No. 11-626

In the Supreme Court of the United States

FANE LOZMAN,

Petitioner,

v.

THE CITY OF RIVIERA BEACH, FLORIDA,

Respondent.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

BRIEF OF THE AMERICAN GAMING ASSOCIATION AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER

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INTEREST OF THE *AMICUS CURIAE*[1]

The American Gaming Association (AGA) is a non-profit trade association whose members participate in the U.S. commercial gaming industry. AGA members include casino operators, manufacturers of gaming equipment, and entities providing services to the industry.

AGA members operate 61 state-licensed dockside casinos in six U.S. jurisdictions: Illinois, Indiana, Iowa, Louisiana, Mississippi, and Missouri. Those venues represent more than three-fourths of the dockside casinos in the nation. *See* Appendix A, *infra*. The majority of dockside gaming facilities are structures that previously operated as riverboats but are permanently moored to the shore and no longer travel over water. Many state licensing laws initially required that dockside casinos "cruise" on a river. By 2005, however, all six licensing states had abandoned the cruising requirement.[2] Today, most dockside casinos have been moored for many years. Some are surrounded by cofferdams and other fixed structures

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[1] The American Gaming Association hereby files this brief as *amicus curiae* in support of the Petitioner, in accordance with Rule 37.3 of the Supreme Court Rules. All parties have consented to the filing of this brief. No counsel for any party authored this brief in whole or in part, and no person or entity, other than amici curiae, their members, or their counsel, made a monetary contribution intended to fund the preparation or submission of this brief.

[2] *See* 230 Ill. Comp. Stat. Ann 10/11(1); Ind. Code §§ 4-33-6-21, -23, 4-33-9-2; 3 Iowa Code § 99f.1; La. Rev. Stat. Ann § 27:65(B)(1)(c); Miss. Code Ann. § 27-109-1(2)(c)(ii); Mo. Ann. Stat. § 313.805 (all eliminating the cruise requirement or authorizing gaming dockside or aboard permanently moored crafts or structures).

and float on water that is pumped around them; they are informally referred to as "boats in a moat."[3]

As is evident from the precedents cited in this case, legal disputes concerning dockside casinos frequently concern whether the facility should be deemed a "vessel" under federal maritime law. That determination often dictates whether state law or federal law applies to claims brought by casino employees seeking to invoke remedies under the federal Jones Act or the Longshore and Harbor Workers' Compensation Act,[4] as well as injury claims pressed by customers. By misreading this Court's ruling in *Stewart v. Dutra Construction Co.,* 543 U.S. 481 (2005), the decision below injects confusion into the law and threatens an unwarranted expansion of the meaning of vessel under federal maritime law. Accordingly, the AGA and its members have a strong interest in the clarification of that law by this Court.

SUMMARY OF ARGUMENT

In *Stewart,* this Court insisted that the decision whether a floating structure is a vessel under federal maritime law, 1 U.S.C. § 3, is a practical one. In making that decision, a court should consider the historical use of the floating structure, its current situation, and its likely use going forward. The decision below ignored most of these practical

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[3] Christopher Brinckerhoff, *Des Plaines Casino is State's Third 'Boat-in-a-Moat'*, Des Plaines (IL) Patch, Oct. 23, 2010; Jerry Garrett, *French Lick Returns to Its Sin City Roots*, N.Y. Times, March 16, 2007.

[4] The Jones Act, 46 U.S.C. §§ 30104-30106 (2006); The Longshore and Harbor Workers' Compensation Act, 33 U.S.C. §§ 901-950 (2006).

considerations, substituting in their place the largely abstract question whether a structure located on water could be towed across water. To avoid an unwarranted expansion of the definition of vessel under federal law, this Court should enforce the practical, experience-based standard it articulated in *Stewart* and in *Evansville & Bowling Green Packet Co. v. Chero Cola Bottling Co.,* 271 U.S. 19 (1926).

This conclusion is reinforced by a review of the post-*Stewart* rulings on the question whether dockside casinos are vessels for federal maritime law purposes. State and federal courts, at both the trial and appellate levels, have largely agreed that under the practical criteria announced in *Stewart*, dockside casinos that have been moored for years are not vessels even if they theoretically might navigate over water or are registered with the Coast Guard. The Eleventh Circuit ruling would undermine this consensus.

In addition, the decision below is inconsistent with the purposes of federal maritime statutes and admiralty jurisdiction, extending the legal protections in them to permanently-moored structures that do not experience the risks that justify those protections. In addition, federalism considerations – which are particularly strong in the context of the state-authorized and state-regulated gaming industry – also caution against the broad ouster of state law through an unduly expansive construction of the meaning of vessel.

ARGUMENT

I. *STEWART V. DUTRA CONSTRUCTION CO.* ANNOUNCED A PRACTICAL, EXPERIENCE-BASED DEFINITION OF "VESSEL" UNDER SECTION 3

The definition of vessel in Section 3 of the United States Code seems an unlikely source of contemporary disagreement among the courts. The provision, first enacted in 1873, has never been materially amended[5]; moreover, it applies to an activity (maritime transportation) that has seen no technological innovations of particular relevance to the definition. Cases construing the statute from a century ago address many types of floating structures and converted vessels that are still in use.[6] Nevertheless, the Eleventh Circuit's decision in this case marks a significant departure from the prevailing law as explained in *Stewart.*

The statute provides that "vessel" includes "every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water." 1 U.S.C. § 3. Neither the floating structure occupied by Mr. Lozman nor most of the dockside casinos operated by AGA members is in any sense being "used, as a means of transportation on water." *Id.* Quite simply, those structures have not moved over water in years. The question on which the court below went astray,

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[5] *See Stewart,* 543 U.S.481, 489-90 (the statute "has remained virtually unchanged from 1873 to the present").

[6] *See, e.g.*, *Cope v. Vallette Dry Dock Co.*, 119 U.S. 625, 630 (1887) (holding that a drydock was not a vessel); *The Alabama*, 19 F. 544, 546 (S.D. Ala. 1884) (dredge was a vessel); *Evansville & Bowling Green,* 271 U.S. at 22 (wharfboat not a vessel).

however, is whether the structure is "capable of being used" as a means of water transportation. *Id.*

In *Stewart*, this Court made plain that this broad statutory language should not be construed to reach every item that floats when set upon water. The Court stressed that a structure, even one that floats, is not a vessel if it has been "taken out of service, permanently anchored, or otherwise rendered practically incapable of maritime transport." 543 U.S. at 496. This caution thus excludes from vessel status those structures that may once have been vessels but have been withdrawn from navigation. *Id.*

To determine when a structure has been withdrawn from navigation, *Stewart* pointed to the importance of experience. The definition of vessel, the Court wrote, "would not sweep within its reach an array of fixed structures not commonly thought of as capable of being used for water transport." *Id.* at 494. Thus, although a plastic milk container or a plywood sheet might be "capable of being used" for transporting items over water, they are not commonly thought of in that way, are not vessels as a practical matter, and are not vessels under federal maritime law.

Stewart discussed with approval this Court's decision in *Evansville & Bowling Green*, which underscores the importance of the experience with the structure at issue. *Evansville & Bowling Green* held that a permanently-moored wharfboat was not a vessel under Section 3. 271 U.S. at 22. After decades of service as a boat, that craft sat year after

year in the Ohio River at Evansville, Indiana.[7] It was secured to the shore by four or five cables, plus utility connections for water and electricity, and no longer had an engine aboard. Shippers stored goods on the wharfboat and then transferred those goods to passing steamboats. The wharfboat was moved occasionally, the Court wrote, "to conform to the stage of the river," and was towed every winter to Green River harbor to avoid ice. *Id.* at 19-21. Holding that the wharfboat was not a vessel under federal maritime law, this Court emphasized what the wharfboat did *not* do (*id.* at 22):

> It performed no function that might not have been performed as well by an appropriate structure on the land and by a floating stage or platform permanently attached to the land. It did not encounter perils of navigation to which craft used for transportation are exposed.

Significantly, the wharfboat in *Evansville & Bowling Green* was not a vessel even though it was moved over water at least twice a year in response to river ice, and at other times to adjust to stages of the river. In those respects, the wharfboat closely resembled Mr. Lozman's floating structure and many of the dockside casinos operated by AGA members. Although the wharfboat was theoretically capable of water transportation, it very rarely was moved over water. Consequently, the Court concluded and *Stewart* affirmed, it neither practically functioned as a vessel nor was "commonly thought of as capable of being used for water transport." 543 U.S. at 494. In

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[7] The wharfboat was moored not far from where a dockside casino is now permanently moored.

contrast, the dredge at issue in *Stewart* was in use precisely because it could be moved through Boston Harbor and dredge the future path of a tunnel.

The Eleventh Circuit paid insufficient attention to these practical factors in its ruling. That court effectively reduced to one the factors it would consider in deciding whether a structure is a vessel under federal maritime law: Is the structure "practically capable of transportation over water by means of a tow"? Pet. App. 17a. If the answer to that question is "yes," the Eleventh Circuit held, the structure is a vessel. *Id.* This definitional standard risks expanding the definition of vessel beyond recognition. Virtually any item that is airtight or floats can be towed over water. Are all to be vessels under federal law?

Moreover, the Eleventh Circuit's expansive definition of vessel ignores the practical considerations this Court has previously found relevant. The court below did not consider whether the structure was "commonly thought of" as a vessel. The court also did not address whether the structure had been withdrawn from navigation, or whether the history of the structure indicated that "as a practical matter" it was not a vessel despite a "remote possibility that [it] may one day sail again." *Stewart,* 543 U.S. at 494, 496. Nor did the court concern itself with whether Mr. Lozman's residence performed a function that might equally be performed by a similar structure on land.

Instead, the court of appeals flatly rejected any consideration of the "purpose" of the owner of a structure, Pet. App. 16a, thereby excluding from its

consideration the recent and not-so-recent history of the structure. Yet that history is exactly what courts should consider in deciding whether it is a theoretical or practical possibility for a structure to serve as a vessel. *Stewart* stressed that the decision on vessel status will turn on "practical" considerations which necessarily include the current use of the structure, the previous use of the structure, and the use that reasonably may be expected going forward. 543 U.S. at 496. Those considerations, not an appellate court's guess whether a structure might successfully be towed over water, should control the application of federal maritime law. Because the Eleventh Circuit's decision excludes so many relevant factors from the determination of vessel status and departs from the standard explained in *Stewart*, it should be reversed.

II. DOCKSIDE CASINOS ARE RARELY VESSELS UNDER FEDERAL MARITIME LAW

The error of the decision below can be illustrated by reviewing the eleven federal and state rulings that have decided, since *Stewart* was announced in 2005, whether dockside casinos are vessels under federal maritime law. No court other than the Eleventh Circuit has misapplied *Stewart* by so emphasizing the bare theoretical possibility that a structure could be towed over water. In two of the eleven cases, the courts concluded that the dockside casino might be deemed a vessel, but all of the courts other than the Eleventh Circuit examined the factors set forth in *Stewart* and *Evansville & Bowling Green*, especially whether experience with the structure showed that use of the dockside casino as a

means of transportation was merely a theoretical possibility rather than a practical one.

In most of those decisions, the dockside casinos initially were constructed as watercraft; in many instances, the dockside casinos retained navigation systems and engines; some held Coast Guard certificates of inspection. Even though the structures still floated on water, almost all were found to have been withdrawn from navigation and thus to fall within *Stewart*'s teaching that "ships taken permanently out of the water *as a practical matter* do not remain vessels merely because of the remote possibility that they may one day sail again." 543 U.S. at 494 (emphasis added).

(i) *Breaux v. St. Charles Gaming Co.,* 68 So. 3d 684 (La. App. 3d Cir. 2011), *cert. denied*, 71 So. 3d 322 (2011): An intoxicated customer suffered injuries in a 4 a.m. fall on a stairway. In order to avoid Louisiana's dram shop statute, which would have denied her a cause of action, she argued that the dockside casino was a vessel and thus she could sue under federal maritime law. The state court denied that the casino was a vessel, even though the structure had a maritime crew and "the equipment necessary for navigation," stressing that it had conducted no cruises for seven years. *Id.* at 686.

(ii) *De La Rosa v. St. Charles Gaming Co.,* 474 F.3d 185 (5th Cir. 2006): The U.S. Court of Appeals for the Fifth Circuit rejected a claim by another customer who fell in the same facility, the *Crown Casino.* Emphasizing that the dockside casino had not been used as a seagoing

vessel for more than five years, the court found it was not a vessel even though "physically capable of sailing," because "[i]ts operations are entirely gaming-related, and not maritime in nature." *Id.* at 187.

(iii) *Bourgeois v. Boomtown, L.L.C.,* No. 09-C-243, 2009 WL 5909119 (La. App. 5th Cir. May, 21, 2009): This plaintiff also hoped to avoid a state dram shop statute by suing under federal law. Citing *Stewart,* the state court stressed that state law *required* that the facility be permanently docked in order to maintain its casino license. *Id.* at *2. The structure, which had not left its dock for eight years, was found not to be a vessel. *Id.*

(iv) *Wire v. Showboat Marina Casino Partnership,* No. 06C6139, 2008 WL 818310 (N.D. Ill. Mar. 20, 2008): An employee sought damages under the federal Jones Act for work-related injuries, claiming the dockside casino was a vessel. The trial court rejected the argument, noting that the riverboat had not left dockside for six years even though it still had diesel engines and propellers which were started up in foul weather to stabilize the structure. *Id.* at *7.

(v) *RDI/Caesars Riverboat Casino, Inc. v. Conder,* 896 N.E.2d 1172 (Ind. Ct. App. 2008): A table games dealer sought to sue a dockside casino under the Jones Act, claiming she suffered a heart attack following an allergic reaction to medicine that was administered to treat flea bites she suffered at work. Although the facility

was registered with and inspected by the Coast Guard, the state appeals court found that it had not left its dock for six years and could navigate only in emergency situations.[8] Accordingly, the court denied that it was a vessel under federal law. *Id.* at 1181.

(vi) *Ford v. Argosy Casino Lawrenceburg,* No. 4:04cv0017-DFH-WGH, 2008 WL 817113 (S.D. Ind. Mar. 24, 2008): A slot machine technician on the *Argosy VI* sought to recover under the federal Jones Act on a claim for work-related injuries. Although the dockside casino employed a full maritime crew and was regularly inspected by and registered with the Coast Guard, it had not left dockside for six years. Applying this Court's holding in *Stewart,* the trial court ruled that the operation of the *Argosy VI* as a vessel was not a "practical possibility" but only a theoretical one. *Id.* at *5.

(vii) *Earls v. Belterra Resort, Indiana, LLC,* 439 F. Supp. 2d 884 (S.D. Ind. 2006): Another dockside casino employee pressed an injury claim under the Jones Act, although the riverboat (the *Miss Belterra*) had not cruised for four years.

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[8] Petitioner suggests that the Eleventh Circuit's interpretation of Section 3 in this case would require direct regulation of a variety of floating structures as vessels by the Coast Guard and the Occupational Health and Safety Administration. Br. for Pet. 43-44. We are not so certain. Those agencies have their own regulatory and safety concerns in determining to inspect and register a floating structure, and those concerns are not the same as those that control vessel status under Section 3; indeed, as described in the text above, several courts have concluded that a dockside casino that was regulated by the Coast Guard was not a vessel under Section 3.

The *Miss Belterra* had a valid Coast Guard Certificate of Inspection, a full-time maritime crew of ten hands, and functioning engines and navigation system. The Coast Guard conducted propulsion tests on the engines twice a year though the structure did not leave the dock during the tests. The *Miss Belterra*, the trial court held, was not a vessel because there was "only a remote possibility it will sail again." *Id.* at 890.

(viii) *In re Silver Slipper Casino Venture LLC,* No. 07-60330, 2008 WL 276072 (5th Cir. Jan. 31, 2008): The owners of the *Silver Slipper* claimed the dockside casino was a vessel and thus they had no liability for damages caused when Hurricane Katrina tore it from its pilings, carried it several thousand feet across a highway, and smashed it into a hotel. The appeals court held that the "permanently-moored" casino was not a vessel under federal law, observing: "[T]he unfortunate fact that Hurricane Katrina blew the casino across a highway and into a hotel did not suddenly transform a non-vessel into a practically navigable watercraft." *Id.* at *2.

Two post-*Stewart* cases have found that dockside casinos were vessels, but each involved special circumstances. In *Booten v. Argosy Gaming Co.,* 848 N.E.2d 141 (Ill. App. Ct. 2006), the *Alton Belle* not only had a full maritime crew and navigational equipment, but also "left its mooring for dedrifting approximately five times per year," a process that involved spinning the boat "two or three times to dislodge any accumulated drift materials." *Id.* at

142-43. Because it thus sailed with some regularity, it was found to be a vessel. In contrast, the Eleventh Circuit's ruling in *Bd. of Comm'rs of Orleans Levee Dist. v. M/V Belle of Orleans,* applied the erroneously broad and impractical definition of vessel which also appeared in the decision below.[9] 535 F.3d 1299, 1309 (11th Cir. 2008) (citing *Stewart,* 543 U.S. at 496).

A final ruling, *Tagliere v. Harrah's Illinois Corp.,* 445 F.3d 1012 (7th Cir. 2006) (Posner, J.), was less than definitive. A customer sued for injuries suffered while playing a slot machine; she was leaning against a stool that collapsed. In a somewhat idiosyncratic analysis, the court of appeals asked whether the dockside casino should be characterized as the equivalent of "landfill" and questioned the potential impact on the claim of differing federal and state standards for damages, limitations periods, and the required duty of care. *Id.* at 1015-16. The court

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[9] In both *Belle of Orleans* and in the ruling below, the court of appeals misconstrued the decision in *Pleason v. Gulfport Shipbuilding Co.,* 221 F.2d 621 (5th Cir. 1955), which does not support either decision of the Eleventh Circuit. In *Pleason*, a vessel sank offshore Belize in 1951. After salvage, it was towed to Orange, Texas for repairs. *After* those repairs were completed, the vessel was towed on to Port Isabel, Texas. In Port Isabel, it was permanently moored for use as a shrimp processing plant. When those who performed the repairs in Orange sued to assert a maritime lien against the vessel, the courts correctly applied federal maritime law, because the lien was based on events that occurred *before* the vessel was permanently moored in Port Isabel. *Id.* at 623. That is, when the vessel was in Orange for repairs, it was still functioning as a means of water transportation. *Id.* The Eleventh Circuit has now twice relied on *Pleason* without recognizing this key fact. *Pleason* thus has no direct application to cases like this one, or to most cases concerning dockside casinos, which involve claims arising on permanently-moored facilities.

concluded that the record did not support the trial court's finding that the dockside casino, which had not left its mooring for two years, was not a vessel. *Id.* But the appellate court remanded the case and invited the casino owner to present additional evidence under a standard that does not derive from this Court's ruling in *Stewart:* Whether the dockside casino was "permanently rather than merely indefinitely moored when the accident occurred." *Id. Tagliere*'s distinction between a "permanent" mooring and an "indefinite" one seems an extremely fine one that could lead to endless wrangling in the courts. Moreover, it has no basis in the decisions of this Court.

This survey of post-*Stewart* rulings by federal and state courts indicates that a general consensus has formed on whether dockside casinos are vessels under federal law. If those structures have been withdrawn from navigation so that they lose their maritime purpose and character, they are no longer vessels in the practical sense articulated by *Stewart.* The ruling below, if allowed to stand, would undermine that consensus and this Court's ruling in *Stewart.*

III. THE DECISION BELOW IS CONTRARY TO THE POLICIES OF FEDERAL MARITIME LAW AND THE INTERESTS OF FEDERALISM

A principal purpose of federal maritime law is to support and facilitate marine commerce. *See Sisson v. Ruby*, 497 U.S. 358, 364 n.2 (1990). To that end, Congress enacted both the Jones Act and the Longshore and Harbor Workers' Compensation Act to provide more effective and predictable legal

remedies for seamen and harbor workers than were otherwise available. *See Chandris, Inc. v. Latsis*, 515 US 347, 354-56 (1995). Congress acted to protect those workers because of "the special hazards and disadvantages to which they who go down to sea in ships are subjected." *McDermott Int'l v. Wilander,* 498 U.S. 337, 354 (1991). These are not risks confronted, however, by those who go down to the permanently-moored dockside casino to deal blackjack or repair slot machines. In deciding whether a dockside casino was a vessel, none of the post-*Stewart* decisions involved an injury caused by the dangers of the briny deep: wind, weather, tides, or remoteness from land. Two concerned hurricane damage of a sort faced by all waterfront structures, while the rest involved decidedly terrestrial risks such as fleas, inebriation, and defective furniture.

The Eleventh Circuit decision in this case, if endorsed by this Court, could substantially transform the legal environment in which dockside casinos operate, subjecting them to federal maritime remedies for events which have no maritime character and should not be subject to admiralty jurisdiction. That result would not only distort the policies that animate federal maritime law, but also would inappropriately extend that law over disputes that are adequately addressed by state negligence and liability law. This federalism concern has particular resonance when dealing with the commercial casino industry, which is almost entirely a creature of state law.

For many decades, state and local governments have exercised nearly exclusive control over legalized gambling in their communities. Individual states

can legalize commercial gambling in those venues, and on those terms, that are consistent with the attitudes and preferences of the community. Only six states, for example, have chosen to authorize dockside casinos, and they have created extensive regulatory structures to ensure that casinos are operated fairly. This Court should be wary of any step that might weaken the traditional role of the states in licensing, regulating, and supervising the gaming business.

CONCLUSION

For the foregoing reasons, the decision of the court of appeals should be reversed.

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May 2012

APPENDIX A

A Survey of Dockside Casinos in the U.S.

ILLINOIS

Riverboat Name	Parent Company	Location
Harrah's Metropolis Casino	Caesars Ent.	Metropolis, IL
Casino Queen	Casino Queen, Inc.	East St. Louis, IL
Alton Belle Casino	Penn National Gaming Inc.	Alton, IL
Jumer's Casino	Delaware North Companies	Rock Island, IL
Par-A-Dice Casino	Boyd Gaming Co.	East Peoria, IL
Hollywood Casino Joliet	Penn National Gaming Inc.	Joliet, IL
Harrah's Joliet Casino	Caesars Ent.	Joliet, IL
Hollywood Casino Aurora	Penn National Gaming	Aurora, IL
Grand Victoria Casino	Hyatt	Elgin, IL
Rivers Casino	Midwest Gaming and Entertainment	Des Plaines, IL

INDIANA

Riverboat Name	Parent Company	Location
Ameristar Casino	Ameristar	East Chicago, IN
Belterra Casino	Pinnacle Entertainment	Belterra, IN
Blue Chip Casino	Boyd Gaming Corp.	Michigan City, IN
Casino Aztar	Tropicana Entertainment	Evansville, IN
Grand Victoria Casino	Hyatt	Rising Sun, IN
Hollywood Casino	Penn National Gaming	Lawrenceburg, IN
Horseshoe Casino Hammond	Caesars Ent.	Hammond, IN
Horseshoe Southern Indiana	Caesars Ent.	Elizabeth, IN
Majestic Star Casino I	Majestic Star Casino, LLC	Gary, IN
Majestic Star Casino II	Majestic Star Casino, LLC	Gary, IN

IOWA

Riverboat Name	Parent Company	Location
Argosy Casino	Penn National	Sioux City, IA
Harrah's Council Bluffs	Caesars Entertainment	Council Bluffs, IA

Ameristar Casino Hotel Council Bluffs	Ameristar	Council Bluffs, IA
Lakeside Hotel Casino	Affinity Gaming	Osceola, IA
Rhythm City Casino	Isle of Capri	Davenport, IA
Isle of Capri Bettendorf	Isle of Capri	Bettendorf, IA
Lady Luck Casino	Isle of Capri	Marquette, IA

LOUISIANA

Riverboat Name	Parent Company	Location
Diamond Jacks	Legends Gaming	Bossier City, LA
Sam's Town	Boyd Gaming	Shreveport, LA
Horseshoe	Horseshoe Entertainment	Bossier City, LA
Boomtown Casino (Westbank)	Pinnacle Entertainment	Harvey, LA
Belle of Baton Rouge	Tropicana Entertainment	Baton Rouge, LA
Treasure Chest	Boyd Gaming	Kenner, LA
Hollywood Casino	Penn National	Baton Rouge, LA
Amelia Belle	Amelia Belle	Amelia, LA

Isle of Capri (St. Charles)	Isle of Capri Casinos	Westlake, LA
Isle of Capri (Grand Palais)	Isle of Capri Casinos	Westlake, LA
Boomtown Casino (Bossier)	Pinnacle Entertainment	Bossier City, LA
El Dorado Resort	Eldorado	Shreveport, LA
L'Auberge du Lac	Pinnacle Entertainment	Lake Charles, LA

MISSISSIPPI

Riverboat Name	**Parent Company**	**Location**
Ameristar Casino	Ameristar Casinos	Vicksburg, MS
Bally's Saloon	Park Place Ent.	Robinsville, MS
Bayou Caddy Jubilee Casino	Bayou Caddy Casino	Greenville, MS
Beau Rivage Resort	MGM Mirage	Biloxi, MS
Boomtown Casino Biloxi	Penn National Gaming, Inc.	Biloxi, MS
Casino Magic Bay St. Louis	Penn National Gaming, Inc.	Bay St. Louis, MS
Casino Magic Biloxi	Pinnacle Entertainment, Inc.	Biloxi, MS
Copa Casino	*Privately Held*	Gulfport, MS
Fitzgeralds Casino	Majestic Star Casino, LLC	Robinsville, MS

Gold Strike Casino Resort	Mandalay Resort Group	Robinsville, MS
Grand Casino Tunica	Park Place Ent.	Robinsville, MS
Grand Casino Biloxi	Park Place Ent.	Biloxi, MS
Grand Casino Gulfport	Park Place Ent.	Gulfport, MS
Harrah's Tunica Casino	Harrah's Ent.	Robinsville, MS
Harrah's Vicksburg	Harrah's Ent.	Vicksburg, MS
Hollywood Casino Resort	Hollywood Casino Corp.	Robinsville, MS
Horseshoe Casino	Horseshoe Gaming Co.	Robinsville, MS
Imperial Palace	Imperial Palace	Biloxi, MS
Isle of Capri Casino	Isle of Capri	Biloxi, MS
Isle of Capri Casino	Isle of Capri	Vicksburg, MS
Isle of Capri Casino	Isle of Capri	Lula, MS
Isle of Capri Casino	Isle of Capri	Natchez, MS
Lighthouse Point Casino	*Privately Held*	Greenville, MS
The New Palace Casino	*Privately Held*	Biloxi, MS
President Casino	President Casinos Inc	Biloxi, MS
Rainbow Casino	Alliance Gaming Co.	Vicksburg, MS

Sam's Town Hotel	Boyd Gaming Corp.	Robinsville, MS
Sheraton Casino	Park Place Ent.	Robinsville, MS
Treasure Bay	*Privately Held*	Biloxi, MS

MISSOURI

Riverboat Name	**Parent Company**	**Location**
Ameristar-St. Charles	Ameristar	St. Charles, MO
Ameristar-Kansas City	Ameristar	Kansas City, MO
Argosy Casino	Penn National	Riverside, MO
Harrah's Casino-Kansas City	Caesars	North Kansas City, MO
Harrah's Casino-St. Louis	Caesars	Maryland Heights, MO
Isle of Capri-Boonville	Isle of Capri	Boonville, MO
Isle of Capri-Kansas City	Isle of Capri	Kansas City, MO
Lady Luck Casino	Isle of Capri	Caruthersville, MO
Lumiere Place	Pinnacle	St. Louis, MO
River City Casino	Pinnacle	St. Louis, MO
Terribles Casino-LaGrange	Affinity Gaming	La Grange, MO
Terribles Casino-St. Joseph	Affinity Gaming	St. Joseph, MO