managers of Thunder Valley Casino deflected a potentially negative legal ruling Tuesday by questioning the standing of the Placer County court commissioner who had issued the ruling the day before.

Commissioner Margaret Wells will consider the challenge to her authority at a hearing Aug. 1.

As a result of the casino's challenge -- which it termed a "threshold issue" -- Wells did not hear arguments Tuesday on the tentative ruling that caught both sides by surprise on Monday.

Station Casinos Inc., which manages Thunder Valley for the United Auburn Indian Community, is the main defendant in a civil rights lawsuit brought by seven former employees of the gaming facility.

The plaintiffs, all women, claim they were victims of sexual harassment and job discrimination at the casino and were fired when they complained.

The tribe and the casino maintain that the tribe's position as a sovereign nation makes it immune from civil action in state and federal courts. Wells' tentative ruling Monday was significant because it sidesteps the issue of sovereign immunity to allow the employees to proceed with their lawsuit against Station Casinos.

Debra Smith, attorney for the employees, supported the tentative ruling and was prepared to argue in its favor in court on Tuesday. Instead, Station lawyer **Matt Jacobs** presented a letter stating that his understanding was that the matter should have been reassigned to one of the court's eight judges.

It was Smith, his opponent, who pushed to have Wells removed from the case. On May 22,

Smith withdrew her stipulation that a commissioner -- a court-appointed officer but not a judge -- could hear the matter.

Wells apologized for not addressing the issue in her tentative ruling. The commissioner said case law supported her view that Smith could not withdraw her stipulation. "Once the stipulation is made, let the chips fall where they may," she said.

But Jacobs disagreed, citing several cases he said proved his point. Wells agreed to consider them.

"This case presents very serious issues," the commissioner said. "But I don't have any stake in hearing it, and I'm not offended you brought this up. I would rather not have this be an issue for appeal."

After discussion with the lawyers about their availability, she scheduled the next hearing for Aug. 1 at 8:30 a.m. in the Auburn courthouse.

Smith was asked after the hearing why she had moved to remove Wells from the case. She replied, "Well, it's a very important case. But I haven't had time to consider this development, and I'm not prepared to comment at this time."

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