

Appeals court blocks Fall River's casino deal - Boston Herald

Written by Administrator
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A state appeals judge upheld an injunction that stalls the purchase of 300 acres sought by the Mashpee Wampanoag for a Fall River casino.

In his decision Tuesday, Appeals Court Justice Scott Kafker ruled that a Bristol Superior Court judge must first rule whether the 10 taxpayers who brought suit against the Fall River Redevelopment

Authority have "standing to challenge the transaction."

In November, Bristol Superior Court Judge Richard Moses imposed the injunction blocking the sale of the property.

Attorney Lesley Rich brought the suit on behalf of the taxpayers, saying that the property should have been put out to bid and because the 2002 Bioreserve Act blocks the use of the land for a casino.

The 300 acres located off Route 24 in Fall River had been set aside for a biotechnology park before Mayor Will Flanagan began negotiations with the Wampanoag. Flanagan has said the casino would bring the city, which has among the state's highest unemployment rate, a faster return on jobs.

Attorneys for Fall River argued that the Legislature would remove the restriction blocking a casino. They argued the 10 taxpayers don't have standing because such a suit is usually filed to block the spending of taxpayer money.

In this case, the city is attempting to sell land to benefit taxpayers, lawyers have argued.

In a telephone interview Tuesday afternoon, Rich said he's not worried about a lower court ultimately ruling the 10 taxpayers lack standing to sue. He said the appeal was based on a technicality that could be cleared up by adding other defendants to the suit.

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"Of course we are pleased (with the ruling), and hopefully Fall River will see that it should either continue on with the BioPark, or get the law changed prior to entering into an improper contract for the property," Rich said in an e-mail.

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