

Robert A. Rosette (CA#: 224437)
Kevin M. Cochrane (CA#: 255266)
Saba Bazzazieh (AZ#: 026716)
Rosette & Associates, PC
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rosette@rosettelaw.com
kcochrane@rosettelaw.com
sbazzazieh@rosettelaw.com

Attorneys for Appellant:
CALIFORNIA VALLEY MIWOK TRIBE

IN THE INTERIOR BOARD OF INDIAN APPEALS

CALIFORNIA VALLEY MIWOK TRIBE,

Appellant,

v.

PACIFIC REGIONAL DIRECTOR,
BUREAU OF INDIAN AFFAIRS,

Appellee.

DOCKET NO. IBIA 07-100-A

**APPELLANT'S NOTICE OF CHANGE
IN COUNSEL; [PROPOSED] ORDER**

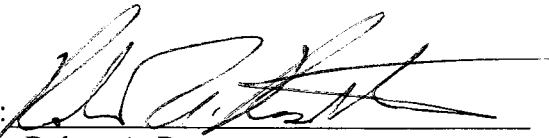
Plaintiff, California Valley Miwok Tribe ("Tribe"), hereby files notice that attorney Phillip E. Thompson, whose principal office is located at 601 Pennsylvania Ave. NW, Suite 900, Washington, D.C. 20004, is no longer the Tribe's legal representative in connection with the above-captioned matter. The Tribe requests this Board to remove Mr. Thompson from this action, and substitute attorneys Robert Rosette, Kevin Cochrane, and Saba Bazzazieh of the law firm Rosette & Associates, PC, as the attorneys of record. The undersigned certifies this change in counsel is approved by Tribal Council Resolution No. R-1-09-25-2009, and supported by the sworn Declaration of Tribal Chairwoman Sylvia Burley, both of which are submitted herewith.

Accordingly, the Tribe requests all pleadings, motion, correspondence, discovery material and all other papers to be sent to the following address:

Robert A. Rosette
565 W. Chandler Blvd., Suite 212
Chandler, AZ 85225
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Facsimile: (480) 889-8997
rosette@rosettela.com
kcochrane@rosettela.com
sbazzazieh@rosettela.com

RESPECTFULLY SUBMITTED this 25th day of September 2009.

ROSETTE & ASSOCIATES, P.C.

By: 

Robert A. Rosette
Kevin M. Cochrane
Saba Bazzazieh
ROSETTE & ASSOCIATES, PC
565 W. Chandler Blvd., Suite 212
Chandler, AZ 85225

[PROPOSED] ORDER

On September 25, 2009, the California Valley Miwok Tribe ("Tribe/s") filed a notice in change in counsel, removing Phillip E. Thompson as attorney of record and naming Rosette & Associates, PC, as the Tribe's attorneys of record. By this Order, the Board hereby GRANTS the Tribe's request to change counsel.

IT IS SO ORDERED.

Dated: _____

Steven K. Linscheid,
Chief Administrative Judge

Robert A. Rosette (CA#: 224437)
Kevin M. Cochrane (CA#: 255266)
Saba Bazzazieh (AZ#: 026716)
Rosette & Associates, PC
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CALIFORNIA VALLEY MIWOK TRIBE

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Appellee.

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**DECLARATION OF CHAIRPERSON
BURLEY IN SUPPORT OF
APPELLANT'S NOTICE OF CHANGE IN
COUNSEL**

DECLARATION OF CHAIRPERSON SILVIA BURLEY

I, Silvia Burley, swear and declare as follows:

1. I am the duly elected Chairperson of the Tribal Council ("Council") of the California Valley Miwok Tribe ("Tribe"), and this declaration is based upon my personal knowledge and is made in my capacity as Chairperson of the Tribe.
2. The Council has the authority and the responsibility to conduct business on behalf of the Tribe, including the authority to retain and substitute legal counsel in connection with matters affecting the Tribe.
3. On or about September 25, 2009, the Council met at a duly noticed special meeting with a quorum of members present, and considered Resolution No. R-1-09-25-2009, "Resolution

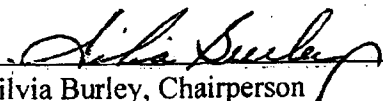
Terminating Legal Representation by Phillip E. Thompson, Esq., and Retaining Rosette & Associates, PC as legal counsel," attached hereto as Exhibit "A."

4. The Council unanimously adopted the Resolution by a vote of 3 in favor, 0 against, and 0 abstaining, as signed and certified by myself, as Tribal Chairperson; Angelica Paulk, as Vice-Chairperson; and Rashel Reznor as Tribal Secretary/Treasurer..

5. The resolution applies to the matter presently before the Interior Board of Indian Appeals, California Valley Miwok Tribe v. Pacific Regional Director, Bureau of Indian Affairs, Docket No. IBIA 07-100-A.

6. I have personally reviewed the "Notice of Change in Counsel; [Proposed] Order," requesting the Chief Administrative Judge for the Interior Board of Indian Appeals to withdraw attorney Phillip E. Thompson and substitute attorneys Robert Rosette, Kevin Cochrane, and Saba Bazzazieh of the law firm Rosette & Associates, PC as attorneys of record, and affirm that the Tribe supports the change in counsel.

Dated this 25th Day of September, 2009

By: 
Silvia Burley, Chairperson
California Valley Miwok Tribe

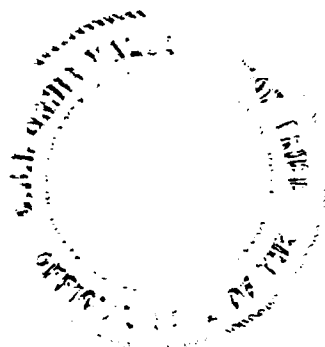
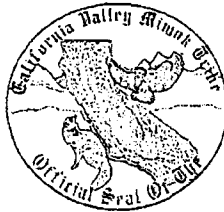


EXHIBIT A

CALIFORNIA VALLEY MIWOK TRIBE

1163 E. March Lane, Ste. D- PMB#812, Stockton, CA 95210 Ph: (209) 485.9519 Fax: (209) 487.8579

<http://californiavalleymiwoktribe-nsn.gov>



TRIBAL COUNCIL GOVERNING BODY OF THE CALIFORNIA VALLEY MIWOK TRIBE

RESOLUTION OF SEPTEMBER 25, 2009

R-1-09-25-2009

RESOLUTION TERMINATING LEGAL REPRESENTATION BY PHILLIP E. THOMPSON, ESQ. AND RETAINING ROSETTE & ASSOCIATES, PC AS LEGAL COUNSEL

- Whereas,** the California Valley Miwok Tribe is a sovereign self-governing Indian tribe recognized by the United States Government, and
- Whereas,** [Article VI, Section 1 (a)], of the Constitution of the California Valley Miwok Tribe invest in the Tribal Council the authority to negotiate and contract with agencies of the Federal, State, Local, Tribal Governments, private entities and individuals on behalf of the Tribe, and
- Whereas,** the Tribal Council is the Governing Body of the California Valley Miwok Tribe, and
- Whereas,** the duly elected Tribal Council ("Tribal Council") of the California Valley Miwok Tribe ("Tribe") is vested with the responsibility and authority to retain legal counsel on behalf of the Tribe, and
- Whereas,** the Tribe is an appellant in a matter pending before the Interior Board of Indian Appeals by the designation of: California Valley Miwok Tribe v. Pacific Regional Director, Bureau of Indian Affairs ("CVMT – PRD"), Docket No. IBLA 07-100-A; and

R-1-09-25-2009

Whereas, attorney Phillip E. Thompson, 601 Pennsylvania Avenue, NW, Suite 900, Washington, DC 20004, has represented the Tribe in connection with this matter, and

Whereas, the Tribal Council has determined that it is in the best interests of the Tribe to terminate the legal representation of Phillip E. Thompson, Esq. in connection with CVMT – PRD, and to retain the law firm of Rosette & Associates, PC as replacement legal counsel in this matter pursuant to this Resolution.


NOW THEREFORE BE IT RESOLVED, that the Tribal Council hereby terminates the services of Phillip E. Thompson, Esq. in connection with CVMT – PRD; and

BE IT FURTHER RESOLVED that the Tribal Council hereby approves to attain Rosette & Associates, PC to perform legal services on behalf of the Tribe in connection with CVMT – PRD pursuant to this Resolution.


CERTIFICATION

This is to certify that the above matter was considered and heard at a duly noticed special meeting of the California Valley Miwok Tribe Tribal Council at which time a quorum was present, held on this day, of Friday, September 25, 2009, and that this resolution was adopted by a vote of 3 in favor, 0 opposed, and 0 abstaining.


ATTEST:


Silvia Burley, Chairperson

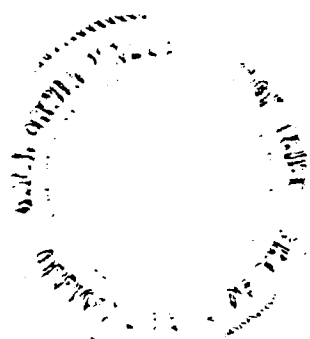
9/25/2009
Date


Anjelica Paulk, Vice-Chairperson

09.25.09
Date


Rasher Reznor, Secretary/Treasurer

09-25-2009
Date



CERTIFICATION OF SERVICE

**Case: California Valley Miwok Tribe v. Bureau of Indian Affairs
Docket No. IBIA 07-100-A**

I, Mary Hastings, declare that I am a citizen of the United States, over eighteen years of age, and not a party to the action discussed herein. My business address is 565 W. Chandler Boulevard, Suite 212, Chandler, Arizona 85225. I hereby certify that on September 25, 2009 I served by certified, first-class mail Appellant's Notice of Change in Counsel; [Proposed] Order on the following recipients at the following addresses:

Phillip E. Thompson, Esq.
601 Pennsylvania Ave. NW, Suite 900
Washington, DC 20004

Yakima Dixie
11178 Sheep Ranch Road
P.O. Box 41
Sheep Ranch, CA 95250

California Valley Miwok Tribe
c/o 11178 Sheep Ranch Rd.
P.O. Box 41
Sheep Ranch, CA 95250

California Valley Miwok Tribe
c/o 10601 Escondido Pl.
Stockton, CA 95212

Chadd Everone
2140 Shattuck Ave. #602
Berkeley, CA 94704

Velma Whitebear
213 Downing Dr.
Galt, CA 95632

Superintendent
Central California Agency, BIA
650 Capitol Mall 8-500
Sacramento, CA 95814

Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Regional Solicitor
Pacific Southwest Regional Office
U.S. Department of the Interior
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

Jane M. Smith, Esq.
Branch of Tribal Government
& Alaska, Division of Indian Affairs
Office of the Solicitor
MS-6513-MIB
1849 C Street, N.W.
Washington, DC 20240

Associate Solicitor
Division of Indian Affairs
Office of the Solicitor
MS 6513-MIB
U.S. Department of the Interior
1849 "C" Street, N.W.
Washington, D.C. 20240

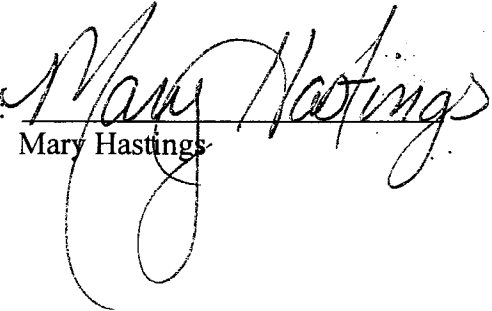
Assistant Secretary – Indian Affairs
MS 4141-MIB
U.S. Department of the Interior
1849 "C" Street, N.W.
Washington, DC 20240

Interior Board of Indian Appeals
Office of Hearings and Appeals
U.S. Department of the Interior
801 N. Quincy Street, Suite 300
Arlington, VA 22203

I declare under penalty of perjury under the laws of the United States that the above is true and correct.

September 25, 2009

Signature:


Mary Hastings