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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMADOR COUNTY, CALIFORNIA

Plaintiff,

v.

CIVIL ACTION NO.: 1:05CV00658

KENNETH L. SALAZAR, et al.

JUDGE: Richard W. Roberts

Defendants.

**UNITED STATES' MOTION TO EXPEDITE RULING ON
PLAINTIFF'S RULE 59(e) MOTION TO ALTER OR AMEND JUDGMENT
TOGETHER WITH MEMORANDUM IN SUPPORT**

INTRODUCTION

Defendants Kenneth L. Salazar, in his official capacity as Secretary of the United States Department of the Interior ("Secretary"), Larry Echohawk, in his official capacity as Assistant Secretary-Indian Affairs of the United States Department of the Interior, and the United States Department of the Interior (collectively "United States"), respectfully request that the Court

expedite ruling on Plaintiff Amador County's ("County") motion to alter or amend this Court's Order and Memorandum Opinion ("Judgment") entered on January 8, 2009.

PROCEDURAL HISTORY

On January 8, 2009, this Court entered an Order and Memorandum Opinion granting the United States' motion to dismiss and denying the County's motion for preliminary injunction. Thereafter, the County filed a Rule 59(e) motion requesting that the Court alter or amend its Judgment by reversing its dismissal of the First Amended Complaint. On February 6, 2009, the United States filed a memorandum in opposition to the County's motion, setting forth its view that the County had not met its burden to establish extraordinary circumstances necessary to overcome the strong interests in finality and conservation of scarce judicial resources, and that the motion must therefore be denied. Thereafter, the County filed a motion for leave to file reply out of time, which the Court granted, and the County filed its reply on March 23, 2009. A year has transpired since the conclusion of briefing on the County's Rule 59(e) motion.

RECENTLY FILED RELATED CASE

On February 10, 2010, during the pendency of this matter, a new and substantially overlapping case, *Friends of Amador County, et al. v. Salazar*, No. 10-348 (WBS-KJM) was filed in the Eastern District Court of California. The claims in *Friends of Amador County* closely resemble those in this matter. Specifically, plaintiffs claim that the Buena Vista Rancheria ("Rancheria") does not qualify as "Indian lands" under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. §§ 2701-2721. Plaintiffs allege that the Secretary and the National Indian Gaming Commission (NIGC) failed to establish that an exception to IGRA's prohibition on gaming on tribal lands acquired into federal trust after October 17, 1988, 25 U.S.C. §2719, applies to the Rancheria. In addition, plaintiffs contend that construction of a casino on the

Rancheria would have detrimental effects on the surrounding environment and community, which were not adequately identified and mitigated before approval of class III gaming at Buena Vista. Plaintiffs further allege that the Secretary's approval of a class III gaming compact amendment is *ultra vires*, arbitrary and capricious, contrary to law, and has caused and will continue to cause irreparable damage to plaintiffs.

While *Friends of Amador County* involves additional parties and claims,¹ the core issues of the two cases nevertheless overlap. Identical claims of unlawful authorization of gaming on ineligible Indian lands, unlawful recognition of the Buena Vista Tribe, and unmitigated environmental impacts, previously directed against the Secretary, are now brought against the NIGC and the State of California in addition to the Secretary. Despite the addition of new defendants, a final resolution of the instant case plainly will assist the District Court of California in its consideration of *Friends of Amador County*.

Wherefore, in the interests of judicial economy, the United States respectfully requests an expeditious ruling in the instant matter.

Respectfully submitted this 20th day of April, 2010.

¹ The individuals Bea Crabtree and June Geary are added as plaintiffs, and the NIGC and the State of California are added as defendants. Bea Crabtree and June Geary, the purported true descendants of the Buena Vista Tribe, contend that the Secretary and the NIGC have violated the Administrative Procedure Act through erroneous recognition of the Tribe for the purposes of authorizing a class III gaming compact on ineligible fee lands. The individual plaintiffs also contend that as the true descendants of the Tribe, they are entitled to receive monies currently distributed to the Buena Vista Tribe from the California Tribal Revenue Sharing Trust Fund.

_____/s/_____

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