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WAYLAND TOWNSHIP — The elephant in the casino Wednesday is something that employees are saying off the record that they know more about from the media than from their bosses.

Will the Gun Lake Casino be forced to shut down sometime in the near future if a former Wayland Township

trustee is successful in his lawsuit against the tribe?

On Jan. 21, the day the tribe announced their grand opening day, [a federal appellate court reinstated a 2008 lawsuit](#) being brought against the Gun Lake Tribe by David Patchak.

Patchak alleges the government's decision to take the land near U.S. 131 where the casino is being built into trust was illegal under the federal statute governing land-in-trust decisions.

Federal District Judge Richard Leon in Washington, D.C., dismissed the lawsuit in 2009 on the grounds Patchak did not have legal standing to bring the case and was barred by the Quiet Title Act.

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But the D.C. Circuit Court of Appeals issued an opinion that disagreed with both of those conclusions, reversing Leon's decision and remanding the case for further proceedings.

"I don't think it would hurt Mr. Patchak or the tribe if we could sit down and have a conversation," said Tribal Chairman D.K. Sprague on Wednesday during the casino's special guest opening. "We certainly are willing to do that."

Sprague said Patchak is referring all communication to his attorneys with Warner Norcross & Judd LLP. Patchak has also declined to speak to The Press except through an attorney.

Sprague called the suit "frivolous" on Jan. 21, and said the tribe's lawyers are conferring with the federal interior department, "and so far they haven't come up with a game plan, but they are certainly working on it."

He said the tribe doesn't know who is helping pay for Patchak's legal fight, "but we have an idea."

"That's the 64 million dollar question."

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