

Thus, the readers are slot machines *as to those who play them.* \*

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*Barber*, 960 So. 2d at 614-15 (emphasis in original).

Much like the electronic games at issue in *Barber*, the electronic bingo machines in this case feature graphic interfaces that have the appearance of slot machines.<sup>172</sup> The sweepstakes card readers in *Barber* were said to merely provide an entertaining method to reveal the results of a sweepstakes, though the results were already determined by the randomized action of a computer prior to being revealed by the card readers. *See id.* Similarly, the electronic machines at issue in this case are said to provide only an entertaining means of revealing the results of an electronic bingo game conducted in the inner workings of a computer server.<sup>173</sup> These similarities compel the conclusion that the electronic bingo games at issue in this case constitute illegal slot machines under Alabama law.

Although this court finds that the electronic bingo games at issue in this case are more akin to slot machines than the game commonly known as “bingo,” this court need not decide the question of whether the electronic machines constitute “bingo”

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<sup>172</sup> *See* Deposition of Sergeant Michael Salomonsky, at 68-69, 70-72, 86-87, 115-16, Exhibit 10; Deposition of Ronald Campos, at 22; Deposition of Deputy Kenneth Williams, Jr., at 16-18; Deposition of Deputy Joseph Rice, at 14-15; Deposition of Deputy Jermaine Nettles, at 23, 31-32; Deposition of Reserve Deputy George Inglewright, at 14, 17-18.

<sup>173</sup> *See* Deposition of Nova Gaming, LLC representative Michael E. Fletcher, at 44-47.

Regardless of whether plaintiff's electronic bingo machines constitute "bingo" under Alabama law, the Triana gaming operation utilizing those machines cannot be considered legal because plaintiff failed to comply with other provisions of Amendment 387. The games were not operated by a charity. They were not operated only on a premises owned or leased by the entity on whose behalf the game was played. Multiple individuals and companies contracted to provide services for the gaming operation, in exchange for a fee or percentage of receipts. The games were not conducted "directly and solely" by a single nonprofit entity. Prizes awarded may have exceeded the explicit dollar limitations for prizes. Because the court concludes that plaintiff has violated various provisions of Amendment 387, the court need not consider the question of whether the Nova electronic machines constitute "bingo" as the term is used in Amendment 387.

Accordingly, this court concludes that, because plaintiff cannot demonstrate its compliance with the requirements of Amendment 387 discussed in Part IV(E) of this opinion, plaintiff is not entitled to judgment as a matter of law on the legality of its electronic bingo games.

In Count I, plaintiff contends that its constitutional rights were violated when the Sheriff subjected plaintiff to an unreasonable search and seizure of plaintiff's property in violation of the Fourth Amendment. In Count II, plaintiff advances a