

From: [Elizabeth T. Walker](#)
To: [Smith, Jane;](#)
cc: [Colliflower, Elizabeth;](#)
Subject: response to motion to stay
Date: Thursday, September 24, 2009 5:38:17 PM

<http://www.californiavalleymiwok.com/IBIA-2/2007-06-19-BIA-BurdickToSilvia.pdf>

Jane, I am working on a response to the Burley's motion on behalf of the interested parties. Reviewing the docket I saw this letter in the link above, and was reminded of the solicitors advice that Burdick and others were not to take meetings with Burley to discuss appeal. The Assistant Secretary's offices can take meetings with whom ever they choose, but in this case, for the BIA to take a meeting at that level, while this is pending in IBIA, when at the same time advising Troy Burdick not to meet to discuss the appeal, was inappropriate to say the least. And if the meeting was given we should have been notified, and informed of the nature of the meeting. We reacted when we first heard the news of negotiations, and we obviously were right to react and should have at that time gone in to the Assistant Secretaries office and asked directly the nature of the negotiations and weighted in on the "deal" the BIA gave to Burley's lawyer. Any sympathy she would receive for the foreclosure on the home she improperly used tribal monies to finance is outrageous. Then for this mistake to happen, and to provide Burley with an excuse to seek a stay is just very discouraging in light of the fact the case is currently under active consideration and we have waited nearly two years for a decision.

So I wanted to give you notice that we will be responding as interested parties to the request for a motion to stay proceedings so we are sooner than later on record that this motion should not be considered and the parties will not mediate under the condition of a stay. **We do know that this case has been in the category of cases currently under consideration since July.** That is why this is so urgent, but we feel unfortunately, that the BIA, will not respond timely nor will it correct the

language in the original letter that was so plainly wrong. That is no fault of yours I am sure. But by the time folks get together and make decisions this motion to stay could have an impact on the decision or that the BIA will be refuse to correct the error and send a clear message that a stay was not the intent. This is not a small matter, not after the many lawsuits we have had to defend and the struggle to stop program monies and revenue sharing funds, and the long wait for a decision out of IBIA. And, I strongly disagree with your statement that only a clerk will review this motion. If an IBIA judge is actively working on a decision, this will get to their desk. It would have to. Liz

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