

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

SEMINOLE TRIBE OF FLORIDA,

Plaintiff,

v.

CONSOLIDATED
CASE NO. 4:15cv516-RH/CAS

STATE OF FLORIDA,

Defendant.

_____ /

**ORDER DENYING THE MOTION TO
ALTER OR AMEND THE JUDGMENT**

This case was tried to the court. A written opinion set out the court's findings of fact and conclusions of law. The defendant has moved to alter or amend the judgment. For the most part, the motion simply reargues the merits. The original opinion correctly analyzes the issues. This order denies the motion to alter or amend.

Only one matter deserves further mention. In support of the motion to alter or amend, the defendant has tendered for the first time a declaration of a former employee of a Senate committee setting out her opinion on what the committee meant when considering legislation adopted in 1988. *See* ECF No. 31 in Case No.

4:15cv588. The declaration is untimely, does not meet the prerequisites to consideration of newly discovered evidence, and would have made no difference anyway. *See, e.g., Blanchette v. Conn. Gen. Ins. Corps.*, 419 U.S. 102, 132 (1974) (“[P]ost-passage remarks of legislators, however explicit, cannot serve to change the legislative intent of Congress expressed before the Act’s passage. . . . Such statements ‘represent only the personal views of these legislators, since the statements (were) made after passage of the Act.’ ”) (quoting *Nat’l Woodwork Mfrs. Ass’n v. NLRB*, 386 U.S. 612, 639 n.34 (1967)); *In Re Int’l Judicial Assistants*, 936 F.2d 702, 706 (2d Cir. 1991) (rejecting the opinion of a staff member who allegedly was a statute’s primary drafter: “Staff members have ample opportunity to draft language that members of Congress may choose to use in committee reports and statutory texts, but they may not elucidate congressional intent by bearing witness to congressional thinking.”)

For these reasons and those set out in the original opinion,

IT IS ORDERED:

The defendant’s motion to alter or amend the judgment, ECF No. 109, is denied.

SO ORDERED on December 20, 2016.

s/Robert L. Hinkle

United States District Judge