

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

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