

Manuel Corrales, Jr., Esq. SBN 117647
ATTORNEY AT LAW
17140 Bernardo Center Drive, Suite 358
San Diego, California 92128
Tel: (858) 521-0634
Fax: (858) 521-0633
Email: mannycorrales@yahoo.com

Attorney for Plaintiffs
CALIFORNIA VALLEY MIWOK TRIBE,
THE GENERAL COUNCIL, SILVIA BURLEY,
RASHEL REZNOR, ANJELICA PAULK and
TRISTIAN WALLACE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CALIFORNIA VALLEY MIWOK TRIBE, a) Case No.: 2:16-cv-01345-WBS-CKD
federally-recognized Indian)
tribe, **THE GENERAL COUNCIL,**) **PLAINTIFFS' CROSS-MOTION FOR**
SILVIA BURLEY, RASHEL REZNOR;) **SUMMARY JUDGMENT**
ANJELICA PAULK; and TRISTIAN)
WALLACE)

) Date: May 30, 2017
) Time: 1:30 p.m.

Plaintiffs,

) Judge: Hon. William B. Shubb
) Courtroom 5

vs.

SALLY JEWELL, in her official)
capacity as U.S. Secretary of)
Interior, et al.,)

Defendants

THE CALIFORNIA VALLEY MIWOK)
TRIBE, et al.)

Intervenor-Defendants.

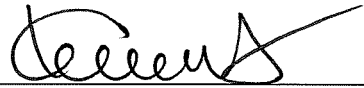
Plaintiffs, CALIFORNIA VALLEY MIWOK TRIBE, THE GENERAL
COUNCIL, SILVIA BURLEY, RASHEL REZNOR, ANJELICA PAULK, and
TRISTIAN WALLACE respectfully move, pursuant to Federal Rule of
Civil procedure 56(b), for an Order granting summary judgment in
favor of Plaintiffs. The grounds for Plaintiffs' motion are set
forth in the accompanying Memorandum of Points and Authorities

1 and the administrative record on file with the Court, including
2 the following:

- 3 1. The AS-IA Kevin Washburn Decision of December 30, 2015
4 (AS-IA 2015 Decision) is erroneous as a matter of law,
5 is an arbitrary and capricious trial agency action under
6 5 U.S.C. Section 706(2) (A);
- 7 2. The AS-IA 2015 Decision is erroneously predicated on a
8 time-barred claim that the Tribe's 1998 Resolution
9 establishing the General Council was invalid at the
10 outset;
- 11 3. The issue of the validity of the 1998 Resolution
12 establishing the General Council was never referred to
13 the AS-IA for review by the Interior Board of Indian
14 Appeals;
- 15 4. The AS-IA 2015 Decision erroneously concluded that the
16 1998 General Council was established merely to "manage
17 the process of organizing the Tribe;"
- 18 5. The AS-IA 2015 Decision erroneously concluded that prior
19 federal cases have held that the Tribe is larger than
20 five (5) members;
- 21 6. The AS-IA 2015 Decision's "eligible group system" is
22 contrary to fundamental Indian law;
- 23 7. Dixie's fraud estops him from challenging the 1998
24 Resolution; and
- 25 8. The AS-IA Echo Hawk August 31, 2011 Decision was correct
26 and should be reinstated as the final agency action
27 resolving the dispute between the Dixie and Burley
28 factions.

1 This motion is based upon the declaration of Manuel
2 Corrales, Jr., the Plaintiffs' Request for Judicial Notice, the
3 complete file and record in this action, and such oral
4 documentary evidence as may be presented at the time of hearing.

5
6 DATED: 3/2/2017



7 _____
8 Manuel Corrales, Jr., Esq.
9 Attorney for Plaintiffs
10 CALIFORNIA VALLEY MIWOK TRIBE, THE
11 GENERAL COUNCIL, SILVIA BURLEY,
12 RASHEL REZNOR, ANJELICA PAULK and
13 TRISTIAN WALLACE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28