

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

CHEROKEE NATION BUSINESSES,
LLC; CHEROKEE NATION
ENTERTAINMENT, LLC;
and JENNIFER MCGILL

PLAINTIFFS

v.

No. 4:24-cv-969-DPM

STATE OF ARKANSAS; and
ALEX LIEBLONG, MARK LAMBERTH,
STEVE ANTHONY, DENNY EAST,
MICHAEL POST, BO HUNTER, and
STEVE LANDERS, in their official
capacities

DEFENDANTS

ORDER

The plaintiffs' opposed motion to file a third amended complaint, *Doc. 73*, is denied. Fed. R. Civ. P. 16(b). The Final Scheduling Order gave the parties until 27 January 2025 to amend pleadings as a matter of right. *Docs. 38*. The plaintiffs filed a second amended complaint on that date. *Doc. 46*. At that point, they knew about the contracts involving Legends Resort & Casino, LLC (as either a contracting party or an assignee). *Doc. 73 at 1-2*. And they were aware of the State's concerns about Amendment 104's enforcement mechanism, which had been lingering since the November 2024 TRO hearing. *Doc. 33 at 21, 31*. The plaintiffs have not established good cause for adding new parties

on both sides of the v. less than three weeks out from trial. *Sherman v. Winco Fireworks, Inc.*, 532 F.3d 709, 715-18 (8th Cir. 2008).

The Court substitutes Arkansas Racing Commissioner Bo Hunter for his successor, John Schmelzle. Fed. R. Civ. P. 25(d). No pleading amendment is needed on this front. *Ibid.*

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

10 March 2025
