

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
No. 03-2684L & No. 01-568L (consolidated)**

Sheldon Peters Wolfchild, et al.,)	
)	
Plaintiffs,)	Honorable Charles F. Lettow
)	
vs.)	
)	
The United States of America,)	
)	
Defendant.)	

**MOTION OF AMICI CURIAE SHAKOPEE MDEWAKANTON SIOUX
COMMUNITY AND PRAIRIE ISLAND INDIAN COMMUNITY FOR LEAVE TO
FILE MEMORANDUM IN OPPOSITION TO PLAINTIFFS'
CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Rule 7(b)(1) of the Rules of the Court of Federal Claims and the Court's inherent authority to allow amicus participation, *Am. Satellite Co. v. United States*, 22 Cl. Ct. 547, 549 (1991), the Shakopee Mdewakanton Sioux Community and the Prairie Island Indian Community seek leave to file as Amici Curiae the enclosed Memorandum in Opposition to the Plaintiffs' Cross-Motion for Partial Summary Judgment (Docket No. 775), and supporting set of Exhibits.

The grounds for this request are as follows:

1. The Shakopee Mdewakanton Sioux Community and the Prairie Island Indian Community are federally-recognized Indian tribes, which this Court and the Court of Appeals for the Federal Circuit have previously permitted to file amicus memoranda and briefs in this case, based in part upon their familiarity with the history of the issues presented.

2. With regard to the present cross-motion for partial summary judgment, these Amici have an interest because the motions seek to allow the Plaintiffs to prevail on claims already rejected by the Federal Circuit and foreclosed by the Indian Gaming Regulatory Act, settled federal Indian law doctrines, and the deference owed to agency interpretations of statutes under *Chevron U.S.A., Inc. v. NRDC, Inc.*, 467 U.S. 837, 843 (1984).

3. Specifically, the Amici believe that the Department of the Interior's decision to distribute the so-called frozen funds attributable to activity on certain 1886 lands was a permissible action to implement the 1980 Act, and all other claims for relief are foreclosed as a matter of law. No monies subject to any statutory use restriction remain.

4. The Amici have an interest in this action being concluded in the most expeditious and economical fashion possible, so as to end the uncertainty and unfounded expectations its meritless claims generate.

Amici the Shakopee Mdewakanton Sioux Community and the Prairie Island Indian Community therefore respectfully request that the Court grant them leave to file the enclosed Memorandum in Opposition to the Plaintiffs' Cross-Motion for Partial Summary Judgment (Docket No. 775), and supporting set of Exhibits.

Defendant United States consents to our filing this motion; Plaintiffs' counsel Erick Kaardal, opposes our filing this motion.

Dated: September 22, 2010

/s/ Philip Baker-Shenk

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of September, 2010, a copy of the Motion of Amici Curiae Shakopee Mdewakanton Sioux Community and Prairie Island Indian Community for Leave to File Memorandum in Opposition to Plaintiffs' Cross-Motion for Partial Summary Judgment was filed electronically with the Clerk of the Court through its ECF System and electronic notice was delivered to the parties entitled to receive notice.

Dated: This 22nd day of September, 2010.

/s/ Philip Baker-Shenk _____