



Vidal, Perla

From: Thompson, Sonia on behalf of County Executive Office
Sent: Monday, August 29, 2016 3:27 PM
To: Miyasato, Mona; sbcob
Subject: FW: Save The Valley - front page stories

#2

From: Steve Pappas [mailto:StevePappas@earthlink.net]
Sent: Monday, August 29, 2016 1:50 PM
To: Adam, Peter; Farr, Doreen; Lavagnino, Steve; Wolf, Janet; SupervisorCarbajal
Cc: County Executive Office
Subject: Save The Valley - front page stories

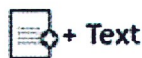
Please see attached the front page stories that ran in the Santa Barbara News-Press and the Santa Ynez Valley News last week.

Thank you for your attention to this matter,

Steve Pappas
Executive Director
[Save The Valley](#)



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Save the Valley fights to return lawsuit to local courts

By EMILY LESLIE, NEWS-PRESS STAFF WRITER
August 23, 2016 12:05 AM

A year after the community group sued to keep the Santa

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Ynez Band of Chumash Indians from expanding its casino, Save the Valley LLC is fighting to return the lawsuit to Santa Barbara County Superior Court.

The organization filed its opening brief last week arguing that the 9th Circuit Court of Appeals should order the case returned to the county court "where it belongs," said Matthew Clarke, attorney for Save the Valley, in a statement.

Before the Santa Barbara Superior Court was set to rule on Save the Valley's motion, the case was removed to the Federal Court in Los Angeles.

"Save the Valley, LLC believes that the issue is for a local Santa Barbara Court to decide," Mr. Clarke said.

In his brief, Mr. Clarke argued that it's "far too late and inappropriate" to remove the case to federal court. Rather, it should have been remanded to state court, he said.

The Appellate Court is expected to make a decision in the coming months after briefing is complete, according to Mr. Clarke.

In August 2015, Save the Valley filed a motion to keep the tribe from expanding its gaming operations under a 1906 ruling that restricts the tribe's land and water use to a limited amount for domestic purposes.

The group argues the tribe's expansion of the Chumash Casino Resort violates the ruling.

"The judgment clearly prohibits the commercial use of water located on land where the Band has greatly expanded its Casino and Hotel operations," Mr. Clarke

said.

He also noted that the tribe built a 12-story high-rise less than half a mile from the Santa Ynez Airport runway — a "blatant violation" of county safety regulations.

Further, Save the Valley claims in the suit that no federal reservation was established in 1901.

Rather, the Santa Ynez Land Improvement Company deeded five 5-acre allotments to the five families living west of the Zanja Cota Creek for occupancy only, according to Mr. Clarke.

In 2002, the California Indian Legal Services stated in a letter to the Bureau of Land Management that the tribe had verified there are no lineal descendants of the five original families, he said.

"The Judgment leaves no doubt that the Band is prohibited from claiming any aboriginal right, title or interest in the Property — not in the past, not in the present, and not in the future," the brief states. "This is contrary to the Band building a 12 story casino and hotel expansion on the Property that it only has the right to occupy."

The lawsuit was filed just days after a new compact between the Chumash tribe and the state of California extended tribal gaming for 25 years.

Save the Valley filed another lawsuit in May in an attempt to cut the water supply to the tribe's casino expansion project.

Tribal officials declined to comment on the lawsuit.

The Casino expansion project is complete. There were 215 hotel rooms, 584 parking spaces and additional gaming floor space added to the current Chumash Casino facility.

Although there is more gaming floor space, the casino will continue to have 2,500 gaming devices, which is the maximum allowed, according to the tribe's website.

email: eleslie@newspress.com

"Save the Valley, LLC believes that the issue is for a local Santa Barbara Court to decide and has appealed the decision to the 9th Circuit Court of Appeal."

Matthew Clarke, attorney for Save the Valley

and

Santa Ynez Valley News Aug. 25, 2016:

Save the Valley files opening brief in appeal

Mike Hodgson mhodgson@leecentralcoastnews.com

An opening brief has been filed in an appeal to have a lawsuit over the Chumash Tribe's gaming use returned to state court from federal court.

brief was filed Aug. 15 with the Ninth Circuit U.S. Court of Appeals by
Shew Clarke, attorney for Save the Valley LLC, as part of the organization's
effort to have its lawsuit over what it claims is a violation of a 1906 judgment
removed to state court.

According to the opening brief, the issue being presented for the appellate court
is "whether the United States may remove a state court action to federal
court when the United States was a represented party in the state court action
and the matter was remanded to judgment many years prior."

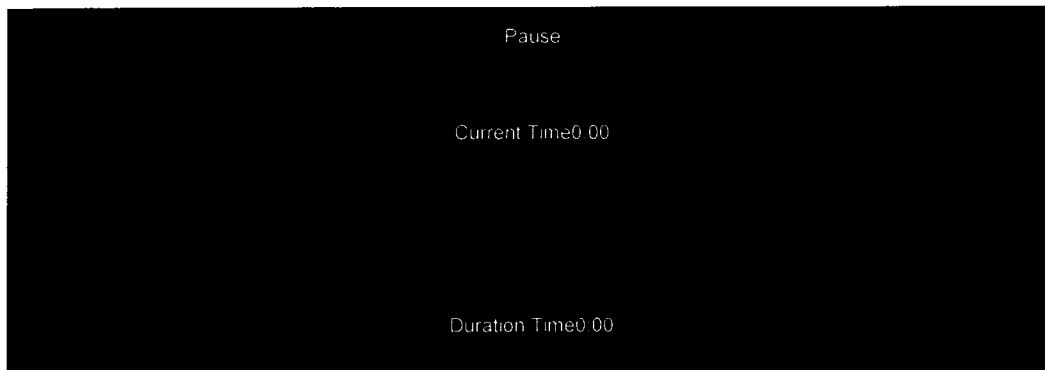
Shew Clarke nor Kenneth Kahn, chairman of the Santa Ynez Band of Chumash
Indians, returned calls seeking comment prior to press time.

However, a Save the Valley press release said the group filed a lawsuit in 2011
seeking to enforce the judgment and deed restrictions against the Santa Ynez
Band of Mission Indians.

The judgment clearly prohibits the commercial use of water located on land
where the band has greatly expanded its casino and hotel," the press release

The judgment and deeds limit the use of water to 'domestic,' i.e.,
residential/agricultural purposes, and the Santa Ynez Band is clearly violating
these restrictions," it said.

Before a Santa Barbara County Superior Court judge could rule on the lawsuit,
the federal government had the case moved to a federal court.





re the Valley LLC believes that the issue is for a local Santa Barbara court de,” the group’s press release said.

ie brief, Clarke notes the federal government argued the trial court should r and the case to state court because Save the Valley’s intervention concern ificantly different relief and issues than those already litigated.”

trial court agreed and denied the requested remand, but in his brief, Clark the court was wrong.

ve the Valley LLC only sought to enforce an existing judgment and did not c to reopen, alter or amplify the issues in the case,” the brief states, noting inization only seeks to enforce the judgment.

re the Valley LLC’s proposed intervention would not enlarge or amplify the ting or inherent legal or factual issues in the case,” the brief says.

brief also claims moving the case violated a basic law, in that “once a part ites a case in state court, that same party may not later remove the case to ral court.”

his case, the United States voluntarily submitted itself to the jurisdiction of i e court and participated in a trial through its attorney and federal agent,” the i says. “The trial court did not follow that basic law.”

uld be several months before the appellate court rules on the appeal.