

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 v. )  
 )  
 RETSEL CORPORATION, d/b/a )  
 GRAND GATEWAY HOTEL and d/b/a )  
 CHEERS SPORTS LOUNGE AND )  
 CASINO, )  
 CONNIE UHRE, and )  
 NICHOLAS UHRE, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

CIVIL ACTION NO. 5:22-CV-5086

**COMPLAINT**

The United States of America, through its attorneys, brings this action against Retsel Corporation, d/b/a Grand Gateway Hotel and d/b/a Cheers Sports Lounge and Casino, Connie Uhre, and Nicholas Uhre, alleging as follows:

1. This action is brought by the Attorney General on behalf of the United States to enforce Title II of the Civil Rights Act of 1964 (“Title II”), 42 U.S.C. §§ 2000a, *et seq.*
2. This action seeks to enjoin the Defendants from implementing racially discriminatory policies and practices against Native American customers at a hotel and sports bar they operate in Rapid City, South Dakota, named the “Grand Gateway Hotel” and “Cheers Sports Lounge and Casino.”

### **Jurisdiction and Venue**

3. This Court has jurisdiction over this action pursuant to 42 U.S.C. § 2000a-5(a) and 28 U.S.C. §§ 1331 and 1345.

4. Venue is proper under 28 U.S.C. § 1391 because a substantial part of the events giving rise to the claims alleged herein arose in this District of South Dakota and Defendants do business, reside in, or are otherwise located in this judicial district.

### **Defendants**

5. Defendant Retsel Corporation is a South Dakota corporation. It owns and operates a hotel in Rapid City, South Dakota, called the “Grand Gateway Hotel.” The Retsel Corporation’s address is the same as the Grand Gateway Hotel, which is 1721 N. LaCrosse Street, Rapid City, South Dakota 57701.

6. Defendant Retsel Corporation also owns and operates a sports bar called the “Cheers Sports Lounge and Casino.” The Cheers Sports Lounge and Casino is located within the Grand Gateway Hotel.

7. Defendant Connie Uhre is an individual residing in Rapid City, South Dakota.

8. Defendant Connie Uhre is President and a director of the Retsel Corporation.

9. Defendant Connie Uhre is an agent and representative of the Retsel Corporation.

10. Defendant Nicholas Uhre is an individual residing in Rapid City, South Dakota.

11. Defendant Nicholas Uhre is a manager of the Grand Gateway Hotel and the Cheers Sports Lounge and Casino.

12. Defendant Nicholas Uhre is Vice President of Finance and a director of the Retsel Corporation.

13. Defendant Nicholas Uhre is an agent and representative of the Retsel Corporation.

14. Defendant Retsel Corporation, through its businesses, the Grand Gateway Hotel and Cheers Sports Lounge and Casino, is responsible for the actions of the agents, employees, owners, managers, directors, and officers of the corporation.

**Defendants' Hotel and Sports Bar**

15. The Grand Gateway Hotel is a hotel that charges fees for lodging to transient guests and customers, including out-of-state travelers.

16. The Cheers Sports Lounge and Casino is a sports bar that sells alcohol for consumption on the premises to guests and customers, including out-of-state travelers.

17. The Cheers Sports Lounge and Casino provides entertainment to guests and customers, including out-of-state travelers, through the provision of several TV screens that show sporting events, video lottery machines, and a karaoke microphone.

18. The Grand Gateway Hotel and Cheers Sports Lounge and Casino are business establishments open to the public and provide services as public accommodations.

19. A substantial portion of the activities, operations, and materials of the Grand Gateway Hotel and Cheers Sports Lounge and Casino move in interstate commerce.

20. The establishment known as the Grand Gateway Hotel is a “place of public accommodation” within the meaning of 42 U.S.C. §§ 2000a(b)(1), and “affect[s] commerce” within the meaning of 42 U.S.C. §§ 2000a(c).

21. The establishment known as the Cheers Sports Lounge and Casino is a “place of public accommodation” within the meaning of 42 U.S.C. §§ 2000a(b)(3) and (4), and “affect[s] commerce” within the meaning of 42 U.S.C. § 2000a(c).

**Facts Related to Defendants' Unlawful Practices in Violation of Title II**

22. Since at least March 20, 2022, to the present, the Defendants, through their own actions or the actions of their officers, employees, directors, and agents, have implemented policies and practices that deny Native American patrons, on account of their race, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of the establishments known as the Grand Gateway Hotel and Cheers Sports Lounge and Casino. These policies and practices discourage and/or deny Native American customers admission to these establishments while offering admission to similarly-situated white patrons.

23. Defendants Connie Uhre and Nicholas Uhre are responsible for devising, implementing, and instructing employees and agents to carry out the racially discriminatory policies and practices described above at the establishments known as the Grand Gateway Hotel and Cheers Sports Lounge and Casino.

24. On or around March 20, 2022, on an email chain initiated by Defendant Nicholas Uhre to hotel managers and owners in Rapid City, Defendant Connie Uhre sent a reply that stated: "I really do not want to allow Natives on property. Every time we have problems I call the police with it, the first thing they ask is what nationality is he or she and 98% of the time I have to say native[sic], and we call at least once a week. they [sic] kill each other walk around with guns... The problem is we do not know the nice ones from the bad natives...so we just have to say no to them!!" Nicholas Uhre did not disavow or otherwise disagree with Ms. Uhre's statement in this email chain he initiated.

25. On or around March 20, 2022, Defendant Connie Uhre posted the following statement in a comment thread from her Facebook account:



**Connie Uhre**

Do to the killing that took place at the Grand Gateway Hotel on March 19 2022 at 4 am plus all the vandalism we have had since the Mayor and Police Department are working with the non profit organization ( Dark Money) . We will no long allow any Native American on property. Or in Cheers Sports Bar. Natives killing Natives. Rancher and Travelers will receive a very special rate of 59.00 a night. Book Direct.

1d Like Reply

26. On March 21, 2022, Sunny Red Bear, who is Native American, and another Native American resident of Rapid City, South Dakota, entered the Grand Gateway Hotel and asked the hotel employee for a room and the rate for two guests for the night. After the hotel employee provided a quote, Ms. Red Bear asked for four such rooms. In response, the hotel representative said the hotel required identification for everyone staying in the room who was 18 years and older. After reviewing Ms. Red Bear's identification, which showed a Rapid City address, the hotel employee refused to rent any of the rooms to them, stating that the hotel had a policy against renting rooms to "locals." The employee acknowledged that the "local policy" was not in writing, but that the policy had been established by "Nick," whom she referred to as the "owner/general manager." The employee was referring to Defendant Nicholas Uhre.

27. On March 22, 2022, five Native Americans, who are representatives of NDN Collective, Inc. ("NDN Collective"), entered the Grand Gateway Hotel to reserve several rooms on behalf of the organization.

28. NDN Collective is a non-profit organization, located in Rapid City, South Dakota, whose members are Native American.

29. In response to their request to rent rooms, the Grand Gateway Hotel employee told the five Native American patrons from the NDN Collective that the hotel was not taking any new guests at that time. One of the NDN Collective representatives noted that Expedia, a travel-related website, was showing that the hotel had rooms available. The hotel employee acknowledged that there were rooms available, but said they were “not really renting out rooms right now.” The NDN Collective representative then asked why the business or the front door was not closed. When the hotel employee responded that she was following the instructions she had been given, the representative asked to speak to a hotel manager. Shortly thereafter, Defendant Nicholas Uhre came out, approached the five Native American patrons and asked whether they were with the NDN Collective. When they responded that they were, Mr. Uhre demanded that they leave the hotel and then followed them out.

30. The Defendants’ conduct described above constitutes a “pattern or practice of resistance to the full enjoyment of rights” by Native Americans on account of race under 42 U.S.C. § 2000a-5, and the pattern or practice “is of such a nature and is intended to deny the full exercise of such rights,” in violation of 42 U.S.C. §§ 2000a, *et seq.*

31. The Defendants’ above-described conduct “withhold[s], den[ies], or attempt[s] to withhold or deny, or deprive or attempt to deprive” Native Americans of rights and privileges secured by 42 U.S.C. §§ 2000a-1, 2000a *et seq.*

### **Prayer for Relief**

WHEREFORE, the United States requests that the Court enter an Order:

1. Declaring that the discriminatory policies and practices of the Defendants violate Title II of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000a, *et seq.*;

2. Enjoining the Defendants, their employees, agents, and successors, and all other persons in active concert or participation with them, from engaging in any act or practice which, on the basis of race denies or abridges any rights secured by Title II of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000a, *et seq.*; and

3. Requiring the Defendants, their employees, agents, and successors, and all other persons in active concert or participation with the Defendants, to take such affirmative steps as may be necessary to remedy the effects of past unlawful conduct and to prevent the recurrence of discriminatory conduct in the future.

The United States further prays for such additional relief as the interests of justice may require.

Dated: October 19, 2022

Respectfully submitted,

MERRICK B. GARLAND  
Attorney General

/s/ Alison J. Ramsdell  
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JS 44 (Rev. 04/21)

### CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States of America

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Alison J. Ramsdell, United States Attorney  
P.O. Box 2638, Sioux Falls, SD 57101 (605) 330-4400

**DEFENDANTS**

Restel Corporation d/b/a Grand Gateway Hotel and d/b/a Cheers Sports Lounge and Casino, Connie Uhre, and

County of Residence of First Listed Defendant Pennington  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
Michael C. Loos, Clayborne, Loos and Sabers LLP  
P.O. Box 9129, Rapid City, SD 57709 (605) 721-1517

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | <b>PTF</b>                 | <b>DEF</b>                 |   | <b>PTF</b>                 | <b>DEF</b>                 |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input checked="" type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. §§ 2000a, et seq.

Brief description of cause:  
Action brought to enforce Title II of the Civil Rights Act of 1964

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** \_\_\_\_\_  
CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE

Oct 19, 2022

SIGNATURE OF ATTORNEY OF RECORD

*Alison J. Ramsdell*

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_