STATE OF MICHIGAN

COURT OF CLAIMS

SHALESH BERI,

Plaintiff,

v Case No. 25-000117-MM

MICHIGAN GAMING CONTROL BOARD, Hon. Sima G. Patel

Defendant.
_____ /

OPINION AND ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY DISPOSITION, DENYING PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION, AND RESOLVING OTHER MOTIONS AS STATED HEREIN

Pending before the Court are defendant's August 20, 2026 motion for summary disposition of plaintiff's third amended complaint and plaintiff's August 24, 2026 renewed emergency motion for a preliminary injunction, as well as plaintiff's August 20, 2026 motion to strike defendant's motion for summary disposition, August 21, 2026 motion for a limited preservation order, and September 8, 2026 motion to file a reply in support of his motion for a preliminary injunction.

The Court DENIES plaintiff's August 20, 2026 motion to strike defendant's motion for summary disposition as defendant immediately corrected its filing error.

The Court STRIKES plaintiff's September 3, 2026 reply in support of his motion for a limited preservation order because it was filed without leave of the Court in contravention of MCR 2.119(A)(2)(b).

The Court DENIES plaintiff's September 8, 2026 motion to file a reply in support of his motion for a preliminary injunction.

The Court DENIES plaintiff's August 24, 2026 renewed emergency motion for a preliminary injunction.

The Court GRANTS defendant's August 20, 2026 motion for summary disposition and DISMISSES plaintiff's complaint in its entirety and with prejudice.[1]

The Court DENIES plaintiff's August 21, 2026 motion for a limited preservation order because the dismissal of this action has rendered that motion moot.

I. BACKGROUND

As described in this Court's August 25, 2025 Opinion and Order denying plaintiff's motion for a preliminary injunction and June 17, 2026 Opinion and Order granting defendant's motion for summary disposition, 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 gambling and internet and sports betting in Michigan.

Plaintiff previously sought to have his name removed from the DPL and RGD because he continued to receive promotional materials from BetMGM and he believed defendant was not honoring its enforcement duties. Plaintiff argued that defendant could not place him on the DPL and RGD because he had omitted certain statutorily required information in his application. The Court granted defendant's motion for summary disposition because the plain language of the relevant statutes gave defendant no authority to remove plaintiff's name before the expiration of

[1] Plaintiff contends that this Court must offer yet another opportunity to amend his complaint under MCR 2.116(I)(5). The right to file an amended complaint is limited under the court rule when "the evidence then before the court shows that amendment would not be justified." Plaintiff had ample opportunity to amend his complaint; he has filed four versions of his complaint that were accepted by the Court. Plaintiff has yet to state a legally viable claim, and no factual evidence can alter the applicable law. Accordingly, the Court dismisses this action with prejudice.

the mandatory five-year registration period that he selected under Mich Admin Code, R 432.672(1); Mich Admin Code, R 432.772(1).

Prior to the Court granting defendant's motion for summary disposition, plaintiff had improperly filed an amended complaint and various supplemental pleadings. The Court struck those pleadings. The Court granted plaintiff the opportunity to file an amended complaint and, based on the contents of the pleadings that were struck from the record, the Court anticipated that plaintiff would seek to compel defendant to investigate BetMGM and hold it accountable for the promotional materials plaintiff continued to receive. At some point during these proceedings, however, defendant did just that and plaintiff concedes that he no longer receives promotional materials from BetMGM.

In his third amended complaint, filed after this Court granted defendant's motion for summary disposition of the second amended complaint, plaintiff again seeks to be removed from the DPL and RGD. Plaintiff initially cites a new ground for his removal: he is not permitted to attend tradeshows and other work-related events on casino resort properties (not on the casino floor) owned by Caesars Entertainment. Plaintiff does not contend that he was barred from any casino resort facility under defendant's control in Michigan. Instead, he claims that a Caesars' property in Las Vegas prevented his entry for a tradeshow based on his state DPL and RGD enrollment. Plaintiff insists that he made clear during his video-recorded interview that he needed to attend such tradeshows, many of which take place on casino resort properties, and that no one advised him that this may not be possible. He has moved to preserve the video-recorded interview for evidentiary use in this proceeding to prove this point.

In Count I of his third amended complaint, plaintiff seeks a declaratory judgment regarding the scope of defendant's authority to administer the DPL and RGD, the proper interpretation of the relevant statutes, and whether defendant has "any statutory, implied, or equitable authority to consider Plaintiff's request for prospective relief," i.e. to be removed from the DPL and RGD. In Count II, plaintiff alleges that defendant violated his right to due process of law through its interpretation of the relevant statutes as precluding the removal of plaintiff's name from the DPL and RGD. In Count III, plaintiff contends that the statutory provisions through which an individual may voluntarily be enrolled in the DPL and RGD for a mandatory five-year period and precluding defendant from removing an individual from the list within that five-year period are unconstitutional. Specifically, plaintiff contends that absent an administrative mechanism for review, the statutes prevent the operation of due process of law.

In his renewed emergency motion for a preliminary injunction, plaintiff contends that his status on the DPL and RGD has triggered "property-wide corporate exclusion that prevents him from performing recurring professional duties at trade shows and conferences." He seeks a decision by September 18, 2026, to allow him time to register for a particular tradeshow at Caesars Palace in Las Vegas. Plaintiff attaches to his motion screen shots from the Caesars Entertainment website describing Caesars' policy of excluding "at all Caesar properties" and "from all parts of a facility," including those areas not related to gambling, individuals "participating in a state sponsored exclusion program," such as the DPL and RGD.

III. ANALYSIS

Defendant seeks summary disposition under MCR 2.116(C)(8).

> A motion under MCR 2.116(C)(8) tests the *legal sufficiency* of a claim based on the factual allegations in the complaint. When considering such a motion, a trial court must accept all factual allegations as true, deciding the motion on the pleadings alone. A motion under MCR 2.116(C)(8) may only be granted when a claim is so clearly unenforceable that no factual development could possibly justify recovery. [*El-Khalil v Oakwood v Oakwood Healthcare, Inc*, 504 Mich 152, 159-160; 934 NW2d 665 (2019) (cleaned up).]

As this Court explained in its prior Opinions and Orders, regardless of the reason plaintiff seeks removal from the DPL and RGD, defendant does not have the statutory authority to do so. 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 [defendant], to [defendant] to have the individual's name removed from the [DPL]." *Id*. Plaintiff chose to enroll in the DPL knowing that his name would remain on the list for the remainder of his life and that he could not request removal for five years.

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 has not demonstrated that defendant violated any statute in denying his request to be removed from the DPL and RGD or in refusing to consider removing his name before the expiration of the five-year period. 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 RGD for five years. And MCL 432.225(5) clearly states that an individual's name will remain on

the DPL for the individual's lifetime and that the individual may not petition for removal earlier than after five years. There is no statutory mechanism for removing one's name sooner.

Accordingly, for these reasons that were already communicated to the parties in the Court's prior Opinions and Orders, the Court cannot enter a declaratory judgment seeking the relief sought by plaintiff. Defendant did not misinterpret the statutes that govern DPL and RGD enrollment and correctly determined that it had no authority to prematurely remove plaintiff's name from the lists. Moreover, nothing in Michigan law prevents plaintiff from visiting areas on a casino resort property other than areas dedicated to gambling. Defendant has no authority to prevent private companies operating across state lines from imposing such limitations in their corporate policies.

Plaintiff also contends, however, that the statutes governing the DPL and RGD are unconstitutional to the extent there is no administrative mechanism for review of an early withdrawal from the exclusion program.[2] Plaintiff has provided no legal support for his position. In response to defendant's motion for summary disposition, plaintiff contends, without reliance on legal authorities, that by declining to conduct an individualized review of plaintiff's situation, defendant has interfered with plaintiff's protected property interest of engaging in his profession. As aptly argued by defendant, the act that interfered with plaintiff's property interest is a private third-party's company policy. Nothing in the Michigan statutes precludes a person on the DPL or RGD from entering a casino resort property and accessing areas where gambling does not occur. Rather, pursuant to the relevant statutes, plaintiff voluntarily applied to be placed on the DPL and

[2] As pointed out by defendant, plaintiff's Counts II and III are essentially the same constitutional challenge stated in slightly different terms. Although plaintiff correctly posits that "[a]lternative pleading is permitted," his claims are not truly "alternative."

RGD, participated in an interview process, and received information about the state-controlled consequences of his decision. Plaintiff has not stated a legally viable claim that state action deprived him of constitutionally protected rights or interests.

Accordingly, as stated above:

The Court DENIES plaintiff's August 20, 2026 motion to strike defendant's motion for summary disposition as defendant immediately corrected its filing error.

The Court STRIKES plaintiff's September 3, 2026 reply in support of his motion for a limited preservation order because it was filed without leave of the Court in contravention of MCR 2.119(A)(2)(b).

The Court DENIES plaintiff's September 8, 2026 motion to file a reply in support of his motion for a preliminary injunction.

The Court DENIES plaintiff's August 24, 2026 renewed emergency motion for a preliminary injunction.

The Court GRANTS defendant's August 20, 2026 motion for summary disposition and DISMISSES plaintiff's complaint in its entirety and with prejudice.

The Court DENIES plaintiff's August 21, 2026 motion for a limited preservation order because the dismissal of this action has rendered that motion moot.

This is a final order resolving all issues in this matter.

Date: September 14, 2026

Sima G. Patel
Judge, Court of Claims