

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA



ST. CROIX CHIPPEWA INDIANS OF	:	Docket No. CV07-2210
WISCONSIN,	:	(RJL)
	:	
Plaintiff,	:	December 12, 2007
	:	
	:	2:30 p.m.
v.	:	
	:	
DIRK KEMPTHORNE, ET AL.,	:	
	:	
Defendants.	:	

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TRANSCRIPT OF TEMPORARY RESTRAINING ORDER
BEFORE THE HONORABLE RICHARD J. LEON
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff:	GERALD YAMADA, ESQ. ROBERT ADLER, ESQ. (On telephone) O'Connor & Hannan, LLP 1666 K Street, NW Washington, DC 20006
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For the Defendants:	KRISTOFOR R. SWANSON, ESQ. SARA ELIZABETH CULLEY, ESQ. U.S. Department of Justice 601 D Street, NW Washington, DC 20004
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ALSO PRESENT:	George T. Skibine
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Court Reporter:

PATTY ARTRIP GELS, RMR

Official Court Reporter

Room 4700-A, U.S. Courthouse

Washington, D.C. 20001

(202) 962-0200

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COURTROOM DEPUTY: Your Honor, this is the matter of St. Croix Chippewa Indians of Wisconsin versus Dirk Kempthorne, et al. Civil Action 07-2210. The matter before the Court is a Temporary Restraining Order.

Counsel come forth and state your appearances for the record, please. Mr. Adler.

MR. ADLER: Yes, I am here.

THE COURT: State your appearance for the record.

MR. ADLER: Robert Adler, counsel for the St. Croix Chippewa Indians of Wisconsin.

MR. YAMADA: Gerald Yamada, law firm of O'Connor & Hannan representing the St. Croix Chippewa Indians of Wisconsin.

THE COURT: Welcome.

MR. SWANSON: Christopher Swanson, Department of Justice, Natural Resources Section representing the Defendants.

THE COURT: Welcome.

MS. CULLEY: Sara Culley also of the Department of Justice here on behalf of the Defendants and with us at counsel table is George Skibine, agency counsel.

THE COURT: Welcome. All right, counsel, first of all, I wanted to note for the record, although I do not believe I have a conflict of interest, I wanted to note in an abundance of caution that years ago, and I stress years, long before I was on this bench so back in the 1999, 2000 time frame, I did in

1 private practice have an occasion to represent an individual who
2 was a lobbyist in the field of Indian gaming; and it was in
3 connection with the Babbitt independent counsel inquiry.

4 He was one of the witnesses that was called in in his
5 capacity as a former Chief of Staff to the Indian Gaming
6 Commission, a Mr. Daisy. I have only the faintest recollection
7 of what the facts were surrounding his testimony that I prepared
8 for, reviewed the documents that I received copies of from the
9 independent counsel's office, and represented him at the time.

10 It did have something, in vague terms, that's all I can
11 recall, to deal with Wisconsin and Indian gaming in Wisconsin.
12 I am not even sure if it was this particular matter here today
13 eight years later, nine years later; but in a hyperabundance of
14 caution I wanted to put it on the record and let the parties
15 know that I did have a vague recollection of that.

16 I didn't represent the tribe itself, of course, who is
17 a party in this case. So I wanted to put that on the record and
18 give both sides an opportunity, not only to hear it, but to
19 raise any concern or objection they may have with my going
20 forward with the case in light of that prior involvement albeit
21 tangential and removed, but nevertheless, as I said, in an
22 abundance of caution.

23 So having brought that to your attention and given you
24 a chance to at least digest it, think about it, Mr. Yamada, does
25 the Plaintiffs have any issue or concern relating to the Court

