

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
MATTHEW S. McCONNELL, Cal. Bar No. 209672
3 mmccconnell@sheppardmullin.com
EVAN C. MIX, Cal. Bar No. 287504
4 emix@sheppardmullin.com
12275 El Camino Real, Suite 200
5 San Diego, California 92130-2006
Telephone: 858.720.8900
6 Facsimile: 858.509.3691

7 Attorneys for Defendant
CHADD EVERONE
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN DIEGO, CENTRAL
11

12 CALIFORNIA VALLEY MIWOK
13 TRIBE, a federally-recognized Indian
tribe,

14 Plaintiff,

15 v.

16 THE CALIFORNIA GAMBLING
17 CONTROL COMMISSION; CHADD
EVERONE, a California Resident,

18 Defendants.
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Case No. 37-2015-00031738-CU-CO-CTL

[Complaint Filed: September 18, 2015]

NOTICE OF ENTRY OF JUDGMENT

Dept.: C-62

Judge: Hon. Ronald L. Styn


1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2
3 PLEASE TAKE NOTICE that on February 22, 2017, the Court entered
4 judgment in favor of defendant Chadd Everone and against plaintiff California Valley
5 Miwok Tribe in the above entitled case. A true and correct copy of the Judgment is
6 attached hereto as Exhibit A.
7

8 Dated: February 28, 2017

9 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

10
11 By



12 MATTHEW S. MCCONNELL

13 Attorneys for Defendant
14 CHADD EVERONE
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EXHIBIT A

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
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3 mmeconnell@sheppardmullin.com
EVAN C. MIX, Cal. Bar No. 287504
4 emix@sheppardmullin.com
12275 El Camino Real, Suite 200
5 San Diego, California 92130-2006
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7 Attorneys for Defendant
CHADD EVERONE
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN DIEGO, CENTRAL

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12 CALIFORNIA VALLEY MIWOK
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tribe.

14 Plaintiff,

15 v.

16 THE CALIFORNIA GAMBLING
17 CONTROL COMMISSION; CHADD
EVERONE, a California Resident,

18 Defendants.
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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

02/22/2017 at 01:52:00 PM

Clerk of the Superior Court
By Lee McAister, Deputy Clerk

Case No. 37-2015-00031738-CU-CO-CTL

[Complaint Filed: September 18, 2015]

[PROPOSED] JUDGMENT

Dept.: C-62

Judge: Hon. Ronald L. Slyn

1 On September 18, 2015, plaintiff California Valley Miwok Tribe
2 ("Plaintiff") filed a Complaint in the San Diego Superior Court, Case No. 37-2015-
3 00031738-CU-CO-CTL (the "Complaint"). The Complaint alleges two claims against
4 defendant Chadd Everone ("Everone"): the Sixth Cause of Action for Intentional
5 Interference with Prospective Economic Advantage and the Seventh Cause of Action for
6 Civil Conspiracy. No other claims are pled against Everone.

7
8 On January 27, 2017, the Court granted Everone's special motion to strike
9 the Sixth and Seventh Causes of Action against Everone. A copy of the Court's Minute
10 Order granting the special motion to strike is attached hereto as Exhibit 1 (the "Order").
11 The Order fully adjudicates all claims in the Complaint by Plaintiff against Everone.

12
13 Pursuant to said Order, the Court hereby ORDERS, ADJUDGES, AND
14 DECREES that Plaintiff shall take nothing by way of its Complaint against Everone, and
15 judgment shall be entered in favor of Everone and against Plaintiff.

16
17 Dated: 02/22/2017



18 JUDGE OF THE SUPERIOR COURT

19 Judge Ronald L. Styn
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EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL

MINUTE ORDER

DATE: 01/27/2017

TIME: 08:30:00 AM

DEPT: C-62

JUDICIAL OFFICER PRESIDING: Ronald L. Styn

CLERK: Kim Mulligan

REPORTER/ERM: Catherine Ebbert, CSR #14122

BAILIFF/COURT ATTENDANT: A. Riego

CASE NO: 37-2015-00031738-CU-CO-CTL CASE INIT.DATE: 09/18/2015

CASE TITLE: California Valley Miwok Tribe vs. California Gambling Control Commission

[IMAGED]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Contract - Other

EVENT TYPE: SLAPP / SLAPPback Motion Hearing

APPEARANCES

Manuel Corrales, Jr, counsel, present for Plaintiff(s).

Neil D Houston, counsel, present for Defendant(s).

Matthew S McConnell, counsel, present for Defendant(s).

The Court hears oral argument and CONFIRMS the tentative ruling as follows:

Defendant Chadd Everone's special motion to strike the sixth (Intentional Interference with Prospective Economic Advantage) and seventh (Civil Conspiracy) causes of action asserted against Everone in Plaintiff's complaint is granted. CCP 425.16.

Equilon Enterprises v. Consumer Cause, Inc. (2002) 29 Cal.4th 53, sets forth the applicable analysis.

Section 425.16, subdivision (b)(1) requires the court to engage in a two-step process. First, the court decides whether the defendant has made a threshold showing that the challenged cause of action is one arising from protected activity. The moving defendant's burden is to demonstrate that the act or acts of which the plaintiff complains were taken "in furtherance of the [defendant]'s right of petition or free speech under the United States or California Constitution in connection with a public issue," as defined in the statute. (§ 425.16, subd. (b)(1).) If the court finds such a showing has been made, it then determines whether the plaintiff has demonstrated a probability of prevailing on the claim. Under section 425.16, subdivision (b)(2), the trial court in making these determinations considers "the pleadings, and supporting and opposing affidavits stating the facts upon which the liability or defense is based."

Equilon Enterprises v. Consumer Cause, Inc. (2002) 29 Cal.4th 53, 67. See also, *Taus v. Loftus* (2007)

Protected Activity

Pursuant to CCP § 425.16(e)

... "act in furtherance of a person's right of petition or free speech under the United States or California Constitution in connection with a public issue" includes: (1) any written or oral statement or writing made before a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law, (2) any written or oral statement or writing made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law, (3) any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest, or (4) any other conduct in furtherance of the exercise of the constitutional right of petition or the constitutional right of free speech in connection with a public issue or an issue of public interest.

The court finds Everone's alleged conduct is protected activity under CCP § 425.16(e)(1) and (2). As pled, the sixth cause of action as against Chadd Everone (Intentional Interference with Prospective Economic Advantage) is premised on allegations that Everone "managed and directed Dixie's litigation in the state and federal cases and manages the 'Tribal Organization' known as the 'Dixie Faction' " [Cplt. ¶ 87]; attempted to remove Sylvia Burley as Chairperson of the Tribe [Cplt. ¶ 88]; concocted a false forgery claim and conspired with Yakima Dixie "to assert it in the litigation and thwart the Tribe's efforts to receive the subject RSTF monies" [Cplt. ¶ 90, ¶ 91]; carried over the forgery claim "into the recent state court action against the Commission by Dixie's litigation team controlled by Everone" [Cplt. ¶ 93]; hired Arlo Smith and Pete Melincoe "to get the Commission to stop paying RSTF money to the Tribe under Burley's leadership, and to have the money paid to Dixie instead" [Cplt. ¶ 95]; undertook efforts to nullify Burley as Chairperson [Cplt. ¶ 97]; along with the other Intervenors, made "claims in the prior state court action that they purportedly 'represent the rightful members of the Tribe' " [Cplt. ¶ 98]; took action to interfere with the Tribe's right to the RSTF monies including "[w]orking with the California Gambling Control Commission's attorneys, the Attorney General's Office, to defeat Plaintiff's suit against the Commission" [Cplt. ¶ 100 a.]; hired "a San Diego law firm, Sheppard, Mullin Richter & Hampton, to 'intervene' in the Plaintiff's suit" [Cplt. ¶ 100 b.]; arranged "through his San Diego attorneys to falsely state to the State court and the federal court that the Tribe consists of more than 200 members" [Cplt. ¶ 100c.]; filed "suit in the federal court in Washington, D.C." [Cplt. ¶ 100d.]; misled "the U.S. District Court in Washington, D.C., through his attorneys" [Cplt. ¶ 100 e.]; sent "a Christmas card to the State Superior Court, only to have the court return it as inappropriate, in an obvious attempt to influence the court" [Cplt. ¶ 100 f.]; had "his San Diego attorneys take the lead in a joint defense with the Commission (through the Attorney General's Office) against the Plaintiff in the state court action, and allowing the Commission rely on Everone's team of lawyers to litigate against the Plaintiff" [Cplt. ¶ 100 g.]; "[t]hrough his San Diego lawyers, falsely 'administratively' appealing the BIA's January 2011 letters to the Tribe" [Cplt. ¶ 100 h.]; met "with the Commission and their staff and attorneys during the course of litigation in an attempt to influence them to continue to withhold the subject RSTF monies from the Tribe" [Cplt. 100 i.]; met "with the BIA to get them to stop recognizing the Tribal Council under Burley's leadership and unlawfully attempting to get the Tribe 're-organized,' including, but not limited to, gathering non-enrolled Indians together to falsely say they are 'members' of the Tribe, and then using these fabricated developments as a foundation to falsely argue in the state court action that the Tribe consists of over 200 members, when

in fact those numbers were fabricated by Everone and the 'members' were not enrolled members at all" [Cplt. ¶ 100 j.]; filed "false documents with the state and federal court, and with the ASI" [Cplt. ¶ 100 k.]; "[f]alsely attempting to create 'uncertainty' in the Tribal leadership and 'certainty' in the Tribal Council and in the Tribal membership, so as to cause the state courts to order that the RSTF monies being withheld from the Tribe continue to be withheld, until that uncertainty is gone, and working with the Commission and the Commission's lawyers to argue those points to the state courts" [Cplt. ¶ 100 l.]; "[f]alsely claiming in the federal court that Resolution #GC-98-01 is void" [Cplt. ¶ 100 m.]; worked with the Commission "to advance these claims before the state and federal courts" [Cplt. ¶ 100 n.]; caused "the California State Court of Appeal on November 21, 2014 to affirm the trial court's grant of summary judgment in favor of the Commission" and filed "an opposition to Plaintiff's petition for review before the Supreme Court" [Cplt. ¶ 100 m.].

The seventh cause of action (Civil Conspiracy) relies on the same alleged conduct as set forth above [Cplt. ¶ 105-109].

The court finds all of Everone's alleged conduct was either "made before a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law" or made "in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law." As such, Everone's alleged conduct is protected activity for purposes of CCP § 425.16.

The court is not persuaded by Plaintiff's argument that the gravamen of the complaint is not based on protected petitioning activity. *Renewable Resources Coalition, Inc. v. Pebble Mines Corporation* (2013) 218 Cal.App.4th 384, explains

the "principal thrust or gravamen" of the plaintiff's cause of action determines whether section 425.16 applies. (*Martinez v. Metabolife Internat., Inc.*, *supra*, 113 Cal.App.4th at p. 188, 6 Cal.Rptr.3d 494; accord *Club Members for an Honest Election v. Sierra Club*, *supra*, 45 Cal.4th at p. 319, 86 Cal.Rptr.3d 288, 196 P.3d 1094.)

The "meaning of 'gravamen' is clear; 'gravamen' means the 'material part of a grievance, charge, etc.' (Webster's New Internat. Dict. (2d ed. 1957) unabridged.)" (*Lindros v. Governing Bd. of the Torrance Unified School Dist.* (1973) 9 Cal.3d 524, 540, fn. 13, 108 Cal.Rptr. 185, 510 P.2d 361.)

In the context of the anti-SLAPP statute, the "gravamen is defined by the acts on which liability is based" (*Wallace v. McCubbin* (2011) 196 Cal.App.4th 1169, 1190, 128 Cal.Rptr.3d 205.) The "focus is on the principal thrust or gravamen of the causes of action, i.e., the allegedly wrongful and injury-producing conduct that provides the foundation for the claims. [Citations.]" (*Castleman v. Sagaser* (2013) 216 Cal.App.4th 481, 490-491, 156 Cal.Rptr.3d 492, italics added.)

Renewable Resources Coalition, 218 Cal.App.4th at 396.

Paragraph 100 of the complaint specifically identifies the conduct giving rise to Plaintiff's claims. As is evident from the above recitation of these allegations, all of the alleged conduct was either "made before a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law" or made "in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law." The court is not persuaded by Plaintiff's arguments that Everone's "lawsuits are merely 'collateral or incidental allusions' to his conduct of stealing the Tribe and interfering with its government." Nor is the court persuaded by Plaintiff's reliance on *Renewable Resources Coalition, Inc. v. Pebble Mines Corporation* (2013) 218 Cal.App.4th 384 and *Wilson v. Cable News Network, Inc.* (2016) 6 Cal.App.5th 822. In contrast to Plaintiff's argument, and the authorities Plaintiff cites, as pled, the acts on which liability is based (i.e., the allegedly "wrongful and injury-producing conduct") consist of actions taken in, or in connection with, the lawsuits filed by Everone or at Everone's direction.

Probability of Prevailing

The court finds Plaintiff fails to establish a probability of prevailing.

In order to establish a probability of prevailing on the claim (§ 425.16, subd. (b)(1)), a plaintiff responding to an anti-SLAPP motion must "state[] and substantiate[] a legally sufficient claim." (*Briggs v. Eden Council for Hope & Opportunity*, *supra*,] 19 Cal.4th 1106, 1123 [81 Cal.Rptr.2d 471, 969 P.2d 564], quoting *Rosenthal v. Great Western Fin. Securities Corp.* (1996) 14 Cal.4th 394, 412 [58 Cal.Rptr.2d 875, 926 P.2d 1061].) Put another way, the plaintiff 'must demonstrate that the complaint is both legally sufficient and supported by a sufficient prima facie showing of facts to sustain a favorable judgment if the evidence submitted by the plaintiff is credited.' (*Matson v. Dvorak* (1995) 40 Cal.App.4th 539, 548 [46 Cal.Rptr.2d 880]; accord, *Rosenaur v. Scherer* (2001) 88 Cal.App.4th 260, 274 [105 Cal.Rptr.2d 674].) In deciding the question of potential merit, the trial court considers the pleadings and evidentiary submissions of both the plaintiff and the defendant (§ 425.16, subd. (b)(2)); though the court does not weigh the credibility or comparative probative strength of competing evidence, it should grant the motion if, as a matter of law, the defendant's evidence supporting the motion defeats the plaintiff's attempt to establish evidentiary support for the claim. (*Paul for Council v. Hanyecz* (2001) 85 Cal.App.4th 1356, 1365 [102 Cal.Rptr.2d 864].) (*Wilson v. Parker, Covert & Chidester* (2002) 28 Cal.4th 811, 821 [123 Cal.Rptr. 2d 19, 50 P.3d 733], *italics added*.)

Premier Medical Management Systems, Inc. v. California Insurance Guaranty Association (2006) 136 Cal.App.4th 464, 476-477.

The court finds Everone establishes that his alleged conduct is protected under the litigation privilege of CC § 47(b).

The litigation privilege is codified in Civil Code section 47 (section 47): "[a] privileged publication or broadcast is one made ... [i]n any ... judicial proceeding" (§ 47, subd. (b).) The privilege recognized in section 47 derives from common law principles establishing a defense to the tort of defamation. (*Oren Royal Oaks Venture, supra*, 42 Cal.3d at p. 1163, 232 Cal.Rptr. 567, 728 P.2d 1202.)

"Although originally enacted with reference to defamation [citation], the privilege is now held applicable to any communication, whether or not it amounts to a publication [citations], and all torts except malicious prosecution. [Citations.] Further, it applies to any publication required or permitted by law in the course of a judicial proceeding to achieve the objects of the litigation, even though the publication is made outside the courtroom and no function of the court or its officers is involved. [Citations.] [¶] The usual formulation is that the privilege applies to any communication (1) made in judicial or quasi-judicial proceedings; (2) by litigants or other participants authorized by law; (3) to achieve the objects of the litigation; and (4) that have some connection or logical relation to the action. [Citations.]" (*Silberg v. Anderson* (1990) 50 Cal.3d 205, 212, 266 Cal.Rptr. 638, 786 P.2d 365 (*Silberg*)). Thus, "communications with 'some relation' to judicial proceedings" are "absolutely immune from tort liability" by the litigation privilege (*Rubin v. Green* (1993) 4 Cal.4th 1187, 1193, 17 Cal.Rptr.2d 828, 847 P.2d 1044 (*Rubin*)). It is not limited to statements made during a trial or other proceedings, but may extend to steps taken prior thereto, or afterwards. (5 Witkin, Summary of Cal. Law, *supra*, Torts, §§ 470, 505, pp. 554, 591.)

Rusheen v. Cohen (2006) 37 Cal.4th 1048, 1057-1058. See also, *Mansell v. Otto* (2003) 108 Cal.App.4th 265, 271. Also, "[i]t is now well established that this privilege extends to transactions of administrative boards and quasi-judicial proceedings. *Imig v. Ferrar* (1977) 70 Cal.App.3d 48, 55. *Silberg v. Anderson* (1990) 50 Cal.3d 205 explains,

Section 47(2) promotes the effectiveness of judicial proceedings by encouraging "open channels of communication and the presentation of evidence" in judicial proceedings. (*McClatchy Newspapers, Inc. v. Superior Court* (1987) 189 Cal.App.3d 961, 970 [234 Cal.Rptr. 702].) A further purpose of the privilege "is to assure utmost freedom of communication between citizens and public authorities whose responsibility is to investigate and remedy wrongdoing." (*Imig v. Ferrar* (1977) 70 Cal.App.3d 48, 55 [138 Cal.Rptr. 540]; *Tiedemann v. Superior Court* (1978) 83 Cal.App.3d 918, 925 [148 Cal.Rptr. 242].) Such open communication is "a fundamental adjunct to the right of access to judicial and quasi-judicial proceedings." (*Pettitt v. Levy, supra*, 28 Cal.App.3d at pp. 490-491.) Since the "external threat of liability is destructive of this fundamental right and inconsistent with the effective administration of justice" (*McClatchy Newspapers, Inc. v. Superior Court, supra*, 189 Cal.App.3d at p. 970), courts have applied the privilege to eliminate the threat of liability for communications made during all kinds of truth-seeking proceedings: judicial, quasi-judicial, legislative and other official proceedings.

Silberg, 50 Cal.3d at 213.

The court finds, as pled, all of Everone's alleged conduct was made in connection with a judicial, quasi-judicial, legislative or other official proceeding – specifically actions filed in the San Diego County Superior Court, the Fourth District Court of Appeal, the California Supreme Court, federal district courts, administrative tribunals, including those of the Bureau of Indian Affairs and the Tribal Council/General Council or other governing body of the California Valley Miwok Tribe. As pled, Everone was either managing agent/officer of "Friends of Yakima" or the "Dixie Faction" or the actual litigant [Cplt. ¶¶ 87, 88, 98, 100] and thus is a litigant or other participant "authorized by law." The court also finds, as pled, all of Everone's alleged conduct was undertaken to further the interest of Everone and/or the "Dixie Faction" with respect to the organization, membership and governance of the Tribe and that all of Everone's

alleged conduct was related to the litigation proceedings. As such, all of Everone's alleged conduct is protected by the litigation privilege. Considering Everone establishes a complete defense to Plaintiff's claims, the court finds Plaintiff fails to establish a probability of prevailing.

The court is not persuaded by the arguments Plaintiff raises in opposition. To the extent Plaintiff argues that Everone is not "a litigant or other participant authorized by law" such argument is contrary to the allegations of the complaint. The case Plaintiff relies on, *Flatley v. Mauro* (2006) 39 Cal.4th 299, is distinguishable. *Flatley* addresses the relationship between the definition of protected activity in CCP § 425.16 and the CCP § 47(b) litigation privilege.

There is, of course, a relationship between the litigation privilege and the anti-SLAPP statute. Past decisions of this court and the Court of Appeal have looked to the litigation privilege as an aid in construing the scope of subdivision (e)(1) and (2) with respect to the first step of the two-step anti-SLAPP inquiry—that is, by examining the scope of the litigation privilege to determine whether a given communication falls within the ambit of subdivisions (e)(1) and (2).

.....

The litigation privilege is also relevant to the second step in the anti-SLAPP analysis in that it may present a substantive defense a plaintiff must overcome to demonstrate a probability of prevailing. (See, e.g., *Kashian v. Harriman* (2002) 98 Cal.App.4th 892, 926–927, 120 Cal.Rptr.2d 576 [Where plaintiff's defamation action was barred by Civil Code section 47, subdivision (b), plaintiff cannot demonstrate a probability of prevailing under the anti-SLAPP statute]; *Dove Audio, Inc. v. Rosenfeld, Meyer & Susman* (1996) 47 Cal.App.4th 777, 783–785, 54 Cal.Rptr.2d 830 [Defendant's prelitigation communication was privileged and trial court therefore did not err in granting motion to strike under the anti-SLAPP statute].)

Flatley, 39 Cal.4th 299, 322–323. *Flatley* holds that a defendant cannot rely on CCP § 425.16 if the underlying speech or petition activity is illegal as a matter of law. In *Flatley* it was undisputed that the defendant's extortion was illegal as a matter of law. Plaintiff fails to establish that any of Everone's alleged conduct is illegal as a matter of law.

Addressing the other issue Plaintiff raises, CCP § 425.16(b)(2) does not require a moving party to file a declaration in support of a special motion to strike. This subsection requires only that the court "consider the pleadings, and supporting and opposing affidavits stating the facts upon which the liability or defense is based."

Based on the foregoing the court strikes the sixth (Intentional Interference with Prospective Economic Advantage) and seventh (Civil Conspiracy) causes of action as against Defendant Chadd Everone.

The court orders Everone to submit a proposed judgment, within 10 days of this ruling.

Everone states it will seek attorney's fees and costs at a later date. The court will address the issue of

CASE TITLE: California Valley Miwok Tribe vs.
California Gambling Control Commission [IMAGED]

CASE NO: 37-2015-00031738-CU-CO-CTL

the award of attorney's fees and costs at that time.

The Minute Order will be the final order of the court, and the parties shall not submit any further order on this motion.

IT IS SO ORDERED.



Judge Ronald L. Styn

California Valley Miwok Tribe, a federally-recognized Indian tribe v. The California Gambling Control Commission; Chadd Everone, a California Resident
37-2015-00031738-CU-CO-CTL

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of San Diego, State of California. My business address is 12275 El Camino Real, Suite 200, San Diego, CA 92130-2006.

On February 1, 2017, I served true copies of the following document(s) described as **[PROPOSED] JUDGMENT** on the interested parties in this action as follows:

SERVICE LIST

Manuel Corrales, Jr., Esq. 17140 Bernardo Center Drive, Suite 210 San Diego, CA 92128 Telephone: (858) 521-0634 Facsimile: (858) 521-0633 mannvcorrales@yahoo.com	ATTORNEY FOR PLAINTIFF CALIFORNIA VALLEY MIWOK TRIBE
--	---

Neil D. Houston Deputy Attorney General 1300 I Street, Suite 125 PO Box 944255 Sacramento, CA 94244-2550 Telephone: (916) 324-3725 Fax: (916) 327-2319 Bill.Williams@doj.ca.gov Neil.Houston@doj.ca.gov	ATTORNEYS FOR DEFENDANTS STATE OF CALIFORNIA, AND THE CALIFORNIA GAMBLING CONTROL COMMISSION
--	---

☐ **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred.

☐ **BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing via Certified Mail, Return Receipt Requested, following our ordinary business practices. I am readily familiar with the practice of Sheppard, Mullin, Richter & Hampton LLP for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred.

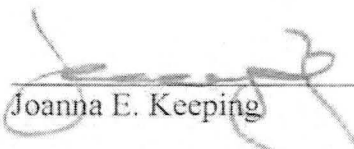
☐ **BY FAX TRANSMISSION:** I faxed a copy of the document(s) to the persons at the fax numbers listed in the Service List. The telephone number of the sending facsimile machine was 858.509.3691. The transmission was reported as complete

1 and without error. No error was reported by the fax machine that I used. A
2 transmission report was properly issued by the sending fax machine.

- 3 ☐ **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the
4 document(s) to be sent from e-mail address jkeeping@sheppardmullin.com to the
5 persons at the e-mail addresses listed in the Service List.
- 6 ☐ **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the
7 document(s) with the Clerk of the Court by using the CM/ECF system. Participants
8 in the case who are registered CM/ECF users will be served by the CM/ECF
9 system. Participants in the case who are not registered CM/ECF users will be
10 served by mail or by other means permitted by the court rules.
- 11 ☐ **BY ELECTRONIC SERVICE:** I electronically served the document(s) described
12 above via File & ServeXpress, on the recipients designated on the Transaction
13 Receipt located on the File & ServeXpress website
(<https://secure.fileandservexpress.com>) pursuant to the Court Order establishing the
14 case website and authorizing service of documents.
- 15 ☐ **BY ELECTRONIC SERVICE:** Pursuant to Court Order Authorizing Electronic
16 Service, dated _____, I provided the document(s) listed above
17 electronically on the CASE ANYWHERE Website to the parties on the Service List
18 maintained on the CASE ANYWHERE Website for this case, or on the attached
19 Service List. Case Anywhere is the on-line e-service provider designated in this
20 case.
- 21 ☒ **BY ELECTRONIC SERVICE:** I served the document(s) on the person listed in
22 the Service List by submitting an electronic version of the document(s) to One
23 Legal, LLC, through the user interface at www.onelegal.com.
- 24 ☐ **BY THE OVERNIGHT SERVICE CARRIER:** I enclosed said document(s) in
25 an envelope or package provided by the Overnight Service carrier and addressed to
26 the persons at the addresses listed in the Service List. I placed the envelope or
27 package for collection and overnight delivery at an office or a regularly utilized
28 drop box of the Overnight Service carrier or delivered such document(s) to a courier
or driver authorized by the Overnight Service carrier to receive documents.
- ☐ **BY MESSENGER SERVICE:** I served the documents by placing them in an
envelope or package addressed to the persons at the addresses listed on the Service
List and providing them to a professional messenger service for service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 1, 2017, at San Diego, California.


Joanna E. Keeping

California Valley Miwok Tribe, a federally-recognized Indian tribe v. The California Gambling Control Commission; Chadd Everone, a California Resident
37-2015-00031738-CU-CO-CTL

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of San Diego, State of California. My business address is 12275 El Camino Real, Suite 200, San Diego, CA 92130-2006.

On February 28, 2017, I served true copies of the following document(s) described as **NOTICE OF ENTRY OF JUDGMENT** on the interested parties in this action as follows:

SERVICE LIST

Manuel Corrales, Jr., Esq.
17140 Bernardo Center Drive, Suite 210
San Diego, CA 92128
Telephone: (858) 521-0634
Facsimile: (858) 521-0633
mannycorrales@vahoo.com

ATTORNEY FOR PLAINTIFF
CALIFORNIA VALLEY MIWOK TRIBE

Neil D. Houston
Deputy Attorney General
1300 I Street, Suite 125
PO Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-3725
Fax: (916) 327-2319
Bill.Williams@doj.ca.gov
Neil.Houston@doj.ca.gov

☐ **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred.

☐ **BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing via Certified Mail, Return Receipt Requested, following our ordinary business practices. I am readily familiar with the practice of Sheppard, Mullin, Richter & Hampton LLP for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred.

☐ **BY FAX TRANSMISSION:** I faxed a copy of the document(s) to the persons at the fax numbers listed in the Service List. The telephone number of the sending facsimile machine was 858.509.3691. The transmission was reported as complete

1 and without error. No error was reported by the fax machine that I used. A
2 transmission report was properly issued by the sending fax machine.

- 3 ☐ **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the
4 document(s) to be sent from e-mail address jkeeping@sheppardmullin.com to the
5 persons at the e-mail addresses listed in the Service List.
- 6 ☐ **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the
7 document(s) with the Clerk of the Court by using the CM/ECF system. Participants
8 in the case who are registered CM/ECF users will be served by the CM/ECF
9 system. Participants in the case who are not registered CM/ECF users will be
10 served by mail or by other means permitted by the court rules.
- 11 ☐ **BY ELECTRONIC SERVICE:** I electronically served the document(s) described
12 above via File & ServeXpress, on the recipients designated on the Transaction
13 Receipt located on the File & ServeXpress website
(<https://secure.fileandservexpress.com>) pursuant to the Court Order establishing the
14 case website and authorizing service of documents.
- 15 ☐ **BY ELECTRONIC SERVICE:** Pursuant to Court Order Authorizing Electronic
16 Service, dated _____, I provided the document(s) listed above
17 electronically on the CASE ANYWHERE Website to the parties on the Service List
18 maintained on the CASE ANYWHERE Website for this case, or on the attached
19 Service List. Case Anywhere is the on-line e-service provider designated in this
20 case.
- 21 ☒ **BY ELECTRONIC SERVICE:** I served the document(s) on the person listed in
22 the Service List by submitting an electronic version of the document(s) to One
23 Legal, LLC, through the user interface at www.onelegal.com.
- 24 ☐ **BY THE OVERNIGHT SERVICE CARRIER:** I enclosed said document(s) in
25 an envelope or package provided by the Overnight Service carrier and addressed to
26 the persons at the addresses listed in the Service List. I placed the envelope or
27 package for collection and overnight delivery at an office or a regularly utilized
28 drop box of the Overnight Service carrier or delivered such document(s) to a courier
or driver authorized by the Overnight Service carrier to receive documents.
- ☐ **BY MESSENGER SERVICE:** I served the documents by placing them in an
envelope or package addressed to the persons at the addresses listed on the Service
List and providing them to a professional messenger service for service.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

Executed on February 28, 2017, at San Diego, California.


Joanna E. Keeping