

October 16, 2023

**Via Electronic Filing**

Hon. Scott S. Harris  
Clerk of the Court  
Supreme Court of the United States  
One First Street NE  
Washington, D.C. 20543

**Re: *West Flagler Associates, Ltd., et al. v. Debra Haaland, Secretary of the Interior, et al.*, No. 23A315**

Dear Mr. Harris:

Although Applicants listed the Seminole Tribe of Florida (Tribe) as a “Respondent” on their stay application, we write to advise the Court that the Tribe is not a party in the above-captioned case. Thus, the Tribe understands the Chief Justice’s order dated October 12, 2023, to request a response to the application for stay pending certiorari from only Respondents the Secretary of the Interior and the Department of the Interior (together, Federal Respondents).

The Tribe’s motion for limited intervention in this case was denied by the U.S. District Court for the District of Columbia, *W. Flagler Assocs., Ltd. v. Haaland*, 573 F. Supp. 3d 260 (D.D.C. 2021), and this result was affirmed by the U.S. Court of Appeals for the District of Columbia Circuit, *W. Flagler Assocs., Ltd. v. Haaland*, 71 F.4th 1059 (D.C. Cir. 2023). The Tribe sought limited intervention in order to seek dismissal of the case on sovereign immunity grounds, and the D.C. Circuit affirmed the intervention denial “because [its merits] decision will effectively keep intact the Compact, resulting in minimal prejudice to the Tribe.” *Id.* at 1062.

The D.C. Circuit consolidated the two appeals in this case—the first by the Tribe challenging the District Court’s denial of its motion for limited intervention (No. 21-5265), and the second by Federal Respondents challenging the District Court’s ruling on the merits (No. 22-5022). While the Tribe’s appeal remained the lead case number before the D.C. Circuit and the Tribe participated as *Amicus Curiae* in Federal Respondents’ appeal of the ruling on the merits,

the Tribe was never made a party to the case. The Tribe understands Applicants to be seeking a stay pending certiorari from the U.S. Supreme Court only with regard to the D.C. Circuit's merits decision issued in Federal Respondents' appeal.

For these reasons, the Tribe does not intend to file a response to the stay application. However, the Tribe would gladly file a response should the Court desire one from the Tribe.

Respectfully submitted,



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cc: Counsel for Applicants  
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