

MISSOURI GAMING COMMISSION  
COMMISSION RESOLUTION NO. 17-040  
PNK ("River City"), LLC

August 30, 2017

WHEREAS, PNK ("River City"), LLC ("Company"), requested a hearing to contest the proposed disciplinary action initiated against the Company on August 28, 2014, by the Commission's issuance of a Preliminary Order for Disciplinary Action, No. DC-14-319; and

WHEREAS, pursuant to 11 CSR 45-13.010, et. seq., an administrative hearing has been held on the Company's request and the Hearing Officer has submitted the proposed Findings of Fact, Conclusions of Law and Final Order attached hereto (collectively the "Final Order") for approval by the Commission; and

NOW, THEREFORE, BE IT RESOLVED, that the Commission has reviewed the Final Order and hereby approves and adopts the attached Final Order in the matter of DC-14-319; and

BE IT FURTHER RESOLVED, that this shall be considered a final decision of the Missouri Gaming Commission.

**BEFORE THE MISSOURI GAMING COMMISSION**

In Re: )  
 )  
PNK ("River City"), LLC ) Case No. DC-14-319  
 )

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER**

The above-captioned matter comes before the Missouri Gaming Commission (hereinafter referred to as "MGC" "Commission") upon a request for Hearing submitted on or about September 27, 2014, by PNK ("River City") (hereinafter referred to as "River City" "PNK"). Said request was in response to a MGC Notice of Proposed Disciplinary Action dated August 28, 2014. Subsequently, MGC filed a Motion for Leave to File a First Amended Preliminary Order for Disciplinary Action which was granted February 24, 2015.

PNK ("River City"), LLC, is a Missouri corporation, holder of a Class B License issued by the MGC and the subject of DC-14-319 (12/14/16 Tr.p.32, 1.21-23). Pinnacle Entertainment, Inc., (hereinafter referred to "Pinnacle") is a Nevada Corporation and the parent organization and controlling entity of PNK, the Missouri Corporation. Pinnacle is also the subject of a First Amended Preliminary Order for Disciplinary Action pursuant to DC-14-317 and is not included in this Findings of Fact, Conclusions of Law and Final Order.

The River City First Amended Preliminary Order for Disciplinary Action (DC-14-319) and the Pinnacle First Amended Preliminary Order for Disciplinary Action (DC-14-317) both arose from the same promotion, MyChoice MyMillion (hereinafter referred to "the Promotion" "MyChoice"). By Agreement of Legal Counsel of Record and for judicial expediency the Discovery and Hearings for River City and Pinnacle were consolidated as one Hearing (12/14/6 Tr.p.8, 1.6-18; p.185, 1.5-7), although separate Findings of Fact, Conclusions of Law and Final Order are submitted to the Commission.

**FINDINGS OF FACT**

1. River City, at all relevant times herein, was a Class B Licensee which operated a casino in the State of Missouri known as River City Casino ("River City") and a casino known as Lumiere Place Casino ("Lumiere").
2. Pinnacle, at all relevant times herein, was a Class A Licensee, the parent organization and controlling entity of River City (MGC Exhibit I 12/14/16).
3. Between April .1, 2012, and December 30, 2012, River City and Lumiere conducted a promotion titled "MyChoice MyMillion" (River City Response to MGC Request for Admissions (p.3)).
4. The Promotion rules stated that patrons were to receive one promotional point for every twenty-five (25) points of play (MGC Exhibit 3).

5. On about April 19, 2012, Shannon Hoffman ("Hoffman") a Business Analyst and Level II Licensee for River City and Lumiere was notified of a problem at the Pinnacle – operated Belterra Resort Casino in Indianapolis, Indiana, with a promotion at Belterra where patrons were receiving an incorrect entry for every twenty-five (25) points accumulated, in that slot players received entry for every twenty-five (25) points earned, but table players received entry only after fifty (50) points earned (MGC Exhibit 2).

6. On or about April 20, 2012, Hoffman notified the Marketing Department at River City and Lumiere that Pinnacle believed that the configurations for the MyChoice MyMillion promotion were incorrect and that a corrective change was in order (MGC Exhibit 5).

7. During the MyChoice MyMillion promotion patrons were to receive entries for every twenty-five (25) points earned on their play the winners of the weekly drawings were to then become eligible for a million dollar grand prize drawing held on December 30 (MGC Exhibit 2).

8. River City became aware that while slot players were earning promotion points at a twenty-five (25) point threshold, table plyers were required to earn fifty (50) points for the threshold, twice that for slot players (MGC Exhibit 2).

9. As a result five thousand (5,000) table-playing patrons of River City and Lumiere (representing one hundred twenty-five thousand (125,000) total entries (MGC Exhibit 6)) were notified by postcard they were eligible for additional entries (MGC Exhibit 7) (12/14/16 Tr.p.58, 1.8-11).

10. On November 30, 2012, (some seven (7) months after Hoffman notified the Marketing Department of the entry point problem) River City notified the MGC of the problem with the MyChoice MyMillion promotion occurring since April 30, 2012 (12/14/16 Tr.p.46, 1.8-11) (MGC Exhibit 2).

11. A Hearing was conducted April 26, 2016, regarding MGC's Motion to Compel which resulted in a Discovery Order dated June 7, 2016, attached hereto as Attachment A.

12. Another Hearing was conducted December 14, 2016, at which the following Exhibits were admitted into evidence:

#### MGC EXHIBITS

Exhibit No. 1  
Certified Copy Affidavit of David Kessel;  
official records of Missouri Gaming  
Commission

Exhibit No. 2  
Letter dated November 30, 2012, to William  
K. Seibert, Jr., from R. Miller

Exhibit No. 3  
Thread of e-mails, starting with one dated  
August 5, 2016, to Rayna Stover from Cheryl  
Alonzo; promotional rules for MyChoice

MyMillions promotions and subsequent amendments

Exhibit No. 4

Two-page thread of e-mails, starting with one dated December 6, 2012, to Ryan Miller, from Cheryl Alonzo

Exhibit No. 5

Sergeant Harrell's investigation and conclusions

Exhibit No. 6

Three-page thread of e-mails, starting with one dated December 7, 2012, to Brian Harrell from Cheryl Alonzo

Exhibit No. 7

Two-page thread of e-mails, starting with one dated December 8, 2012, to Cheryl Alonzo from Ryan Miller; copy of postcard

Exhibit No. 8

Pinnacle Entertainment, Inc.'s Responses to the Missouri Gaming Commission's First Request for Admissions Directed to Petitioner Pinnacle Entertainment, Inc.

Exhibit No. 9

PNK (River City), LLC's Responses to the Missouri Gaming Commission's First Request for Admissions Directed to Petitioner PNK (River City), LLC

Exhibit No. 10

Affidavit of Cheryl Alonzo; seven pages of Missouri Gaming Commission's records

Exhibit No. 11

Affidavit of Cheryl Alonzo; eight pages of Missouri Gaming Commission's records

## RIVER CITY EXHIBITS

Exhibit A

E-mail thread

Exhibit B

Narrative of Sergeant Howell; Preliminary Orders of Discipline; documents relating to MyMillion promotion and underlying documents (Sealed)

Exhibit J  
Thread of E-mails

Exhibit K  
E-mail

## CONCLUSIONS OF LAW

1. "The MGC shall have the full jurisdiction over and shall supervise all gaming operations governed by Section 313.800 to 313.850." Section 313.805, MO. REV. STAT. 2000.

2. "A holder of any license shall be the subject to imposition of penalties, suspension or revocation of such license, or if the person is an applicant for licensure, the denial of the application, for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the State of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the State of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action . . . the following acts or omissions may be grounds for such discipline: (1) Failing to comply with or make provision for compliance with Sections 313.800 to 313.850, the rules and regulations of the Commission or any federal, state or local law or regulation; . . . "Section 313.812.14, MO. REV. STAT. 2000.

3. "The State has a legitimate concern in strictly regulating and monitoring riverboat gaming operations. As such, any doubt as to the legislative objective or intent as to the Commission's power to regulate riverboat gaming operations in this State must be resolved in favor of strict regulation." *Pen-Yan Investment, Inc. v. Boyd Kansas City, Inc.*, 952 S.W.2d 299, 307 (Mo. App. 1997).

4. The burden of proof is at all times on the Licensee. The Licensee shall have the affirmative responsibility of establishing the facts of his/her case by clear and convincing evidence . . ." Regulation 11 CSR 45-13.060(2).

5. "Clear and convincing evidence" is evidence that "instantly tilts the scales in the affirmative when weighed against the opposing evidence, leaving the fact finder with an abiding conviction that the evidence is true." *State ex rel. Department of Social Services v. Stone*, 71 S.W.3d 643,646 (Mo. App. 2002).

6. "The Commission shall have the following powers: . . . to access any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission . . ." Section 313.805(6), MO. REV. STAT. 2000.

7. Title 11 CSR 45-5.181(2) states, as follows:

Class B licensees may provide promotional giveaways, issue promotional coupons or conduct promotional games or similar activities

(collectively, “promotional activities”) for patrons or their employees without the prior approval of the commission, provided the promotional activity is not structured or conducted in a manner that reflects negatively on the licensee, the commission, or the integrity of gaming in Missouri and complies with the following:

- (A) No false or misleading statements, written or oral, shall be made by a licensee or its employees or agents regarding any aspect of any promotional activity;
- (D) All prizes offered in the promotional activity shall be awarded according to the Class A licensee’s rules governing the event; and

Title 11 CSR 45-10.030 states, in pertinent part, as follows:

- (1) Licensees shall promptly report to the commission any facts which the licensee has reasonable grounds to believe indicate a violation of law (other than minor traffic violations), minimum internal control standard requirements or commission rule committed by licensees, their employees or others, including, without limitation, the performance of licensed activities different from those permitted under their license (emphasis added).

\* \* \*

- (7) All occupational licensees shall have a working knowledge of Chapter 313.800, RSMO *et seq.*, *Code of State Regulations*, Tile 11 Division 45, and the internal controls of the Class A or B licensees for whom they are currently employed by as they pertain to the responsibilities and limitations of their job.

## DISCUSSION

This is a prolonged matter which was aggressively litigated. Two (2) Hearings were conducted, April 26, 2016, and December 14, 2016, which generated two hundred seventy (270) pages of testimony. Extensive pleadings were filed including but not limited to: MGC Motion for Leave to Conduct Additional Discovery (May 1, 2015); MGC Request for Production, Request for Admissions and Interrogatories (June 10, 2015); River City Responses to Request for Production, Request for Admissions and Interrogatories (September 14, 2015); MGC Motion to Compel and Sanctions (February 2, 2016); River City Post Hearing (of April 26, 2016) Brief in Response to MGC Motion to Compel and Motion to Deny (May 23, 2016); and River City Post Hearing (of December 14, 2016) Brief Opposing the First Amended Preliminary Order for Disciplinary Action and the Sealing of Certain Records (February 3, 2017).

River City maintained throughout the Discovery process and Hearings and Post Hearing Brief that the matter of *In Re: Shannon Hoffman* (DC-13-172) in which Hoffman was disciplined (4/26/16 Tr.p.9, l.12) was controlling in River City (DC-14-319) under theories of “multiple matters, laches, collateral estoppel and res judicata (4/26/16 Tr.p.12, l.15-16). These theories of River City were addressed and ruled upon in the Disciplinary Order of June 7, 2016, attached hereto as Attachment A:

Counsel for Pinnacle (and River City) further argued that a response to MGC's discovery requests could be objected to on the basis of multiple matters, laches, collateral estoppel and res judicata (Tr.p.12, l.15-16).

Counsel for Pinnacle additionally adduced at said Hearing that the case of MGC v. Shannon Hoffman, (No. DC-13-172), previously adjudicated, is determinative of the cases herein and somehow provides a valid objection to MGC's discovery requests, (Tr.p.9, l.10-12):

. . . the basis for all my objections is I don't want to get in the same position I was - - I'm now where I litigate a case (Counsel for River City and Pinnacle represented Hoffman in DC-13-172) and I'm back litigating basically the same case once again.  
And that really covers all my objections.  
(Tr.p.14, l.1-5)

Critical to MGC's Motion to Compel and Pinnacle's Motion to Deny is the verbiage of Rule 56.01(b)(1), particularly "the subject matter". Pursuant to 11 CSR 45-4.010 *et seq.*, various types of Licenses are issued by the MGC to various entities, be they corporations, key persons, suppliers or individuals. The subject matter, the res, in a Hearing conducted pursuant to 11 CSR 45-13.030, is the License specific to the Petitioner therein and is not contingent thereon or determined by the license regarding any other Applicant or Petitioner or any other Hearing.

This point is relevant and determinative regarding collateral estoppel and res judicata. Both collateral estoppel and res judicata require identity of "parties" and identity of "issues". Shannon Hoffman (No. DC-13-172), cited by Counsel for Pinnacle, is not a "party" to Pinnacle (No. DC-14-317) or River City (No. DC-14-319) nor is the "issue", the res, in the Hoffman matter, Shannon Hoffman's License, the same as the res in the matters herein.

To further connect the Hoffman case, in which Hoffman was suspended for the three (3) days, to the River City and Pinnacle cases, Counsel for River City made a Motion to introduce into the Record hereof the transcript of the Hearing, supplemental pleadings and Post Hearing Brief of the Hoffman matter (12/14/16 Tr.p.25, l.9-14). This issue was disposed of at the December 14, 2016 Hearing:

HEARING OFFICER STEIB: All right. Let's go back on the record.

These two cases, 317 and 319, have a similar factual basis and they both stem from a common root and that is an issue involving around a Shannon (sic) Hoffman;

Despite the fact that there are similarities, these are, in fact, three different cases. The parties are not the same. Counsel for the casinos has asked for the introduction into the record of prior hearing testimony, that being the testimony of Shannon (sic) Hoffman and additional exhibits.

That being the case and Ms. Hoffman's case being separate and apart from this and based upon the extended discovery that has gone on in this matter where counsel was afforded the opportunity to provide a list of witnesses so that counsel for the Commission would have an opportunity to interrogate those witnesses, and not having that opportunity here today, I'm going to sustain the Commission's objection to the introduction of the Shannon (sic) Hoffman transcript into the record.

All right, Can we proceed with the Commission's case?

MR. SCHUBE: We're ready. Should we go ahead and call the witness?

HEARING OFFICER STEIB: Yes (12/14/16 Tr.p.26-27, 1.10-19).

And continuing:

HEARING OFFICER STEIB: Are you finished, Mr. Bednar?

MR. BEDNAR: Yes.

HEARING OFFICER STEIB: I understand your position. I understand your theory. I hope you understand the Order for Discovery. You continue to believe that this is a Hoffman case, and it is not a Hoffman Case.

To quote you, Mr. Bednar, you do not want to try the Hoffman case, and we're not going to retry the Hoffman case. These are different licensees. There is a different res involved in this matter, so I understand what your theory is.

If you went to ask him (Master Sergeant Brian Harrell, Missouri State Highway Patrol) a general question about what he includes or not includes in his investigation, that's fine, but please do not inquire about the Hoffman case (12/14/16 Tr.p.206, 1.8-24).

The issue of the sealing of certain information brought to the December 14, 2016, Hearing by witness Cheryl Alonzo was taken under advisement. At said Hearing, Counsel for the MGC objected to the introduction of Petitioner's Exhibit B as containing information proprietary to the MGC. Counsel for River City maintained that River City Counsel was entitled to see and inquire of the witness regarding any information the witness brought to the Hearing and was referring to in her testimony. Counsel for River



City was granted this right and so interrogated the witness regarding same. However, based upon the claim of MGC Counsel regarding the propriety nature of Exhibit B, said Exhibit B shall remained sealed.

Counsel for the MGC has moved and requested Sanctions against River City and Lumiere as a result of River City and Lumiere's Response to MGC's Request for Admissions, Request for Production and Interrogatories. Although said Responses can accurately be described as less than "forthcoming", no further Sanctions request was made by MGC after the twenty-one (21) day Discovery Order of June 7, 2016. Therefore, MGC's Motion for Sanctions is Denied.

Despite the vigorous legal representation and litigating in this matter and the complexity of issues, the ultimate question is this: *Did PNK (River City and Lumiere) violate Title 11 CSR 45-10.030 (the mandate of prompt reporting to the MGC that a violation of minimum internal control standards or commission rule has occurred)?* The problem herein, that five thousand (5,000) patrons of River City and Lumiere had been adversely affected, was recognized at River City on April 19, 2012, but no Notice was given to the MGC for River City until November 30, 2012 (some seven (7) months later). This Notice failed to meet the "promptly report" requirement of Title 11 of the CSR.

**FINAL ORDER**

WHEREFORE, IT IS ORDERED AND ADJUDGED that PNK ("River City"), LLC, did not meet its burden of proof to show clearly and convincingly that it should not be subject to Disciplinary Action for the violations herein, said penalty being a fine in the amount of \$10,000.00 and said fine should remain in place.

Dated: April 10, 2017

Chas. H. Steib  
Chas. H. Steib, Hearing Officer

BEFORE THE MISSOURI GAMING COMMISSION

In Re:	)	
	)	
PINNACLE ENTERTAINMENT, INC.	)	Case No. DC-14-317
	)	
PNK ("River City"), LLC	)	Case No. DC-14-319
	)	

**DISCOVERY ORDER**

These matters come before the Hearing Officer, hereunder, upon the Missouri Gaming Commission's ("MGC") Motion To Compel Pinnacle Entertainment, Inc. ("Pinnacle") and PNK ("River City") LLC ("River City") to respond to MGC's discovery requests and for sanctions and upon Pinnacle's and River City's Motions To Deny.

On April 26, 2016, a Hearing was conducted with all Parties represented by Legal Counsel. Said Hearing followed MGC's First Requests for Admissions, First Set of Interrogatories and First Requests for Production of Documents propounded to Pinnacle June 10, 2015 (No. DC-14-317). Identical First Requests for Admissions, First Set of Interrogatories and First Requests for Production of Documents propounded to PNK ("River City") LLC on said date (No. DC-14-319). For Hearing expedience and by agreement of Counsel of Record and in attendance the Motions to Compel regarding Pinnacle and River City were held in the one Hearing, April 26, 2016, and, therefore, this Discovery Order pertains to both Pinnacle (No. DC-14-317) and River City (No. DC-17-319) separate cases and where Pinnacle is named River City is included.

Pursuant to RsMO 536.073(2):

In addition to the powers granted in subsection 1 of this section, any agency authorized to hear a contested case may make rules to provide that the parties may obtain all or any part of the same discovery that any Missouri Supreme Court Rule provides for civil actions in Circuit Court.

Following RsMO 536.073(2), Missouri Court Rule 56.01 states;

**56.01. General Provisions  
Governing Discovery**

(a) **Discovery Methods.** Parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property, for inspection and other purposes; physical and mental examinations; and requests for admissions.

**(b) Scope of Discovery.** Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:

(1) *In General.* Parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action (emphasis added), whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things and the identity and location of persons having knowledge of any discoverable matter.

It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

The party seeking discovery shall bear the burden of establishing relevance.

Based upon the authority of RsMO 536.073(2) and the parameters of Supreme Court Rule 56.01,

### **11 CSR 45-13.060 Proceedings**

*PURPOSE: This rule establishes procedures for conducting hearings.*

(1) The commission may issue subpoenas and subpoena *duces tecum* for the production of books, records and other pertinent documents, or upon written request to appear and offer testimony.

(A) Upon written request served on a party, the requesting party shall be entitled to the name and address of any witness who may be called to testify on behalf of a party and all documents or other material in the possession or control of a party which the party reasonably expects will be introduced into evidence. (emphasis added) the party shall be under a continuing duty to update this list.

(B) Upon the request of a party and for good cause shown the hearing officer may allow other discovery to be conducted.

On June 10, 2015, MGC propounded its First Requests for Admissions, First Set of Interrogatories and First Requests for Production of Documents.

On September 14, 2015, Pinnacle served its discovery responses on MGC. There followed a Golden Rule Letter from the MGC to Pinnacle on November 25, 2015.

Counsel for MGC argued at the April Hearing:

. . . Right now we are dealing with the language of the request for production, interrogatories and request for admissions . . . (Tr.p.38, l.15-18)

We are here today to argue over words that are common knowledge to everybody, words such as ran, promotion, rule, patrons, offered, problem, change, points, entry . . . (Tr.p.8, l.5-8)

Counsel for Pinnacle argued that there was a lack of specificity in the discovery requests:

. . . my point of why I'm asking for specificity and exactly what they're talking about and defining all these very central issues . . . (Tr.p.13, l.3-5)

Counsel for Pinnacle further argued that a response to MGC's discovery requests could be objected to on the basis of multiple matters, laches, collateral estoppel and res judicata (Tr.p.12, l.15-16).

Counsel for Pinnacle additionally adduced at said Hearing that the case of MGC v. Shannon Hoffman, (No. DC-13-172), previously adjudicated, is determinative of the cases herein and somehow provides a valid objection to MGC's discovery requests, (Tr.p.9, l.10-12):

. . . the basis for all my objections is I don't want to get in the same position I was - - I'm now where I litigate a case and I'm back litigating basically the same case once again. And that really covers all my objections. (Tr.p.14, l.1-5)

Critical to MGC's Motion to Compel and Pinnacle's Motion to Deny is the verbiage of Rule 56.01(b)(1), particularly "the subject matter". Pursuant to 11 CSR 45-4.010 *et seq.*, various types of Licenses are issued by the MGC to various entities, be they corporations, key persons, suppliers or individuals. The subject matter, the res, in a Hearing conducted pursuant to 11 CSR 45-13.030, is the License specific to the Petitioner therein and is not contingent thereon or determined by the license regarding any other Applicant or Petitioner or any other Hearing.

This point is relevant and determinative regarding collateral estoppel and res judicata. Both collateral estoppel and res judicata require identity of "parties" and identity of "issues". Sharon Hoffman (No. DC-13-172), cited by Counsel for Pinnacle, is not a "party" to Pinnacle (No. DC-14-317) or River City (No. DC-14-319) nor is the "issue", the res, in the Hoffman matter, Sharon Hoffman's License, the same as the res in the matters herein.

#### I. Requests For Admissions

Pinnacle's Brief in Response and Motion to Deny states that MGC's Requests for Admissions violated Rule 59.01(c)(1) in identifying multiple licenses and multiple entities and that:

. . . they (MGC) already have all of the information as a result of the previous cases, and in particular the Hoffman case (Pinnacle Brief p.6)

The fact that a specific MGC Request for Admissions names multiple licenses or entities for identification purposes leading to a singular Admission is not violative of Rule 59.01(c)(1) "each matter" verbiage nor does the fact of some other proceeding before the MGC in which discovery was obtained preclude the MGC from requesting discovery of information "relevant to the subject matter involved in the pending action" (Pinnacle and River City).

MGC's Motion to Compel as to Requests for Admissions is sustained, in part, and Pinnacle is Ordered to provide the deficiencies in its responses, within twenty-one (21) days hereof. MGC's Motion to Compel is taken under submission, in part, as to Missouri Supreme Court Rule 61.01 and 1 CSR 15-3.425(1) pending Pinnacle's compliance with the Discovery Order herein.

Pinnacle's Motion to Deny as to MGC's Request for Admissions and attendant Motion of MGC to Compel is Denied.

## II. Interrogatories

Pinnacle's reliance on the Hoffman case (No. DC-13-172) in objecting to Interrogatories 2, 4, 7, 8, 9, 10 and 11 is not well-founded for reasons aforesaid. Pinnacle's objection to Interrogatories 12, 13, 14, 15, 16, 17 and 18 are overruled and Pinnacle is Ordered to comply with Rule 56.01.

MGC's Motion to Compel as to Interrogatories propounded is sustained, in part, and Pinnacle is Ordered to comply with Rule 56.01 within twenty-one (21) days hereof. MGC's Motion to Compel is taken under submission, in part, as to Missouri Supreme Court Rule 61.01 and 1 CSR 15-3.425(1) pending Pinnacle's compliance with the Discovery Order herein.

Pinnacle's Motion to Deny as to MGC's Interrogatories and attendant Motion to Compel is Denied.

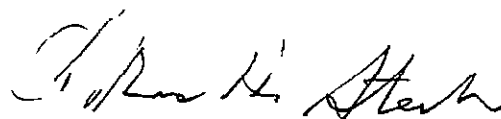
## III. Request for Production of Documents

Pursuant to Rule 58.01, MGC is entitled to any documents obtainable within the scope of Rule 56.01(b). The fact that MGC may have received a document as part of its investigation of or through any other MGS disciplinary matter is irrelevant.

MGC's Motion to Compel is sustained, in part, and Pinnacle is Ordered to comply with Rule 58.01 within twenty-one (21) days hereof. MGC's Motion to Compel is taken under submission, in part, pending Pinnacle's compliance with the Discovery Order herein.

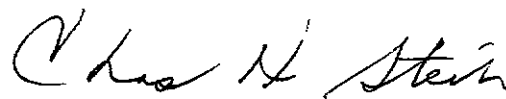
Pinnacle's Motion to Deny as to MGC's Request for Production of Document and attendant Motion to Compel is Denied.

SO ORDERED, this the 7 day of June, 2016.



Chas. H. Steib, Hearing Officer

A true copy of the foregoing forwarded by U.S. Mail, postage prepaid, address to Counsel of Record  
this the 7 day of June, 2016.



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Chas. H. Steib, Hearing Officer