STATE OF MICHIGAN

COURT OF CLAIMS

SHALESH BERI,

Plaintiff,

v

MICHIGAN GAMING CONTROL BOARD,

Defendant.
_____/

OPINION AND ORDER

Case No. 25-000117-MM

Hon. Sima G. Patel

OPINION AND ORDER DENYING PLAINTIFF'S AUGUST 1, 2025 MOTION FOR A PRELIMINARY INJUNCTION

Plaintiff voluntarily enrolled in the Disassociated Persons List (DPL) under MCL 432.225 and Responsible Gaming Database (RGD) under MCL 432.312(5) and MCL 432.412(5) in December 2024. Individuals on the DPL and RGD are prohibited from in-person and on-line casino gaming and internet and sports betting in Michigan. MCL 432.225(9) prohibits a casino licensee from "market[ing] its services, or send[ing] advertisements to, or otherwise solicit[ing] the patronage in the casino of" those individuals on the DPL, and therefore also on the RGD. Plaintiff claims that BetMGM has continued to send him marketing materials and that defendant has not adequately enforced the statute against it. As a result, plaintiff submitted a letter to defendant, Michigan Gaming Control Board (MGCB), demanding to be removed from the DPL and RGD. Defendant denied the request because the statute requires a person on the DPL to wait at least five years before requesting removal, plaintiff selected to remain on the RGD for five years, and plaintiff failed to fill out the necessary form to request removal of his name from the DPL.

Plaintiff filed suit, seeking an order compelling defendant to remove his name from the DPL and RGD. He now seeks a preliminary injunction for the removal of his name from the list and database pending a final resolution in this case. For the reasons stated in this opinion and order, the Court DENIES plaintiff's motion for a preliminary injunction.[1]

A party seeking a preliminary injunction bears the burden of demonstrating entitlement to relief based on the following factors:

> (1) the likelihood that the party seeking the injunction will prevail on the merits, (2) the danger that the party seeking the injunction will suffer irreparable harm if the injunction is not issued, (3) the risk that the party seeking the injunction would be harmed more by the absence of an injunction than the opposing party would be by the granting of the relief, and (4) the harm to the public interest if the injunction is issued. [*Davis v Detroit Fin Review Team*, 296 Mich App 568, 613; 821 NW2d 896 (2012) (cleaned up).]

This type of relief is "an extraordinary and drastic use of judicial power that should be employed sparingly and only with full conviction of its urgent necessity." *Id*. (cleaned up).

Plaintiff has not met his burden of demonstrating an entitlement to a preliminary injunction. First, plaintiff has not demonstrated that he will likely succeed on the merits in this suit. The evidence presented does not support that defendant improperly placed plaintiff's name on the DPL or RGD or improperly refused to remove it.

Plaintiff begins by asserting that defendant improperly placed his name on the DPL and RGD when he did not "complete" the application, i.e. he left certain fields on the application blank. Subsections (3) and (4) of MCL 432.225 govern the application process:

[1] MCR 3.310(A)(1) requires a hearing before a preliminary injunction is granted. As the Court is denying the motion, a hearing is not required under the court rule.

(3) The [MGCB] shall create and make available form applications for placement on the [DPL]. The forms must have spaces to include all of the following information about the individual who is applying:

(a) Full name and all aliases.

(b) Physical description including height, weight, hair and eye color, skin color, and any other noticeable physical characteristics.

(c) Occupation.

(d) Current home and work addresses and phone numbers.

(e) Social Security number.

(f) Date of birth.

(g) A statement that the individual believes he or she is a problem gambler and is seeking treatment.

(h) A photograph suitable for the [MGCB] and casino licensees to use to identify the individual.

(i) Other information that the board considers necessary.

(4) An individual's name must be placed on the [DPL] after all of the following have occurred:

(a) The individual has submitted a completed application to be placed on the [DPL] to the [MGCB].

(b) The application has been verified by a representative of the [MGCB].

(c) The individual has signed an affidavit in which he or she affirms that he or she wishes to be placed on the [DPL] and authorizing the [MGCB] to release the contents of his or her application to all casino licensees in this state.

(d) The individual signs a form releasing this state, the [MGCB], and the casino licensees from any injury the individual suffers as a consequence of placing his or her name on the [DPL].

(e) The individual signs a form stating that he or she understands and authorizes all of the following:

(*i*) That a criminal complaint for trespassing will be filed against him or her if he or she is found on the premises of a casino in this state and he or she will be immediately removed from the casino premises.

(*ii*) That if he or she enters a casino and wins any money, the [MGCB] will confiscate the winnings.

MCL 432.225(5) states that "[e]xcept as otherwise provided in this subsection, the name of an individual placed on the [DPL] must remain on the list for the remainder of the individual's life." The statute does permit removal from the list, but only under certain conditions: "Not earlier than 5 years after an individual's name has been placed on the [DPL], the individual may submit a form, provided by the [MGCB], to the [MGCB] to have the individual's name removed from the [DPL]." *Id*.

MCL 432.312(5) and MCL 432.412(5) provide that an individual may voluntarily enroll in the RGD to prohibit him or herself from establishing on-line gaming or betting accounts. The administrative rules allow an individual to elect to have his or her name added to the RGD for either one or five years. See Mich Admin Code, R 432.672(1); Mich Admin Code, R 432.772(1). Plaintiff chose a five-year enrollment.

Plaintiff contends that he was subjected to a video interview despite that this was not required by the statutes. He also contends that he did not complete the application to be placed on the DPL because he did not identify his skin color, occupation, or work address and phone number. The Court fails to discern how the additional video interview to clarify information would render an application incomplete. Moreover, a video interview would assist defendant in ensuring "[t]he application has been verified by a representative of the [MGCB]." MCL 432.255(4)(b). Contrary to plaintiff's assertion, his skin color is documented on the application; he selected the option for "Asian/Pacific Islander." Plaintiff did leave the spaces regarding his occupation blank. However, nothing in the statutes requires defendant to deny an application with missing information. Further, it is possible that defendant gleaned this information during the video interview. Most

importantly, plaintiff signed an affidavit requesting to be placed on the DPL, acknowledging he had a gambling problem and authorizing the MGCB to release the contents of his application to all casino licensees in this state.

And plaintiff failed to demonstrate that defendant violated any statute in denying his request to be removed from the DPL and RGD. The RGD rules and application permit the individual to select whether to remain on the RGD for one or five years. Plaintiff voluntarily chose to be listed on the database for five years. Defendant provides a DPL request for removal form, but plaintiff failed to submit this form. In any event, MCL 432.225(5) clearly states that an individual's name "must" remain on the DPL for five years. There is no statutory mechanism for removing one's name sooner.

Plaintiff also has not demonstrated that he was in danger of suffering irreparable harm if his name is not removed from the DPL and RGD during this suit. Plaintiff's main complaint is that BetMGM has continued to send him marketing and solicitation e-mails. Removal from the list would only increase these messages from other casino licensees. Removal from the DPL and RGD will in no way alleviate the harm to plaintiff.

As plaintiff has not supported the first two elements to justify the issuance of a preliminary injunction, the Court need not balance the interests of the parties and society under the third and fourth factors. Plaintiff is not entitled to preliminary relief.

Accordingly,

1. The Court DENIES plaintiff's motion for a preliminary injunction.

2. Pursuant to the proposed stipulated order presented by the parties on July 24, 2025, defendant is directed to respond to plaintiff's complaint no later than September 7, 2025.

3. This is not a final order resolving all issues in this matter.

IT IS ORDERED.

Date: August 18, 2025

Sima G. Patel
Judge, Court of Claims