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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

DAWN BLOCK

CIV 16 - 1054

Plaintiff,

vs.

COMPLAINT

DAKOTA NATION GAMING
COMMISSION, AND DAKOTA SIOUX
CASINO AND HOTEL

Defendants,

The Plaintiff, Dawn (BLOCK) as and for his Complaint against the Defendants above-named and hereby alleges as follows:

GENERAL FACTUAL ALLEGATIONS

1. Dawn Block (hereinafter BLOCK) is a resident of Day County, South Dakota, residing at PO Box 6, Waubay,
2. Dakota Sioux Casino and Hotel is an enterprise of the Sisseton Wahpeton Oyate with its principal place of business located at 16415 Sioux Conifer Road.
3. Defendant Dakota Nation Gaming Enterprises (DAKOTA NATION is owners of Dakota Sioux Casino and Hotel and is located in Sisseton, South Dakota with a business address of 45654 Willard LaFramboise, Sisseton, South Dakota 57262.
4. Dakota Sioux Casino and Hotel (DAKOTA SIOUX) is a gaming casino located at 16415 Sioux Conifer Road, Watertown, South Dakota 57201.
5. This Court has jurisdiction pursuant to the pursuant to the Privacy Act of 1974, 5 U.S.C §552 a (b).
6. The Plaintiff has been a customer of Dakota Sioux Casino and Hotel over the past several years.

6. Defendant, DAKOTA NATION has provided gaming services since approximately 1985 to the public. DAKOTA NATION has several casinos operating in North and South Dakota.

7. Defendant, DAKOTA SIOUX is one gaming location that provides gaming opportunities to the public.

COUNT I.

BREACH OF CONFIDENTIALITY

8. BLOCK re-alleges Paragraphs 1 through 7 above as though fully set forth herein.

9. Under federal regulations, each customer of a casino must provide his or her social security number to the DAKOTA SIOUX in order for the casino to report winnings to the Internal Revenue Service.

10. BLOCK as a customer provided the casino with her social security number, address and other confidential information to meet the requirements for the casino to report winnings to the Internal Revenue Service.

11. On or about May 23, 2014, BLOCK was made aware of a violation concerning the release of her gaming records including her social security number, and winnings and losses reports were released by DAKOTA SIOUX to members of a division of the Dakota Sioux Tribal Nation for the purposes of defamation.

12. The records released were copies of BLOCK'S gaming records for approximately 3 years and these records were copied and disbursed to each member of the board.

13. DAKOTA SIOUX has an obligation under Federal Law and Gaming Laws to maintain records in confidence and release information only to the Internal Revenue Service for the purposes of taxing winnings.

14. DAKOTA SIOUX did not have the express or implied consent of BLOCK to release these records.

15. BLOCK was not notified that these records would be released to anyone except for the purpose of reports to the Internal Revenue Service regarding winnings.

16. BLOCK has obtained copies of the report released for purposes other than reporting winnings to the Internal Revenue Service.

17. BLOCK was damaged as the information was apparently used to falsely obtain credit and apply for credit in BLOCK's name, all to BLOCK's detriment.

COUNT II

PRIVACY ACT OF 1974

18. BLOCK re-alleges Paragraphs 1 through 15 above as though fully set forth herein.
19. Under 5 U.S.C. § 552a(b), no agency shall disclose any record which is contained in a system of records by any means of communication to any person or to another agency, except pursuant to a written request by, or with the prior written consent of the individual to whom the record pertains.
20. DAKOTA SIOUX had no written consent to release any gaming records regarding BLOCK to any person signed by BLOCK.
21. BLOCK's gaming records containing her Social Security number and other confidential information were released and disbursed without any consent of BLOCK.
22. BLOCK was not informed in writing that her records were printed and disbursed from DAKOTA SIOUX for any reason stated in the privacy act.
23. DAKOTA SIOUX remittance of this information was not to any federal agency as allowed under the exceptions of the 1974 Privacy Act.
24. DAKOTA SIOUX has refused all requests for the name of individuals who obtained these records from the database and who authorized the disbursement of these records to any individual.
25. DAKOTA SIOUX has failed to protect private information such as the Social Security numbers of customers in their databanks.
26. BLOCK has never given any written consent to any agent of DAKOTA SIOUX authorizing the release of records to any individual or agent.
27. BLOCK had no purpose or business connections with the members of the a division of DAKOTA SOIUX who each received copies of the gaming records.
28. DAKOTA SIOUX has not provided any explanation or accounting of how many copies were released of BLOCK'S gaming records.

29. DAKOTA SIOUX has not provided BLOCK with any personnel that may have authorized the release of records.

30. DAKOTA SIOUX has failed to provide copies of any and all security tapes of the time in which the gaming records were obtained and who authorized the print out of records.

COUNT III

DEFAMATION

31. BLOCK re-alleges Paragraphs 1 through 30 above as though fully set forth herein.

32. BLOCK has suffered damages by the use of her social security number being used to obtain credit from companies that she has never done business with.

33. BLOCK has had identity theft issues since the release of the gaming report to the public via a printout of gaming reports copied and disbursed to tribal members.

34. The records obtained from DAKOTA SIOUX and disbursed were done to create humiliation and defamation of BLOCK'S reputation and character.

35. DAKOTA SIOUX released private gaming records for the sole purposes of harm to BLOCK's character and reputation.

WHEREFORE, Plaintiff, Dawn Block, prays for Judgment as follows:

1. For Judgment in favor of Plaintiff, Dawn Seaboy Block and against DAKOTA NATION and DAKOTA SIOUX granting the Plaintiff damages for the release of confidential information.

2. For Judgment in favor of Plaintiff and against the Defendants, for the costs incurred to correct the identify issues suffered to date and in the future.

3. For Judgment in favor of Plaintiff and against Defendant for prejudgment interest.

3. For Judgment in favor of Plaintiff and against Defendant for Plaintiff's costs

