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DAVID H. LEROY Attorney at Law 1130 East State Street Boise, Idaho 83712

Telephone: (208) 342-0000 Facsimile: (208) 342-4200

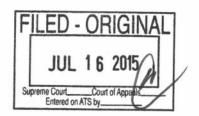
## IN THE SUPREME COURT OF THE STATE OF IDAHO

COEUR D'ALENE TRIBE,	)	
	)	Supreme Court Docket No. 43169-2015
Petitioner,	)	ř
	)	AMICUS COEUR D' ALENE RACING,
VS.	)	INC'S SECOND REQUEST TO PRESENT
	)	ARGUMENT BEFORE THE COURT
LAWERENCE DENNEY, Secretary of	)	
State of the State of Idaho, in his official	)	
capacity,	)	
•	)	
Respondent.	)	
•	)	

COMES Now Amicus Curiae Coeur d' Alene Racing, Inc., by and through its attorney of record and pursuant to Idaho Appellate Rules 8, 32 and 37 and hereby requests the Court to review, reconsider and alter its previous Orders disallowing any participation at oral argument by counsel for any of the Amicus Curiae. Coeur d' Alene Racing, Inc., requests that its counsel, David H. Leroy, be allowed to participate in the oral argument scheduled in this case for August 11th, 2015 at the hour of 10:00 o'clock a.m. in such fashion and upon such time constraints or other limitations as may be imposed by the Court. Said renewed request is made upon the grounds and for the reasons that:

1. The Respondent herein, through counsel, both in the Secretary's Opening Brief and in

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his Reply Brief, took "no position upon" the threshold issue of Petitioner's lack of standing.

Petitioner's Response Brief offers six pages of responses to assert the Tribe has standing,

contrary to the position advanced and briefed by Amici Coeur d' Alene Racing, Inc., Governor

Butch Otter, Intermountain Racing and Treasure Valley Racing. This procedural situation

presents the likelihood that this substantial, critical and threshold issue will not be fully

addressed and examined orally before the Court, if the Respondent only is allowed to argue.

- 2. In addition, Amicus Coeur d' Alene Racing, Inc., has asserted the following contentions relevant to the determination of this case that neither of the two parties has briefed, or would likely argue, which it believes are material to the Court's full consideration and resolution of the pending mandamus request:
  - A. The Petitioner proposes to misuse the Journal Entry Rule when it cites the "Senate Bill 1011 was returned to my office" phrase from the President Pro Tem's personal letter as the sole and determinative basis for imposing a judicial action to set aside the legislative action of the whole Senate.
  - B. The Court could and should consider the precedent of other jurisdictions which construe constitutional day-limitation provisions more expansively in legislative recess circumstances to duly and fully protect the executive veto authority.
  - C. A judicial order setting aside the legislative veto override vote on the vague, undeveloped and uncertain record herein, would constitute a constitutional invasion of the separate power of a co-equal branch of government.

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- D. The presumption of regularity and constitutionally in public affairs should be addressed and accorded herein.
- E. Idaho Code Section 67-504 can not be considered to be mandatory or solely prescriptive as to the methods and modes by which the governor can timely return a bill and notice up a veto to a legislative house in recess, where the Idaho Constitution, Article IV Section 10 imposes no such detailed process.
- F. The Petitioner now appears to wish to argue the merits and substance of Senate Bill 1011 and the concept and impact of historical racing upon the social and economic fabric of Idaho, in an effort to give the Tribe standing before the Court. The Respondent is in no position to rebut these contentions or discuss these topics.

DATED This 16th day of July, 2015.

Respectfully Submitted,

David H. Leroy, Attorney for Amicus Curiae Coeur d' Alene Racing, Ltd.

## CERTIFICATE OF SERVICE

I hereby certify that on this day of July, 2015, I caused a true and correct copy of the foregoing Amicus Coeur d' Alene Racing, Inc's Second Request to Present Argument Before the Court to be sent by U.S. Mail to the following:

Deborah A. Ferguson Ferguson Durham, PLLC 223 N. 6<sup>th</sup> Street, Suite 325 Boise, Idaho 83702 Barker, Rosholt & Simpson, LLP 1010 W. Jefferson, Ste 102 Boise, Idaho 83702

Brian Kane, Idaho Attorney Generals Office P.O. Box 83720 Boise, Idaho 83720-0010 Greener, Burke, Shoemaker 950 West Bannock #950 Boise, Idaho 83702

David Hensley, Cally Younger Office of the Governor P.O. Box 83720 Boise, Idaho 83720-0034

Davalee Davis, Executive Assistant