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20 UNITED STATES DISTRICT COURT

21 DISTRICT OF ARIZONA

23 ROGER FRENCH,

24 Plaintiff,

25 v.

26 KARLA STARR, et al.

27 Defendants.

Case No. 2:13-cv-02153-JJT

**DEFENDANTS' OPPOSITION TO  
STATE OF CALIFORNIA'S MOTION  
FOR LEAVE TO FILE BRIEF AS  
AMICUS CURIAE IN SUPPORT OF  
PLAINTIFF**



1 Finally, the State's asserted "interests" are wholly unrelated to the case at hand. The  
2 outcome of this case will have no impact on California's water rights (Motion at 2), which were  
3 first established by Supreme Court decree in 1964, with supplemental decrees in 1979, 1984,  
4 and 2000. *Arizona v. California*, 530 U.S. 392, 398-400, 418-19, 420-22 (2000). Plaintiff's case  
5 also has nothing to do with gaming. Motion at 2. And, the State provides no explanation of how  
6 the outcome of this case could possibly affect access to state courts for "non-tribal residents" of  
7 California seeking to "resolve disputes" with tribes, as the case has nothing to do with California  
8 state court jurisdiction over such disputes. *Id.* Plaintiff's own brief makes clear that this case is  
9 about one issue: whether the tribal court had jurisdiction to evict him, a non-Indian, from  
10 property on the west side of the Colorado River. Reply Brief in Opposition to United States  
11 Amicus Curiae (ECF No. 76), at 1.

12 In fact, the State's proposed brief appears to be nothing more than an attempt to re-  
13 litigate its water rights dispute with the United States, a dispute that was put to rest more than a  
14 decade ago by the Supreme Court. A landlord-tenant dispute between the Tribe and a former  
15 lessee, to which neither the United States nor California is a party, is not the appropriate forum  
16 for the State to attempt to revive these claims. As a result, the State's Motion should be denied.

### 17 CONCLUSION & REQUEST FOR OPPORTUNITY TO RESPOND

18 For all of the foregoing reasons, Defendants urge this Court to deny the State's Motion  
19 for Leave to File an Amicus Curiae Brief in Support of Plaintiff. If the Court grants the State's  
20 Motion, Defendants respectfully request an opportunity to file an additional brief in response.

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(footnote continued from previous page)

28 dramatically expand the scope of Plaintiff's claims (which are necessarily limited to the record  
before the tribal court), and thus would impose significant new costs on Defendants.



