



IN THE CIRCUIT COURT OF WALKER COUNTY, ALABAMA

BAKER CHARLES D.,)
TIREY JOHN MARK,)
WALKER COUNTY COMMISSION,)
Plaintiffs,)
V.)
WALKER COUNTY BINGO,)
CHARITY BINGO OF WALKER)
COUNTY, LLC,)
AMERICAN LEGION,)
ARGO CHARITY BINGO,)
BLACKWATER CHARITY BINGO,)
CARBON HILL CHARITY BINGO)
ET AL,)
Defendants.)

Case No.: CV-2007-000400.00

ORDER

Pending are motions to stay filed by a number of defendants, which ask this Court to stay the effect of the Final Order of October 26, 2009.

The motions effectively describe the consequences of that Order, which are severe and significant. As shown by the motions and accompanying affidavits, many good charities have depended on electronic bingo for funding to provide numerous helpful, if not necessary, public and social services. Further, many people's livelihoods have depended on electronic bingo. In entering the Final Order, this Court recognized its impact on good people and good causes. The entry of that Order was thus not an action taken lightly; rather, the Court's ruling was with a grim recognition of what would ensue.

The Court also does not take issue with other points raised in the motions. The task of defining bingo has bedeviled lawmakers for some time now, as shown by the heated dispute that currently rages between the Governor and the Attorney General. Contrary rulings on bingo have arisen from Alabama's courts on this issue, moreover. The Court agrees that until the Alabama Supreme Court provides guidance, the problems of uncertainty will likely continue.

Regardless of such uncertainty, the Final Order resulted from careful consideration of both the applicable law and the evidence presented by the parties. In taking the pending motions to heart, the Court has nonetheless reconsidered the legal and evidentiary issues, to determine whether it has possibly erred in some way. That exercise convinces the Court that it reached the correct result, notwithstanding the dire consequences that may arise from it. To put the matter another way, this Court

concludes that the chances of obtaining a reversal of the Final Order on appeal do not appear promising.

With that conclusion, this Court sees the motions as asking to permit the continuance of operations that are criminal in nature. The Final Order inescapably leads to the conclusion that continued operation of electronic bingo in Walker County would constitute illegal gambling. Even if such operations have led to many good things, this Court cannot condone and permit continued criminal activity for *any* period of time. To do so would essentially mean an abdication of this Court's primary responsibility, undertaken when the undersigned took his oath of office, to uphold and defend the laws of this State.

The pending motions for stay pending appeal must therefore be denied. The defendants are reminded that they are not without recourse, as they may seek a stay from the Supreme Court of Alabama pursuant to Rule 8 of the Alabama Rules of Appellate Procedure.

DONE this 3rd day of November, 2009.

/s ROBERT S. VANCE

CIRCUIT JUDGE