

Millionaire fights Mohegan Sun over gambling debt - Forbes

Written by Administrator
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HARTFORD, Conn. -- A Florida millionaire accused of walking out on a \$1.2 million gambling debt is fighting Mohegan Sun in court, arguing that the state judicial system cannot decide the case because the casino is run by a sovereign American Indian

tribe.

Jerome Powers, chief executive of the cable television network Plum TV, asked the state Appellate Court this week to throw out a lower court's ruling that would allow Mohegan Sun to seize his assets ahead of a potential final judgment against him. It's not clear when the Appellate Court will take up the case.

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Powers, 64, of Miami Beach, Fla., gambled away \$1.2 million in credit that Mohegan Sun loaned him in May 2009, according to a lawsuit the casino filed against Powers in November 2009. Court documents filed by Powers say the casino solicited him to open a line of credit and to travel to the facility in Uncasville in eastern Connecticut, where he played blackjack.

Powers wrote six checks to the casino to pay his debt, but they were not honored by his bank, court documents say. Payment was stopped on a \$465,000 check, and the others were returned because the accounts were closed, according to copies of the returned checks.

In fighting the casino's lawsuit, Powers contends that the credit agreement was an illegal gambling contract under state law and that state courts have no jurisdiction because the casino is run by the sovereign Mohegan Tribe.

Judge Trial Referee Robert Leuba at New London Superior Court rejected those arguments in his January ruling that allowed the casino to attach Powers' assets up to a total of \$1.2 million, which prompted the appeal Monday to the Appellate Court.

Leuba cited a 2009 state Supreme Court ruling that said gambling contracts are legal under

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state law when the gambling is legal, as it is in the case of the two Indian-run casinos in the state and the state lottery. The case involved an elderly woman who successfully sued her sister after her sister refused to share a \$500,000 lottery jackpot, even though they had a contract to share gambling and lottery winnings.

The judge also rejected Powers' claim that state courts don't have jurisdiction because the alleged offenses happened on sovereign tribal property, citing previous state court rulings.

Powers and his attorney, Thor Holth, did not return messages. The casino's lawyer, Andrew Houlding, declined to comment.

The Mohegan Tribe has its own court system. It's not clear why the tribe went to state court with the Powers dispute.

The casino also is trying to get Powers to disclose his assets, but he's fighting that too.

According to a November story in The Miami Herald, Powers sold the Ocean Drive magazine he founded in 1991 for more than \$33 million in late 2007. Powers told the New York Post earlier in 2007 that he and Ocean Drive Media had a five-year, \$20 million magazine deal with billionaire Donald Trump, but declined to disclose the details.

Powers later became chief executive and co-chairman of Plum TV, a lifestyle network that caters to the wealthy with shows about travel, entertainment, finance, food and other topics.

The network is on cable systems in Aspen, Vail and Telluride in Colorado, the Hamptons in New York, Martha's Vineyard and Nantucket in Massachusetts, Miami Beach, and Sun Valley, Idaho.

Earlier this month, Powers unveiled the first issue of the glossy Plum Miami magazine and told the Herald that revenue for the issue hit nearly \$500,000, surpassing the goal.

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