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Federal Judge Determines Scotts Valley's Bid to Revive Vallejo Casino "Falters on Every Front"

Court finds Band "unlikely to succeed" on its claims, calls its claimed economic harm "self-inflicted," and maintains Interior's "thoroughly reasoned" July 31 Indian Lands Opinion in effect

Vallejo, CA – On Wednesday, September 30, a federal judge denied the Scotts Valley Band of Pomo Indians' emergency request to revive its Vallejo casino plans, ruling that the Band's bid for a preliminary injunction "fails on all four factors" required for such relief. In a forceful 41-page opinion, Judge Trevor N. McFadden of the U.S. District Court for the District of Columbia wrote that Scotts Valley "has not shown likelihood of success on any of its claims" and that "the equities and public interest weigh decisively against" the Band's request for preliminary relief.

Scotts Valley had asked the court to block the Department of the Interior's July 31 Indian Lands Opinion (ILO), which determined the Band failed to meet the legal requirements for gaming in Vallejo because it lacks a significant historical connection to the area. Wednesday's ruling keeps the July 31 ILO in effect and suggests further challenges to the ILO are unlikely to succeed. Gaming on Scotts Valley's Vallejo property site remains prohibited.

Judge McFadden was blunt on the Band's claims of harm. His opinion notes the Band "rolled the dice and invested anyway" after the court itself had warned against doing so, rendering "its economic harm self-inflicted." He called the Band's claim that it costs $235,247 a month to maintain its temporary facility "questionable." Judge McFadden accurately described that facility as "two modular buildings" housing "17 class II gaming machines," which opened "on a limited basis" on July 24. It was not the controversial $700 million casino the Band has promoted, which never broke ground.

"We appreciate the court's careful consideration of this matter, and we could not be more pleased by today's decision," **said Anthony Roberts, Chairman of the Yocha Dehe Wintun Nation.** "The Department of the Interior considered all the evidence and properly concluded Scotts Valley lacks a significant historical connection to Vallejo and Solano County. This decision is another important step in exposing Scotts Valley's false claims about our Patwin ancestors. Vallejo is Patwin ancestral territory, and we will never relinquish our responsibility to care for and protect these lands."

Although Judge McFadden made clear that Scotts Valley is unlikely to succeed on the merits of its claims, the case continues for now. But the Band cannot conduct gaming in Vallejo in the meantime.

A broad coalition backs the Department's position. Yocha Dehe, the Kletsel Dehe Wintun Nation, the Lytton Rancheria, the United Auburn Indian Community, and the Governor of California each filed briefs supporting the Department and the July 31 ILO. Yocha Dehe and other tribes have made it clear they would not oppose Scotts Valley gaming on the Band's ancestral lands in Clear Lake.

What Happens Next:

- The temporary facility stays closed while the case proceeds.
- The lawsuit now moves to the merits of the case. The court will set and enforce a briefing schedule.
- Yocha Dehe will keep supporting the Department's defense of its decision and protecting Patwin ancestral homelands.

For more information on the project, visit www.protecttribalhomelands.com.

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