

KT CLIENT SUCCESS

Kilpatrick Townsend's Native American Team Scores 4th Win for Quinault Nation in Ongoing Dispute Over Lake Ownership

Lake Quinault (Lake) lies 21 miles inland from the Pacific Ocean, nestled between the beach and Washington's State's Olympic Mountain Range. The Lake bears the name of the Quinault Indian Nation (QIN), and lies within the exterior boundaries of the Nation's Reservation. Due to concerns over harm to the Lake's natural resources, the Nation began limiting access to the Lake in 2013, drawing the ire of local non-Indian landowners.

In December 2014, the Nation, along with the State of Washington, were sued in Federal Court by landowners seeking a declaration that Lake Quinault was not part of the Nation's Reservation and would not be regulated by the Nation. In early 2015, Kilpatrick Townsend Partner Rob Roy Smith scored the first victory for the Nation, successfully obtaining dismissal because the Tribe refused to waive its sovereign immunity and the landowners failed to name the United States, which holds title to the Lake in trust for the Nation, as a party.

Undaunted, the landowners switched forums, and filed the same case in Washington State Court, removing the Nation as a defendant. Before the trial court, the Nation moved for and, over opposition of the landowners, was granted amicus curiae status on March 4, 2016 to argue for dismissal. In March 2016, Rob Roy Smith scored a second victory as the trial court agreed with the Nation, noting the undisputed link between the Nation and Lake Quinault as part of its reservation.

On January 31, 2017, he scored a third victory as, once again the Nation appeared as an amicus and the court recognized the Nation's interest in the case, affirming the trial court's dismissal. Last week, Rob Roy Smith notched a fourth (and hopefully final) victory for the Nation before the Washington State Supreme Court, which relied in part on the Nation's amicus briefing and, denied a petition for review filed by the landowners.

Rob Roy Smith focuses his practice on federal Indian law. He advises Indian tribal clients on all aspects of federal, state and tribal law, including economic development, natural and cultural resource protection, taxation, tribal sovereignty and gaming.

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