

Stand Up For California!

“Citizens making a difference”

www.standupca.org

FOR IMMEDIATE RELEASE

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California Community Organizations Participate in United States Supreme Court Case Secretary of the Interior Ken Salazar v. Mr. David Patchak

Twenty-eight community organizations throughout California are *Amicus Curiae* in the matter of *Salazar v. Patchak*. The brief was filed yesterday (Tuesday March 27), in the United States Supreme Court, oral arguments are scheduled for April 24th. A ruling is anticipated in June.

The California Amici are in support of Mr. David Patchak of Michigan. Mr. Patchak, (like many of the amici), is the unfortunate neighbor of an off reservation casino promoted by a tribe and Stations Casino of Las Vegas, NV. Mr. Patchak filed suit against the Secretary of the Interior in 2010, asserting the right to request a judicial review as a private citizen for land taken into trust near his home in Michigan. Secretary Salazar’s argument is that only Indian tribes who are the beneficiary of his determination, have "standing" to make this challenge. The federal government is ignoring all others who are directly and irreversibly affected.

This is the first time California Citizens have presented their concerns to the United States Supreme Court. Citizens have been seeking a fair, objective and transparent process in the fee to trust conversions. “Since we are denied meaningful participation by the Department of the Interior, we ask for judicial review of the Secretary of the Interior’s determinations.” “That is a fair and reasonable check and balance on the actions of our federal government,” said *Cheryl Schmit, Executive Director for Stand Up For California!*

The *amicus*, filed Monday by Attorneys David P. Salmons and Bryan Killian of Bingham McCutchen seeks to make the court aware of the growing concerns of communities across California. Citing problems from land use and planning to the erosion of the local tax base and more. Attorneys for the 28 *amici* made a strong and serious case for the importance of allowing private citizens the right to challenge Indian trust land decisions. (The Amicus Brief may be found on the Home page: www.standupca.org)

“All citizens organizations throughout California will be affected by the decision of the United States Supreme Court in the Patchak case,” said *Cheryl Schmit, Executive Director for Stand Up For California!* Schmit went on to explain, “For this reason, California citizens organizations are participating as *amici curiae* in the *Salazar v. Patchak* case to help ensure that every citizen and every potentially adversely affected community can obtain judicial review of land-into-trust decisions.”

Stand Up for California! is a statewide organization with a focus on gambling issues including tribal gaming, card clubs, horse racing charitable gaming and the state lottery. For more, information about the organization, visit www.standupca.org.

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Additional Information:

A copy of the *amicus* brief can be found at www.standupca.org coordinating the effort to bring these groups together was Cheryl Schmit of Stand Up for California.

To speak with attorney Salmons or Killian, please contact Claire Papanastasiou at claire.p@bingham.com or by phone at 617-951-8881.

David B. Salmons is chair of Bingham McCutchen’s Appellate Practice Group. His practice focuses on complex appellate, constitutional, and regulatory matters across a broad range of legal subject matters, including intellectual property, antitrust, environmental and commercial litigation. Prior to joining the firm, David served for six years as an assistant to the Solicitor General of the United States. He has argued 14 cases before the U.S. Supreme Court and numerous other cases before other federal district and appellate courts. He has litigated cases involving a wide range of commercial, administrative, civil rights and constitutional issues.

Bryan Killian is a litigation associate focusing on appeals and complex trial and regulatory issues. He has worked on several high-profile environmental cases, including Indian law. Bryan served as a law clerk to Justice Antonin Scalia on the U.S. Supreme Court before joining Bingham. Before that, he was a Bristow Fellow in the Office of the Solicitor General, where he worked on federal civil and criminal appeals and on the federal government’s cases in the U.S. Supreme Court.

The 28 organizations participating in the *Amicus Curiae* are Alexander Valley Association, Stop the Casino 101 Coalition, Rohnert Park Families, Barstow Christian Ministerial Association, Big Lagoon Park Company, Blythe Boat Club, California Coalition Against Gambling Expansion, Citizens for a Better Way, Coalition of Retailers, Citizens for a Sustainable Point Molate, Colorado River Residents for Justice, Dehesa Valley Community Council, Friends of Amador County, Jamulians Against the Casino, Joshua Tree Community Association, Madera Community Action Network, Madera Ministerial Association, Neighbors of Casino San Pablo, No Casino in Cloverdale, No Casino in Plymouth, Old Barona Road Association, Santa Ynez Valley Alliance, Santa Ynez Valley Concerned Citizens, Save Our Communities, Stand Up For California, Stop Reservation Shopping, WE Watch, and West Bank Homeowners.

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