

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

WYANDOTTE NATION)	
Plaintiff,)	
v.)	
)	
KENNETH L. SALAZAR,)	
in his official capacity as Secretary)	
of the United States Department of)	Case No. 2:11-cv-02656-JAR-DJW
the Interior)	
Defendant,)	
and)	
)	
STATE OF KANSAS, <i>ex rel</i>)	
DEREK SCHMIDT, Attorney General)	
Intervening Defendant.)	

WYANDOTTE NATION RESPONSE TO SHOW CAUSE ORDER

On July 9, 2014, this Court issued a *Notice and Order to Show Cause* (Doc. 95) ordering Plaintiff Wyandotte Nation to show cause “why any remaining claims in this lawsuit should not be dismissed as moot.” The Court’s Notice followed Defendant Kenneth Salazar’s filing of the *Fifth Status Report* (Doc. 94) wherein the Secretary stated that a decision had been issued by the Department on the Wyandotte Nation’s trust application and “[a]s a result of the Assistant Secretary’s decision, the United States believes any remaining claims in this lawsuit are now moot.” *Id.* at 1. For the reasons set forth herein, the Plaintiff does not object to the Court’s dismissal of the “remaining claim of unreasonable delay” as moot, as suggested by Defendant Secretary of the Interior in the Status Report.

On April 10, 2013, the Court issued a *Memorandum and Order* (Doc. 83, p. 29) stating the “Court shall retain jurisdiction over the remaining claim of unreasonable delay raised in Count II in this case until the Secretary issues a final ruling on the Nation’s application.” On July 3, 2014, the Assistant Secretary-Indian Affairs issued a decision (Doc. 94-1) on the Nation’s

application, stating “unless and until the Nation adequately rebuts the accounting issues raised by the State in a manner that satisfies the Department that the Nation used 602 Funds exclusively to purchase the Park City Parcel, the Department cannot determine that the acquisition of the property into trust is mandatory under the Act.” Id. at 10. The Assistant Secretary further stated that “[s]hould the Nation later be able to address the accounting issues raised by the State, it would be free to submit a new application.” Id. Finally, the Assistant Secretary stated that he “must deny the Nation’s application to acquire the Park City Parcel” into trust. Id.

Because the Assistant Secretary states he has denied the application, even though Plaintiff can submit a new application addressing accounting issues which formed the basis for the denial, Defendant has issued “a final ruling on the pending application” (Doc. 82, p. 29) which was the basis for this Court’s decision to retain jurisdiction in this case.

/s/ William W. Hutton

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CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2014, I caused a copy of the foregoing to be served through the Court's CM/ECF System to all parties.

/s/ William W. Hutton

William W. Hutton

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