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10	LOPEZ, and IVA SANDOVAL	
11		DISTRICT COLUDT
12	UNITED STATES	
13	EASTERN DISTRICT OF CALIFOR	RNIA, SACRAMENTO DIVISION
14		C N 0.14 0.1045 WDC CVD
15	CALIFORNIA VALLEY MIWOK TRIBE, a federally-recognized Indian tribe, THE	Case No. 2:16-01345 WBS CKD
16	GENERAL COUNCIL, SILVIA BURLEY, RASHEL REZNOR; ANGELICA PAULK; and	STIPULATION RE INTERVENTION BY THE CALIFORNIA VALLEY MIWOK
17	TRISTIAN WALLACE,	TRIBE, THE TRIBAL COUNCIL, AND COUNCIL MEMBERS YAKIMA DIXIE
18	Plaintiffs,	ET AL.
19	V.	Judge: Hon. William B. Shubb Date: N/A
20	S.M.R. JEWELL, in her official capacity as U.S. Secretary of Interior, et al.,	Time: N/A Courtroom 5
21	Defendants.	
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RECITALS

- A. On June 17, 2016, Plaintiffs in this case filed their First Amended Complaint (FAC) against federal Defendants S.M.R. Jewell, *et al.*, challenging the Assistant Secretary Indian Affair's December 30, 2015 decision (2015 Decision) regarding the California Valley Miwok Tribe (Tribe). Federal Defendants' answer to the FAC is currently due on September 6, 2016. The parties have stipulated that federal defendants may have up to and including September 16, 2016, to file their answer to the FAC.
- **B.** On July 8, 2016, Plaintiffs filed a Motion for an Order Staying the 2015 Decision and an ex parte application to shorten time for hearing the motion. The Court denied the ex parte application by order dated July 14, 2016. The motion is currently set for hearing on October 17, 2016 at 1:30 p.m.
- C. On August 8, 2016, proposed Intervenor-Defendants the California Valley Miwok Tribe, its Tribal Council, and Council members Yakima Dixie, Velma WhiteBear, Antonia Lopez, Michael Mendibles, Gilbert Ramirez, Jr., Antoinette Lopez, and Iva Sandoval filed a Motion to Intervene in this action as Defendants pursuant to Federal Rule of Civil Procedure 24. Plaintiffs and federal Defendants each filed a statement of non-opposition to intervention on August 19, 2016 and August 22, 2016, respectively.
- D. Proposed Intervenors claim significant protectable interests that relate directly to the 2015 Decision challenged in this action, as set forth in their Motion to Intervene. The 2015 Decision identifies several groups of individuals who are entitled to participate in organization of the Tribe; the proposed Intervenor Council members represent that each of them is a member of one or more of the groups identified in the 2015 Decision and that the Council represents several hundred additional adults and children who are members of the groups identified in the 2015 Decision.
- **E.** As contemplated by the 2015 Decision, proposed Intervenors have requested the Pacific Regional Director of the Bureau of Indian Affairs to recognize the Intervenor Tribal Council as the government of the Tribe; Plaintiffs' motion for stay seeks, in part, to prevent the

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1 Regional Director from acting on that request. Proposed Intervenors filed a proposed opposition 2 to Plaintiffs' motion for stay on August 8, 2016. 3 F. As a practical matter, resolution of this action without proposed Intervenors' 4 participation would impair their ability to protect their interests. 5 6 **STIPULATION** 7 8 Plaintiffs, federal Defendants, and proposed Intervenors, through their attorneys of record, 9 hereby stipulate and request that the Court make this stipulation an order of the Court: 10 1. Proposed Intervenors the California Valley Miwok Tribe, its Tribal Council, 11 Yakima Dixie, Velma WhiteBear, Antonia Lopez, Michael Mendibles, Gilbert Ramirez, Jr., 12 Antoinette Lopez, and Iva Sandoval shall be permitted to intervene in this action as defendants for all purposes pursuant to Federal Rule of Civil Procedure 24. 13 14 2. Intervenor-Defendants shall file their answer in intervention to the FAC by 15 September 16, 2016, or such other date as the Court may set for the federal Defendants to file their 16 answer. 17 August 24, 2016 Respectfully submitted, 18 Robert J. Uram 19 James F. Rusk SHEPPARD MULLIN RICHTER 20 & HAMPTON, LLP 21 Attorneys for Intervenor-Defendants the California Valley Miwok Tribe, the Tribal Council, Yakima Dixie, Velma 22 WhiteBear, Antonia Lopez, Michael Mendibles, Gilbert 23 Ramirez, Jr., Antoinette Lopez, and Iva Sandoval 24 By /s/ James F. Rusk 25 JAMES F. RUSK 26 27 28

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8	General Council, Silvia Burley, Rashel Reznor, Anjelica Paulk and Tristian Wallace
9	
10	
11	/s/ Jody H. Schwarz (as authorized on Aug. 24, 2016)
12	Jody H. Schwarz
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18	Attorneys for Federal Defendants S.M.R. Jewell, in her
19	Official Capacity as U.S. Secretary of the Interior, Lawrence S. Roberts, in his Official Capacity as Acting Assistant
20	Secretary – Indian Affairs, and Michael Black, in his Official Capacity as Director of the Bureau of Indian Affairs
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CERTIFICATE OF SERVICE I hereby certify that on August 24, 2016, I electronically filed the foregoing Stipulation Re Intervention by the California Valley Miwok Tribe, the Tribal Council, and Council members Yakima Dixie et al. with the Clerk of the Court by using the CM/ECF system, which will send notification of such filing to the parties entitled to receive notice. Respectfully submitted, /s/ James F. Rusk JAMES F. RUSK SHEPPARD, MULLIN, RICHTER & HAMPTON LLP Attorneys for Intervenor-Defendants

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