

**[J-44-45-2007]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**MIDDLE DISTRICT**

STATION SQUARE GAMING LP, Petitioner	:	No. 28 MM 2007
	:	
v.	:	Petition for Review from the Order of the
	:	Pennsylvania Gaming Control Board
	:	Dated February 1, 2007 Granting the
PENNSYLVANIA GAMING CONTROL BOARD,	:	Application of PITG Gaming LLC and
Respondent	:	Denying the Application of Station Square
	:	Gaming LP for a Category 2 Slot Machine
	:	License in Pittsburgh, Pennsylvania,
IOC PITTSBURGH, INC., Intervenor	:	Docket Nos. 1361 and 1363
	:	
	:	
PITG GAMING, LLC, Intervenor	:	ARGUED: May 15, 2007
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IOC PITTSBURGH, INC., Petitioner	:	No. 29 MM 2007
	:	
v.	:	Petition for Review from the Order of the
	:	Pennsylvania Gaming Control Board
	:	Dated February 1, 2007 Granting the
PENNSYLVANIA GAMING CONTROL BOARD,	:	Application of PITG Gaming LLC and
Respondent	:	Denying the Application of IOC Pittsburgh,
	:	Inc. for a Category 2 Slot Machine License
	:	in Pittsburgh, Pennsylvania, Docket Nos.
PITG GAMING, LLC, Intervenor	:	1357 and 1361
	:	
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STATION SQUARE GAMING LP, Intervenor	:	ARGUED: May 15, 2007
	:	

## **DISSENTING OPINION**

**MR. JUSTICE CASTILLE**

**DECIDED: July 18, 2007**

I join the concerns articulated by Mr. Justice Saylor in his Concurring Opinion, and particularly his concern regarding the "prudent man standard" and economic issues affecting Majestic Star. However, unlike Justice Saylor, I believe those concerns warrant a remand to the Board for reconsideration. For the reasons I have set forth in my Dissenting Opinion in Riverwalk Casino, LP v. Pennsylvania Gaming Control Board, J-42-2007, the failure of the Board to conduct any of its deliberations in public, or to allow for the equivalent of a post-verdict procedure once the Board finally articulated the grounds for its decision, necessitates a fuller consideration and explanation. Hence, I respectfully dissent.