



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

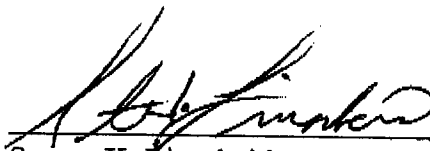
CALIFORNIA VALLEY MIWOK)	Order Denying Interested Parties'
TRIBE,)	Request to Take Judicial Notice
Appellant,)	of Documents Attached to
)	Response in Opposition
v.)	
)	Docket No. IBIA 07-100-A
PACIFIC REGIONAL DIRECTOR,)	
BUREAU OF INDIAN AFFAIRS,)	
Appellee.)	October 6, 2009

The California Valley Miwok Tribe (Tribe or Appellant), through Silvia Burley, has appealed to the Board of Indian Appeals (Board) from an April 2, 2007, decision of the Pacific Regional Director, Bureau of Indian Affairs (Regional Director; BIA). The Regional Director rejected Burley's appeal from a November 6, 2006, decision of the Central California Agency Superintendent, BIA, to assist the Tribe in organizing a tribal government by sponsoring a general council meeting of the Tribe, to which members and "potential" or "putative" members would be invited. Briefing on the merits was completed some time ago.

On September 28, 2009, the Board received from Appellant a Request to Reopen the Briefing Period and Receive an Extension of Time to Conduct Discovery and File a Supplemental Brief. On September 30, 2009, the Board denied Appellant's request.

On October 5, 2009, the Board received from Interested Parties Yakima Dixie, et al., through Chadd Everone, a Response in Opposition. If Interested Parties' Response had been limited to opposing Appellant's request, it would require no action by the Board because that issue was rendered moot by the Board's September 30, 2009, order. But Interested Parties' include in their opposition a request that the Board take "judicial notice" of certain attachments, in which Interested Parties address the merits of the appeal, albeit largely in terms of restating positions previously stated in briefs, or communicating with BIA on what they expect to occur after this appeal is resolved, depending on the outcome. In effect, despite their opposition to Appellant's request, Interested Parties also ask the Board to consider merits-related materials after briefing has concluded. The Board concludes that the ruling applied to Appellant should apply to Interested Parties as well.

Therefore, Interested Parties' request that the Board take judicial notice of the attachments to their Response in Opposition is denied.



Steven K. Linscheid
Chief Administrative Judge

Distribution: See attached list.

Distribution: IBIA 07-100-A

Robert A. Rosette, Esq.
Kevin M. Cochrane, Esq.
Saba Bazzazieh, Esq.
for Appellant, California Valley
Miwok Tribe
Rosette & Associates, PC
565 W. Chandler Blvd., Suite 212
Chandler AZ 85225

Yakima Dixie
11178 Sheep Ranch Road
Mtn Ranch, CA 95246-9761

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