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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**,)
SILVIA BURLEY, **RASHEL REZNOR**;) **PLAINTIFFS' REQUEST FOR**
ANJELICA PAULK; and **TRISTIAN**) **JUDICIAL NOTICE**
WALLACE)

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

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

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

Defendants)

THE CALIFORNIA VALLEY MIWOK)
TRIBE, et al.)

Intervenor-Defendants.)

Plaintiff CALIFORNIA VALLEY MIWOK TRIBE hereby requests
that the Court take judicial notice pursuant to FRE 201 of the
documents described below:

1. The Federal Defendants' Motion to Dismiss Appeal for
Lack of Jurisdiction dated February 25, 2014, U.S. Court of

1 Appeals Case No. 14-5014 (Ex. "1" to Decl. MCJ in Support of
2 Plaintiffs' Motion for Summary Judgment). FRE 201(b): Judicial
3 Notice of Adjudicative Facts. Courts may take judicial notice of
4 court records filed in state or federal court. U.S. v. Warneke
5 (7th Cir. 1999) 199 F.3d 906, 909, fn.1. This document is
6 relevant to show that Plaintiffs could not appeal the U.S.
7 District Court's summary judgment order remanding to the AS-IA.

8 2. A Stipulation of Voluntary Dismissal dated March 5,
9 2014 (Ex. "2" to Decl. MCJ in Support of Plaintiffs' Motion for
10 Summary Judgment). FRE 201(b), court records. See above for
11 relevance.

12 3. The Complaint, "Sheep Ranch Miwok Tribe v. Burley, et
13 al.," U.S. District Court, E.D., Case No. CIV.S-01-1389 MLS-DAD
14 filed July 18, 2001 (Ex. "6" to Decl. MCJ in Support of
15 Plaintiffs' Motion for Summary Judgment). FRE 201(b), court
16 records. This document is relevant on the issue of Plaintiffs'
17 statute of limitations argument.

18 4. Dixie Notice of Appeal dated October 30, 2003 (Ex. "8"
19 to Decl. MCJ in Support of Plaintiffs' Motion for Summary
20 Judgment). FRE 201(b), public records, including records of
21 administrative bodies. U.S. v. Ritchie (9th Cir. 2003) 342 F.3d.
22 903, 909. This document is relevant on Plaintiffs' statute of
23 limitations argument.

24 5. The Yakima Dixie Will & Testament dated May 5, 2004.
25 (Ex. "11" to Decl. MCJ in Support of Plaintiffs' Motion for
26 Summary Judgment). FRE 201(b), public records, including records
27 of administrative bodies. This document is relevant on
28 Plaintiffs' statute of limitations argument.

1 6. The 2002 Federal Register (Ex. "12" to Decl. MCJ in
2 Support of Plaintiffs' Motion for Summary Judgment). FRE 201(b),
3 public records, including records of administrative bodies. This
4 document is relevant on Plaintiffs' statute of limitations
5 argument.

6 7. A letter from Sharon Blackwell of the BIA to Silvia
7 Burley dated June 7, 2001 (Ex. "13" to Decl. MCJ in Support of
8 Plaintiffs' Motion for Summary Judgment). FRE 201(b), public
9 records, including records of administrative bodies. This
10 document is relevant on Plaintiffs' statute of limitations
11 argument.

12 8. The Statement of Points and Authorities in Support of
13 Intervenor-Defendant's Motion to Dismiss, filed March 26, 2012
14 (Ex. "14" to Decl. MCJ in Support of Plaintiffs' Motion for
15 Summary Judgment). FRE 201(b), court records. See No. 1 above
16 for relevance.

17 9. The Original Complaint filed by the Dixie Faction,
18 dated January 24, 2011 (Ex. "20" to Decl. MCJ in Support of
19 Plaintiffs' Motion for Summary Judgment). FRE 201(b), court
20 records. See No. 1 above for relevance.

21 10. The Dixie Bridge-Loan Agreement & Prospectus dated
22 February 26, 2004 (Ex. "22" to Decl. MCJ in Support of
23 Plaintiffs' Motion for Summary Judgment). FRE 201(b), public
24 records, including records of administrative bodies. U.S. v.
25 Ritchie (9th Cir. 2003) 342 F.3d. 903, 909. This document is
26 relevant on Plaintiffs' statute of limitations argument.

27 11. An article from the Los Angeles Times titled
28 "California's Tiniest Tribe Eyes Jackpot", dated September 28,

1 1999 (Ex. "24" to Decl. MCJ in Support of Plaintiffs' Motion for
2 Summary Judgment). FRE 201(b), public records, including
3 records of administrative bodies. U.S. v. Ritchie (9th Cir.
4 2003) 342 F.3d. 903, 909. This document is relevant on
5 Plaintiffs' statute of limitations argument. It is also
6 relevant on the issue of Plaintiffs' argument of fraud relative
7 to the Tribal leadership dispute.

8 12. A letter from Chadd Everone to Silvia Burley dated
9 December 27, 2000 (Ex. "25" to Decl. MCJ in Support of
10 Plaintiffs' Motion for Summary Judgment). FRE 201(b), public
11 records, including records of administrative bodies. U.S. v.
12 Ritchie (9th Cir. 2003) 342 F.3d. 903, 909. This document is
13 relevant on Plaintiffs' statute of limitations argument. It is
14 also relevant on the issue of Plaintiffs' argument of fraud
15 relative to the Tribal leadership dispute.

16 13. A letter from Cyrus Rickards to Chadd Everone dated
17 November 30, 2005 (Ex. "26" to Decl. MCJ in Support of
18 Plaintiffs' Motion for Summary Judgment). FRE 201(b), public
19 records, including records of administrative bodies. U.S. v.
20 Ritchie (9th Cir. 2003) 342 F.3d. 903, 909. This document is
21 relevant on Plaintiffs' statute of limitations argument. It is
22 also relevant on the issue of Plaintiffs' argument of fraud
23 relative to the Tribal leadership dispute.

24 14. A synopsis from Chadd Everone dated July 7, 2006 (Ex.
25 "27" to Decl. MCJ in Support of Plaintiffs' Motion for Summary
26 Judgment). FRE 201(b), public records, including records of
27 administrative bodies. U.S. v. Ritchie (9th Cir. 2003) 342 F.3d.
28 903, 909. This document is relevant on Plaintiffs' statute of

1 limitations argument. It is also relevant on the issue of
2 Plaintiffs' argument of fraud relative to the Tribal leadership
3 dispute.

4 15. A letter to Albert from Chadd Everone and the "Friends
5 of Yakima Dixie" dated July 11, 2006 (Ex. "28" to Decl. MCJ in
6 Support of Plaintiffs' Motion for Summary Judgment). FRE
7 201(b), public records, including records of administrative
8 bodies. U.S. v. Ritchie (9th Cir. 2003) 342 F.3d. 903, 909.
9 This document is relevant on Plaintiffs' statute of limitations
10 argument. It is also relevant on the issue of Plaintiffs'
11 argument of fraud relative to the Tribal leadership dispute.

12 16. A synopsis from Chadd Everone dated August 16, 2006
13 (Ex. "29" to Decl. MCJ in Support of Plaintiffs' Motion for
14 Summary Judgment). FRE 201(b), public records, including
15 records of administrative bodies. U.S. v. Ritchie (9th Cir.
16 2003) 342 F.3d. 903, 909. This document is relevant on
17 Plaintiffs' statute of limitations argument. It is also
18 relevant on the issue of Plaintiffs' argument of fraud relative
19 to the Tribal leadership dispute.

20 17. An email string from Karla Bell to Silvia Burley dated
21 August 31, 2006 (Ex. "30" to Decl. MCJ in Support of Plaintiffs'
22 Motion for Summary Judgment). FRE 201(b), public records,
23 including records of administrative bodies. U.S. v. Ritchie (9th
24 Cir. 2003) 342 F.3d. 903, 909. This document is relevant on
25 Plaintiffs' statute of limitations argument. It is also
26 relevant on the issue of Plaintiffs' argument of fraud relative
27 to the Tribal leadership dispute.

1 18. An email from Chris Ray to Karla Bell dated August 31,
2 2006 (Ex. "31" to Decl. MCJ in Support of Plaintiffs' Motion for
3 Summary Judgment). FRE 201(b), public records, including
4 records of administrative bodies. U.S. v. Ritchie (9th Cir.
5 2003) 342 F.3d. 903, 909. This document is relevant on
6 Plaintiffs' statute of limitations argument. It is also
7 relevant on the issue of Plaintiffs' argument of fraud relative
8 to the Tribal leadership dispute.

9 19. An email string from Chadd Everone to Chris Ray dated
10 September 11, 2006 (Ex. "32" to Decl. MCJ in Support of
11 Plaintiffs' Motion for Summary Judgment). FRE 201(b), public
12 records, including records of administrative bodies. U.S. v.
13 Ritchie (9th Cir. 2003) 342 F.3d. 903, 909. This document is
14 relevant on Plaintiffs' statute of limitations argument. It is
15 also relevant on the issue of Plaintiffs' argument of fraud
16 relative to the Tribal leadership dispute.

17 20. An email from Chadd Everone to Chris Ray dated
18 September 29, 2006 (Ex. "33" to Decl. MCJ in Support of
19 Plaintiffs' Motion for Summary Judgment). FRE 201(b), public
20 records, including records of administrative bodies. U.S. v.
21 Ritchie (9th Cir. 2003) 342 F.3d. 903, 909. This document is
22 relevant on Plaintiffs' statute of limitations argument. It is
23 also relevant on the issue of Plaintiffs' argument of fraud
24 relative to the Tribal leadership dispute.

25 21. A letter from Yakima Dixie dated November 29, 2006
26 (Ex. "34" to Decl. MCJ in Support of Plaintiffs' Motion for
27 Summary Judgment). FRE 201(b), public records, including
28 records of administrative bodies. U.S. v. Ritchie (9th Cir.

1 2003) 342 F.3d. 903, 909. This document is relevant on
2 Plaintiffs' statute of limitations argument. It is also
3 relevant on the issue of Plaintiffs' argument of fraud relative
4 to the Tribal leadership dispute.

5 22. A letter from Chadd Everone and Yakima Dixie to Dean
6 Shelton dated June 7, 2007 (Ex. "35" to Decl. MCJ in Support of
7 Plaintiffs' Motion for Summary Judgment). FRE 201(b), public
8 records, including records of administrative bodies. U.S. v.
9 Ritchie (9th Cir. 2003) 342 F.3d. 903, 909. This document is
10 relevant on Plaintiffs' statute of limitations argument. It is
11 also relevant on the issue of Plaintiffs' argument of fraud
12 relative to the Tribal leadership dispute.

13 23. A letter from Chadd Everone to Sylvia Quast dated
14 April 20, 2009 (Ex. "36" to Decl. MCJ in Support of Plaintiffs'
15 Motion for Summary Judgment). FRE 201(b), public records,
16 including records of administrative bodies. U.S. v. Ritchie (9th
17 Cir. 2003) 342 F.3d. 903, 909. This document is relevant on
18 Plaintiffs' statute of limitations argument. It is also
19 relevant on the issue of Plaintiffs' argument of fraud relative
20 to the Tribal leadership dispute.

21 24. Relevant pages of the deposition transcript of Chadd
22 Everone dated February 8, 2012 (Ex. "37" to Decl. MCJ in Support
23 of Plaintiffs' Motion for Summary Judgment). FRE 201(b), public
24 records, including records of administrative bodies. U.S. v.
25 Ritchie (9th Cir. 2003) 342 F.3d. 903, 909. This document is
26 relevant on Plaintiffs' statute of limitations argument. It is
27 also relevant on the issue of Plaintiffs' argument of fraud
28 relative to the Tribal leadership dispute.

1 25. The Revenue Sharing Trust Fund (RSTF) Report dated
2 April 25, 2016 (Ex. "38" to Decl. MCJ in Support of Plaintiffs'
3 Motion for Summary Judgment). FRE 201(b), public records,
4 including records of administrative bodies. U.S. v. Ritchie (9th
5 Cir. 2003) 342 F.3d. 903, 909. This document is relevant on
6 Plaintiffs' statute of limitations argument. It is also
7 relevant on the issue of Plaintiffs' argument of fraud relative
8 to the Tribal leadership dispute.

9 26. A letter from Amy Dutschke to Silvia Burley dated June
10 9, 2016 (Ex. "39" to Decl. MCJ in Support of Plaintiffs' Motion
11 for Summary Judgment). FRE 201(b), public records, including
12 records of administrative bodies. U.S. v. Ritchie (9th Cir.
13 2003) 342 F.3d. 903, 909. This document is relevant on
14 Plaintiffs' statute of limitations argument. It is also
15 relevant on the issue of Plaintiffs' argument of fraud relative
16 to the Tribal leadership dispute.

17 27. A list of representing attorneys in the federal case
18 Paulk, et al. v. Jewell, et al. Case No. 2:16-cv-01345-WBS-CKD
19 (Ex. "40" to Decl. MCJ in Support of Plaintiffs' Motion for
20 Summary Judgment). FRE 201(b), court records. This document is
21 relevant on the issue of Plaintiffs' statute of limitations
22 argument.

23 28. A corporate filing record of "Friends of Yakima, Inc."
24 (Ex. "41" to Decl. MCJ in Support of Plaintiffs' Motion for
25 Summary Judgment). FRE 201(b), public records, including
26 records of administrative bodies. U.S. v. Ritchie (9th Cir.
27 2003) 342 F.3d. 903, 909. This document is relevant on
28 Plaintiffs' statute of limitations argument. It is also

1 relevant on the issue of Plaintiffs' argument of fraud relative
2 to the Tribal leadership dispute.

3 29. Relevant pages of the deposition transcript of Yakima
4 Dixie, and select exhibits, dated February 7, 2012 (Ex. "43" to
5 Decl. MCJ in Support of Plaintiffs' Motion for Summary
6 Judgment). FRE 201(b), public records, including records of
7 administrative bodies. U.S. v. Ritchie (9th Cir. 2003) 342 F.3d.
8 903, 909. This document is relevant on Plaintiffs' statute of
9 limitations argument. It is also relevant on the issue of
10 Plaintiffs' argument of fraud relative to the Tribal leadership
11 dispute.

12 30. A Minute Order dated August 2, 2016 in the case
13 California Valley Miwok Tribe v. California Gambling Control
14 Commission, et al., Case No. 37-2015-00031738-CU-CO-CTL (Ex.
15 "44" to Decl. MCJ in Support of Plaintiffs' Motion for Summary
16 Judgment). FRE 201(b), court records. This document is
17 relevant on the issue of Plaintiffs' statute of limitations
18 argument. FRE 201(b), public records, including records of
19 administrative bodies. U.S. v. Ritchie (9th Cir. 2003) 342 F.3d.
20 903, 909. This document is relevant on Plaintiffs' statute of
21 limitations argument. It is also relevant on the issue of
22 Plaintiffs' argument of fraud relative to the Tribal leadership
23 dispute.

24 31. An email string from Manuel Corrales, Jr. to Kevin
25 Washburn dated May 17, 2014 (Ex. "45" to Decl. MCJ in Support of
26 Plaintiffs' Motion for Summary Judgment). FRE 201(b), public
27 records, including records of administrative bodies. U.S. v.
28 Ritchie (9th Cir. 2003) 342 F.3d. 903, 909. This document is
relevant on Plaintiffs' statute of limitations argument. FRE

201(b), public records, including records of administrative
bodies. U.S. v. Ritchie (9th Cir. 2003) 342 F.3d. 903, 909.
This document is relevant on Plaintiffs' statute of limitations
argument. It is also relevant on the issue of Plaintiffs'
argument of fraud relative to the Tribal leadership dispute.

32. A letter from Manuel Corrales, Jr. to Kevin Washburn
dated June 6, 2014 (Ex. "46" to Decl. MCJ in Support of
Plaintiffs' Motion for Summary Judgment). FRE 201(b), public
records, including records of administrative bodies. U.S. v.
Ritchie (9th Cir. 2003) 342 F.3d. 903, 909. This document is
relevant on Plaintiffs' statute of limitations argument. FRE
201(b), public records, including records of administrative
bodies. U.S. v. Ritchie (9th Cir. 2003) 342 F.3d. 903, 909.
This document is relevant on Plaintiffs' statute of limitations
argument. It is also relevant on the issue of Plaintiffs'
argument of fraud relative to the Tribal leadership dispute.

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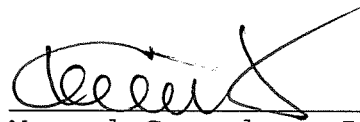
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33. A letter from Manuel Corrales, Jr. to Kevin Washburn dated July 9, 2014 (Ex. "47" to Decl. MCJ in Support of Plaintiffs' Motion for Summary Judgment). FRE 201(b), public records, including records of administrative bodies. U.S. v. Ritchie (9th Cir. 2003) 342 F.3d. 903, 909. This document is relevant on Plaintiffs' statute of limitations argument. FRE 201(b), public records, including records of administrative bodies. U.S. v. Ritchie (9th Cir. 2003) 342 F.3d. 903, 909. This document is relevant on Plaintiffs' statute of limitations argument. It is also relevant on the issue of Plaintiffs' argument of fraud relative to the Tribal leadership dispute.

DATED: March 3, 2017



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

EXHIBIT “1”

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 14-5014

CALIFORNIA VALLEY MIWOK TRIBE [“Burley faction”],
Defendant-Appellant,

v.

SALLY JEWELL, in her official capacity as Secretary, UNITED
STATES DEPARTMENT OF THE INTERIOR, *et al.*,
Defendants-Appellees,

and

CALIFORNIA VALLEY MIWOK TRIBE [“Dixie faction”], *et al.*,
Plaintiffs-Appellees.

On Appeal from the United States District Court
for the District of Columbia (Hon. Barbara J. Rothstein)
No. 11-cv-00160

MOTION TO DISMISS APPEAL FOR LACK OF JURISDICTION

Defendant-appellant California Valley Miwok Tribe (the “Burley faction”) seeks to appeal a district court order remanding for further consideration a decision of the Department of the Interior’s Assistant Secretary – Indian Affairs. The United States has decided not to appeal the district court’s decision. Under this Court’s case law, it is

“axiomatic that a private party – unlike the government – may not appeal a district court’s order remanding to an agency because it is not final” within the meaning of 28 U.S.C. § 1291. *N. Air Cargo v. U.S. Postal Serv.*, 674 F.3d 852, 857 (D.C. Cir. 2012). Accordingly, this Court lacks jurisdiction, and the Burley faction’s appeal must be dismissed.

STATEMENT

This case arises out of a long-running leadership dispute between two factions that claim to speak for the California Valley Miwok Tribe. In connection with that dispute, the Assistant Secretary issued an August 31, 2011 decision finding, among other things, that the membership of the Tribe consists of five individuals and that the General Council established in 1998 “is vested with the governmental authority of the Tribe.” *See California Valley Miwok Tribe v. Jewell*, --- F. Supp. 2d ---, 2013 WL 6524636 at *9, *10 (D.D.C. 2013).

Plaintiff-appellees (the “Dixie faction”) challenged the Assistant Secretary’s decision in the district court, and the Burley faction intervened to defend the Assistant Secretary’s decision. *Id.* at *1. In a December 13, 2013 Order, the district court found that the Assistant Secretary’s decision was arbitrary and capricious because it failed to

explain the basis for certain key assumptions and failed to address certain contrary evidence in the record. *Id.* at *10-*11. The court remanded to the agency for reconsideration. *Id.* at *12.

The Burley faction then filed this appeal of the district court's Order. The United States, however, has decided to accept the remand ordered by the district court, and will be reconsidering the decision. The United States therefore has not appealed the Order, and the time for any such appeal expired on February 11, 2014. *See* FRAP 4(a)(1)(B).

ARGUMENT

The Burley faction's appeal must be dismissed, because the district court's order is not final within the meaning of 28 U.S.C. § 1291.

Under 28 U.S.C. § 1291, this Court's jurisdiction is ordinarily limited to appeals from "final decisions" by a district court. *See Pueblo of Sandia v. Babbitt*, 231 F.3d 878, 880 (D.C. Cir. 2000). This Court has construed the final judgment rule strictly, repeatedly noting that a decision is not "final" within the meaning of Section 1291 until it "ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." *Ibid.* (quoting *Digital Equip. Corp. v. Desktop Direct*, 511 U.S. 863, 867 (1994) (internal quotations, citation omitted)).

This finality requirement is meant to promote judicial efficiency by avoiding the inconvenience and costs of multiple appeals, *e.g.*, one from the remand order and one from a later district court order reviewing compliance with the remand. *Pueblo of Sandia*, 231 F.3d at 880 (citing *In re St. Charles Preservation Investors, Ltd.*, 916 F.2d 727, 729 (D.C. Cir. 1990)); *see Coopers & Lybrand v. Livesay*, 437 U.S. 463, 471 (1978). Deferring review also allows for the possibility that an appeal might not be needed if the agency's actions on remand satisfy all parties. *Ibid.*

"It is black letter law" in this Circuit "that a district court's remand order is not normally 'final' for purposes of appeal under 28 U.S.C. § 1291." *Sierra Club v. U.S. Dept. of Agriculture*, 716 F.3d 653, 656 (D.C. Cir. 2013) (citing *Pueblo of Sandia*, 231 F.3d at 880, and *N.C. Fisheries Ass'n v. Gutierrez*, 550 F.3d 16, 19 (D.C. Cir. 2008)); *accord NAACP v. U.S. Sugar Corp.*, 84 F.3d 1432, 1436 (D.C. Cir. 1996); *N. Air Cargo v. U.S. Postal Serv.*, 674 F.3d 852, 857 (D.C. Cir. 2012). This is so because rather than resolving the dispute, a remand order "simply turns it back for further proceedings by the agency, after which it may well return [to court] again." *Am. Hawaii Cruises v. Skinner*, 893 F.2d

1400, 1403 (D.C. Cir. 1990). Consequently, remand orders generally cannot be appealed by private parties. *NAACP*, 84 F.3d at 1436.

There is a limited exception to the general rule of non-appealability that applies when the *agency* to which the case is remanded seeks to appeal, as it would have no opportunity to appeal from its own order after proceeding on remand. *Occidental Petroleum Corp. v. SEC*, 873 F.3d 325, 330 (D.C. Cir. 1989). But the Burley faction is not a federal agency, and therefore it cannot take advantage of the *Occidental Petroleum* exception. *See id.* at 331 (“a private party may not, in most cases, immediately appeal a district court order remanding a case for further agency proceedings”); *N.C. Fisheries Ass’n*, 550 F.3d at 20 (“that path is not normally available to a private party”). *Cf. NAACP*, 84 F.3d at 1436 (considering arguments by intervenor challenging remand order only because the government had also appealed).

The fact that the Burley faction intervened on the side of the Assistant Secretary and seeks to uphold the Assistant Secretary’s decision does not allow it to take advantage of the *Occidental Petroleum* exception. This Court has dismissed private-party appeals of remand

orders where the private party is aligned with the government. *See, e.g., Pueblo of Sandia*, 231 F.3d at 880; *U.S. Sugar Corp.*, 84 F.3d at 1436. That is because “the issue of appealability under § 1291 is to be determined for the entire category to which a claim belongs, without regard to the chance that litigation might be speeded, or a ‘particular injustice’ averted by a prompt appellate court decision.” *Pueblo of Sandia*, 231 F.3d at 880 (quoting *Digital Equip. Corp.*, 511 U.S. at 868). By contrast, when the government appeals a remand order, the only reason that a Court has jurisdiction to consider the arguments of an intervenor is because the government’s appeal provides the basis for jurisdiction. *See NAACP*, 84 F.3d at 1436.

CONCLUSION

The Burley faction’s appeal should be dismissed.

Respectfully submitted,

/s/Mark R. Haag
Attorney
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P.O. Box 7415
Washington, D.C. 20044
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mark.haag@usdoj.gov

February 2014
DJ# 90-2-4-13338

CERTIFICATE OF PARTIES AND AMICI

The following persons and entities appeared as parties, intervenors, or amici before the district court or this court:

California Valley Miwok Tribe

Tribal Council

Yakima Dixie

Velma Whitebear

Antonia Lopez

Michael Mendibles

Evelyn Wilson

Antoine Azevedo

Larry Echo Hawk, in his official capacity as Assistant Secretary – Indian Affairs, United States Department of the Interior

Michael Black, in his official capacity as Assistant Secretary – Indian Affairs, United States Department of the Interior

Kenneth Lee Salazar, in his official capacity as Secretary, United States Department of the Interior

Sally Jewell, in her official capacity as Secretary, United States Department of the Interior

/s/Mark R. Haag

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2014, I served the forgoing Motion by electronic filing using the Court's CM/ECF system, which will send notification of such filing to all ECF-registered parties in this case.

I further certify that on February 25, 2014, a copy of the foregoing Motion was sent by U.S. Mail, postage prepaid, to the following:

Robert A. Rosette
Saba Bazazieh
565 West Chandler Blvd.
Suite 212
Chandler, AZ 85225

/s/Mark R. Haag

EXHIBIT “2”

NO 14-5014

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

CALIFORNIA VALLEY MIWOK TRIBE, et al.,

Plaintiffs-Appellees,

v.

SALLY JEWELL, in her official capacity as Secretary of the United States
Department of the Interior, et al.,

Defendants-Appellees,

CALIFORNIA VALLEY MIWOK TRIBE, a federally-recognized Indian tribe

Defendant-Appellant.

On Appeal from the United States District Court
For the District of Columbia, 1:11-cv-000160-BJR
The Honorable Barbara J Rothstein, Senior Judge

STIPULATION OF VOLUNTARY DISMISSAL

IT IS HEREBY STIPULATED AND AGREED by and between the parties
that the above-captioned appeal is voluntarily dismissed pursuant to Federal Rule
of Appellate Procedure 42(b).

...

...

...

...

Each party shall bear its own costs.

/s/ Saba Bazzazieh
Robert A. Rosette
Saba Bazzazieh
ROSETTE, LLP
565 W. Chandler Blvd.
Ste. 212
Chandler, AZ 85225
Tel: (480) 889-8990
rosette@rosettela.com
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*Attorneys for the
Defendant-Appellant*

/s/ M. Ry Goldberg
M. Roy Goldberg
Christopher M. Loveland
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1300 I Street, N.W., 11th Floor East
Washington, DC 20005-3314

Robert J. Uram (*admitted pro hac vice*)
SHEPPARD MULLIN RICHTER & HAMPTON LLP
Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109

Attorneys for Plaintiffs-Appellees

/s/ Mark R. Haag
Mark R. Haag
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Washington, D.C. 20044
Tel: (202) 514-5391
mark.haag@usdoj.gov

Attorneys for the Defendants-Appellees

CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2014, the foregoing Stipulation of Voluntary Dismissal was filed with the Clerk of the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system and served electronically on all counsel of record.

/s/ Leigh D. Wink

Leigh D. Wink

EXHIBIT “3”

**ORIGINAL
FILED**

JUL 18 2001

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Deputy Clerk

1 ASKEW & ARCHBOLD,
A PROFESSIONAL CORPORATION
2 JAMES A. ASKEW - SBN 60469
RICHARD M. ARCHBOLD - SBN 87784
3 1776 West March Lane, Suite 350
Stockton, California 95207-6450
4 Telephone: (209) 955-2260

5 Attorneys for Plaintiffs SHEEP RANCH
(RANCHERIA) MIWOK INDIAN TRIBE
6 OF CALIFORNIA; YAKIMA DIXIE,
MELVIN DIXIE, and ROCKY DIXIE
7

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 SHEEP RANCH (RANCHERIA) MIWOK)
11 INDIAN TRIBE OF CALIFORNIA;)
12 YAKIMA DIXIE (CHIEF), MELVIN)
DIXIE, and ROCKY DIXIE.)

13 Plaintiffs,)

14 vs.)

15 SILVIA BURLEY, TIGER BURLEY; and)
16 RASHEL REZNOR,)

17 Defendants.)
18

CIV.S-01 - 1389 MLS DAD

Case No. _____

COMPLAINT FOR:

1. Fraud;
2. Violation of the Racketeer Influenced and Corrupt Organizations;
3. Accounting; and,
4. Declaratory Relief.

19 Plaintiffs SHEEP RANCH (RANCHERIA) MIWOK INDIAN TRIBE OF CALIFORNIA
20 (hereinafter "Sheep Ranch Miwok Tribe"), YAKIMA DIXIE, MELVIN DIXIE and ROCKY
21 DIXIE allege as follows:

22 **PARTIES**

23 1. Plaintiff Sheep Ranch Miwok Tribe was recognized by the United States Bureau of
24 Indian Affairs and on June 12, 1935 the Sheep Ranch Miwok Tribe voted to accept the terms of
25 the Indian Reorganization Act (P.L. 73-383; 48STAT. 984). The Sheep Ranch Miwok Tribe is a
26 Federally recognized Indian Tribe as confirmed by the inclusion of the Tribe and the list of
27 Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of
28 Indian Affairs as published in the Federal Register on October 23, 1997.

COMPLAINT

1 2. Plaintiff Yakima Dixie was recognized on October 1, 1971 as an heir and possessing
2 an undivided interest in the Sheep Ranch Miwok Tribe. The Bureau of Indian Affairs recognized
3 Yakima Dixie as a spoke's person for the Sheep Ranch Miwok Tribe.

4 3. Plaintiff Melvin Dixie was recognized on October 1, 1971 as owning an undivided
5 interest in the Sheep Ranch Miwok Tribe.

6 4. Plaintiff Rocky Dixie is the son of Yakima Dixie and a member of the tribe.

7 5. Plaintiffs Yakima Dixie, Melvin Dixie and Rocky Dixie are lineal descendants

8 6. Defendant SHEEP RANCH (RANCHERIA) OF ME-WUK INDIANS (hereinafter
9 "Burley Me-Wuk Indians") lodged a purported constitution of the "Sheep Ranch Band of Me-
10 Wuk Indians" - the constitution has not been recognized by the United States Bureau of Indian
11 Affairs.

12 7. Defendant Silvia Burley is not a lineal descendant of the Sheep Ranch Miwok Tribe.
13 Rather based upon recommendations and encouragement of the Bureau of Indian Affairs she was
14 voted a tribal member.

15 8. Defendant Tiger Burley is not a purported member of the Sheep Ranch Miwok Tribe
16 nor of the Burley Me-Wuk Indians. He is the husband of Silvia Burley.

17 9. Defendant Rashel Reznor is not a lineal descendant of the Sheep Ranch Miwok Tribe
18 but is the daughter of Silvia Burley and Tiger Burley. She was voted as member of the tribe
19 upon the recommendation of the Bureau of Indian Affairs.

20 **JURISDICTION AND VENUE**

21 10 This court has exclusive jurisdiction pursuant to the provisions of 28 USC §1362
22 providing that the district court shall have original jurisdiction of all civil actions brought by any
23 Indian tribe or band.

24 11. The court also has jurisdiction over the subject matter of this action based upon 28
25 USC §1331 concerning original jurisdiction on all civil actions arising under the Constitution,
26 laws, or treaties of the United States.

27 12. At all relevant times to this action Defendants resided and the events arose in the
28 Eastern District of California where the Sheep Ranch Miwok Tribe is located. Venue is proper

1 pursuant to 28 USC §1391.

2 INTRODUCTION

3 13. The Sheep Ranch Miwok Tribe is a small tribe located in Sheep Ranch, California in
4 the County of Calaveras, State of California. It is the only federally recognized "Rancheria" in
5 Calaveras County.

6 14. It is a small tribe and it is recognized by the United States Government. The "true
7 tribal members those born of lineal descendants" are the progeny of Mabel (Hodge) Dixie who
8 have surviving sons Yakima Dixie and Melvin Dixie. Rocky Dixie is the son of Yakima Dixie.
9 Yakima Dixie, Melvin Dixie and Rocky Dixie are lineal descendants of Mabel (Hodge) Dixie.

10 15. The tribe was recognized by the United States Government.

11 16. Thereafter, Defendants Silvia Burley and Rashel Reznor (mother and daughter)
12 approached the United States Bureau of Indian Affairs in order to align themselves and be
13 accepted by a California Indian tribe. After several attempts the Bureau of Indian Affairs
14 encouraged Yakima Dixie, Chief of the Sheep Ranch Miwok Tribe to accept Silvia Burley and
15 Rashel Reznor as non lineal descendants but members of the Sheep Ranch Miwok Tribe in order
16 for them to obtain some benefits since they had not been placed with another tribe.

17 17. Upon the recommendation of the United States Bureau of Indian Affairs Yakima
18 Dixie, Chief of the Sheep Ranch Miwok Tribe agreed to accept Silvia Burley and Rashel Reznor
19 as tribal members.

20 18. Thereafter, Silvia Burley, Rashel Reznor and Tiger Burley proceeded to orchestrate
21 Silvia Burley's appointment as chair person of a different tribe known as the Sheep Ranch
22 Rancheria of Me-Wuk Indians, appoint Rashel Reznor secretary/treasurer and appoint Yakima
23 Dixie vice chair person. The appointments were made without the consent of Yakima Dixie,
24 Melvin Dixie, or Rocky Dixie.

25 19. Silvia Burley and Rashel Reznor lodged a "Constitution of the Sheep Ranch Band of
26 Me-Wuk Indians" with the Bureau of Indian Affairs.

27 20. On or about April 27, 2000 Yakima K. Dixie, Chief-Chair Person filed an
28 "OBJECTION TO THE PROPOSED TRIBAL CONSTITUTION, IN RE SHEEP RANCH

1 (RANCHERIA) MIWOK INDIAN TRIBE OF CALIFORNIA" with the Department of Interior
2 Bureau of Indian Affairs, Tribal Operations. (Attached as Exhibit "A").

3 21. The Department of Interior, Bureau of Indian Affairs, Tribal Operations, has taken no
4 action on the Burley Constitution.

5 22. Yakima Dixie and the Sheep Ranch Miwok Tribe lodged its Constitution with the
6 Bureau of Indian Affairs (Attached as Exhibit "B").

7 23. Silvia Burley and Rashel Reznor have over the past years solicited and accepted funds
8 from the United States Government Department of the Interior, Bureau of Indian Affairs in the
9 hundreds of thousands of dollars. There has never been an accounting nor have Yakima Dixie,
10 Melvin Dixie or Rocky Dixie received any of the monies.

11 24. On or about December 7, 1999 Silvia Burley as Chair Person of the "California Valley
12 Miwok Tribe f/k/a Sheep Ranch Tribe of Me-Wuk" executed an agreement with John Dietrich,
13 Robert Dawson, Harold Chesnin and Alan Ginsburg/NORAM (hereinafter collectively referred
14 to as "Developer") for the development of a "casino project". Silvia Burley has defaulted on the
15 agreement and a complaint has been filed before this Court No. CIV. S-00-2107 DFL DAD.

16 25. Plaintiffs Yakima Dixie, Melvin Dixie, and Rocky Dixie have never consented to nor
17 participated in any of the actions taken by Defendants.

18 **FIRST CAUSE OF ACTION**
19 **(Fraud)**

20 26. Plaintiffs incorporate as if fully set forth herein the allegations of paragraphs 1
21 through and including 25, above.

22 27. Defendants Silvia Burley and Rashel Reznor represented to Plaintiffs that if voted as
23 non lineal tribal members would in good faith follow Yakima Dixie's leadership and comply
24 with the desire and wishes of the descendants of the lineal tribe Sheep Ranch Miwok Tribe.

25 28. Based upon these representations Silvia Burley and Rashel Reznor were voted as non
26 lineal tribe members at the request of Defendants and the United States Bureau of Indian Affairs.

27 29. The above representations were false.

28 30. Defendants and co-conspirator Tiger Burley intended to not follow the leadership of

1 the lineal descendants of the Sheep Ranch Miwok Tribe. Instead, they voted to give the
2 chairpersonship to Silvia Burley and to take the funds available to Sheep Ranch Miwok Tribe for
3 their personal benefit. None of the lineal descendants of the Sheep Ranch Miwok Tribe have
4 received any funds.

5 31. If the Sheep Ranch Miwok Tribe had known of the true intent of Defendants, the
6 Sheep Ranch Miwok Tribe would not have accepted Defendants Silvia Burley and Rashel
7 Reznor as non lineal tribe members.

8 32. Based upon the fraudulent representations of Defendants Plaintiff has been damaged
9 in the amount according to proof and will seek the recovery set forth below.

10 **SECOND CAUSE OF ACTION**
11 **(Violation of the Racketeer Influenced and Corrupt Organizations)**
12 **(RICO)**

13 33. Plaintiffs incorporate as if fully set forth herein the allegations of paragraphs 1
14 through and including 32, above.

15 34. In making the fraudulent statements the Defendants utilized the United States Mail,
16 the Bureau of Indian Affairs and telephonic communication on an ongoing and continuing basis.
17 These uses substantially facilitated Defendants fraudulent scheme.

18 35. Defendants' actions consisted of violations of 18 USC §1961.

19 36. Defendants conspired to conduct the above referenced enterprise through the pattern
20 of racketeering, deception and fraud set forth above.

21 37. As a proximate result of Defendants conspiracy Plaintiffs has suffered in excess of
22 \$75,000 in damages.

23 38. Pursuant to 18 USC §1964(c) Plaintiffs are entitled to recover treble damages, costs,
24 and attorneys fees.

25 **THIRD CAUSE OF ACTION**
26 **(Accounting)**

27 39. Plaintiffs incorporate as if fully set forth herein the allegations of paragraphs 1
28 through and including 38, above.

40. Upon information and belief Plaintiffs allege that Defendants have received in excess

EXHIBIT “4”



YAKIMA K. DIXIE

Sheep Ranch Rancheria of MiWok Indians of California
11178 Sheep Ranch Rd., Mail P.O. Box 41
Sheep Ranch California 95250
Phone: 209-728-2102

October 30, 2003

Aurene Martin, Principal Deputy Assistant Secretary
U.S. Department of the Interior
Bureau of Indian Affairs
1849 C St. NW # 4160
Washington DC 20240-9997
(202) 208-7163

NOTICE OF APPEAL

This is a formal appeal which is made under Title 25 of the Code of Federal Regulations Ch 1 (4-1-03 Edition) Part 2 "Appeals From Administrative Actions" (The Code).

This action pertains to the federally registered Indian tribe known as the "**California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)**" (See: Federal Register / Vol 67, No. 134 / Friday, July 12, 2002, page 46328).

In this appeal, I, Yakima K. Dixie, as Appellant, am contesting the administrative action (without my knowledge or consent) by agents of the Bureau of Indian Affairs, in which Silvia Burley fraudulently came to be the recognized authority for and Chairperson of my ancestral tribe, of which I am the hereditary Chief and rightful Chairperson by lineal descent. As explained herein, I was tricked by Silvia Burley and others; and I, The Appellant, am requesting the nullification of both her appointment as Chairperson and the nullification of her original adoption and the adoption of her daughter and two grand-daughters into my tribe, which, again, I allege was fraudulent.

**Why this Appeal is now directed to the Washington Office
and the Principal Deputy Assistant Secretary.**

(ref. Section 2.9)

I Appeal directly to the Assistant Secretary of the BIA because repeated attempts, over the last 5 months, to initiate the Appeal at the office of both the Area and Regional Directors have failed to receive any attention. These prior actions are described below.

On May 5, 2003, I sent a formal request to Raymond Fry, Tribal Operations Officer for Tribal Services of the Sacramento Area Office, with whom I have dealt for over 20 years, who has been assigned to help me with tribal matters, who was instrumental in getting me to adopt Silvia Burley into my tribe, and who is involved with all of the details surround this situation. In this request, I asked him for help in preparing this Appeal as is his duty under Sub-section 2.9(b) of the CFR code cited above:

“When the appellant is an Indian or Indian Tribe not represented by counsel, the official who issued the decision appealed shall, upon request of the appellant, render such assistance as is appropriate in the preparation of the appeal”.

Further, I requested all relevant documents under the Freedom of Information Act. Contrary to his usual practice in responding to me, Mr. Fry has remained completely unresponsive to my request, which I have made repeatedly in both written form and by telephone message. See Exhibit #2003-05-05.

On June 26, 2003, I directed this same inquiry to Raymond Fry’s supervisor, Dale Risling, Superintendent Central California Area Office. In like manner, he also failed to respond to my request. See Exhibit 2003-06-26.

Finally, on August 15, 2003, I sent a formal NOTICE OF “APPEAL from inaction of official” under 25 Code of Federal Regulations Ch. 1 Section 2.8 to Clayton Gregory, the Acting Regional Director - Pacific Region, in which I requested that he force either Raymond Fry or Dale Risling to respond to my rightful requests. Again, Mr. Gregory neither responded to my request nor notified me of his intent not to respond. He simply ignored my request. See Exhibit 2003-08-15.

Consequently, I have exhausted my attempts to initiate my Appeal “in the office of the official whose decisions is being appealed” as prescribed in Section 2.9 of the above cited code in the CFR. For reason of the inactions that are cited above and for reasons of

possible malfeasance and breach of trust duties, which will be delineated later, the Area or Regional agents (Fry, Risling, Golden, and Gregory) cannot be trusted to mediate this Appeal. And I now Appeal directly to the headquarters of the Bureau in Washington.

Statement of Reasons for This Appeal (ref. Section 2.10)

The reasons and causes for my Appeal that Silvia Burley be nullified as both Chairperson and member of my tribe include allegations against Silvia Burley of fraud, forgery, theft of large sums of money, and gross mis-management of tribal affairs and business. This is made clear in the recitation of the following historical events.

By lineal descent and inheritance, I, Yakima K. Dixie am the legitimate heir to and the rightful Chief and Chairperson of the Sheep Ranch Rancheria of MiWok Indians of California. That is the traditional name of my tribe and it is my preferred tribal name, even though the tribal name was changed recently, without my knowledge or permission, in the Federal Register to "California Valley Miwok Tribe, California (formerly the Sheep Ranch rancheria of Me-Wuk Indians of California)".

My authority in the tribe as Chief and rightful Chairperson is by heredity and lineal descent through three historically documented generations spanning over 100 years (from my mother, Mable Hodge Dixie {Exhibits 1971-08-09 and 1971-11-01} and to her from her father, Tom Hodge {Exhibit 1915-08-13}, and to him from his father Peter Hodge {Exhibit 1915-08-13}) and prior to that back into pre-recorded history.

From the earliest anthropological studies, it is recorded that in Miwok tradition "Chieftanship was a well-defined and hereditary affair, as is show by the passage of the title to women, in the male line." (Exhibit 1925-00-00). This has certainly been the tradition in my particular tribe. Thus, according to tradition, I could never resign my Chairmanship nor could Silvia Burley or anyone else other than a lineal descendant ever be Chief. The authenticity of my lineal descent has never been in dispute at the BIA {Exhibit 1998-??-??} or by any other entity and is fully acknowledged by the key BIA agents, Raymond Fry and Brian Golden, in the video tape of their discussions with me wherein they purport to help me organize the tribe so that I may receive Trust benefits {Video Tape Exhibit 1998-09-08}. One component of such help was to be the acceptance of Silvia Burley as a tribal member. This tape is an important document and warrants viewing; and a written transcription will be prepared if warranted.

Some time in 1996, Silvia Burley visited me at my house (rancheria) and tribal location at Sheep Ranch. She was a tribeless Indian and unknown to me at the time She introduced herself by saying that the BIA had recommended that she discuss with me the prospect of accepting herself, her daughter, and two grand-daughters into the tribe so that they could obtain government health and educational benefits. Apparently, at the time,

126 she was virtually destitute, without much education, and living on welfare. Her
127 socio-economic status is important because it would seem impossible that she, of her
128 own capacity, could engineer the sophisticated maneuvers that were necessary to take
129 away my authority and divert such large sums of money - thus, inferring her management
130 by others. Over a period of about 2 years, I discussed with Silvia, both in person and in
131 letters, her request of becoming a member in my tribe; and in about October 1998, after
132 the meeting with Fry and Golden (Video Tape Exhibit #1998-09-08), I somehow
133 accepted Silvia, her daughter, and grand-daughters into the tribe. I say "somehow"
134 because there is no written membership induction nor traditional ceremony nor official
135 notice to me by the BIA. I have no clear recollection of how she became a member; it
136 just seemed to be assumed. Further, the agents of the BIA did not counsel me on the
137 implications of such an acceptance and on the various modes of membership -
138 non-voting, etc. However, by late 1998, in Resolution #GC-98-01, the BIA considers
139 Silvia to be a full member {op. cit. Exhibit 1998-??-??}.

141 My documentation on these and virtually all other transactions is only partial due to the
142 unwillingness of the agents of the Area and Regional BIA to provide complete
143 documents and the fact that I am still waiting for the fulfillment of my formal requests
144 under the Freedom of Information Act. {Exhibit 2003-09-30}

146 In the BIA files, there is a document which is dated April 20, 1999 and which purports to
147 represent that I resigned my Tribal Chairmanship to Silvia Burley {Exhibit 1999-04-20};
148 and it is said that upon this document, the Chairmanship was officially transferred. I
149 never signed such a document! The document is unnotarized; and the signature is forged.
150 I was never issued by the BIA a Notice of Administrative Decision or Action to this
151 effect, nor was I ever contacted by the agents of the BIA to confirm the matter, which one
152 would assume to be a routine part of their fiduciary and trusteeship responsibility to me
153 when dealing with major events such as this. Indeed, I did not know of the existence of
154 such a document or the fact that I had been replaced until some 7 months later, in
155 November 1999, when it was accidentally discovered by a business associate in the
156 course of his due diligence. The allegation of a fraudulent resignation letter was brought
157 to the attention of the BIA in a meeting of December 23, 1999, which I called to correct
158 this mistake, and the issue was acknowledged by the BIA in a communication of two
159 months later {Exhibit 2000-02-04}. However, no action was ever taken.

161 The letter of resignation upon which Silvia Burley's authority rests is not legitimate for
162 numerous reasons. I swear, under penalty of perjury, that I never signed such a letter.
163 The document is not properly witnessed and is un-notarized. The resignation document
164 of April 20, 1999 was subjected to the analysis of a qualified handwriting expert and
165 judged that "... Yakima Kenneth Dixie **did not sign** the questioned resignation letter"
166 {Exhibit 2003-06-22} (the emphasis is mine). Under any circumstances, such a
167 resignation would have been illegitimate under general tradition of the MiWoks and the
168 particular tradition of my tribe. Even if I had signed such a resignation, it would have
169 been the obligation of BIA agents to contact me and confirm in a formal manner that
170 such was my true desire under free will - something which was not done.

171
172 Thus, within 6 months of having been admitted into my tribe for the charitable purpose
173 of helping her and her daughters obtain government health and educational benefits,
174 Silvia Burley goes from being a tribeless, indigent person, not a part of my clan, to
175 becoming the Chairperson of a federally recognized Indian tribe with a documented
176 lineal descent of over 100 years, and in control of making all decisions for my tribe and
177 capable of diverting to herself huge sums of money from contracts, Federal Trust
178 accounts, and the California Gambling Control Commission.

179
180 The fraud and malfeasance of Silvia Burley increases exponentially from this point.

181
182 On April 30, 1999, ten days after the purported resignation (of which I was unaware at
183 the time), and at Silvia's instigation, I did sign a power of attorney in which one Mary
184 Turgeon Wynne (PO Box 1218 / 212 2nd Ave. N Suite 5 / Okanogan, Washington
185 98840-9652 / Phone: 509-422-6267) was authorized to represent me in filing documents
186 with the BIA to obtain my trust benefits {Exhibit 1999-04-30}, which by then had
187 accrued to, I believe, about \$280,000. A suspicious element is that, if I had signed such a
188 resignation, then why was such a power of attorney required from me? Why did Silvia
189 not sign the power of attorney by herself, as Chairperson. She has never required my
190 signature on any other document. This might be an indication that the April 20 document
191 was back-dated. Be that as it may, I never learned what Wynne did on my behalf; and I
192 have requested full documentation from her, which will be amended to this Appeal if
193 received.

194
195 Another example of fraud centers around a meeting of December 10, 1999. As
196 mentioned previously, when the Appellant learned about the forged resignation letter, a
197 meeting was called at the BIA to contest the issue. At the last moment, the agents of the
198 BIA canceled the appointment and deferred it to December 23, 1999. About a year later,
199 I learned through an inside informants, that a secret meeting was held on December 10
200 between the BIA agents, Silvia Burley, and representatives of a group called North
201 American Sports Management, Inc. I was not informed of such a meeting even though I
202 was the designated "Vice-Chairperson" in Burley's tribal organization and should have
203 been informed of such an important event. The purpose of the meeting, I learned, was to
204 discuss the prospects of establishing The Tribe as an operator of a gambling casino.
205 Immediately after that meeting, North American Sports Management and Silvia Burley
206 for The Tribe signed a agreement to move forward on that opportunity, with Silvia
207 Burley receiving a check for \$250,000 plus a commitment of \$50,000 per month until a
208 casino was established. Again, all of this was done without my knowledge or permission.
209 The agreement between Burley and North American Sports Management lasted for about
210 5 months and ended in North American filing suit on September 27, 2000 against Silvia
211 Burley and The Tribe for "breach of contract and fraud" {Exhibit 2000-09-27}. The suit
212 was settled before trial for a large, undisclosed amount of money to be paid by my tribe
213 to North American Sports Management.
214

On July 18, 2001, I initiated a suit against Silvia Burley; but the legal representation became mismanaged, and the suit was eventually dismissed by the court on January 24, 2002 because administrative remedies had not been exhausted. {Exhibit 2001-07-18}

During the course of the above and continuing into the present, Silvia Burley has garnered to herself through The Tribe something over \$3 million, most of which has come from the California Indian Gaming Revenue Sharing Trust Fund, a partial accounting of which is provided in the table below and is available on their web-site {<http://www.cgcc.ca.gov/rstfi.shtml>}.

STATE OF CALIFORNIA GRAY DAVIS, *Governor*

CALIFORNIA GAMBLING CONTROL COMMISSION

Report to Legislature for Distribution of Funds from Indian Gaming Revenue Sharing Trust Fund	
as Sheep Ranch Rancheria	
July 1, 2000	\$50,000
September 30, 2000	50,000
December 30, 2000	50,000
March 31, 2001	150,000
May 30, 2001	150,000
June 30, 2001	300,000
September 30, 2001	200,000
June 30, 2002	188,385
as California Valley Miwok Tribe	
September 30, 2002	159,393
December 31, 2002	111,234
March 31, 2002	50,358
June 30, 2003	95,172
Pending Distribution	683,160
Total	\$2,237,702

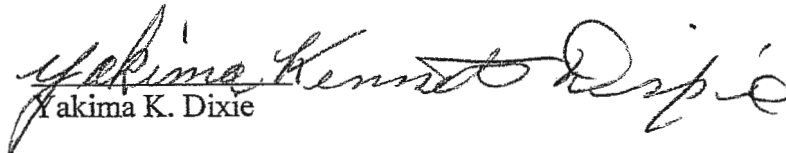
As far as can be determined, the sole beneficiary of this money has been Silvia Burley and her personal family with none of this money being used to advance tribal values or any activities related to Indians - thus, constituting gross mismanagement of The Tribe.

234
235 Meanwhile, the Appellant, who by lineal descent and inheritance is the legitimate heir to
236 and the rightful Chief and Chairperson of the Sheep Ranch Rancheria of MiWok Indians
237 of California continues to subsist on some \$700 per month in state aid.
238

239 In progress is a request for full documentation from the BIA under the Freedom of
240 Information Act. In addition, a request for records has been sent to Silvia Burley and to
241 Mary Wynne. Pertinent information obtained therefrom will be amended to this Appeal.
242 And additional points may be enumerated at a later time and at the hearing.
243

244 I need to know, as rapidly as possible, if the Bureau will hear this Appeal. If not, I need
245 to know that in writing and the reasons for not hearing this Appeal. If the Bureau will
246 hear the Appeal, then I need to know the procedures for further documentation and
247 hearing preparation. I need to know who, within the BIA, will be the case manager and
248 how to contact that person; and I need to have an itinerary of events.
249

250 Respectfully,
251

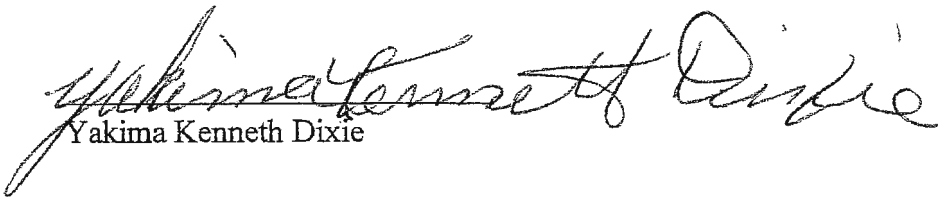
252
253 
254 Yakima K. Dixie
255
256
257
258

Affidavit

(Under California Code of Civ. Proc. Section 2015.5)

I, Yakima Kenneth Dixie, hereby swear, under penalty of perjury, that the foregoing is true and correct and when called to testify will do so as is represented herein. Although I have had outside assistance in constructing and writing this Appeal, I have completely read and understand its contents; and I confirm that this accurately represents my personal testimony.

Date: 11-3-03


Yakima Kenneth Dixie

JURAT

State/Commonwealth of California }
 County of Amador } ss.

Subscribed and sworn to (or affirmed) before me
 this 3rd day of November, 2003, by

(1) Yakima Kenneth Dixie
Date Month Year
 Name of Signer #1

(2) _____
 Name of Signer #2



Place Notary Seal and/or Any Stamp Above

Kristie M. Freitas
 Signature of Notary Public
Kristie M. Freitas
 Other Required Information (Printed Name of Notary, Residence, etc.)

OPTIONAL

Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Affidavit

Document Date: 11/3/03 Number of Pages: _____

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF SIGNER #1
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RIGHT THUMBPRINT OF SIGNER #2
Top of thumb here

Certificate of Service

In accordance with Sec. 2.12 Service of appeal documents of The Code, I hereby certify that, on October 30, 2003, I served copies of the foregoing Appeal top the following Interested Parties by first class U.S. mail, postage prepaid, addressed to:

Interested Parties**For The Bureau of Indian Affairs**

Aurene Martin
Principal Deputy Assistant Secretary
U.S. Department of the Interior
Bureau of Indian Affairs
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Collateral Interested Parties

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For Silvia Burley

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Fort Washington, Maryland 20744
301-248-6480

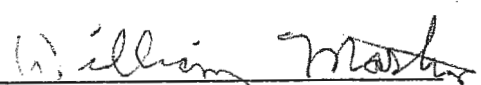

William Martin
203 Plaza Ave.
Lodi., California 95240
925-586-7260

Table of Exhibits

Document number assoc. with date.	Document Title	Annotations
1915-08-13	BIA census of Sheep Ranch Indians	Some 12 Indians are identified as part of the "Sheep-ranch Indians from "once quite a large band of Indians in former years". Yakima is the grandson of one of 4 children of Peter Hodge and Annite Hodge.
1925-00-00	Handbook of the Indians of California by A.L. Kroeber UCB	Important over-view of Miwoks including a definition of chieftainship. Also, territorial maps. See page 452 Social Practices "Chieftanship was a well-defined and hereditary affair, as is show by the passage of the title to women, in the male line...."
1971-08-09	Inventory and Appraisement of Indian Trust Land of Mable Hodge Dixie	Title of Yakima's land - relevant to "reservation" of the tribe and his position as Chief.
1971-11-01	Order Determining Heirs	BIA document designating Yakima and Melvin as heirs of Sheep Ranch land
1998-09-08	Video tape of BIA meeting with Yakima at Sheep Ranch	Raymond Fry and Brian Goldman, Tribal Officers of the BIA have a meeting at Yakima's house in Sheep Ranch with Silvia Burley to discuss various issues of Yakima's tribe, including Sylvia's entry into the tribe. The meeting is recorded on a 2 hour tape taken by Rocky McCay's wife. There is absolutely no doubt that Yakima is held to be the Chief, Chairperson, and sole determining entity in the Tribe by the BIA. They mention that there is a trust fund that has accumulated for Yakima (\$250,000) and that he needs to get his

tribe organized so that they can disburse the money to him to fix up his house and give him a decent standard of living. They convince Yakima to take Silvia into Tribe and do not advise him about various options such as voting or non-voting membership. There is no mention of making her Chairperson. Yakima repeatedly says that he is not an educated man, does not understand what is going on, and needs help.

1998-?-?	BIA Resolution #GC-98-01	“Establishing a General Council to Serve as the Governing Body of The Sheep Ranch Band of Me-Wuk Indians.” We have only page one. This is important and mentions Silvia.
1999-04-20	Resignation of Chairmanship by Yakima to Silvia	Forged document upon which the BIA validates its designation Silvia as Chairperson. It is not notarized and Silvia and her daughter are the only co-signers. Yakima, claims that he never signed such a document; and indeed, he was completely surprised when this was discovered accidentally some 7 months later on November 15, 1999, by others. Because chieftainship in the Miwok is by lineal descent, Yakima cannot resign his position but could only assign it with right of revocation - See Exhibit 1925-00-00. This document was reviewed by a hand-writing expert and found “Yakima Kenneth Dixie did not sign the questioned resignation letter.”.
1999-04-30	Power of attorney from Yakima to Mary Wynne	A power of attorney is granted by Yakima to Mary Wynn, attorney in Okanogan, Washington to manage the legal affairs of the tribe. Silvia was then going to school there, being funded by the BIA. (This power of attorney is curious because if Yakima had resigned his Chairpersonship

1999-04-20 to her 10 days before, then why did Silvia ask him to sign a document which, ostensibly, she, herself, was empowered to execute?) Yakima is told that the power of attorney was necessary to get money from the BIA to fix his house, give him some income, and generally conduct the affairs of the tribe. Subsequent, to this document, Yakima hears virtually nothing from Silvia or the BIA after this date.

Yakima withdraws the power of attorney on March 4, 2000

2000-02-04	BIA letter to Yakima reciting events and giving determinations.	This needs study. Note, they address it to Yakima K Dixie, Vice-Chairperson.
2000-09-27	North American Sports suit against the Tribe and Silvia.	Case # CIV.S-00-21-7 DFL DAD Complaint for Breach of Contract and Fraud.
2001-07-18	Sheep Ranch and Yakima sue Silvia Burley	Case# CIV.S-01-1389 MLS DAD Complaint for Fraud, RICO, Accounting, Declaratory Relief
2003-05-05	Letter to Raymond Fry of the BIA.	Yakima requests help from Fry in filing an appeal - Procedures, Interested Persons, and Freedom of Information documents. Fry does not respond.
2003-06-22	Document Examiners evaluation of Yakima's signature on resignation of Chairmanship.	See document of 1999-04-20-E. Examiner holds that "Yakima Kenneth Dixie did not sign the questioned resignation letter."
2003-06-26	Letter to Dale Risling of the BIA.	Yakima requests help in filing an appeal from Raymond Fry's Supervisor.
2003-08-15	Letter to Clayton Gregory of the BIA	Yakima makes an Appeal to Regional BIA, attempting to compel Fry and Risling, above, to fulfill their duty.
2003-09-30	Request for documents under Freedom of Information Act	FOIA re-sent to Willie Chism

EXHIBIT “5”



YAKIMA K. DIXIE

Sheep Ranch Rancheria of MiWok Indians of California
a.k.a. California Valley Miwok Tribe
11178 Sheep Ranch Rd., Mail P.O. Box 41
Sheep Ranch California 95250
209-728-2102

The Will & Testament

of

Yakima K. Dixie

I, Yakima K. Dixie (born February 1, 1940, a resident of California, and being of sound mind) make this Will for the organization of my Tribe, the conduct of its business, and the disposition of my personal property.

I

The Organization of My Tribe

I (a) - The Structure and Function of The Tribe

Until such time that the Tribe becomes organized within the frame-work of a constitution that is formally recognized by the government of the United States, this document represents my Will for the purpose, structure, and activities of my Tribe.

I (b) - The Purpose of The Tribe

The purpose of the Tribe shall be to engage its members in activities that enhance the particular interests of the Tribe, of Miwok Indians and their descendants in the vicinity of Sheep Ranch and of Native Americans and humanity in general. This will include, but not be limited to, the following activities: business enterprises, health and medical programs, educational and employment programs, projects in sustainable development, projects in Miwok traditions.

I (c) - The Office of The Chief

By hereditary and lineal descent, I, Yakima K. Dixie, am the Chief and rightful authority of the Sheep Ranch Rancheria of MiWok Indians of California a.k.a. California Valley Miwok Tribe (Tribe). I inherit my position and authority through three, historically documented generations

spanning over 100 years. From my mother, Mable Hodge Dixie (1918-1971), I inherited tribal authority - superseding my elder brother, Richard Dixie (1937-1987) and my younger brothers, Melvin Dixie (1943 -) and Tommy Dixie (1945-1983). My mother inherited her authority for The Tribe from her father, Tom Hodge, who, in turn, inherited his authority from his father, Peter Hodge. Prior to that, descent goes back into pre-recorded history.

Until superseded by a constitutional form of government, the Chief is the sole authority for the Tribe. If I were to die without progeny, the Office of Chief will cede to my next of kin, Melvin Dixie. The following are prerequisites for Melvin to inherit this position. 1) He would have to complete an accredited alcohol detoxification and treatment program. 2) He would have to pledge to honor all agreements which I have made for the Tribe and which are identified in this document. 3) He may not associate with Rocky MacKay. And 4) for a period of 2 years, he would have to manage the affairs of the Chief under the supervision of a Board of Trustees which would be include the Executive Director of the Tribe plus one representative of each of the entities with whom I have made a business agreement and who is identified herein.

If I were to survive Melvin, then his son, as next of kin, would inherit the position of Chief with the same provisos as above. If there is no next of kin or if the next of kin is unable to fulfill the functions of Chief, the Office shall cede to the Executive Director of the Tribal Counsel.

I (d) - Tribal Counsel

The Tribal Counsel shall consist of those member of the Tribe who are engaged in managing the functions of the Tribe. The Counsel may have consultants who are non-tribal members. The Tribal Counsel may initiate tribal policy for the approval of the Chief and the Counsel may organize itself as it determines appropriate to its activities. The initial Tribal Counsel shall be appointed by the Chief; and serve for a defined term. At the time of this signing, the only member of the Tribal Counsel is Velma WhiteBear, who is designated as the Executive Director of the Tribe.

I (e) - Tribal Membership

Membership in the Tribe shall be proposed by the Counsel by a majority vote and subject to approval by the Chief or proposed by the Chief and approved by a majority of the Counsel. There shall be various types of membership such as: probationary, conditional, life-time, and hereditary. The provisional members are listed below.

Antone Azevedo	4001 Carrie Bee Court	North Highlands, Calif. 95660
Melvin Dixie	Not known	
Arvada Fisher	PO BOX 224	Burson, Calif. 95225
Antonia Lopez	PO BOX 1432	Jackson, Calif. 95642
Robert Ramirez, Jr.	PO BOX 844	Valley Springs, Calif.
Iva A. Sandoval	31 1/2 Sinclair St.	Stockton, Calif. 9521

Velma D. WhiteBear 213 Downing Drive Galt, Calif. 95632
Shirley M. Wilson 3352 Bellview St. Stockton, Calif. 95206
Evelyn F. Wilson PO BOX 189 West Point, Calif. 95255
Patricia L. Williams 4585 Iowa Ave. Sacramento, Calif. 95824

I (f) - Contracts with Non-tribal Entities

In the course of regaining my authority of the Tribe and positioning it for business enterprises, I, as Chief, have made various agreements with non-tribal entities (individuals and organizations). These agreements are hereby incorporated into my Will as policy for the Tribe. At the time of this signing, there are four contracts. These are:

My Agreement with Bill Martin and LeRoi Chapelle. (Exhibit A)

My Finders Agreement with Philip Peck and Michael Babcock. (Exhibit B)

My Bridge-loan Agreement with various people. (Exhibit C)

My pending agreement with the casino Developer and Operator. (Exhibit D)

End of Section I - The Organization of My Tribe.

II

The Disposition of My Personal Property

II (a) - Appointment of Executor

I designate Velma Whitebear (my cousin) to be the Executor of this Will.

II (b) - Distribution of My Money

My accumulated cash reserves are to be distributed accordingly.

1) The sum of \$5,000 is to be used by the Executor to cover the costs of probating this Will.

2) The payment my obligations and debts.

(a) Priority in the payment of my obligations is the money which Bill Martin has expended on my behalf and on behalf of my Tribe since November 1999. Payment will be based on the expense receipts which are presented by Martin to the Executor plus a reasonable allowance for travel which he has made over the years.

(b) Payment to my remaining debts, including any "bridge-loans" which I may have made to cover expenses related to tribal matters, are to be made to individual lenders on a *pro rata* basis.

3) The remainder is to be donated to the general fund of my tribe.

3 - Distribution of Real Estate

a) My interest in any real estate that is held in trust for me with the Bureau of Indian affairs is to remain in federal trust and is to be deeded to my tribe (Sheep Ranch Rancheria of Miwok Indians of California a.k.a. California Valley Miwok Tribe) given the Exclusionary Principle as described below in section 5.

4 - Distribution of Other Assets

a) Earned income from intellectual properties, accrued earnings from other sources (including BIA trust accounts), and other assets that may be in my estate are to be used first to repay any outstanding debts and obligations as described in section 2, with the remainder to be conveyed to my Tribe according to my wishes as described below in both section 5 (Exclusionary Principle) and section 6 (Inheritance Of Tribal Authority).

5 - Exclusionary Principle

a) Where I have conveyed my personal assets to my Tribe, the following exclusionary principle shall apply. If (at the time of my demise and when this Will comes into force) the Tribe is still under the control of Silvia Burley or her relative(s), then my assets shall remain in my estate until such time as she is replaced by the rightful, lineal descendant as defined herein under section 6 (Inheritance Of Tribal Authority). If the probate of the Will is required by lawful authority before such recover of tribal authority, then such assets are willed to the Executor to be retained personally until, at the discretion of the Executor, the assets may be re-conveyed back to the Tribe.


6 - Inheritance Of Tribal Authority

To restate what is above, according to Miwok tradition, I am, by lineal descent, the Chief and rightful authority (Chairperson) of the federally recognized Indian tribe which is known as: Sheep Ranch Rancheria of MiWok Indians of California a.k.a. California Valley Miwok Tribe. I have held this position since the death of my mother (Mabel Hodge Dixie) in 1965. My mother inherited the Chieftanship from her father (my maternal grandfather), Tom Hodge. Tom Hodge inherited the Chieftanship from his father (my great-grandfather), Peter Hodge. Peter Hodge traced his ancestry back to pre-recorded history.

If I were to die without progeny, the Office of Chief will cede to my next of kin as described above. If there is no next of kin or if the next of kin is unable to fulfill the functions of Chief, the Office shall cede to the Executive Director of the Tribal Counsel.

End of Section II - The Disposition of My Personal Property.

Date: 5/5/04


Yakima K. Dixie

Witnesses

Date: 05/05/04


Bill Martin

217 **5 - Exclusionary Principle**

218
219 a) Where I have conveyed my personal assets to my Tribe, the following exclusionary principle
220 shall apply. If (at the time of my demise and when this Will comes into force) the Tribe is still
221 under the control of Silvia Burley or her relative(s), then my assets shall remain in my estate until
222 such time as she is replaced by the rightful, lineal descendant as defined herein under section 6
223 (Inheritance Of Tribal Authority). If the probate of the Will is required by lawful authority before
224 such recover of tribal authority, then such assets are willed to the Executor to be retained
225 personally until, at the discretion of the Executor, the assets may be re-conveyed back to the
226 Tribe.
227
228

229 **6 - Inheritance Of Tribal Authority**

230
231 To restate what is above, according to Miwok tradition, I am, by lineal descent, the Chief and
232 rightful authority (Chairperson) of the federally recognized Indian tribe which is known as: Sheep
233 Ranch Rancheria of MiWok Indians of California a.k.a. California Valley Miwok Tribe. I have
234 held this position since the death of my mother (Mabel Hodge Dixie) in 1965. My mother
235 inherited the Chieftanship from her father (my maternal grandfather), Tom Hodge. Tom Hodge
236 inherited the Chieftanship from his father (my great-grandfather), Peter Hodge. Peter Hodge
237 traced his ancestry back to pre-recorded history.
238
239

240
241 If I were to die without progeny, the Office of Chief will cede to my next of kin as described
242 above. If there is no next of kin or if the next of kin is unable to fulfill the functions of Chief, the
243 Office shall cede to the Executive Director of the Tribal Counsel.
244
245

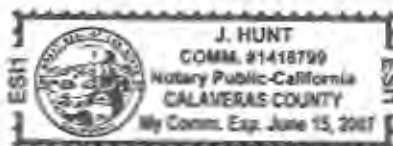
246
247 End of Section II - The Disposition of My Personal Property.
248

State of California

County of Calaveras }

Subscribed and sworn to before me on MAY 5, 2004

NOTARY SEAL:



J. Hunt
Notary Signature

J. Hunt
(Typed Name of Notary)

EXHIBIT “6”



Federal Register

Friday,
July 12, 2002

Part IV

Department of the Interior

Bureau of Indian Affairs

**Indian Entities Recognized and Eligible
To Receive Services From the United
States Bureau of Indian Affairs; Notice**

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs**

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of the current list of 562 tribal entities recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103-454; 108 Stat. 4791, 4792).

FOR FURTHER INFORMATION CONTACT: Daisy West, Bureau of Indian Affairs, Division of Tribal Government Services, MS-4631-MIB, 1849 C Street, NW, Washington, D.C. 20240. Telephone number: (202) 208-2475.

SUPPLEMENTARY INFORMATION: This notice is published in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8.

Published below is a list of federally acknowledged tribes in the contiguous 48 states and in Alaska. The list is updated from the notice published on March 13, 2000 (65 FR 13298). Six tribal entities have been added to the list. Three of the six tribes became newly recognized since the last publication. The other three tribes were omitted from earlier *Federal Register* publications of the Tribal Entities List. The Shawnee Tribe and the Graton Rancheria, were recognized under Titles 7 and 14 of the Act of December 27, 2000, Pub. L. 106-568, 114 Stat. 2868. The Cowlitz Indian Tribe was acknowledged under 25 CFR part 83. The final determination for federal acknowledgment became effective on January 4, 2002. The Assistant Secretary—Indian Affairs reaffirmed the formal recognition of the King Salmon Tribe, the Shoonag' Tribe of Kodiak, and the Lower Lake Rancheria, on December 29, 2000. The reaffirmation acknowledged that an administrative oversight had occurred and that three tribes had been omitted from the *Federal Register* list of entities recognized and eligible to receive services from the United States Bureau of Indian Affairs.

Several tribes have also made changes to their tribal name. Most of the name changes are minor in nature, except for the California Valley Miwok Tribe (formerly the Sheep Ranch Rancheria). To aid in identifying tribal name

changes, the tribe's former name is included with the new tribal name. We will continue to list the tribe's former name for several years before dropping the former name from the list. We have also made several corrections. To aid in identifying corrections, the tribe's previously listed name is included with the tribal name.

The listed entities are acknowledged to have the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations and obligations of such tribes. We have continued the practice of listing the Alaska Native entities separately solely for the purpose of facilitating identification of them and reference to them given the large number of complex Native names.

Dated: July 1, 2002.

Neal A. McCaleb,
Assistant Secretary—Indian Affairs.

Indian Tribal Entities Within the Contiguous 48 States Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

Absentee-Shawnee Tribe of Indians of Oklahoma
Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona
Alabama-Coushatta Tribes of Texas
Alabama-Quassarte Tribal Town, Oklahoma
Alturas Indian Rancheria, California
Apache Tribe of Oklahoma
Arapahoe Tribe of the Wind River Reservation, Wyoming
Aroostook Band of Micmac Indians of Maine
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana
Augustine Band of Cahuilla Mission Indians of the Augustine Reservation, California
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
Bay Mills Indian Community, Michigan (previously listed as the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mills Reservation, Michigan)
Bear River Band of the Rohnerville Rancheria, California
Berry Creek Rancheria of Maidu Indians of California
Big Lagoon Rancheria, California
Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California

Big Sandy Rancheria of Mono Indians of California
Big Valley Band of Pomo Indians of the Big Valley Rancheria, California
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
Blue Lake Rancheria, California
Bridgeport Paiute Indian Colony of California
Buena Vista Rancheria of Me-Wuk Indians of California
Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon
Cabazon Band of Cahuilla Mission Indians of the Cabazon Reservation, California
Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California
Caddo Indian Tribe of Oklahoma
Cahuilla Band of Mission Indians of the Cahuilla Reservation, California
Cahto Indian Tribe of the Laytonville Rancheria, California
California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)
Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
Capitan Grande Band of Diegueno Mission Indians of California:
Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California
Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California
Catawba Indian Nation (aka Catawba Tribe of South Carolina)
Cayuga Nation of New York
Cedarville Rancheria, California
Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
Cherokee Nation, Oklahoma
Cheyenne-Arapaho Tribes of Oklahoma
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
Chickasaw Nation, Oklahoma
Chicken Ranch Rancheria of Me-Wuk Indians of California
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana
Chitimacha Tribe of Louisiana
Choctaw Nation of Oklahoma
Citizen Potawatomi Nation, Oklahoma
Cloverdale Rancheria of Pomo Indians of California
Cocopah Tribe of Arizona
Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho
Cold Springs Rancheria of Mono Indians of California
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California

Comanche Nation, Oklahoma (formerly the Comanche Indian Tribe)
 Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana
 Confederated Tribes of the Chehalis Reservation, Washington
 Confederated Tribes of the Colville Reservation, Washington
 Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of Oregon
 Confederated Tribes of the Goshute Reservation, Nevada and Utah
 Confederated Tribes of the Grand Ronde Community of Oregon
 Confederated Tribes of the Siletz Reservation, Oregon
 Confederated Tribes of the Umatilla Reservation, Oregon
 Confederated Tribes of the Warm Springs Reservation of Oregon
 Confederated Tribes and Bands of the Yakama Nation, Washington (formerly the Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation)
 Coquille Tribe of Oregon
 Cortina Indian Rancheria of Wintun Indians of California
 Coushatta Tribe of Louisiana
 Cow Creek Band of Umpqua Indians of Oregon
 Cowlitz Indian Tribe, Washington
 Coyote Valley Band of Pomo Indians of California
 Crow Tribe of Montana
 Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
 Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, California
 Death Valley Timbi-Sha Shoshone Band of California
 Delaware Nation, Oklahoma (formerly the Delaware Tribe of Western Oklahoma)
 Delaware Tribe of Indians, Oklahoma
 Dry Creek Rancheria of Pomo Indians of California
 Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada
 Eastern Band of Cherokee Indians of North Carolina
 Eastern Shawnee Tribe of Oklahoma
 Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California
 Elk Valley Rancheria, California
 Ely Shoshone Tribe of Nevada
 Enterprise Rancheria of Maidu Indians of California
 Flandreau Santee Sioux Tribe of South Dakota
 Forest County Potawatomi Community, Wisconsin (previously listed as the Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Wisconsin)
 Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
 Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
 Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
 Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon
 Fort McDowell Yavapai Nation, Arizona (formerly the Fort McDowell Mohave-Apache Community of the Fort McDowell Indian Reservation)
 Fort Mojave Indian Tribe of Arizona, California & Nevada
 Fort Sill Apache Tribe of Oklahoma
 Gila River Indian Community of the Gila River Indian Reservation, Arizona
 Grand Traverse Band of Ottawa and Chippewa Indians, Michigan (previously listed as the Grand Traverse Band of Ottawa & Chippewa Indians of Michigan)
 Graton Rancheria, California
 Greenville Rancheria of Maidu Indians of California
 Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
 Guidiville Rancheria of California
 Hannahville Indian Community, Michigan (previously listed as the Hannahville Indian Community of Wisconsin Potawatomi Indians of Michigan)
 Havasupai Tribe of the Havasupai Reservation, Arizona
 Ho-Chunk Nation of Wisconsin (formerly the Wisconsin Winnebago Tribe)
 Hoh Indian Tribe of the Hoh Indian Reservation, Washington
 Hoopa Valley Tribe, California
 Hopi Tribe of Arizona
 Hopland Band of Pomo Indians of the Hopland Rancheria, California
 Houlton Band of Maliseet Indians of Maine
 Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona
 Huron Potawatomi, Inc., Michigan
 Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California
 Ione Band of Miwok Indians of California
 Iowa Tribe of Kansas and Nebraska
 Iowa Tribe of Oklahoma
 Jackson Rancheria of Me-Wuk Indians of California
 Jamestown S'Klallam Tribe of Washington
 Jamul Indian Village of California
 Jena Band of Choctaw Indians, Louisiana
 Jicarilla Apache Nation, New Mexico (formerly the Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation)
 Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona
 Kalispel Indian Community of the Kalispel Reservation, Washington
 Karuk Tribe of California
 Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California
 Kaw Nation, Oklahoma
 Keweenaw Bay Indian Community, Michigan (previously listed as the Keweenaw Bay Indian Community of L'Anse and Ontonagon Bands of Chippewa Indians of the L'Anse Reservation, Michigan)
 Kialegee Tribal Town, Oklahoma
 Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
 Kickapoo Tribe of Oklahoma
 Kickapoo Traditional Tribe of Texas
 Kiowa Indian Tribe of Oklahoma
 Klamath Indian Tribe of Oregon
 Kootenai Tribe of Idaho
 La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation, California
 La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California
 Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin (previously listed as the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of the Lac Courte Oreilles Reservation of Wisconsin)
 Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
 Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan (previously listed as the Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan)
 Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada
 Little River Band of Ottawa Indians, Michigan (previously listed as the Little River Band of Ottawa Indians of Michigan)
 Little Traverse Bay Bands of Odawa Indians, Michigan (previously listed as the Little Traverse Bay Bands of Odawa Indians of Michigan)
 Lower Lake Rancheria, California
 Los Coyotes Band of Cahuilla Mission Indians of the Los Coyotes Reservation, California
 Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada
 Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
 Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington
 Lower Sioux Indian Community in the State of Minnesota (previously listed as the Lower Sioux Indian Community of Minnesota)
 Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota)

Lummi Tribe of the Lummi Reservation, Washington
 Lytton Rancheria of California
 Makah Indian Tribe of the Makah Indian Reservation, Washington
 Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California
 Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California
 Mashantucket Pequot Tribe of Connecticut
 Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan
 Mechoopda Indian Tribe of Chico Rancheria, California
 Menominee Indian Tribe of Wisconsin
 Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California
 Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
 Miami Tribe of Oklahoma
 Miccosukee Tribe of Indians of Florida
 Middletown Rancheria of Pomo Indians of California
 Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band)
 Mississippi Band of Choctaw Indians, Mississippi
 Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada
 Modoc Tribe of Oklahoma
 Mohegan Indian Tribe of Connecticut
 Mooretown Rancheria of Maidu Indians of California
 Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California
 Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington
 Muscogee (Creek) Nation, Oklahoma
 Narragansett Indian Tribe of Rhode Island
 Navajo Nation, Arizona, New Mexico & Utah
 Nez Perce Tribe of Idaho
 Nisqually Indian Tribe of the Nisqually Reservation, Washington
 Nooksack Indian Tribe of Washington
 Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
 Northfork Rancheria of Mono Indians of California
 Northwestern Band of Shoshoni Nation of Utah (Washakie)
 Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota
 Omaha Tribe of Nebraska
 Oneida Nation of New York
 Oneida Tribe of Indians of Wisconsin (previously listed as the Oneida Tribe of Wisconsin)
 Onondaga Nation of New York
 Osage Tribe, Oklahoma
 Ottawa Tribe of Oklahoma
 Otoe-Missouria Tribe of Indians, Oklahoma
 Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)
 Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California
 Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada
 Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California
 Pala Band of Luiseno Mission Indians of the Pala Reservation, California
 Pascua Yaqui Tribe of Arizona
 Paskenta Band of Nomlaki Indians of California
 Passamaquoddy Tribe of Maine
 Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California
 Pawnee Nation of Oklahoma
 Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California
 Penobscot Tribe of Maine
 Peoria Tribe of Indians of Oklahoma
 Picayune Rancheria of Chukchansi Indians of California
 Pinoleville Rancheria of Pomo Indians of California
 Pit River Tribe, California (includes Big Bend, Lookout, Montgomery Creek & Roaring Creek Rancherias & XL Ranch)
 Poarch Band of Creek Indians of Alabama
 Pokagon Band of Potawatomi Indians, Michigan and Indiana (previously listed as the Pokagon Band of Potawatomi Indians of Michigan)
 Ponca Tribe of Indians of Oklahoma
 Ponca Tribe of Nebraska
 Port Gamble Indian Community of the Port Gamble Reservation, Washington
 Potter Valley Rancheria of Pomo Indians of California
 Prairie Band of Potawatomi Nation, Kansas (formerly the Prairie Band of Potawatomi Indians)
 Prairie Island Indian Community in the State of Minnesota (previously listed as the Prairie Island Indian Community of Minnesota)
 Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota)
 Pueblo of Acoma, New Mexico
 Pueblo of Cochiti, New Mexico
 Pueblo of Jemez, New Mexico
 Pueblo of Isleta, New Mexico
 Pueblo of Laguna, New Mexico
 Pueblo of Nambe, New Mexico
 Pueblo of Picuris, New Mexico
 Pueblo of Pojoaque, New Mexico
 Pueblo of San Felipe, New Mexico
 Pueblo of San Juan, New Mexico
 Pueblo of San Ildefonso, New Mexico
 Pueblo of Sandia, New Mexico
 Pueblo of Santa Ana, New Mexico
 Pueblo of Santa Clara, New Mexico
 Pueblo of Santo Domingo, New Mexico
 Pueblo of Taos, New Mexico
 Pueblo of Tesuque, New Mexico
 Pueblo of Zia, New Mexico
 Puyallup Tribe of the Puyallup Reservation, Washington
 Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
 Quapaw Tribe of Indians, Oklahoma
 Quartz Valley Indian Community of the Quartz Valley Reservation of California
 Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
 Quileute Tribe of the Quileute Reservation, Washington
 Quinault Tribe of the Quinault Reservation, Washington
 Ramona Band or Village of Cahuilla Mission Indians of California
 Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
 Red Lake Band of Chippewa Indians, Minnesota (previously listed as the Red Lake Band of Chippewa Indians of the Red Lake Reservation, Minnesota)
 Redding Rancheria, California
 Redwood Valley Rancheria of Pomo Indians of California
 Reno-Sparks Indian Colony, Nevada
 Resighini Rancheria, California (formerly the Coast Indian Community of Yurok Indians of the Resighini Rancheria)
 Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California
 Robinson Rancheria of Pomo Indians of California
 Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
 Round Valley Indian Tribes of the Round Valley Reservation, California (formerly the Covelo Indian Community)
 Rumsey Indian Rancheria of Wintun Indians of California
 Sac & Fox Tribe of the Mississippi in Iowa
 Sac & Fox Nation of Missouri in Kansas and Nebraska
 Sac & Fox Nation, Oklahoma
 Saginaw Chippewa Indian Tribe of Michigan (previously listed as the Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation)
 St. Croix Chippewa Indians of Wisconsin (previously listed as the St. Croix Chippewa Indians of Wisconsin, St. Croix Reservation)
 St. Regis Band of Mohawk Indians of New York

Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona

Samish Indian Tribe, Washington

San Carlos Apache Tribe of the San Carlos Reservation, Arizona

San Juan Southern Paiute Tribe of Arizona

San Manuel Band of Serrano Mission Indians of the San Manuel Reservation, California

San Pasqual Band of Diegueno Mission Indians of California

Santa Rosa Indian Community of the Santa Rosa Rancheria, California

Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation, California

Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California

Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California

Santee Sioux Tribe of the Santee Reservation of Nebraska

Sauk-Suiattle Indian Tribe of Washington

Sault Ste. Marie Tribe of Chippewa Indians of Michigan

Scotts Valley Band of Pomo Indians of California

Seminole Nation of Oklahoma

Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations

Seneca Nation of New York

Seneca-Cayuga Tribe of Oklahoma

Shakopee Mdewakanton Sioux Community of Minnesota (previously listed as the Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake))

Shawnee Tribe, Oklahoma

Sherwood Valley Rancheria of Pomo Indians of California

Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California

Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington

Shoshone Tribe of the Wind River Reservation, Wyoming

Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho

Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada

Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota

Skokomish Indian Tribe of the Skokomish Reservation, Washington

Skull Valley Band of Goshute Indians of Utah

Smith River Rancheria, California

Snoqualmie Tribe, Washington

Soboba Band of Luiseno Indians, California (formerly the Soboba Band of Luiseno Mission Indians of the Soboba Reservation)

Sokaogon Chippewa Community, Wisconsin (previously listed as the Sokaogon Chippewa Community of the Mole Lake Band of Chippewa Indians, Wisconsin)

Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado

Spirit Lake Tribe, North Dakota

Spokane Tribe of the Spokane Reservation, Washington

Squaxin Island Tribe of the Squaxin Island Reservation, Washington

Standing Rock Sioux Tribe of North & South Dakota

Stockbridge Munsee Community, Wisconsin (previously listed as the Stockbridge-Munsee Community of Mohican Indians of Wisconsin)

Stillaguamish Tribe of Washington

Summit Lake Paiute Tribe of Nevada

Suquamish Indian Tribe of the Port Madison Reservation, Washington

Susanville Indian Rancheria, California

Swinomish Indians of the Swinomish Reservation, Washington

Sycuan Band of Diegueno Mission Indians of California

Table Bluff Reservation—Wiyot Tribe, California

Table Mountain Rancheria of California

Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band and Wells Band)

Thlopthlocco Tribal Town, Oklahoma

Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota

Tohono O'odham Nation of Arizona

Tonawanda Band of Seneca Indians of New York

Tonkawa Tribe of Indians of Oklahoma

Tonto Apache Tribe of Arizona

Torres-Martinez Band of Cahuilla Mission Indians of California

Tule River Indian Tribe of the Tule River Reservation, California

Tulalip Tribes of the Tulalip Reservation, Washington

Tunica-Biloxi Indian Tribe of Louisiana

Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California

Turtle Mountain Band of Chippewa Indians of North Dakota

Tuscarora Nation of New York

Twenty-Nine Palms Band of Mission Indians of California (previously listed as the Twenty-Nine Palms Band of Luiseno Mission Indians of California)

United Auburn Indian Community of the Auburn Rancheria of California

United Keetoowah Band of Cherokee Indians in Oklahoma (previously listed as the United Keetoowah Band of Cherokee Indians of Oklahoma)

Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California

Upper Sioux Community, Minnesota (previously listed as the Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota)

Upper Skagit Indian Tribe of Washington

Ute Indian Tribe of the Uintah & Ouray Reservation, Utah

Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah

Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California

Walker River Paiute Tribe of the Walker River Reservation, Nevada

Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts

Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches)

White Mountain Apache Tribe of the Fort Apache Reservation, Arizona

Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma

Winnebago Tribe of Nebraska

Winnemucca Indian Colony of Nevada

Wyandotte Tribe of Oklahoma

Yankton Sioux Tribe of South Dakota

Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona

Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona

Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada

Yomba Shoshone Tribe of the Yomba Reservation, Nevada

Ysleta Del Sur Pueblo of Texas

Yurok Tribe of the Yurok Reservation, California

Zuni Tribe of the Zuni Reservation, New Mexico

Native Entities Within the State of Alaska Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs

Village of Afognak

Agdaagux Tribe of King Cove

Native Village of Akhiok

Akiachak Native Community

Akiak Native Community

Native Village of Akutan

Village of Alakanuk

Alatna Village

Native Village of Aleknagik

Algaaciq Native Village (St. Mary's)

Allakaket Village

Native Village of Ambler

Village of Anaktuvuk Pass

Yupit of Andreafski

Angoon Community Association

Village of Aniak

Anvik Village

Arctic Village (See Native Village of Venetie Tribal Government)

Asa'carsarmiut Tribe (formerly the Native Village of Mountain Village)

Native Village of Atka

Village of Atnautluak

Atkasuk Village (Atkasook)	Inupiat Community of the Arctic Slope	Nome Eskimo Community
Native Village of Barrow Inupiat Traditional Government	Iqurmuit Traditional Council (formerly the Native Village of Russian Mission)	Nondalton Village
Beaver Village	Ivanoff Bay Village	Noorvik Native Community
Native Village of Belkofski	Kaguyak Village	Northway Village
Village of Bill Moore's Slough	Organized Village of Kake	Native Village of Nuiqsut (aka Nooiksut)
Birch Creek Tribe	Kaktovik Village (aka Barter Island)	Nulato Village
Native Village of Brevig Mission	Village of Kalskag	Nunakauyarmiut Tribe (formerly the Native Village of Toksook Bay)
Native Village of Buckland	Village of Kaltag	Native Village of Nunapitchuk
Native Village of Cantwell	Native Village of Kanatak	Village of Ohogamiut
Native Village of Chanega (aka Chenega)	Native Village of Karluk	Village of Old Harbor
Chalkyitsik Village	Organized Village of Kasaan	Orutsararmiut Native Village (aka Bethel)
Cheesh-Na Tribe (formerly the Native Village of Chistochina)	Native Village of Kasigluk	Oscarville Traditional Village
Village of Cheforuak	Kenaitze Indian Tribe	Native Village of Ouzinkie
Chevak Native Village	Ketchikan Indian Corporation	Native Village of Paimiut
Chickaloon Native Village	Native Village of Kiana	Pauloff Harbor Village
Native Village of Chignik	King Island Native Community	Pedro Bay Village
Native Village of Chignik Lagoon	King Salmon Tribe	Native Village of Perryville
Chignik Lake Village	Native Village of Kipnuk	Petersburg Indian Association
Chilkat Indian Village (Klukwan)	Native Village of Kivalina	Native Village of Pilot Point
Chilkoot Indian Association (Haines)	Klawock Cooperative Association	Pilot Station Traditional Village
Chinik Eskimo Community (Golovin)	Native Village of Kluti Kaah (aka Copper Center)	Native Village of Pitka's Point
Native Village of Chitina	Knik Tribe	Platinum Traditional Village
Native Village of Chuathbaluk (Russian Mission, Kuskokwim)	Native Village of Kobuk	Native Village of Point Hope
Chuloonawick Native Village	Kokhanok Village	Native Village of Point Lay
Circle Native Community	Native Village of Kongiganak	Native Village of Port Graham
Village of Clarks Point (previously listed as the Village of Clark's Point)	Village of Kotlik	Native Village of Port Heiden
Native Village of Council	Native Village of Kotzebue	Native Village of Port Lions
Craig Community Association	Native Village of Koyuk	Portage Creek Village (aka Ohgsenakale)
Village of Crooked Creek	Koyukuk Native Village	Pribilof Islands Aleut Communities of St. Paul & St. George Islands
Curyung Tribal Council (formerly the Native Village of Dillingham)	Organized Village of Kwethluk	Qagan Tayagungin Tribe of Sand Point Village
Native Village of Deering	Native Village of Kwigillingok	Qawalangin Tribe of Unalaska
Native Village of Diomedea (aka Inalik)	Native Village of Kwinhagak (aka Quinhagak)	Rampart Village
Village of Dot Lake	Native Village of Larsen Bay	Village of Red Devil
Douglas Indian Association	Levelock Village	Native Village of Ruby
Native Village of Eagle	Lesnoi Village (aka Woody Island)	Saint George Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
Native Village of Eek	Lime Village	Native Village of Saint Michael
Egegik Village	Village of Lower Kalskag	Saint Paul Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
Eklutna Native Village	Manley Hot Springs Village	Village of Salamatoff
Native Village of Ekuk	Manokotak Village	Native Village of Savoonga
Ekwoik Village	Native Village of Marshall (aka Fortuna Ledge)	Organized Village of Saxman
Native Village of Elim	Native Village of Mary's Igloo	Native Village of Scammon Bay
Emmonak Village	McGrath Native Village	Native Village of Selawik
Evansville Village (aka Bettles Field)	Native Village of Mekoryuk	Seldovia Village Tribe
Native Village of Eyak (Cordova)	Mentasta Traditional Council	Shageluk Native Village
Native Village of False Pass	Metlakatla Indian Community, Annette Island Reserve	Native Village of Shaktoolik
Native Village of Fort Yukon	Native Village of Minto	Native Village of Sheldon's Point
Native Village of Gakona	Naknek Native Village	Native Village of Shishmaref
Galena Village (aka Loudon Village)	Native Village of Nanwalek (aka English Bay)	Shoonaq' Tribe of Kodiak
Native Village of Gambell	Native Village of Napaimute	Native Village of Shungnak
Native Village of Georgetown	Native Village of Napakiak	Sitka Tribe of Alaska
Native Village of Goodnews Bay	Native Village of Napaskiak	Skagway Village
Organized Village of Grayling (aka Holikachuk)	Native Village of Nelson Lagoon	Village of Sleetmute
Gulkana Village	Nenana Native Association	Village of Solomon
Native Village of Hamilton	New Koliganek Village Council (formerly the Koliganek Village)	South Naknek Village
Healy Lake Village	New Stuyahok Village	Stebbins Community Association
Holy Cross Village	Newhalen Village	Native Village of Stevens
Hoonah Indian Association	Newtok Village	Village of Stony River
Native Village of Hooper Bay	Native Village of Nightmute	Takotna Village
Hughes Village	Nikolai Village	Native Village of Tanacross
Huslia Village	Native Village of Nikolski	Native Village of Tanana
Hydaburg Cooperative Association	Ninilchik Village	Native Village of Tatitlek
Igiugig Village	Native Village of Noatak	
Village of Iliamna		

Native Village of Tazlina
Telida Village
Native Village of Teller
Native Village of Tetlin
Central Council of the Tlingit & Haida
Indian Tribes
Traditional Village of Togiak
Tuluksak Native Community
Native Village of Tuntutuliak
Native Village of Tununak

Twin Hills Village
Native Village of Tyonek
Ugashik Village
Umkumiute Native Village
Native Village of Unalakleet
Native Village of Unga
Village of Venetie (*See* Native Village of
Venetie Tribal Government)

Native Village of Venetie Tribal
Government (Arctic Village and
Village of Venetie)
Village of Wainwright
Native Village of Wales
Native Village of White Mountain
Wrangell Cooperative Association
Yakutat Tlingit Tribe
[FR Doc. 02-17508 Filed 7-11-02; 8:45 am]
BILLING CODE 4310-4J-P

EXHIBIT “7”

0457



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240

IN REPLY REFER TO:

Tribal Government Services
BCCO 01792

JUN 7 2001

Honorable Silvia Burley
Chairperson, California Valley Miwok Tribe
aka "Sheep Ranch Rancheria of Me-Wuk
Indians of California"
1055 Winter Court
Tracy, California 95376

Dear Chairperson Burley:

Thank you for your letter dated April 9, 2001, regarding the Tribal Council's desire to change the name of the *Sheep Ranch Rancheria of Me-Wuk Indians of California* to the *California Valley Miwok Tribe*. You have received conflicting information on how to accomplish the name change so you've requested us to clarify the matter.

The *Sheep Ranch Rancheria (Tribe)* is a small tribe that does not have a tribal constitution. The Tribe has a tribal council and conducts tribal business through resolution. A tribal resolution, such as resolution No. R-1-5-07-201, enacted by the Tribal Council on May 7, 2001, is sufficient to effect the tribal name change. The Tribe's new name has been included on the Tribal Entities List that will be published in the FEDERAL REGISTER later this year.

Some tribes have constitutions that contain a provision that specifically states the tribe's official name. In that situation, the tribe will have to amend that particular provision in the constitution before the new name will be published in the FEDERAL REGISTER. On the other hand, if the tribal constitution does not contain a provision that sets out the tribe's official name, an amendment to the constitution is unnecessary. In such instances, the tribe can change its name by enacting a tribal ordinance to establish its official name.

We hope that this information resolves the matter for you.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Backman", is written over a horizontal line.

Deputy Commissioner of Indian Affairs

cc: Regional Director, Pacific Region w/copy of incoming
Superintendent, Central California Agency w/copy of incoming

EXHIBIT “8”

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THE CALIFORNIA VALLEY MIWOK
TRIBE,
11178 Sheep Ranch Road
Mountain Ranch, CA 95246

Case No. 1:11-CV-00160-RWR

THE TRIBAL COUNCIL,
11178 Sheep Ranch Road
Mountain Ranch, CA 95246

YAKIMA DIXIE,
11178 Sheep Ranch Road
Mountain Ranch, CA 95246

VELMA WHITEBEAR,
213 Downing Drive
Galt, CA 95632

ANTONIA LOPEZ
P.O. Box 1432
Jackson, CA 95642

MICHAEL MENDIBLES,
P.O. Box 1432
Jackson, CA 95642

EVELYN WILSON
4104 Blagen Boulevard
West Point, CA 95255

ANTOINE AZEVEDO,
4001 Carribee Court
North Highlands, CA 95660

Plaintiffs,

v.

KEN SALAZAR, in his official capacity as
Secretary of the United States Department of
the Interior,
United States Department of the Interior

1849 C Street, N.W.
Washington, D.C. 20240
LARRY ECHO HAWK, in his official
capacity as Assistant Secretary-Indian Affairs
of the United States Department of the Interior,
Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

MICHAEL BLACK, in his official capacity as
Director of the Bureau of Indian Affairs within
the United States Department of the Interior,
Bureau of Indian Affairs
MS-4606
1849 C Street, N.W.
Washington, D.C. 20240

Defendants.

**STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF INTERVEOR
DEFENDANT'S MOTION TO DISMISS FIRST AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

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(D.C. Bar No. 457756)
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Attorney for Proposed Intervenors,
The California Valley Miwok Tribe

Dated: December 13, 2011

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S-03-1476 slip op. at 7 (E.D. Cal. Nov. 4, 2003) (“It is by now well-established that an Indian tribe has exclusive jurisdiction over wholly internal tribal subject matter, such as membership disputes...”); *Lincoln v. Saginaw Chippewa Indian Tribe of Michigan*, 967 F.Supp. 966, 967 (E.D. Mich. 1997) *aff’d*, 156 F.3d 1230 (6th Cir. 1998) (“this court finds that it lacks jurisdiction to hear what is essentially a membership dispute between Plaintiffs and the Tribe.”); *Montgomery v. Flandreau Santee Sioux Tribe*, 905 F.Supp. 740, 746 (D.S.C. 1995) (“Giving deference to the Tribe’s right as a sovereign to determine its own membership, the Court holds that it lacks subject matter jurisdiction to determine whether any plaintiffs were wrongfully denied enrollment in the Tribe.”)

Moreover, “[f]ederal court jurisdiction does not reach this matter simply because the plaintiffs carefully worded their complaint.” *Smith v. Babbitt*, 100 F.3d at 559. In their Amended Complaint, Plaintiffs allege violations of the APA, the U.S. Constitution, and the Indian Civil Rights Act (“ICRA”). (Amended Complaint, ¶¶ 90-119). However, upon closer examination, it is evident that “these allegations are merely attempts to move this [internal tribal] dispute, over which this [C]ourt would not otherwise have jurisdiction, into federal court.” *Smith v. Babbitt*, 100 F.3d at 559. This Court cannot, and appropriately should not, permit Plaintiffs to pursue their enrollment grievances in this forum, as this Court lacks the necessary subject matter jurisdiction to do so pursuant to the aforementioned authority — despite Plaintiffs’ attempts to cloak an undisputed enrollment dispute under the guise of an APA action. Leaving these issues to the Tribe and to the Tribe alone is what current Federal law and policy towards Indian self-determination requires.

3. Plaintiffs’ Claims Are Time-Barred, Warranting Dismissal of This Action.

A separate and independent jurisdictional basis warranting dismissal of Plaintiffs' Amended Complaint is that the Plaintiffs' challenge to past BIA determinations, under the guise of challenging the August 2011 Decision, is statutorily prohibited as time-barred. Claims which arise under the APA are subject to the statute of limitations governed by 28 U.S.C. § 2401(a), which bars civil actions against the United States that are not filed within six years after the right of action first accrues. See *Impro Products, Inc. v. Block*, 722 F.2d 845, 850 (D.C. Cir. 1983). The right of action first accrues on the date of the final agency action.⁵ *Id.*; *Sendra Corp. v. Magaw*, 111 F.3d 162, 165 (D.C. Cir. 1997). As the D.C. Circuit has long held, Section "2401(a) is a jurisdictional condition attached to the government's waiver of sovereign immunity, and as such, it must be strictly construed." *Spannaus v. U.S. Dep't of Justice*, 824 F.2d 52, 55 (D.C. Cir. 1987) (citations omitted); see *West Virginia Highlands*, 540 F. Supp. 2d 125, 138 (4th Cir. 1998). Further, a jurisdictional statute of limitations, such as Section 2401(a) "cannot be overcome by the application of judicially recognized exceptions such as waiver, estoppels, equitable tolling, fraudulent concealment, the discovery rule, and the continuing violations doctrine." *Id.* (citations and alternations omitted). Instead, a "single violation...accrues on the day following the deadline" and a suit challenging such a violation is barred if filed outside the six-year statute of limitations. *Ctr. For Biological Diversity v. Hamilton*, 453 F.3d 1331, 1335 (11th Cir. 2006). Thus, where a party seeks to sue the United States pursuant to such a waiver of sovereign immunity, as Plaintiffs do here, the expiration of the statute of limitations on that claim is "construed as a bar to the court's subject matter

⁵ In *Bennett v. Spear*, the U.S. Supreme Court set forth two conditions in order for an agency action to be deemed "final": "First, the action must mark the 'consummation' of the agency's decision making process – it must not be of a merely tentative or interlocutory nature." (citations omitted) Second, "the action must be one by which rights or obligations have been determined," or from which "legal consequences will flow." 520 U.S. 154, 177-78, 117 S.Ct. 1154, 1168 (1997) (citations omitted).

jurisdiction, and thus a proper subject for a motion to dismiss under Rule 12(b)(1).” *Felter, et al. v. Norton*, 412 F.Supp.2d 118, 125 (D.D.C. 2006); *West Virginia Highlands*, 540 F. Supp. 2d at 138.

Plaintiffs’ Amended Complaint asserts claims against Federal Defendants that pertain, not to independent determinations of the August 2011 Decision, but, rather, to long-standing BIA determinations, which were used as the basis for the August 2011 Decision. Because these previous BIA decisions were never challenged by a single one of the Plaintiffs at the time of issuance or the six-year period thereafter, the statute of limitations governing such claims and the Plaintiffs’ APA action have lapsed in their entirety. As such, this Court lacks subject matter jurisdiction to entertain Plaintiffs’ time-barred claims. In challenging the Tribe’s governing body and composition of five Tribal members, Plaintiffs also challenge the BIA’s 1934 Final Agency Action, its 1966 Final Agency Action as well as the 1971 and 1993 Final Agency Actions pertaining to recognition of Mabel Hodge Dixie and her heirs as the sole members of the Tribe. (RAR Decl., Exs A and D thereto) Such determinations as to the Tribe’s membership, including the denial to claims of membership by the heirs of the 1915 Census Indians in the 1966 Final Agency Action, were never challenged by Plaintiffs, and therefore, claims challenging recognition of the Tribe’s membership is statutorily barred pursuant to 28 U.S.C. § 2401(a).

Plaintiffs’ Amended Complaint also very clearly challenges the September 24, 1998 BIA final agency action which first recognized the Tribe’s five member citizenship and their authority to establish a Tribal government, alleging that the BIA acted “erroneously” that the determination made therein as to the Tribe’s membership “was and is incorrect.” (Amended Complaint, ¶¶ 4-7; RAR Decl., Ex. D thereto). Neither the Non-Members, (who, apparently had yet to discover their “membership” at that time and were nowhere to be found), nor Mr. Dixie

ever challenged the 1998 Final Agency Action. Nor did Plaintiffs' challenge subsequent BIA final agency actions issued on February 2000 and March 2000, which reaffirmed the authority of the Tribe's governing body, pursuant to Resolution #GC-98-01, and its five federally recognized members. (RAR Decl., Exs. C, E and F thereto). By this APA action, Plaintiffs seek to challenge the underlying holdings of the 1998 Final Agency Action, the February 2000 Final Agency Action and the March 2000 Final Agency Action, including the validity of the Tribe's governing document itself which had, up until the present action, never been challenged. As the statute of limitations has long since expired to bring challenges to the well-settled and undisturbed BIA determinations pertaining to the membership and government of the Tribe, this Court lacks jurisdiction over Plaintiffs' time-barred claims.

B. The Tribe is a Necessary and Indispensable Party to This Litigation and Cannot be Joined Because of Its Sovereign Immunity.

The Plaintiffs' central allegations — that the Tribe's membership and governing body was improperly recognized by the Assistant Secretary despite almost a century of the United States' history with the Tribe and fundamental tenants of Federal Indian law — is a direct attack on the sovereignty and internal affairs of the California Valley Miwok Tribe. It is a direct attack on the right of the Tribe to establish its own form of government, and like other sovereign Indian nations, "to make their own laws and be ruled by them." *Williams v. Lee*, 358 U.S. 217, 220 (1959).

It is a bedrock principle of federal Indian law that Indian tribes possess sovereign immunity from suit without their consent. *Kiowa Tribe of Okla. v. Mtg. Techs., Inc.*, 523 U.S. 751, 754 (1998); *Okla. Tax Comm'n v. Citizen Band of Potawatomi Indian Tribe*, 498 U.S. 505, 509, (1991); *Santa Clara Pueblo v. Martinez*, 436 U.S. at 58; *Puyallup Tribe v. Wash. Dep't of Game*, 433 U.S. 165, 172-73 (1977); *U.S. v. U.S. Fidelity & Guar. Co.*, 309 U.S. 506, 512

Respectfully submitted this 13th day of December, 2011.

By: /s/ Robert A. Rosette
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Attorney for Proposed Intervenors,
The California Valley Miwok Tribe

EXHIBIT “9”

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
Civil Division**

THE CALIFORNIA VALLEY MIWOK TRIBE,
11178 Sheep Ranch Road
Mountain Ranch, CA 95246

THE TRIBAL COUNCIL,
11178 Sheep Ranch Road
Mountain Ranch, CA 95246

YAKIMA DIXIE,
11178 Sheep Ranch Road
Mountain Ranch, CA 95246

VELMA WHITEBEAR,
213 Downing Drive
Galt, CA 95632

ANTONIA LOPEZ,
P.O. Box 1432
Jackson, CA 95642

MICHAEL MENDIBLES,
P.O. Box 266
West Point, CA 95255

EVELYN WILSON,
4104 Blagen Blvd.
West Point, CA 95255

ANTOINE AZEVEDO,
4001 Carribee Ct.
North Highlands, CA 95660

Plaintiffs,

v.

KEN SALAZAR, in his official capacity as
Secretary of the United States Department of the
Interior,
United States Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

LARRY ECHO HAWK, in his official capacity as
Assistant Secretary-Indian Affairs of the United
States Department of the Interior,
Department of the Interior
1849 C Street, N.W.

Case No. _____

Washington DC 20240

MICHAEL BLACK, in his official capacity as
Director of the Bureau of Indian Affairs within the
United States Department of the Interior,
Bureau of Indian Affairs
MS-4606
1849 C Street, N.W.
Washington, D.C. 20240

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs Yakima Dixie ("Chief Dixie"), the California Valley Miwok Tribe ("Tribe"), and Tribe members Velma WhiteBear, Antonia Lopez, Michael Mendibles, Evelyn Wilson and Antoine Azevedo, individually and as members of the Tribal Council ("Council"), submit this Complaint against the Defendants, Ken Salazar, Secretary of the United States Department of the Interior ("Department"), Larry Echo Hawk, Assistant Secretary– Indian Affairs of the Department, and Michael Black, Director of the Bureau of Indian Affairs within the Department, and state and allege as follows:

INTRODUCTION

1. In *California Valley Miwok Tribe v. United States*, 515 F.3d 1262 (D.C. Cir. 2008), the Court of Appeals for the District of Columbia Circuit upheld the Secretary of the Interior's ("Secretary") decision that Sylvia Burley ("Burley") and her two daughters (collectively, the "Burley Faction") were not the legitimate government of the Tribe. The court held that the Secretary, in 2004 and 2005, properly rejected a purported tribal constitution that the Burley Faction had submitted "without so much as consulting [the Tribe's] membership." The Secretary therefore properly refused to recognize Ms. Burley as Chairperson of the Tribe, and properly refused to recognize the Tribe as "organized" under the Indian Reorganization

Act of 1934 ("IRA"). *See* Letter from Dale Risling Sr., Superintendent, Bureau of Indian Affairs Central California Agency, to Silvia Burley (Mar. 26, 2004) (the "2004 Decision") (a true and correct copy of which is attached hereto as Exhibit "A"); Letter from Michael Olsen, Acting Assistant Secretary – Indian Affairs, to Yakima Dixie, (Feb. 11, 2005) (the "2005 Decision") (a true and correct copy of which is attached hereto as Exhibit "B"). The Court of Appeals thus affirmed a decision by the District Court for the District of Columbia, dismissing Ms. Burley's challenge to the Secretary's decisions.

2. In briefs submitted to the Court of Appeals, the Secretary took the position that, "for an 'Indian tribe' to organize under the IRA, action by the tribe as a whole is required; action by an unrepresentative faction is insufficient." The Secretary argued, in support of the 2004 and 2005 Decisions, that she could not recognize Burley's purported tribal government, or its constitution, because "the undisputed facts show that the Burley Government was elected, and its governing documents adopted, by just three people and without the participation of the vast majority of the potential members of the Tribe." The Secretary also recognized that she had not only the authority but the obligation to "ensure the legitimacy of any purported tribal government that seeks to engage in [a] government-to-government relationship with the United States."

3. The Court of Appeals agreed with the Secretary, holding that "as Congress has made clear, tribal organization under the [IRA] must reflect majoritarian values," and that "[Burley's] antimajoritarian gambit deserves no stamp of approval from the Secretary."

4. Following the Court of Appeals' decision, on November 6, 2006, the Bureau of Indian Affairs ("BIA") issued a decision describing how it would assist the Tribe in organizing under the IRA. The Burley Faction appealed this decision to the BIA's Regional Director. On April 2, 2007, the Regional Director affirmed the decision.

5. On April 10 and 17, 2007, the BIA published a notice seeking personal genealogies and other information from potential Tribe members, which was to be used to identify those who were entitled to participate in the initial organization of the Tribe. More than 500 people responded. The BIA has taken no action as to these submittals.

6. The Burley Faction did not participate in the process initiated by the BIA, but instead appealed the Regional Director's April 2, 2007 decision to the Interior Board of Indian Appeals ("Board"). *California Valley Miwok Tribe v. Pacific Regional Director, Bureau of Indian Affairs*, 51 IBIA 103 (Jan. 28, 2010).

7. The Board held that the Secretary's previous, judicially approved decisions regarding the status of the Burley Faction and the requirement of majority participation were not subject to further review. It therefore dismissed all but one of Burley's claims for lack of jurisdiction. The Board referred a single, narrow issue from Burley's appeal to the Assistant Secretary – Indian Affairs (the "Assistant Secretary"): the process for identifying which members of the Tribal community were entitled to participate in the initial organization of the Tribe.

8. On December 22, 2010, the Assistant Secretary acted on Burley's appeal Letter from Assistant Secretary—Indian Affairs to Yakima Dixie (December 22, 2010) (the "December 22 Decision"), (a true and correct copy of which is attached hereto as Exhibit "C"). The Assistant Secretary did not address the narrow issue over which he had jurisdiction. Instead, he inexplicably repudiated each of the arguments that the Secretary had made before the District Court and the Court of Appeals. Without any reasoned explanation, he reversed each and every one of the Secretary's prior decisions that those courts had upheld. The Assistant Secretary rescinded the 2004 and 2005 Decisions denying recognition of the Burley Faction and its constitution. He declared that the Tribe was "organized" under a General

Council form of government, pursuant to a 1998 tribal resolution that was not signed by a majority of the Tribe's adult members (the "1998 Resolution"). He directed the BIA to carry on government-to-government relations with the Burley Faction. And he ordered the BIA to rescind its efforts to help the Tribe organize according to majoritarian principles.

9. Plaintiffs challenge the Assistant Secretary's action as arbitrary, capricious, and not in accordance with law. The December 22 Decision exceeds the scope of the issue referred to the Assistant Secretary on appeal, improperly revisits and overturns long-settled, judicially approved decisions, addresses issues barred by failure to file timely appeals with the Board, and violates the Secretary's responsibility to ensure that the United States conducts government-to-government relations only with valid representatives of the Tribe.

10. The December 22 Decision directly contradicts the Secretary's prior representations to this Court and cedes complete control of the Tribe to the Burley Faction, who have fought for more than a decade to deny the benefits of Tribe membership to anyone but themselves.

11. Plaintiffs therefore file this action, asking this Court to invalidate the Assistant Secretary's decision and to enjoin and invalidate its implementation.

JURISDICTION AND VENUE

12. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the asserted claims arise under the Constitution and laws of the United States.

13. This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1361 in that the Tribe seeks to compel officers and employees of the United States and its agencies to perform duties owed to the Tribe.

14. This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1362 because the Tribe is an Indian tribe duly recognized by the Secretary of the Interior, and the matter in controversy arises under the Constitution, laws or treaties of the United States.

15. Venue is proper in this Court under 28 U.S.C. § 1391(e) because the Secretary, the Assistant Secretary, the Director of the BIA, and the Department are located in this district.

16. Judicial review of the agency action is authorized by the Administrative Procedure Act ("APA"), 5 U.S.C. §§ 702, 704 and 706. The Assistant Secretary's decision is final agency action under the APA and 25 C.F.R. § 2.6(c).

17. The requested declaratory and injunctive relief is authorized by 28 U.S.C. §§ 2201-2202.

18. Plaintiffs have exhausted their administrative remedies and are not required to pursue additional administrative remedies before seeking and obtaining judicial relief.

19. An actual case and controversy has arisen and now exists between the parties with regard to the Assistant Secretary's violations of the statutes and regulations cited herein.

PARTIES

20. Plaintiff California Valley Miwok Tribe, also known as the "Sheep Ranch Rancheria," the "Sheep Ranch Rancheria of Me-Wuk Indians of California," and the "Sheep Ranch Band of Me-wuk Indians of the Sheep Ranch Rancheria," is a federally recognized Indian tribe situated in Sheep Ranch, California, in Calaveras County. (The Burley Faction purported to enact a tribal resolution in 2001, changing the name of the Tribe from the Sheep Ranch Band of Me-wuk Indians to the California Valley Miwok Tribe. Plaintiffs dispute that the Burley Faction had the authority to enact such a resolution. But because the BIA now refers to the Tribe as the California Valley Miwok Tribe, Plaintiffs and members of the larger tribal community have used that name to avoid confusion. This Complaint will do the same.)

The Tribe consists of Indian members and their descendants, and/or their Indian successors in interest, for whose benefit the United States acquired and created the Sheep Ranch Rancheria. There is an ongoing dispute regarding the true membership and leadership of the Tribe.

21. Plaintiff Yakima Dixie is the Hereditary Chief and Traditional Spokesperson, and the historical Chairperson, of the California Valley Miwok Tribe.

22. Plaintiff Tribal Council is the duly authorized and legitimate governing body of the Tribe, appointed by Chief Dixie. The Council consists of Chief Dixie and Tribe members Velma WhiteBear, Antonia Lopez, Michael Mendibles, Evelyn Wilson and Antoine Azevedo.

23. Plaintiffs Velma WhiteBear, Antonia Lopez, Michael Mendibles, Evelyn Wilson and Antoine Azevedo are members of the Tribe and of the Tribal Council. Each is a lineal descendant of a historical member or members of the Tribe.

24. Defendant Ken Salazar is the Secretary of the United States Department of the Interior. Mr. Salazar is responsible for the supervision of the various federal agencies and bureaus within the Department, including the BIA. Mr. Salazar is an officer or employee of the United States and has a direct statutory duty to carry out the provisions of the Indian Reorganization Act of 1934 (“IRA”) and other relevant laws. Mr. Salazar is sued in his official capacity only.

25. Defendant Larry Echo Hawk is the Assistant Secretary – Indian Affairs of the Department and head of the Bureau of Indian Affairs. Mr. Echo Hawk issued the December 22 Decision that is challenged in this action. Mr. Echo Hawk is sued in his official capacity only.

26. Michael Black is the Director of the Bureau of Indian Affairs within the Department. Mr. Black is responsible for the day-to-day operations of the BIA, including its relations with federally recognized Indian tribes. Mr. Black is sued in his official capacity only.

RELEVANT FACTS

Tribal History and Indian Reorganization Act

27. In 1916, the United States purchased approximately one to two acres of land and created the Sheep Ranch Rancheria for the benefit of a small cluster of twelve to fourteen Miwok Indians that were found living in or near Sheep Ranch, California. The United States subsequently recognized the Sheep Ranch Band of Me-wuk Indians as a federal Indian Tribe.

28. In 1935, the Tribe voted to accept the IRA. The IRA allows Indian tribes to adopt a constitution, form a tribal government, and elect tribal officials, subject to substantive and procedural requirements in the IRA. Tribes thus “organized” under the IRA are eligible for certain federal benefits and services. Although it accepted the IRA, the Tribe did not take action to become “organized.”

29. Under the IRA, the Secretary has a duty to ensure that the Department recognizes only a legitimate tribal government that reflects the participation of a majority of the Tribe’s membership. This duty is informed and strengthened by the United States’ trust obligations to Indian tribes and their members.

The California Rancheria Act and Failure to Terminate the Tribe

30. In 1958, Congress enacted the California Rancheria Act, which authorized the Secretary to terminate the lands and trust status of enumerated Indian tribes on California Rancherias under certain conditions. Under the Act, tribes could accept termination in exchange for fee title to Rancheria assets and the provision of certain services by the federal government.

31. In 1965, the BIA listed Mabel Hodge Dixie as the only Indian living on Sheep Ranch Rancheria.

32. On or about 1966, the BIA began proceedings to "terminate" the Tribe pursuant to the California Rancheria Act, and the United States conveyed fee title in the Sheep Ranch Rancheria to Mabel Hodge Dixie. The BIA never completed the requirements for termination. In 1967, Ms. Dixie quitclaimed the Rancheria back to the United States, thereby preventing termination of the Tribe from becoming effective.

33. In 1971, Ms. Dixie died, and her son Yakima Dixie inherited the position of Hereditary Chief and Traditional Spokesperson of the Tribe.

34. In 1994, Congress enacted the Tribe List Act, Pub. L. 103-454; 108 Stat. 4791, 4792, which requires the Secretary annually to publish a list of federally recognized Indian Tribes. The Tribe was included on the 1994 list and has been included on each list published since that time. Inclusion of a tribe on the list does not mean that the tribe is "organized" under the IRA or that its membership has been determined.

Burley Seeks Control of the Tribe

35. In 1998, Chief Dixie was the only Indian living on the Sheep Ranch Rancheria. Burley contacted Chief Dixie and asked him to enroll Burley, her two daughters, and her granddaughter in the Tribe so they could receive federal education and health benefits available to Indian tribe members. Chief Dixie agreed. Chief Dixie, Ms. Burley and her daughters then began preliminary efforts to organize the Tribe under the IRA.

36. Soon thereafter, a series of disputes ensued as Burley attempted to gain sole control of the Tribe. In 1998, Burley submitted the 1998 Resolution, which purported to establish a General Council to serve as the governing body of the Tribe. The 1998 Resolution was invalid, however, because it was not signed by a majority of the Tribe's adult members. Burley then filed a document purporting to be the resignation of Chief Dixie as Tribal Chairperson. Chief Dixie immediately denied the validity of the document and continues to do

so. Over the next few years, Burley tried several times, unsuccessfully, to gain BIA approval of various Tribal constitutions that would have recognized her as the Tribe's leader and limited Tribe membership to Burley and a few others.

Chief Dixie's Efforts to Organize the Tribe

37. After several years of failed efforts to resolve the leadership disputes that had arisen with Burley, Chief Dixie began efforts in 2003 to organize the Tribe without Burley's assistance and with the participation of the entire Tribal community. Since late 2003, the Tribe has held open meetings each month. Attendance at the meetings ranges from approximately 30 to more than 100 members. Attendance records are kept, and meetings are recorded and archived. Although Burley was specifically invited to the initial meetings and has never been excluded from any meeting, she has never attended.

38. In addition to the general Tribal meetings, Chief Dixie convened a group of individuals who were recognized within the Tribal community as figures of authority, in order to form a Tribal Council. In addition to Chief Dixie, the Council consists of Plaintiffs Velma WhiteBear, Antonia Lopez, Michael Mendibles, Evelyn Wilson and Antoine Azevedo. Each of the members of the Tribal Council is a lineal descendant of a historical member or members of the Tribe. The Council met with the BIA in September 2003 and presented the BIA with documentation of their legitimate claims to Tribal membership and authority.

39. At the September 2003 meeting, Chief Dixie and the Council presented the BIA with a list of Tribal community members who should be allowed to participate in the initial organization of the Tribe, and requested that the BIA call an election pursuant to the IRA to select a Tribal government that could be recognized by the United States. The BIA did not act on the Council's request but continued to meet regularly with Chief Dixie and the Council to discuss efforts to organize the Tribe. Since its formation, the Tribal Council has met

approximately every other month to discuss Tribal policy, enact resolutions, and conduct other Tribe business.

40. Under the leadership of the Council, the Tribe has established many programs aimed at benefiting the full Tribal membership, strengthening the tribal community, and reestablishing historic ties with the larger Indian community. Extensive information about the Tribe's activities is available on the Tribe's website at <http://californiavalleymiwok.com/x-index.html>. Tribal activities include:

- a. Involvement in approximately ten Indian Child Welfare Act cases, in an effort to have children of Tribe members who are in protective services placed with families that have ties to Indian traditions. Burley has opposed the Tribe's efforts in these cases.
- b. Issuance of Tribal identification cards.
- c. Involvement in Indian health services, emergency services and food distribution programs, including the MACT Indian health services program, that benefit members of the Tribe and other Indian tribes.
- d. Participation, with other Miwok tribes, in an intratribal Miwok Language Restoration Group. Plaintiff Evelyn Wilson is the senior Miwok member who still speaks the Miwok language.
- e. A ceremonial Indian dance group (through Tribe members Gilbert Ramirez and his son Pete) that represents the Tribe at events throughout California.
- f. Consultation with Caltrans regarding possible Indian remains found at development sites.
- g. Consultation with the U.S. Forest Service to help identify native plants on state and federal land that have been used by Indians for medicinal and other purposes.

h. Classes in traditional crafts and skills, such as basket weaving, and continuing efforts to revive the gathering of native plants, pine nuts, and other materials for such crafts, as well as to protect the sites where those materials are gathered.

i. Potential involvement, in collaboration with Calaveras County and other local and state agencies, in the Collaborative Forest Landscape Restoration Program, a federally supported forest rehabilitation program.

j. Participation in a variety of other economically and socially beneficial programs and activities, including but not limited to the Calaveras Healthy Impact Products Solutions program.

Each of these activities will be harmed if the December 22 Decision is allowed to stand and the federal government recognizes the Burley Faction as the government of the Tribe.

The BIA Repudiates the Burley Faction

41. Burley responded to Chief Dixie's efforts to organize the Tribe around its legitimate members by submitting yet another proposed constitution, in February 2004, to the BIA—purportedly to demonstrate that the Tribe was already “organized” with Ms. Burley as its leader.

42. In a March 26, 2004 letter to Burley, the BIA declined to approve her latest constitution. The BIA explained that efforts to organize a Tribe must reflect the involvement of the whole tribal community: "Where a tribe that has not previously organized seeks to do so, BIA also has a responsibility to determine that the organizational efforts reflect the involvement of the whole tribal community. We have not seen evidence that such general involvement was attempted or has occurred with the purported organization of your tribe. . . . To our knowledge, the only persons of Indian descent involved in the tribe's organization efforts, were you and your two daughters It is only after the greater tribal community is

initially identified that governing documents should be drafted and the Tribe's base and membership criteria identified."

43. The BIA's letter identified several groups of Tribe members and segments of the tribal community who should be involved in the initial organization efforts. These groups included Chief Dixie and his brother Melvin Dixie; other individuals who had resided at Sheep Ranch Rancheria in the past, and their offspring; persons who had inherited an interest in the Sheep Ranch Rancheria; Indians who had once lived adjacent to Sheep Ranch Rancheria, and their descendants; and neighboring groups of Indians, of which the Tribe may once have been a part.

44. The BIA's letter also stated that "the BIA does not yet view your tribe to be an 'organized' Indian Tribe" and that, as a result, the BIA could not recognize Burley as the Tribe's Chairperson.

45. On February 11, 2005, the Assistant Secretary – Indian Affairs sent a letter to Chief Dixie and Burley in which he reiterated the decisions expressed in the BIA's March 26, 2004 letter. The Assistant Secretary stated, "In that letter, the BIA made clear that the Federal government did not recognize Ms. Burley as the tribal Chairman. . . . Until such time as the Tribe has organized, the Federal government can recognize no one, including yourself, as the tribal Chairman. I encourage you . . . to continue your efforts to organize the Tribe along the lines outlined in the March 26, 2004 letter so that the Tribe can become organized and enjoy the full benefits of Federal recognition. The first step in organizing the Tribe is identifying putative tribal members."

46. After the Assistant Secretary's 2005 determination, the BIA sought to work with Chief Dixie's Tribal Council and the Tribe to complete the organization process. Chief Dixie

and the BIA invited Burley to participate, but she again refused and instead filed suit challenging the Assistant Secretary's decision.

The District Court and Court of Appeals Uphold the BIA's Decision

47. In April 2005, the Burley Faction filed suit in the federal district court for the District of Columbia. The suit challenged the BIA's and Assistant Secretary's refusal to approve the Burley Faction's proposed constitution and to recognize its purported Tribal government, and sought a judgment that the Tribe was "organized." Notably, Burley did not contest in federal court the BIA's specific decision not to recognize her as the Tribal Chairperson. She thereby waived any challenge to that decision.

48. Around the same time, the Burley Faction also purported to disenroll Chief Dixie from the Tribe, for the purpose of denying him status to participate in the federal lawsuit. Ironically, in 2009, the Burley Faction purported to reinstate Chief Dixie as a member of the Tribe, in an attempt to deny him a basis to intervene in state court litigation in which Burley sought access to funds held in trust for the Tribe.

49. The district court dismissed the Burley Faction's claims in March 2006. The court found that the Secretary has "a responsibility to ensure that [she] deals only with a tribal government that actually represents the members of a tribe." *California Valley Miwok Tribe v. United States*, 424 F.Supp.2d 197 (D.D.C. Mar. 31, 2006). Likewise, the court found that the BIA has a "duty to ensure that the interests of all tribe members are protected during organization and that governing documents reflect the will of a majority of the Tribe's members." The court found the BIA's decisions consistent with that duty.

50. The district court noted that the Burley Faction had submitted a constitution that "conferred tribal membership only upon them and their descendants . . . [but] the government estimates that the greater tribal community, which should be included in the organization

process, may exceed 250 members." In light of the fact that the Tribe was receiving approximately \$1.5 million per year in state and federal funds at the time, the court concluded that Burley's motivation was self-evident: "As H.L. Mencken is said to have said: 'When someone says it's not about the money, it's about the money.'"

51. Burley challenged the district court's decision, and the Court of Appeals for the District of Columbia Circuit affirmed. *California Valley Miwok Tribe, supra*, 515 F.3d 1262. According to the Court of Appeals, the rejection of the Burley government and constitution fulfilled a cornerstone of the United States' trust obligation to Indian tribes: to "promote a tribe's political integrity, which includes ensuring that the will of tribal members is not thwarted by rogue leaders when it comes to decisions affecting federal benefits."

52. The Court of Appeals further explained: "In Burley's view, the Secretary has no role in determining whether a tribe has properly organized itself . . . That cannot be. . . . [T]he Secretary has the power to manage '*all* Indian affairs and *all* matters arising out of Indian relations.' . . . The exercise of this authority is especially vital when, as is the case here, the government is determining whether a tribe is organized, and the receipt of significant federal benefits turns on the decision. The Secretary suggests that her authority . . . includes the power to reject a proposed constitution that does not enjoy sufficient support from a tribe's membership. Her suggestion is reasonable, particularly in light of the federal government's unique trust obligation to Indian tribes" (emphasis in original). The court concluded: "Although [the Tribe], by its own admission, has a potential membership of 250, only Burley and her small group of supporters had a hand in adopting her proposed constitution. This antimajoritarian gambit deserves no stamp of approval from the Secretary."

The BIA Attempts to Assist the Tribe In Organizing

53. On November 6, 2006, after the district court had dismissed Burley's claims, the BIA informed the Burley Faction that it would assist the Tribe in organizing according to majoritarian principles, consistent with the decisions upheld by the court. The Superintendent of the BIA's Central California Agency wrote to Burley and Chief Dixie that the BIA "remain[ed] committed to assist the [Tribe] in its efforts to reorganize a formal governmental structure that is representative of all Miwok Indians who can establish a basis for their interest in the Tribe and is acceptable to a clear majority of those Indians." To help achieve that goal, the BIA would facilitate a public meeting of existing members and Putative Members—i.e., those members of the tribal community with a legitimate claim to Tribal membership based on their lineal descent from original members of the Tribe.

54. Instead of cooperating in this effort to organize the Tribe, the Burley Faction appealed the Superintendent's November 6, 2006 decision to the BIA's Pacific Regional Director. On April 2, 2007, the Regional Director affirmed the decision and remanded the matter back to the Superintendent to implement the actions mentioned in the November 6, 2006 decision. The Regional Director wrote, "We believe the main purpose [of the November 6, 2006 decision] was to assist the Tribe in identifying the whole community, the 'putative' group, who would be entitled to participate in the Tribe's efforts to organize a government that will represent the Tribe as a whole. . . . It is our belief that until the Tribe has identified the 'putative' group, the Tribe will not have a solid foundation upon which to build a stable government."

55. On April 10 and April 17, 2007, the BIA published public notice of an upcoming meeting to organize the Tribe. The notice requested that Putative Members submit documentation of their membership claim to the BIA (e.g., personal genealogies). The public

notice defined the Putative Members as lineal descendants of: (1) individuals listed on the 1915 Indian Census of Sheep-ranch Indians; (2) Jeff Davis (the only Indian listed as an eligible voter on the federal government's 1935 voting list for the Rancheria); and (3) Mabel Hodge Dixie.

56. According to the BIA, approximately 580 persons submitted personal genealogies to the BIA in response to the April 2007 public notices. Plaintiffs Velma WhiteBear, Antonia Lopez, Michael Mendibles, Evelyn Wilson and Antoine Azevedo each submitted genealogies and other documentation to the BIA in response to the public notices. No member of the Burley Faction submitted documentation in response to the public notices. The BIA has taken no action on the information submitted.

Burley Attempts to Relitigate Her Claims Before the Board

57. Burley appealed the Regional Director's April 2, 2007 decision to the Interior Board of Indian Appeals. Among other claims not relevant here, Burley argued that the BIA's decision to involve the Tribal community in the initial organization of the Tribe was an impermissible intrusion into Tribal government and membership matters, because the Tribe was *already* "organized"—an issue that the district court and Court of Appeals had already decided adversely to Burley in her earlier federal suit.

58. In January 2010, the Board decided Burley's appeal. The Board recognized that the Assistant Secretary's February 11, 2005 decision and the ensuing federal litigation had already finally determined the following issues: (1) that the BIA did not recognize the Tribe as being organized; (2) that the BIA did not recognize any tribal government that represents the Tribe; (3) that the Tribe's membership was not necessarily limited to the Burley Faction and Yakima Dixie; and (4) that the BIA had an obligation to ensure that a "greater tribal community" was allowed to participate in organizing the Tribe. The Board recognized that, to the extent Burley's appeal attempted to relitigate those issues, it had no jurisdiction over her

claims. Accordingly, the Board dismissed all of Burley's claims (including those claims not discussed here), except for a single, narrow issue.

59. According to the Board, the Burley appeal raised a solitary issue that had not already been decided by the Assistant Secretary: the process for deciding "who BIA will recognize, individually and collectively, as members of the 'greater tribal community' that BIA believes must be allowed to participate in the general council meeting of the Tribe for organizational purposes." The Board characterized this as a "tribal enrollment dispute" and therefore referred the issue to the Assistant Secretary for resolution.

The Assistant Secretary's December 22 Decision

60. The Assistant Secretary issued his decision in the Burley appeal on December 22, 2010. But instead of deciding the issue referred to him, the Assistant Secretary inexplicably, and without any reasoned explanation, reopened issues long settled and not subject to further appeal. The Assistant Secretary rescinded the March 26, 2004 and February 11, 2005 decisions by the BIA and Assistant Secretary, which had denied recognition of the Burley Faction and its constitution and declared that the larger Tribal community must be involved in the organization of the Tribe. Assistant Secretarial review of both decisions is time barred under binding regulations. Contrary to the Court of Appeals ruling, the Assistant Secretary declared that the Tribe was already "organized as a General Council" pursuant to the 1998 Resolution. He ordered the BIA to rescind its 2006 and 2007 decisions to help the Tribe organize according to majoritarian principles. And he directed the BIA to carry on government-to-government relations with the sham government headed by Burley.

Consequences of the Secretary's Unlawful Decision

61. As a result of the Assistant Secretary's unlawful December 22 Decision, the Plaintiffs have suffered and will continue to suffer great injury, including but not limited to the following:

62. Chief Dixie and the members of the Tribal council have been denied the opportunity to participate in the organization and governance of the Tribe.

a. Immediately after the Secretary issued his December 22 Decision, the Burley Faction issued a public notice calling for a "special election" to elect tribal officers. The public notice stated that only Ms. Burley, her two daughters, and Chief Dixie would be allowed to participate in the election of the Tribe's government. The public notice relied on the December 22 Decision as the basis for the Burley Faction's right to call the election.

b. On January 7, 2011, the Burley Faction conducted its "special election" among the three members of the Burley family. Neither Chief Dixie nor any member of the Tribal Council participated in the "special election." Except for Chief Dixie, the other individual plaintiffs were barred from participating.

c. On January 12, 2011, the BIA acknowledged receipt of the results of the Burley Faction's January 7 "special election" and recognized a "tribal council" consisting of Burley as Chairperson and her daughter, Rashel Reznor, as Secretary/Treasurer. It is telling that the BIA's letter does not mention the number of voters participating in this "election." Under the government recognized by the BIA, none of the Plaintiffs has any voice in the organization or governance of the Tribe.

63. Chief Dixie and the members of the Tribal Council have been and will be denied the benefits of Tribe membership, because the December 22 Decision allows the Burley

Faction to withhold funds, benefits and services that should be made available to them as Tribe members. Among other things:

a. The December 22 Decision allows the Burley Faction to exercise complete control over Tribe membership and to exclude Chief Dixie and the members of the Tribal Council from membership in the Tribe.

b. As a result of being denied Tribe membership, the members of the Tribal Council are not and will not be eligible to receive federal health, education and other benefits provided to members of recognized Indian Tribes.

64. The December 22 Decision, if upheld, could provide a basis for allowing Burley to divert funds held in trust for the Tribe by the State of California. Beginning in 1999, Burley represented to the California Gambling Control Commission (“Commission”) that she was the authorized representative of the Tribe and entitled to collect funds paid by the state to tribes that do not operate casinos or gaming devices. Burley received funds from the Commission, which were meant for the Tribe, between 1999 and 2005 (the “State Funds”). The State Funds totaled approximately \$1 million or more per year.

a. None of the Plaintiffs received any of the State Funds. The Plaintiffs do not know of any members of the Tribe who received or benefited from any of the State Funds except for Burley and her immediate family. The Plaintiffs do not know of any programs for the benefit of the Tribe or its members that were created or supported with the Funds.

b. In 2005, the Commission ceased distribution of the State Funds to Burley on the ground that the federal government did not recognize her as the appropriate representative of the Tribe. Burley has filed litigation in California Superior Court, seeking to compel the Commission to resume distribution of the State Funds to her, including approximately \$6.6 million of the State Funds that the Commission has withheld since 2005.

California Valley Miwok Tribe v. California Gambling Control Commission, No. 37-2008-00075326 (Sup. Ct. San Diego). Burley seeks to introduce the December 22 Decision as evidence that she is entitled to receive the State Funds.

c. If Burley receives the State Funds, Chief Dixie and the members of the Tribal Council will be denied the benefit of the State Funds, because the State of California has no control over the use of the State Funds once they are paid to a tribe.

d. If Ms. Burley receives the State Funds, the Tribe will be denied the Funds, because Ms. Burley is not a legitimate representative of the Tribe.

65. The December 22 Decision will allow Burley to divert federal funds intended for the Tribe. Beginning in 1999, and continuing through 2007, Burley received federal grant money intended for the Tribe, based on her representation that she was an authorized representative of the Tribe. The grant money was provided through a "self-determination contract" pursuant to Public Law 93-638 ("PL 638") to assist the Tribe in organizing under the IRA. Burley received from \$400,000 to \$600,000 per year.

a. Burley did not use the PL 638 funds to organize the Tribe consistent with the IRA. Instead, she sought to disenfranchise Plaintiffs and other members of the Tribal community and secured the benefits of Tribe membership only for herself and her immediate family.

b. The BIA has indicated its intent, based on the Secretary's decision, to enter into a new PL 638 contract with the Burley Faction to provide funds for organization of the Tribe. The Tribe will be denied its rightful use of the PL 638 funds, because those funds will be paid to Burley and her illegitimate government instead.

Plaintiffs' Request for Reconsideration

66. On January 6, 2011, the Plaintiffs requested that the Secretary immediately reconsider and stay the Assistant Secretary's December 22 Decision. The Secretary did not respond, and on January 21, 2011, Plaintiffs withdrew the request for reconsideration.

FIRST CAUSE OF ACTION

(Arbitrary and Capricious Agency Action in Violation of the APA)

67. Plaintiffs re-allege paragraphs 1 through 66, and incorporate those paragraphs herein as if set forth in full.

68. The APA provides that a court must hold unlawful and set aside agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. §706(2)(A).

69. The Assistant Secretary's December 22 Decision constitutes "final agency action."

70. The December 22 Decision violates APA section 706(2)(A) because it unlawfully reopened and addressed issues not within the scope or jurisdiction of the Board appeal from which the decision arose, including the status of the Tribe as not "organized," the BIA's and Department's refusal to recognize the tribal government led by Burley, and the BIA's decision to involve the entire tribal community in the organization of the Tribe. Under binding regulations of the Department, those issues were final, not subject to the jurisdiction of the Board, not subject to appeal, and not referred to the Assistant Secretary by the Board.

71. The December 22 Decision violates APA section 706(2)(A) because it fails to provide a reasoned analysis explaining why the decision completely reverses judicially approved, longstanding BIA and Department policy and prior BIA and Department

determinations in this case, regarding the status of the Tribe and the Burley government and the requirements for organization under the IRA.

72. The December 22 Decision violates APA section 706(2)(A) because it is precluded by the doctrine of *res judicata*. The status of the Tribe and of Burley's purported government are issues that were previously litigated and finally decided by a court of competent jurisdiction in a prior dispute between Burley and the Department. The Court of Appeals for the District of Columbia Circuit held that the Secretary properly refused to recognize the tribe as organized under the Burley Faction. *Res judicata* therefore bars Burley from attempting to relitigate those issues in another forum. The Assistant Secretary's December 22 Decision is precluded by the district court's and Court of Appeals' resolution of those issues.

73. The December 22 Decision violates APA section 706(2)(A) because it is barred by the doctrine of judicial estoppel, because the Secretary previously argued, before the District Court for the District of Columbia and the Court of Appeals for the District of Columbia Circuit, that the Tribe was not organized and that she could not recognize Burley's purported government. The December 22 Decision reverses the very same actions that the Secretary defended before the district court and the Court of Appeals.

74. The December 22 Decision violates APA section 706(2)(A) because it fails to address a prior appeal by Chief Dixie. In October 2003, Chief Dixie filed an appeal with the Assistant Secretary – Indian Affairs, challenging the BIA's recognition (at that time) of Ms. Burley as Chairperson. On February 11, 2005, the Assistant Secretary – Indian Affairs dismissed the appeal on procedural grounds. The Assistant Secretary found that the BIA's 2004 Decision had rendered Chief Dixie's appeal moot, because that decision made clear that the BIA did not recognize Ms. Burley as Tribal Chairperson, that the Tribe was not

“organized;” and that the United States did not recognize any Tribal government. Because the December 22 Decision purports to rescind the final 2004 Decision, the Assistant Secretary must reinstate and decide Chief Dixie’s appeal before recognizing any Tribal government.

75. The December 22 Decision violates APA section 706(2)(A) because it does not fulfill the Secretary's trust obligation to the Tribe and its members. The Secretary has a fiduciary duty to ensure that any tribal government he recognizes represents a majority of the tribal community. By recognizing a purported government that represents only three members of the Tribe, the Secretary (acting through his subordinate the Assistant Secretary) has breached his duty to the Tribe, the Tribal Council and the individual Plaintiffs.

76. The December 22 Decision violates APA section 706(2)(A) because it is inconsistent with the IRA. The IRA imposes substantive and procedural requirements that must be met before the Secretary may recognize a tribal government. By recognizing a tribal government that was not elected or ratified pursuant to those requirements, the Secretary (acting through the Assistant Secretary) has violated the IRA.

77. The December 22 Decision violates APA section 706(2)(A) because it unlawfully recognizes a tribal government based on the 1998 Resolution, which is invalid on its face. The 1998 Resolution identifies "at least" five individuals who are Tribe members, and recites that it was authorized by a majority of the Tribe's adult members. But it bears only two signatures. Moreover, one of those signatures purports to be that of Chief Dixie, who disputes the validity of the signature. Therefore, the 1998 Resolution cannot be the basis for a valid government recognized by the United States.

78. As a direct and proximate result of the December 22 Decision, Chief Dixie, the Tribal Council, and Velma WhiteBear, Antonia Lopez, Michael Mendibles, Evelyn Wilson and Antoine Azevedo have been and will continue to be denied their rightful opportunity to

participate in the organization and governance of the Tribe and will suffer irreparable injury and financial loss.

79. As a direct and proximate result of the December 22 Decision, Chief Dixie, Velma WhiteBear, Antonia Lopez, Michael Mendibles, Evelyn Wilson and Antoine Azevedo have been and will continue to be denied the benefits of Tribe membership and will suffer irreparable injury and financial loss.

80. As a direct and proximate result of the December 22 Decision, the Tribe and the members of the Tribe, including Chief Dixie, Velma WhiteBear, Antonia Lopez, Michael Mendibles, Evelyn Wilson and Antoine Azevedo, have been and will continue to be denied the use of the PL 638 funds available through the BIA, and the State Funds provided by the Commission, and will suffer irreparable injury and financial loss.

81. As a direct and proximate result of the December 22 Decision, the Tribe will be denied recognition to conduct traditional Tribal activities and official acts, and to intervene in legal and regulatory proceedings to protect its interests and those of its members, and will suffer irreparable injury and financial loss.

SECOND CAUSE OF ACTION

(Agency Action Unlawfully Withheld and Unreasonably Delayed in Violation of the APA)

82. Plaintiffs re-allege paragraphs 1 through 66, and incorporate those paragraphs herein as if set forth in full.

83. An agency's "failure to act" constitutes "agency action." 5 U.S.C § 551(13). The APA therefore provides that a court shall "compel agency action unlawfully withheld or unreasonably delayed." 5 U.S.C § 706(1).

84. The BIA's failure to adjudicate the status of the 580 Putative Members of the Tribe who submitted genealogies and other documentation to the BIA in response to the April 2007 public notices constitutes "agency action unlawfully withheld or unreasonably delayed."

85. Plaintiffs Velma WhiteBear, Antonia Lopez, Michael Mendibles, Evelyn Wilson and Antoine Azevedo submitted genealogies and other documentation to the BIA in response to the April 2007 public notices.

86. As a direct and proximate result of the BIA's failure to act on the information submitted by the Putative Members and to publish the names of those Putative Members who meet the criteria to participate in the initial organization of the Tribe, Plaintiffs Velma WhiteBear, Antonia Lopez, Michael Mendibles, Evelyn Wilson and Antoine Azevedo have been and will continue to be denied their rightful opportunity to participate in the organization and governance of the Tribe and will suffer irreparable injury and financial loss.

87. As a direct and proximate result of the BIA's failure to act on the information submitted by the Putative Members and to publish the names of those Putative Members who meet the criteria to participate in the initial organization of the Tribe, the Tribe will be denied the opportunity to organize itself and elect a legitimate representative government under the IRA and will suffer irreparable injury and financial loss.

88. As a direct and proximate result of the BIA's failure to act on the information submitted by the Putative Members and to publish the names of those Putative Members who meet the criteria to participate in the initial organization of the Tribe, Plaintiffs Velma WhiteBear, Antonia Lopez, Michael Mendibles, Evelyn Wilson and Antoine Azevedo have been and will continue to be denied the benefits of Tribe membership and will suffer irreparable injury and financial loss.

89. As a direct and proximate result of the BIA's failure to act on the information submitted by the Putative Members and to publish the names of those Putative Members who meet the criteria to participate in the initial organization of the Tribe, Plaintiffs Velma WhiteBear, Antonia Lopez, Michael Mendibles, Evelyn Wilson, Antoine Azevedo and the Tribe have been and will continue to be denied the use of the PL 638 funds available through the BIA, and the State Funds provided by the Commission and will suffer irreparable injury and financial loss.

90. As a direct and proximate result of the BIA's failure to act on the information submitted by the Putative Members and to publish the names of those Putative Members who meet the criteria to participate in the initial organization of the Tribe, the Tribe will be denied recognition to conduct traditional Tribal activities and official acts, and to intervene in legal and regulatory proceedings to protect its interests and those of its members, and will suffer irreparable injury and financial loss.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs respectfully request that this court issue an order:

A. Declaring that the Assistant Secretary acted arbitrarily, capriciously and otherwise not in accordance with law by acting to recognize the Tribe as “organized,” to recognize the Burley Faction as the Tribe’s government, to abandon the BIA’s efforts to involve the tribal community in organizing the Tribe, and to rescind prior final determinations regarding the Tribe;

B. Vacating the December 22 Decision and directing the Assistant Secretary and the BIA to resume efforts to involve the entire tribal community in organizing the Tribe;

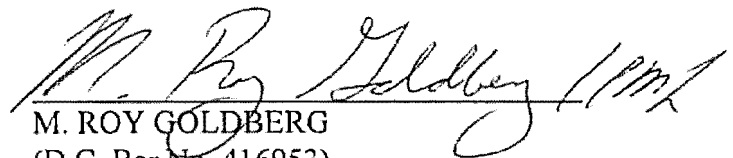
C. Preliminarily and permanently enjoining the Secretary, Assistant Secretary and BIA from taking any action to implement the December 22 Decision;

D. Directing the BIA to adjudicate the status of the Putative Members who submitted documentation of their claims to Tribe membership, and to publish the names of those Putative Members eligible to participate in the initial organization of the Tribe;

E. Awarding the Plaintiffs attorneys fees and reasonable costs incurred in connection with this action; and

F. Granting such other relief as the Court deems just and proper.

Respectfully submitted,



M. ROY GOLDBERG

(D.C. Bar No. 416953)

CHRISTOPHER M. LOVELAND

(D.C. Bar No. 473969)

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Dated: January 24, 2011

Of Counsel:

ROBERT J. URAM (*pro hac vice* pending)

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EXHIBIT “10”



YAKIMA K. DIXIE

Sheep Ranch Rancheria of MiWok Indians of California
a.k.a. California Valley Miwok Tribe
11178 Sheep Ranch Rd., Mail P.O. Box 41
Sheep Ranch California 95250
209-728-2102

Bridge-loan Agreement & Prospectus

“Sheep Ranch ...” is a very small (<10 members), long-established (1916), federally recognized California Indian tribe that is qualified to receive benefits, including the right to establishment a Class III gambling facility.

Yakima K Dixie is the hereditary Chief and rightful Chairperson of the tribe by lineal descent. However, administrative control of the tribe was illegally transferred from him some time in 1999; and administrative procedures and litigation are now in progress to return control of the tribe to Yakima so that he may receive about \$1.2 million in income that currently accrues to the tribe from the California Gambling Commission and so that the tribe can be position to create a casino.

A sum, not to exceed \$250,000, is being sought, in the form of Bridge Loans, to pay for the expenses that are necessary to regain the control of the tribe to Yakima, to reorganize the tribe, and to negotiate the location and financial backing for a casino. \$2,500 is the minimum Loan amount. In addition to the repayment of the corpus of the loan and the interest thereon, a total of 50 basis points of the gross income to the tribe will be paid, as a Bonus Interest, on a *pro rata* basis to the lender(s) for a period of 5 years after the casino is created. Further, an additional 10 basis points is allocated as a Referral Bonus to lenders.

The offering is available to informed investor(s) who are capable of taking moderate degree of risk. It is assumed that a lender understands that one could loose the corpus of one's loan. This prospectus includes both the legal instrument and detailed background information.



YAKIMA K. DIXIE

Sheep Ranch Rancheria of MiWok Indians of California
a.k.a. California Valley Miwok Tribe
11178 Sheep Ranch Rd., Mail P.O. Box 41
Sheep Ranch California 95250
209-728-2102

Bridge-loan Prospectus

Synopsis. A sum, not to exceed \$250,000, is being sought, as a bridge-loan, to pay for the expenses that are necessary to regain the control of the tribe to Yakima, to reorganize the tribe, and to negotiate the location and financial backing for a casino. In addition to the repayment of the corpus of the loan, as a **Bonus Interest**, a total of 50 basis points or 0.50% of the gross income from gambling revenue to the tribe will be paid on a *pro rata* basis to the lender(s) for a period of 5 years after casino is created.

Security for the Loaned Money. Repayment of the loan is secured by the income which currently accrues to the tribe (about \$1.2 million annually) from the "Revenue Sharing Trust Fund" that is administered by the State of California under the California Gambling Control Commission¹. This money is paid from gambling revenue by the tribes, which currently have casinos, to "non-compact" tribes or tribes, which do not currently have casinos. This \$1.2 million royalty presently goes to the tribe but is under the control of the Chairperson whose appointment we are attempting to nullify in administrative appeal and litigation.

Estimated Time to the Repayment of the Loan. If our administrative appeal, which is currently in its final stage at the Bureau of Indian Affairs, is successful, then the loan can be retired within about 4 months, depending on the cycle of the disbursements from the Revenue Sharing Trust Fund. If a negotiated settlement is achieved, the time to repayment will be about the same. If our administrative appeal does not prevail and if we are forced to litigate the rightful Chairperson, then repayment may take about 1 year.

Management of the Loaned Money. The loaned money will be managed by an entity called "Friends of Yakima", which will be managed by Chadd Everone, who has been the chief coordinator for the efforts to date, in conjunction with Phil Peck, Bill Martin, and Yakima Dixie.

Referral Bonus. An additional 10 basis points (.001%) of Tribal gaming income for 5 years is allocated as a Referral Bonus to lenders who refer other investors.

¹ California Gambling Control Commission 2399 Gateway Oaks Drive, Suite 100 • Sacramento, CA 95833-4231 • Sacramento, CA 95852-6013 • Phone: 916-263-0700.

Calculation of the Bonus Interest on Gambling Income. In addition to the repayment of the corpus of the loan, a total of 50 basis points or 0.5% of the gross income from gambling revenue to the tribe will be paid, as Bonus Interest, on a *pro rata* basis to the lender(s) for a period of 5 years after the casino begins full commercial operations.

Table I - A Pro Forma Calculation of Income, Expenses and Bonus Interest

(Note: the figures below are taken from figures which were attributed to Cash Creek Casino.)

1A	B	C	D	E
2	Line Item	Formula	Yearly	5 year aggregate
3	"Net Win" or net gaming income		\$500,000,000	\$2,500,000,000
4	minus 2% for Nongaming Tribal Assist. Fund	[D3-(D3*.02)]	490,000,000	2,450,000,000
5	minus 3% for Statewide Trust Fund (?)	[D4-(D3*.03)]	475,000,000	2,375,000,000
6	minus 1% for Local Benefits Grant Trust	[D5-(D3*.01)]	470,000,000	2,350,000,000
7	minus Operating Expenses of 40% of net win	[D3*.5]	250,000,000	1,250,000,000
8	Gross Income	[D6-D7]	220,000,000	1,100,000,000
9				
10	24% of Gross Income to Operator	[D8*.24]	52,800,000	264,000,000
11				
12	76% of Gross Income to Tribe		167,200,000	836,000,000
13				
14	Total Bonus Interest of Lenders	[D12*0.005]	\$836,000	\$4,180,000
15	Pro Rata Share of Bonus Interest at:			
16	\$2,500	[D14*(B16/250000)]	8,360	41,800
17	5,000	[D14*(B17/250000)]	16,720	83,600
18	7,500	[D14*(B18/250000)]	25,080	125,400
19	10,000	[D14*(B19/250000)]	33,440	167,200
20	100,000	[D14*(B20/250000)]	334,400	1,672,000
21	250,000	[D14*(B21/250000)]	\$836,000	\$4,180,000

Calculation of the Referral Bonus. For lenders who refer other lenders, a Referral Bonus is created as follows. In addition to the repayment of the corpus of the loan and the interest thereon and the Royalty on Gambling Income, a total of 0.001 of the loan corpus will be paid on a *pro rata* basis to the referring lenders for a period of 5 years after the casino is created.

The calculation is as follows. If \$250,000 loan equals a Interest Bonus of 0.005 (i.e., 0.5%) and if 20% of the \$250,000 is for Referral Bonus, then the bonus would be \$50,000 which equilibrates to 0.001 (i.e., 0.1%).

Table II - A Pro Forma Calculation of Referral Bonus

(Note: the figures below build on the calculations in Table I.)

1A	B	C	D	E
2	Line Item	Formula	Yearly	5 year aggregate
3	76% of Gross Income to Tribe		\$167,200,000	\$836,000,000
4	Total Referral Bonus	0.001*D3	167,200	836,000
5	Referral Amounts (1 Unit = \$2,500)			
6	\$2,500	1/100*D4	\$1,672	\$8,360
7	5,000	2/100*D4	3,344	16,720
8	7,500	3/100*D4	5,016	25,080
9	10,000	4/100*D4	6,688	33,440
10	12,500	5/100*D4	8,360	41,800
11	15,000	6/100*D4	10,032	50,160
12	17,500	7/100*D4	11,704	58,520
13	20,000	8/100*D4	13,376	66,880
14	22,500	9/100*D4	\$15,048	\$75,240
15	\$25,000	10/100*D4	\$16,720	\$83,600
16				
17				
18				
19				
20				
21				

Pro Forma Allocation of Funds for 4 Months.

	Month 1	Month 2	Month 3	Month 4	Totals
Personnel:					
Chadd Everone - Virtually all aspects of this project are either done by or managed by Chadd. This includes: The Appeal of Chairmanship, Intervention in Suit, Probate of Estate, Tribal Organization, Negotiation with Investor. ²	\$4,000	\$4,000	\$4,000	\$4,000	\$16,000
Phil Peck - Expense associated with Investor liaison.	2,000	2,000	2,000	2,000	8,000
Bill Martin - Expenses associated with managing Yakima and implementing the objectives.	2,000	2,000	2,000	2,000	8,000
Velma Whitebear - Expenses associated with organizing the tribal membership.	2,000	1,000	1,000	1,000	5,000
<hr/> Yakima Personal:					
Expenses - Clothing, transportation, phone, utilities, etc.	500	500	500	500	2,000
<hr/> Yakima's Property:					
Property - Clean-up grounds, sewer repair, security doors, repair of porch, etc.	5,000	4,000			9,000
<hr/> Yakima's Health:					
Custodian - To cook and clean.	1,500	1,500	1,500	1,500	6,000
M.D. Internist - comprehensive examination and follow-up.	1,000	500			1,500

Yakima's Security:

² Chadd will restrict his draw to \$2000 per month and defer the other \$2000 of his \$4000 allocation, pending the successful performance of all the other obligations of Friends of Yakima in the projections. At the end of this, if there are not funds available, he could be authorized to exchange this deferred income into one of the Loan Agreements.

2004-02-26-LoanAgreement

Resident Guard - salary plus trailer rental	2,000	2,000	2,000	2,000	8,000
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Surveillance Equipment - cameras, lights, alarms.	5,000				5,000
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Legal Services:

Thomas Wolfrum - General oversight, specific representation in Intervention.	2,000	2,000	1,000	1,000	6,000
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Other Expenses:

Web-site - construction and maintenance.	1,000	500	500	500	2,500
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Totals	28,000	20,000	14,500	14,500	77,000
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Due Diligence

Considerable due diligence has been done on this situation to insure that the tribe is real, that Yakima is, indeed, the rightful authority for the tribe, that the revenue does accrue to the tribe from "Revenue Sharing Trust Fund" under the California Gambling Control Commission, and that a casino can be obtained. The individuals who have done most of the due diligence and who have an economic vested interest in the success of the project are:

Chadd Everone
2054 University Ave. #407
Berkeley, California 94704
510-486-1314
E-mail: cae@fis.org

Phil Peck
637 Bridgewater Cir.
Danville CA 94526
925-831-2930
E-mail: endorfin@sbcglobal.net

Bill Martin
203 Plaza Dr.
Lodi California 95240
209-365-9139
E-mail: hitlock7@sbcglobal.net

In addition to the above, the project has been evaluated by 4 attorneys of a prospective casino developer with 3 of those attorneys being specialists in Indian law. Their task was to address 4 main issues, and a summary of their report of February 6, 2004 is below.

1. Is the Tribe federally recognized? Yes. The Tribe has been federally recognized since 1916. In the Federal Register of December 5, 2003 (Indian Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs), it is identified as: "California Valley Miwok Tribe f.k.a Sheep Ranch Rancheria of MiWok Indians of California".

2. Does Yakima or Sylvia have the strongest claim to tribal leadership? Yakima clearly has the strongest historical claim to leadership. While the circumstances surrounding Yakima's purported renunciation of leadership to Sylvia are sufficiently ambiguous to permit interpretation favoring either party, it appears that Sylvia's assumption of leadership was fraudulently procured.

3. What is the status of the appeal process? The appeal submitted on Yakima's behalf appears to be well argued and placed in the proper hands. It is being considered by solicitor Keep as representative of the Secretary of Interior.

4. Does Yakima have the right and ability to enter into binding agreements on behalf of the Tribe? Yakima's position is that he is, and always has been, the leadership of the Tribe with the ability to bind the Tribe. The effectiveness of any contract will ultimately depend on federal recognition of Yakima's leadership, his ability to control whatever tribal membership results from the dispute resolution process, and his integrity and loyalty in continuing to abide by the contract.

EXHIBIT “11”

[← Back to Original Article](#)

California's Tiniest Tribe Eyes Jackpot

September 28, 1999 | AMY PYLE | TIMES STAFF WRITER

SHEEP RANCH, Calif. — Yakima Dixie has spent much of his adult life in and out of jail. He lives month-to-month on a disability check in a 600-square-foot house heated by wood-burning stoves. The nearest store is seven miles away and he doesn't own a car.

But Dixie could get an annual \$1-million check for up to 20 years if voters in March approve a deal reached earlier this month between the governor and dozens of Indian tribes with gambling operations.

That agreement allows all tribes that forgo casinos, regardless of tribe size, to share gambling revenues. After his relatives either left the reservation or died, the resident population of Dixie's branch of the Sierra Miwok dwindled to just him.

The tribe grew to five when Dixie provisionally added four more members to qualify for federal funds last year, so he might have to share the money, but his remains the tiniest of the state's handful of small tribes.

Negotiation of the governor's agreement strayed briefly into discussion about a tribe size requirement for the revenue sharing, participants say. But the idea was rejected for reasons practical and political: It would provide incentives for tribes to discover long lost relatives and would dredge up an unsavory debate.

"Then you start talking about why are they so small," said Joshua Pane, a longtime lobbyist for Indians. "That's because these each are the remnants of 300,000 tribal peoples in the 1800s, and you know what took place. It would be sort of like saying, 'I'm sorry, there just aren't many Jews left in Poland.' "

Besides, Pane said, the public may be surprised at how few nongambling tribes sign up.

"You may be thinking, 'Oh, it's a million dollars; why not do it?' " Pane said. "But that's not the Indian way."

And indeed, right now the money holds little allure, says Dixie, 59. It's welfare of the worst kind, he says: charity from gambling tribes that should have helped their fellow Indians all along, not just when forced to do so. Look at the nearby Jackson Rancheria, where several dozen Miwoks have become very wealthy off their casino, he said.

"They've got mansions up there; they drive big, fancy cars," he said. "I'll be walking to the store and, when they see me, they slow down a little bit and maybe they smile or wave, then they step on the gas."

At his most suspicious, Dixie figures bigger casinos agreed to the governor's compact to try to ward off potential competition from other tribes, which must promise not to open a casino in the year they take the revenue check. And Dixie has ideas about maybe getting a casino of his own.

The Years Have Taken Their Toll

Dixie is a contrast of old and young. His eyes are weary, face weathered. He has no teeth. But his body remains lithe from long hikes to shop and fish and from daily workouts with weights.

When he was 7, his mother left his father and moved him and three brothers from nearby Angel's Camp to join about 90 other Indians--relatives and friends--in Sheep Ranch. The rancheria had been set aside for California Indians without land in 1916, but the house on it was run-down, lacking water, plumbing and electricity.

After Dixie's mother complained, the federal government in 1966 built the tiny house where he now lives. Soon after, Dixie went to jail for a residential burglary, which was followed by other offenses, including second-degree murder committed during a fight, which sent him to prison. By the time he got out, both his mother and father were dead and, in 1994, his last aunt died when she was almost 100.

Even if Dixie were to get a windfall, he has no cravings for a big house, a hot car or a trip around the world. His dreams are different: to buy the ranch next door, build a cultural center, sweat lodge and office, expand the tribe to a size where children will gather acorns and dance the bear dance again as he did when he was young.

"When I leave this Earth," he said, "I don't want to leave [that] all forgotten."

That's why Dixie was so responsive several years back when a Miwok woman he'd known as a child drove up. In California, fewer than a fifth of the estimated 320,000 Native Americans are official members of the state's 100 federally recognized tribes. The woman had been searching for a tribe that would accept her so she could get an Indian scholarship for herself and her daughter.

The idea fit Dixie's plan to expand and form a tribal council, which he had learned he would need to tap into the approximately \$160,000 set aside annually for each small tribe by the U.S. Bureau of Indian Affairs. He enrolled her, her two daughters and one daughter's baby.

(He also hopes to include his only son, who is not automatically a member because legally tribes are more like nations than families, charged with setting their own membership rules. In Dixie's case, he is still working on his tribe's bylaws, and the addition of new members is under review by the U.S. Bureau of Indian Affairs.)

Case 2:16-cv-01345-WBS-CKD Document 45 Filed 03/03/17 Page 110 of 249**Visions of Wealth Just Disappear**

Last year, the childhood acquaintance heard about an investor from South Dakota who described himself as a multimillionaire. The man came to Dixie's house and sat in his sacred circle—a canopy of prune plum trees shading five worn chairs and a coffee can of burned sage.

Here's my proposal, the man said: Because Sheep Ranch Rancheria is too small and isolated, I'll buy 1,000 acres at a major crossroads and deed it to the tribe. Then I'll build a casino, a hotel, maybe a golf course. It would mean "at least, at least" \$5 million a year for the tribe, Dixie says he was told.

Just last month that deal disintegrated without warning, but Dixie believes that if he has patience, other investors will come courting.

Those who have closely watched the frenzy to get a piece of California's gaming action are skeptical about such schemes. No such land swap has ever occurred in California, and it would require approval from both the governor and the U.S. Department of the Interior.

"Every tribe in the state has had so-called millionaires approaching them with naive plans on how they could strike it rich in gaming," said tribal attorney Howard Dickstein. "I personally have been approached on an almost daily basis for five years; 99% of them are either crackpots or uninformed."

Dixie shrugs. It's not as though a pile of money could solve all his problems, anyway.

It could remove the minor irritations. Right now, every interaction with the modern world is slowed by his poverty: no fax, no computer, not even a typewriter, and he's had a telephone only since 1988.

But there's much more.

Dixie not only spent more than half of his adult life in jail, but since his 1984 parole from prison he has continued to have brushes with the law for such alleged crimes as vandalism, public drunkenness and brandishing a weapon.

He has suffered severe epileptic seizures since his early 20s, leading him to be officially declared unable to work in the early 1990s, after six years of working on a pig farm.

His wife is long-estranged. His younger brother was crushed by a train. His son is in jail.

It goes on and on.

The dream of a casino was the best thing that had happened to Dixie in a long time, maybe ever. Such dreams die hard.

"I had it all planned out," he said. "But now, I don't know."

EXHIBIT “12”

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BERKELEY, CALIFORNIA 94712-4512

TELE: 510-486-1314 E-MAIL: CAE@FIS.ORG

December 27, 2000

Silvia Burley
Tele 209-834-0197 (0189)
Fax 209-834-0318

This is a note to introduce myself and acknowledge our conversation.

As I mentioned, I, personally, do not have any financial or functional interest in the business affairs of your tribe. I am an associate of Bill Martin, who is involved in my Life-Extension Program and who is interested in my research efforts. I do, however, have some skill in negotiating unusual business situations. In the course of interacting with Bill, I have come to learn about his involvement with Yakima and the various "factions" in the situation; and yesterday, he requested that I attend a meeting with James Askew, the attorney for Yakima who will be representing his claim to the tribe before the BIA and federal court. One of the issues was to go over the suit by North American Sports Management (i.e., Ginsburg, Dietrich, et al.) to evaluate how that might impact the construction of Yakima's litigation. In the course of their discussions, it occurred to me that (irrespective of the merits of anyone's particular position) litigation will not resolved this situation in the near future and that if the various interests can not be resolved soon, then, because of time limitations, the prospect of any casino will be lost and all parties will injured in that regard. Further, because of the uncertainty about the legal chairmanship, the standing with the BIA might be jeopardized and therefore any federal income might be lost and any royalty for state gambling could be nullified. In other words, everyone is jeopardized by litigation and consequently it is worth it to try to come to a negotiated settlement.

All agreed, but none felt comfortable with call you. So, being the father of this great proposal, I fell to me to make the call; and that is what I did.

To answer your question about Bill Martin, he and Leroy Chapelle are business associates. I have know Bill for about 4 years, again largely in connection with my medical program. He has practiced as an electrical contractor in Contra Costa County for some 40 years. Leroy is a retired attorney. They are the ones who have talked directly with Brian Goldman and others at the BIA. To my knowledge, there are only three factions in this situation, which I list in the table below.

The Three Factions		
Yakima Dixie, et al.	Silvia Burley, et al.	John Dietrich, et al.
Bill Martin and Leroy	Tiger Burley and William	North American Sports

Chapelle, having an agreement with Yakima to develop a casino and having financed Yakima's legal expenses. Rocky and Melvin.	Pink	Management, Inc., Alan Ginsburg, Robert Dawson, and Harold Chesnin
The Bureau of Indian Affairs is a fourth faction; and the State of California would be a fifth.		

If you know of anyone else who has an interest or is involved, then let me know.

Perhaps this is naive on my part, but given the criticality of timing and the potential of everyone being seriously damaged, I believe that if there is to be a resolution in which all parties gain something, then everyone should put aside tactics and posturing and simply lay their cards on the table and, based upon the facts of the matter, see if a practical solution can be made. In any such negotiation, everything would be confidential and there would be no commitment, except in the case that an agreement resulted.

I think that it would be best if we proceeded in the following manner. First, you and Yakima should meet privately to reset your relationship on some kind of a talking basis. The initial meeting should not be long or involved - simply "hello, sorry that we are in such a difficult situation, let's try to find some kind of a workable solution" - short, simple, and putting aside any discussion about blame, fault, or merit. (Yakima could easily claim that you stole the tribe and you could easily claim that if you had not made your moves, then there would not be any tribe. But save all of that until after a workable agreement is finalized. Besides, if you cannot come to an agreement, then you can deal with all of that in court.) Second, I should evaluate each party's issues and positions and then relay that back and forth to all concerned. I would do that assessment individually without a group meeting. If there is some kind of a consensus about how to proceed, then I would formulate that into a *pro forma* agreement and each party would acknowledge concurrence. None of these transactions could be used in any court proceedings; thus, one's legal standing would not be affected. Once concurrence was gained, then a meeting would be held between all parties to read the agreement and sign it. In principle, this is fairly simple, but in implementation it will be complex. But it cannot get too complex, because, again, "time is of the essence".

Nice to meet you; hopefully, this business conflict can be resolved without resort to litigation.

Best wishes,

Chadd

Chadd Everone, Im., Ph.D.

EXHIBIT “13”



CALIFORNIA GAMBLING CONTROL COMMISSION
GAMBLING CONTROL COMMISSION

November 30, 2005

Chad Everone, Deputy
2054 University Ave., #407
Berkeley, California 94907

Re: Representation

Dear Mr. Everone:

As I indicated in my letter of November 7, 2005, I would not normally communicate directly with a represented party; however, the circumstances in this situation require it.

Over the course of the past four months, I have been contacted by the following lawyers, all indicating that they represented you and/or Mr. Dixie: Dale Campbell, Peter Glick, Peter Meinicke, Liz Walker, and Thomas Wolftrum.

You and Mr. Dixie, of course, are entitled to representation by counsel of your choosing. You are also entitled to be represented by more than one lawyer. In the present situation, however, there appears to be no coordination among counsel, and no indication as to whom I am to deal with. This situation is confusing for the California Gambling Control Commission and for me as their counsel.

Therefore, I would appreciate it if you would make an effort to coordinate your communication with the Commission through your counsel. Stated simply, it would be helpful if I received some indication from you and/or your counsel as to who I should communicate with regarding issues affecting Mr. Dixie and the California Valley Motor Race.

Thank you for giving this matter your prompt attention.

Sincerely,

Cyrus J. Rickards
Cyrus J. Rickards
Chief Counsel

cc: Peter Glick
Dale Campbell
Peter Meinicke
Thomas Wolftrum
Liz Walker

EXHIBIT “14”

Synopsis
(July 7, 2006)

Since the last Synopsis of June 25, 2006 {See: <http://www.federatedtribes.com/yakima/2006-06-25-Synopsis.pdf> }, events have progress rather dramatically.

The Interpleader Complaint. Recall that the suit in Interpleader, by the California Gambling Control Commission, was dismissed. This Complaint was to determine the rightful authority for the distribution of the money from the Revenue Sharing Trust Fund (now amount to some \$1.5 million). The Court enunciated the position that the money may not be released until the BIA determines who is the recognized authority for the Tribe. The Dismissal was on June 16, 2006. Shortly thereafter, on June 19, Silvia Burley wrote a letter to the Chairman of the Commission requesting that the funds be released to her. On June 27, 2006, the Chief Counsel for the Commission wrote to Silvia Burley and denied her request, saying: "The monies will continue to be held in the Revenue Sharing Trust Fund (RSTFR) and will be sent to the Tribe as soon as there is either a federally-recognized Tribal government, or the Bureau of Indian Affairs recognizes a representative or person of authority within the Tribe, for all purposes." - see { <http://www.federatedtribes.com/yakima/2006-07-27-RickardsToBurley.pdf> }. Thus, these funds are definitely frozen until we get resolved the issue of the recognized authority.

Organization of the Tribe. As previously mentioned, on June 23, 2006, we (Yakima, Velma, Antonia, and myself) met with Superintendent Burdick and the two Tribal Operations Specialists. They confirmed that the plan for the organization of the Tribe is in D.C. and was a high priority. As a follow-on to that, a Petition has been sent to Asst. Sec. Olsen requesting Clarifications and Expedition - see {<http://www.federatedtribes.com/yakima/2006-07-07-Olsen-Petition.html>}. Also, an appeal on certain (now probably obsolete) determinations is proceeding through the Interior Board of Indian Appeals.

Tribal Activities. The Tribe has applied for a Community Services Block Grant from the Northern California Indian Development Council, Inc. in the amount of \$1,500. This is in progress.

Chadd

Sent by mail and e-mail

EXHIBIT “15”

2006-07-11-Budget



FRIENDS OF YAKIMA
2054 UNIVERSITY AVE. #407
BERKELEY, CALIFORNIA 94704
510-486-1314

July 11, 2006

Albert:

On April 25, 2006, an agreement was instituted between Albert Seenoo (d.b.a. Midstate Consultants, LLC) and Yakima Dixie (Sheep Ranch Rancheria) and Friends of Yakima in which we made (what I would call) a "place-holder agreement". Albert provided \$30,000 in working capital, and we gave him an extension on the option to reinstate the original agreement that was made several years prior or to make another "place-holder agreement". It was agreed that after a couple of months, we were to evaluate the progression of events and decide whether to reinstate that original agreement or further extend the place-holder agreement or to withdraw. Phil has been very adroit at managing these negotiations; and he will be contacting you to proceed forward.

As a basis for which option is appropriate, I am forwarding this summary and a budget out-line of anticipated expenses for the next 6 months.

During the period of this agreement, two significant advances in our position have occurred. First, after arduous negotiations and actual litigation, we were able to have definitively frozen the more than \$1.5 million in Revenue Sharing Trust Fund money that has accrued to the Tribe. This money is now locked until "... there is either a federally-recognized Tribal government, or the Bureau of Indian Affairs recognizes a representative or person of authority within the Tribe, for all purposes." ¹ It is our understanding that, immediately upon the BIA making such a designation, these funds will be released. So, the next issues is: whom will the BIA recognized as the authority for the Tribe?

The second advance in our position is in regard to the recognized authority. At our last meeting with the Superintendent of the BIA (June 23, 2006 ²), he informed us that he and the Regional Director have sent a plan for the organization of the Tribe to Washington, that this matter was a high priority to the BIA, and that they would be recognizing a "Putative Member Class" of individuals with whom the BIA would establish a government-to-government relationship. I believe that this can only mean that the Yakima Dixie faction will prevail as the dominant authority and give us control of the Tribe. It is highly probable that the opposition, Silvia Burley, will either refuse to participate or, if she does participate, will be marginalized to a minority interest. In an attempt to make sure that this is the case, we are taking actions to communicate with the D.C. officials who are involved (See footnote 2).

Other elements of tribal organization are advancing and we will be discussing an assignment to this Tribe of a compact that has been held by another tribe but which does not have a suitable location for a casino. If something like this assignment can be done, it would greatly accelerate the business opportunity.

Chadd

¹ Document at: <http://www.federatedtribes.com/yakima/2006-07-27-RickardsToBurley.pdf>

² Document at: <http://www.federatedtribes.com/yakima/2006-07-11-Synopsis.pdf>

2006-07-11-Budget

Budget for the next 6 months							
Application	Month						Total
	7	8	9	10	11	12	\$
Chadd Everone							
Constitution: Prepare for final Submittal to BIA.							
Washington D.C.: Negotiation and perhaps trip on issue of tribal authority.							
Sacramento: Negotiation with Burdick regarding authority, Constitution, and Secretarial Supervised Election.							
Compact: Wm. Pink prospect, Governor's Office.							
Board of Indian Appeals: Seeking to overturn a Determination by C. Gregory.							
Tribal Organization: Continuation of efforts including the 180 prospective members.							
	4,000	4,000	4,000	4,000	4,000	4,000	24,000
Bill Martin/A. Avalos							
Care of Yakima/Melvin and Sheep Ranch.							
	1,000	1,000	1,000	1,000	1,000	1,000	6,000
Peter Glick - attorney							
Back Billings: Interpleader	10,895						10,895
Preparation for Silvia Suit: Recover of tribal assets.			2,000				2,000

EXHIBIT “16”

Synopsis
(August 16, 2006)

Since the last Synopsis of July 11, 2006 {See: <http://www.federatedtribes.com/yakima/2006-07-11-Synopsis.pdf> }, virtually all of the barriers to the determination by the BIA of the rightful authority for the Tribe have been resolved; and we now await that determination from Washington, which we are told should be done by November, 2006. The status of things was reviewed in my memo to Superintendent Burdick, which outlined the agenda for our meeting with him on August 14, 2006 {See: <http://www.federatedtribes.com/yakima/2006-08-14-Burdick-memo.pdf> }.

Augmenting that memo, the following is noted.

We are entering into negotiations with the Governor's office with respect to a gaming compact for the Tribe. Peter Melnicoe and Arlo Smith are assigned to that objective. See my cover letter to the Governor's office at: <http://www.federatedtribes.com/yakima/2006-08-07-Synopsis.pdf>

In addition to proceeding unilaterally on a compact, we have initiated a discussion with another tribe that already has a compact (but no casino) about joint-venturing a casino; and we will see where that takes us. Further, Phil Peck, Property Specialist, has been actively searching for suitable locations within the "foot-print" of the tribe; and recently, he showed various locations to Bill Martin and myself. The whole issue of finding land and having it taken into federal trust is something which we are only now beginning to investigate.

In March 2006, I filed an Appeal with the Interior Board of Indian Appeals regarding a determination that the Regional Director made on what is called PL-638 grant application. That appeal is proceeding into the end-stage of the evidentiary phase of adjudication; and we will see what the Answers are to my filings by the Opposition. As a parallel to this proceeding, it was brought to my attention that we should file a competing PL-638 Grant Application for the forth-coming fiscal year, something which might force the BIA to decide which fraction's application the BIA will accept and thereby expedite the determination of authority. With the help of William Pink, we will file such an application.

Finally, our D.C. attorneys (Walker/Vollmann) are filing an amicus curiae brief on Silvia's appeal of the dismissal of her suit in the D.C. court. Also, they are attempting to nudge forward the officials in D.C. with regard to the administrative determination.

Chadd

EXHIBIT “17”

~~YAFIOO~~/ MAIL

Print - Close Window

From: "KARLA BELL" <kbelllaw@msn.com>
To: silburley@yahoo.com, DVG@aol.com, phillipt@crosslink.net,
californiavalleymiwoktribe@yahoo.com, tigerplk@yahoo.com
CC: Craypi@aol.com
Subject: Re: C. Ray Investigation
Date: Thu, 31 Aug 2006 01:32:46 -0700

All,

Below are Chris Ray's notes from his call with Chapelle. He will provide me with an update after his meeting today 8/31.

Karla D. Bell
Law Offices of Karla D. Bell
4712 Admiralty Way, Suite 580
Marina del Rey, CA 90292
(310) 577-2555
(310) 577-3210 fax

This electronic message transmission contains information from the Law Offices of Karla D. Bell which may be confidential or privileged. The information in this message is only for the use of the intended recipient.

If you are not the intended recipient, be aware that any disclosure, copying, distribution or other use of the contents of this electronic message is strictly prohibited. If you have received this electronic transmission in error, please notify us immediately by telephone at (310) 577-2555. Thank you.

>From: Craypi@aol.com
>To: kbelllaw@msn.com
>Subject: Re: C. Ray Investigation
>Date: Wed, 30 Aug 2006 22:43:35 EDT
>

>I called Chapelle at 5:40 PM, he answered, advised me Bill Martin will call

>back ASAP with the conference call. 1 Minute later, Martin called and put
>Chapelle and I on a 3 Way call. The following were the highlights of the
>conversation: (Bill Martin spoke majority of time)
>
>They are very near in getting Compact Papers signed to gain access to the
>1.8 Million dollars they were successful in holding back from Sylvia Burley
>Tribe. Everone has been working full time on this and is being paid all his
>living expenses. Everone is so smart, just like an attorney for Indian Law,
>and
>he has filed 150-200 Court Documents related to this lawsuit.
>
>BIA Superintendent who is "in their corner" is Troy Berdick, although he is
>indecisive and says Washington DC will make the final decision on the
>tribe.
>Their DC attorney is Liz Walker of Virginia. Walnut Creek , CA
Attorney is
>Tom
> Wolfer who they owe " a lot" of money to.
>
>Martin states the 1.8 Million will be used to pay off a huge attorney debt
>caused by the opposition who is filing lawsuit after lawsuit.
>
>Their Gambling Commission Attorneys (previous Commission Attorney) Pete
Pete
>Melincoe and (Previous Gambling Control Commissioner) Arlo Smith who had
>the
>contacts at the Commission to stop the payments to Sylvia Burleys Tribe.
>
>Martin states Arlo Smith and Pete Melincoe are working with people in the
>Governor Office to get the compact with the governor.
>
>The original investor is a guy named Mr. Kuna from Sacramento who started
>the case going with \$150,000. He was brought in early by a Everone
>associate
>named Michael Babcock.
>
>Martin invited me to invest \$25,000 now and \$25, 000 in 30 days.

Return is

>5%, and if a casino is built, my return will be 25 times that amount
(?).

>

>Martin invited me to meet with he and Everone on August 31, 2006 in
>Lafayette Calif, at Peetes Coffee at 9:30 am.

>

>End of Conversation.

>

>Advised Tiger Paulk, and per Attoney Karla Bell, find out 1. Who at
the

>Governor Office is helping them. 2. How are Arlo Smith and Pete
Melicoe

>being

>paid, what is their financial arrangement, or concessions.

>

>Wish me Luck....

>

>Chris Ray

>

>

EXHIBIT “18”

Subj: **Re: C. Ray Investigation**
 Date: 8/31/2006 6:03:53 P.M. Pacific Daylight Time
 From: Craypi
 To: kbelllaw@msn.com

Karla and All,

I met with Chadd Everone and Bill Martin at 9:30 AM in Lafayette CA (Peete Coffee). Prior, I had set up a body recording device and tested it 4 times - without problems. I talked with Martin and Everone for approx. 1 plus hrs. The following are highlights of the conversation:

Everone did most of the talking and is very impressed with himself. Martin acted in a supporting role to Everone. Everone started explaining how they came across this giving credit to Chapelle who read the LA Times Article about Yakima and his plight back in 1999. Chapell had been living in San Diego, and coincidentally, he and Martin were in Southern California looking to get into the California Cardroom business. Chapelle and Martin (after reading the LA Times article, head up to Calaveras County and sign up Yakima to represent him in getting an Indian Casino. Only after signing up Yakima did Chapelle (later) find out (from the BIA) that the Tribe was under control of Sylvia Burley. That was when Martin enlisted the help of Everone who came up with a plan to take the tribe out of Sylvia's control by saying Yakima only gave up "spokesperson's" role to Sylvia and not the Chair.

Everone then went to work using the UC Berkeley Law Library to study up on Indian Law to begin his quest for removing the Sylvia Burley as Chairperson of the Tribe. Everone describes his last 6 plus years as (something like) turning fiction into reality using the court system, BIA and the California Gambling Commission to agree with his requests. He explained after every legal set-back, he would wait 30 days and re-file or appeal the decision - and it worked. He learned the system and used it.

Everone and Martin both stated Sylvia Burley has "embezzled" monies received for the tribe and used the money for her and her husbands own use.

Everone stated Arlo Smith and Pete Melincoe are ex-Commission Member and Ex-Chief Legal for the Gambling Commission. They were very influential in meeting with current Commission Attorney Cy Rickerts to stop the casino payments to Sylvia Burley. Both are currently "on the payroll" and bill Everone by the hour (@ \$ 200.00 per hour). Everone stated he can not always pay each of their bills, but will eventually pay them from the 1.8 Million monies that have been frozen by the Commission. Everone did say that their bills may be converted to investor type shares in the casino. Everone states the legal costs have exhausted all their monies and they are seeking investors (like myself). Everone also stated both Smith and Melicoe are handling the "compact negotiations" with the governors office. When I pressed Everone for a name in the governors office, he said he did not know who they were dealing with.

Attorney Glick is their main litigator in Sacramento and is paid by the hour (\$350.00) (no other deals are with him)

Everone stated a Contra Costa County developer named Mr. Cena (or Sena) is politically connected to Mr. Miller, a Congressional Representative from Martinez, California. Mr. Cena has provided (approx) \$200,000 in financial assistance to Everone. Everone states Cena is part-owner of the Peppermill in Reno, Nevada and other Nevada/Reno Casinos. Recently, Cena flew Miller (in his private jet) to a DC dinner with Sen. Feinstein and Pelosi to gather support.

Another financial backer is a guy named Mr. Kuna (or Cuna) from Rocklin, California.

Everone also advised they are dealing with a Southern Ca Tribe (unknown which tribe) to approach the Governor to approve compacts for both tribes and stated they may join each other? A guy named Michael Lombardi (from So. Calif) is connected with this same Southern Ca tribe and is well known in the industry in helping tribes.

Money Part-

They asked for investment monies and provided me with a prospectus without asking how much I could give.

Thursday, August 31, 2006 America Online: Craypi

They said my return would be by November 2006. I then asked them why would I give monies to Yakima who can't stay out of jail, and how is he going to run an Indian Casino? Both laughed and Everone stated he controlled Yakima and the casino venture and told me not to worry about that.

I told them I would give them an answer in a few days.

It appears they are working hard on DC and Sacramento Politicians to gather support from BIA's decision on the tribe status which they say will come in November 2006.

The tape recording had static and is being processed at a lab that specializes in digital recordings. We will see that result and I will transcribe that tape. Photos of our meeting was obtained by my employee Larry Young.

I will keep you informed.

Chris Ra

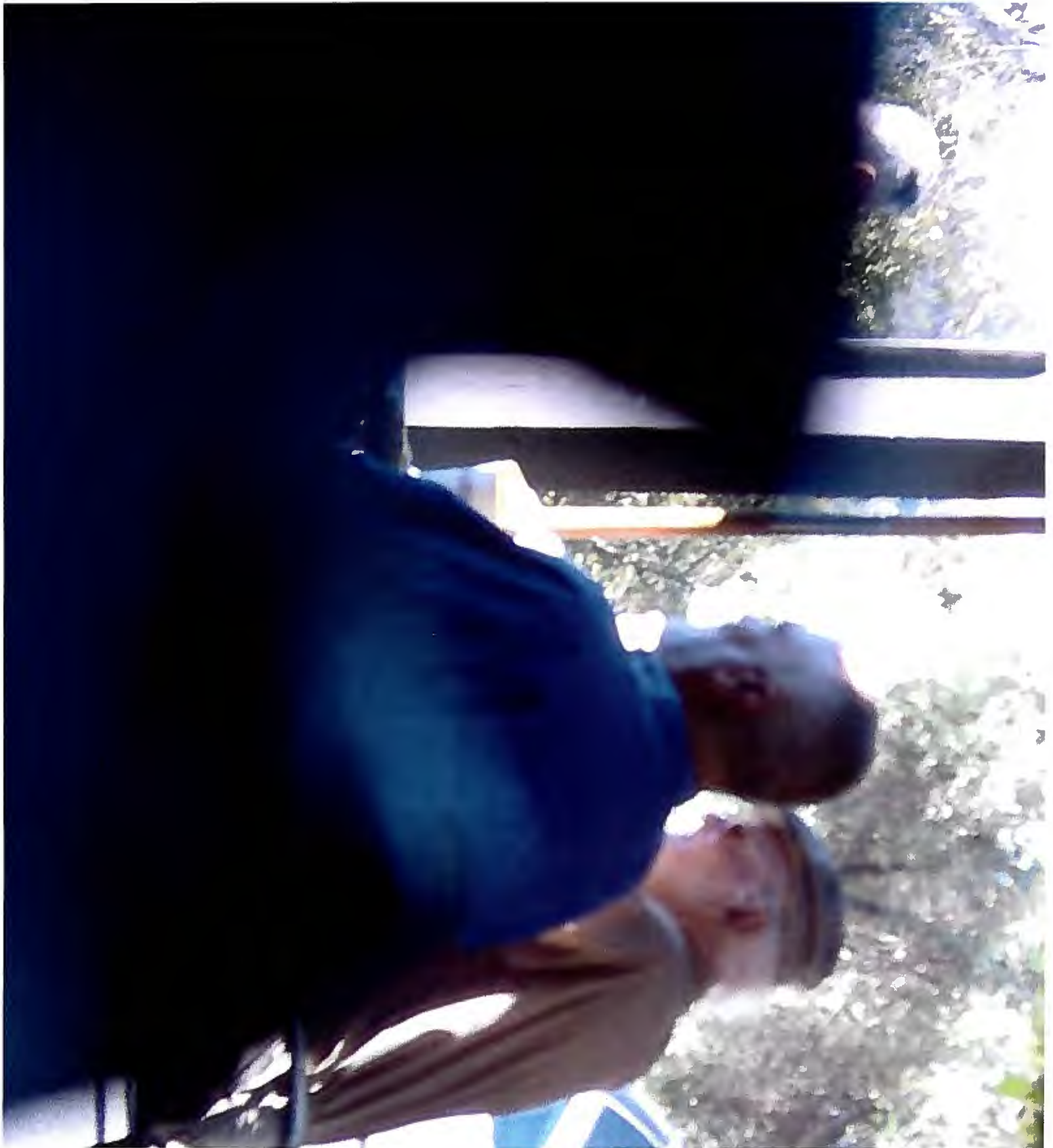




EXHIBIT “19”

Subj: **Fwd: Addenda**
Date: 9/13/2006 6:28:35 A.M. Pacific Daylight Time
From: ArticleWriter1
To: Craypi

Forwarded Message:

Subj: **Addenda**
Date: 9/11/2006 4:23:46 P.M. Pacific Daylight Time
From: cae@fis.org
To: articlewriter1@aol.com
Sent from the Internet (Details)

Chris:

In terms of your consideration, I neglected to provide some substantiation on two important elements: 1) The Revenue Sharing Trust Fund and 2) the Developer.

1) The California Gambling Control Commission maintains the Revenue Sharing Trust Fund and that is the primary security for the repayment of the lender's money. I may have mentioned that I have hired Peter Melnicoe and Arlo Smith (the former Chief Counsel and the former Commissioner of that agency, respectively); and they were instrumental in getting the money frozen. See that determination.
<http://www.federatedtribes.com/yakima/2006-06-27-CCGC-Determination.pdf>

Melnicoe and Smith are now tasked to negotiate with the Governor for a compact. Recently, I asked Melnico to call the Commission and obtain a current accounting; and his response is below.

"The California Gambling Control Commission is presently holding \$1,340,703.17 for the California Valley Miwok Tribe. The payment for the third quarter of 2006 should augment that amount by an additional \$275,000."

You can see the accounting at the Commission's site - see page 2, California Valley Miwok:
http://www.cgcc.ca.gov/rstfi/2006/RSTF%20Distrib%2019th_CommStaffReport.pdf

2) The Developer/Operate is a substantial and known entity.
<http://www.seenohomes.com>
<http://www.peppermillreno.com>

The "placeholder" agreement which we have with him is posted as follows; and this is a confidential document.
<http://www.federatedtribes.com/yakima/2006-05-17-Midstate.pdf>

Finally, in terms of due-diligence; I can assure that there are few deals which have been investigated as thoroughly as this one. I know for a fact that Seeno spent over \$40,000 on legal consulting to assure himself that we and the deal were legitimate; and Melnicoe and Smith and a variety of other interests have investigated it thoroughly, including Phil Peck, with whom you spoke.

If you want to discuss specific issues further, feel free to call or meet. To be candid, if you were to come in now, it would put us in a

Wednesday, September 13, 2006 America Online: Craypi

strategically good posture with the Developer.

Thanks, Chadd

EXHIBIT “20”

From: Chadd Everons [cae@fis.org]
Sent: Friday, September 29, 2006 8:51 AM
To: Chris Ray
Subject: Sheep Ranch Tribe

Chris

I have not received the prospectus. In case you still might be interested, here is a status report. In terms of the financial arrangements, my associated, Bill Martin, indicated that in lieu of the deferred bonus of 20 times corpus over a 5 year period, as described in the prospectus, he would be willing to give double double one's money for this last round of financing, which would mean that upon recover of the \$1.6 million that is currently frozen, one's loan times 2 would be repaid. If this is of interest, please let me know.

The current situation (i.e., as of right now, September 28, 2006)

After some three years of prosecuting the rightful authority for the Tribe, all of the legal and administrative obstructions by the opposition (Silvia Burley) have now failed and are out of the way. Her last two court maneuvers were dismissed; and the BIA is moving forward with its determination on the authority for the tribe, which almost certainly will give control to Yakima's faction, and that means to us. Sensing that the time was right, our attorneys, who are tasked with dealing with the Governor on a gaming compact, contacted Silvia and her attorneys a couple of days ago and offered to open a discussion on settlement. They took the offer, almost immediately, and her attorneys are flying in (one from Washington and the other from Southern

California) to meet with our attorneys on October 3. Silvia's attorneys must also realize that their efforts are going to fail, otherwise, they would not have been so eager to meet and spend the time, effort, and money to do so. (A settlement is not necessary in order for us to prevail, but it would accelerate our casino efforts, and it would take a great load off of the shoulders of the

BIA.) Irrespective of any settlement, the BIA is in the process of finalizing the government's determination on the tribal authority. We expect that issue to be finalized by the end of November and, again, that our group will be the recognized authority. In addition, we have advanced the tribal organization, have a developer on the shelf, are making moves to negotiate a compact with the Governor, and in all ways are positioned to bring this into rapid fulfillment.

Up to this point, the effort has been financed by some money by Seeno (non refundable) but

mostly by about \$350,000 in loaned money from individuals, such as yourself, according to the prospectus. That is a fair sum of money; but it is insignificant in terms of the potential that comes with a casino and which, obviously, is a unique and very rare opportunity. In the immediate future, there are a variety of other things (administrative and legal) which must be

done to aggressively push this thing home; and I want to raise a final \$100,000 to do that. Now is not the time to glide to a landing; rather it must be forced into place, and that entails more money. As you know, the money for the Tribe in the Revenue Sharing Trust Fund has been frozen; and it now amounts to over \$1.6 million; and that will be there to repay the lenders immediately upon gaining authority for the Tribe. So that is the security for the loans.

What I propose is that you and/or your contacts invest in this final offering; and I have provided a schedule of the repayment formula according to different amounts, which is the same as is in the prospectus. Obviously, this deal is much more secure now than it was when you originally invested; and if you can contact me at 1-800-

are capable and interested in participating. We can discuss that when I call, which I anticipate will be tomorrow, Friday.

There are few opportunities to "make a financial killing" and this, I sincerely believe, is one of them. See the calculations and the prospectus.
I hope you are well. Best wishes

Chadd

EXHIBIT “21”

California Valley Miwok Tribe, California
(formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)
11178 Sheep Ranch Rd.: Sheep Ranch, California 95250
209-728-8726

November 29 2006

To Whom It May Concern:

The two lawyers, listed below, do not represent me nor my Tribe nor other members of the Tribe; and any representation that they do is invalid and to be ignored.

Clinton T. Bailey
8383 Wilshire Boulevard #830
Beverly Hills, California 90211
310-927-8543
ctbesq@yahoo.com

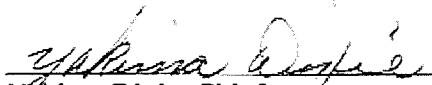
Philip Kaufler
8383 Wilshire Boulevard #830
Beverly Hills, California 90211
323-655-0961
kaufler@earthlink.net

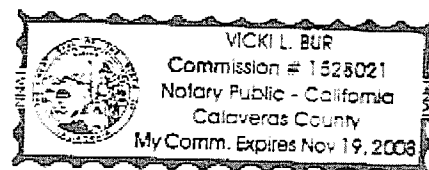
On November 27, 2006, both of the above made an unscheduled visit to my place a Sheep Ranch and made various representations which were false and improper. I had assumed that they had come in concert with my existing legal representation. Upon reading the contract which they had me sign, I immediately rescinded it.

I, the other members of the Tribe, and the Tribe, itself, have more than adequately legal representation by the following attorneys:

Thomas Wolfrum, Walnut Creek, California - appointed by tribe resolution as General Counsel
Peter Glick, Sacramento, California - under contract by me and functions as litigator
Peter Melnicoc and Arlo Smith - appointed by my Deputy Chadd Everone for compact negotiations dealings with the California Gambling Control Commission.
Liz Walker and Tim Vollmann, Washington, D.C. - appointed by me for litigation and representation.
Chadd Everone is my Deputy and Consul General to the Tribe - appointed by me and by tribal resolution, coordinating the legal representation and negotiations with the BIA.
Velma WhiteBear is the Executive Director for the tribe - appointed by tribal resolution.

No new legal agreements or contracts should be made without due consideration and a tribal resolution.


Yakima Dixie, Chief



11/29/06 Vicki L. Bur Notary

EXHIBIT “22”

2007-06-07-Rickards.lwp



California Valley Miwok Tribe, California
(formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)
Mail: 11178 Sheep Ranch Rd.; Mountain Ranch, California 95246
209-728-8726
{www.californiavalleymiwok.com}

June 7, 2007

Chadd Everone, Deputy
2140 Shattuck Avenue #602
Berkeley, California 94704



Dean Shelton, Commission Chairman
Attn. Cyrus J. Rickards, Chief Counsel
State of California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833-4231
Tele: 916-263-0700
Fax: 916-263-0499
<crickards@cgcc.ca.gov >

c.c. John Cruz, Stephanie Shimazu, Alexandra Vuksich

Chairman Shelton and Counsel Rickards:

Consider this letter to be a formal request for a hearing by the Commission, as soon as possible, on the matter of distributing RSTF money to Tribe in the custody of Silvia Burley.

I received a copy of your letter to Karla Bell, dated June 4, 2007. We appreciate being notified of this, obviously, important event; and I wish that we had been informed during the decision process to make our views known, earlier. As we approach a definitive determination by the BIA of the organizing group of members, this would seem to be a last-ditch effort on the part of Silvia Burley to pilfer tribal assets. It is possible that your Commission is not aware of how close the BIA is to identifying a person(s) of authority for all purposes for this Tribe; and hopefully, the information here will appraise you of how inappropriate the Commission's decision is to distribute the funds, at this time. We request that you postpone implementing the disbursement of funds from the RSFT until the matter can, at least, receive a fair hearing before the Commission. I have asked our attorneys, Liz Walker (in Washington D.C.) and Peter Melnicoe and Arlo Smith, to help shepherd our response to this issue; and I hope that you will accept their entry into this matter on behalf of Yakima Dixie, the putative member class, and the Tribe. As you know, this has been an extremely arduous process; and I will review only the most recent events that are relevant to determining the tribal authority.

2007-06-07-Rickards.lwp

- 46 • On November 6, 2007, Superintendent Burdick announced to Yakima Dixie and to
48 Silvia Burley the intention of the BIA to move forward with organizing the tribe
under the Indian Reorganization Act. (In 1935, this Tribe voted to become organized
50 under that Act but never did so, until recently due to Mr. Dixie's promulgation and as
opposed by Ms. Burley.)

<http://www.californiavalleymiwok.com/2006-11-06-BIA-Mandate.pdf>

- 52
54 • On November 10, 2007, Silvia Burley filed an Appeal of that Burdick Mandate, in
which she opposed the BIA being involved in helping the Tribe to become organized.

<http://www.californiavalleymiwok.com/2006-11-10-Burley-Appeal.pdf>

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58 Ms. Burley's position is and always has been that because the BIA did recognize her
as a Spokesperson at one time that that designation is immutable and permanent. She
60 seems to reason that because the Tribe has a form of sovereign immunity that, *ipso*
facto, she is a sovereign person and not subject to any limitations from external
sources, capable of dis-enrolling the individual who originally gave her tribal status,
62 ignoring any rights and status of other Miwok Indians with a claim to membership,
distribution money and benefits only to herself and her daughters, and in all manners
64 acting *sui juris*. She does not accept the fact that the U.S. government, being a sover-
eign entity itself (indeed, the superior sovereign in this case) that it has the inherent
66 right to identify the people with whom it decides to deal as authorities for the Tribe.

- On March 7, 2007, Ms Burley and her two daughters write a letter to Bureau in which
68 they are critical of the BIA down-grading their recognition of Silvia Burley.

"References to our Chairperson from your office have evolved from
70 Chairperson until August 0f 2004 to Spokesperson in November of 2004
to "person of authority" in 2006 and now, simply "Silvia Burley."

<http://www.californiavalleymiwok.com/2007-03-07-BurleyToBurdick.pdf>

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74 Indeed, at the Annual Tribal Budge Conference of the BIA in March 2007, the official
roster of tribes does not list any authority or address for California Valley Miwok Tribe,
76 which, among the 54 tribes listed, is the only one without any authority or address. See
enclosure and URL below.

<http://www.californiavalleymiwok.com/2007-03-27-BIA-BudgetConf.pdf>

- 78
80 • On February 23, 2007, Superintendent Burdick called a meeting between Yakima
Dixie and Silvia Burley in an attempt to explore a negotiated settlement.

<http://www.californiavalleymiwok.com/2007-02-23-BIA-Notice.pdf>

82
84 Mr. Dixie accepted the meeting.

- On February 27, 2007, Ms. Burley declined to attend such a meeting, and the meeting
86 was canceled.

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<http://www.californiavalleymiwok.com/2007-02-27-Burley-BIA-meeting.pdf>

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- On April 2, 2007, Regional Director Gregory denied Silvia Burley's Appeal of November 10, 2006. In this denial, he gives a fairly thorough and, according to my understanding, accurate exposition of the history of the Tribe (presumably because he assumed that she would file an Appeal with the Interior Board of Indian Appeals). On page 1, he provides the premise for his denial.

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"It is a well established BIA policy that the federal government not intervene in internal tribal disputes where there is no threat to government-to-government relationship. However, in this situation, where the BIA does not recognize a tribal government we feel that such a threat appears imminent, and we believe that the better course of actions would be to allow the Agency to assist the Tribe to sort out the situation. Therefore, based on our analysis, it was concluded that I remand this matter back to the Superintendent and allow the Agency to continue with its plans to assist the Tribe with its organizational efforts."

102

On page 2, he states:

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"The BIA has recognized Mr. Yakima Dixie, one of the two remaining heirs, as the spokesperson of the Tribe until April 1999. This recognition was based on the fact that Yakima Dixie is a lineal descendant of the sole distributee, his mother Mable Hodge Dixie."

On page 3:

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"On August 5, 1998, by letter signed by Yakima Dixie, as Spokesperson/Chairman of the Sheep Ranch Rancheria informed the Agency that he had accepted you and your daughters; Rashel K Reznor and Angelica J. Paulk, and granddaughter Tristian S. Wallace as enrolled members of the Tribe. However, he did not provide the criteria he used to determine your eligibility to be enrolled in the Tribe; what documentation that you provided to substantiate your eligibility to be enrolled and his authority to initiate this enrollment action."

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As you can see, the Director suggests that Yakima may not have properly enrolled Silvia Burley. The Director then goes on to discuss Mr. Dixie's purported resignation letter of April 20, 1999 (which we have demonstrated is invalid, *per se* and *per quod*, and, according to a professional document examiner, is probably a forgery). He cites Mr. Dixie's notification of April 21, 1999 that "he cannot and will not resign as Chairman of the Tribe" and a series of events that are associated with the tribal authority. It seems quite clear that, while Silvia Burley is "considered as a person of authority ... for the purpose of receiving P.L. 93-638 contract/grants and services", this does not mean that she is a person of authority for all purposes and that a proper authority for the Tribe cannot be determined until a "putative" group is identified, which now (as of mid-April 2007) *has been* identified. I have included this letter as an exhibit.

<http://www.californiavalleymiwok.com/2007-04-02-RegionToBurley.pdf>

2007-06-07-Rickards.lwp

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132 • On April 11, 2007 and other dates, the BIA published a Public Notice, a copy of
 133 which I have included herein. Because the on-going dispute in tribal authority had no
 134 prospect of being resolved within the tribe (*an issue which rests solely on the shoulders of Silvia Burley*) and because this jeopardizes the relationship between the
 135 government and the tribe, the BIA must exercise its trust responsibility to name a
 136 "putative" member class for the purpose of helping the tribe to become organized in a
 137 manner which represents the legitimate Miwok community and which, therefore, can
 138 be recognized by the BIA. To resolve the dilemma, the BIA named 14 historic (i.e.,
 139 deceased) individuals who are on record as being known to the BIA as members.
 140 There are only 14 individuals who are known to the BIA. Then, the BIA solicits open
 141 submittals for anyone to demonstrate that one is a lineal descendant of such a
 142 denominated person. The cut-off date for submittals was May 25, 2007. Once the
 143 BIA has confirmed lineal descent, then the Bureau will call a meeting of that group
 144 and deal with that group for the organization of the Tribe. I have included this notice
 as an exhibit.

146 [http://www.californiavalleymiwok.com/2007-04-11-BIA-PublicNotice-AmadorL](http://www.californiavalleymiwok.com/2007-04-11-BIA-PublicNotice-AmadorLedgerDispatch.pdf)
 147 [edgerDispatch.pdf](http://www.californiavalleymiwok.com/2007-04-11-BIA-PublicNotice-AmadorLedgerDispatch.pdf)

148

150 • On May 25, 2007, I forwarded my analysis to the Superintendent. As far as I can
 151 determine, Silvia Burley is not a lineal descendant of any of the persons which the
 152 BIA has identified in its Public Notice, above. Indeed, most of the persons, who have
 153 been active in the organization, are not lineal descendants of the named persons,
 154 which does not mean that they will not become members once the organizing group is
 155 established. In particular, see page 7 for a genealogical chart. I have included this
 156 letter as an exhibit. Consequently, Ms. Burley would not be a tribal member and,
 157 therefore, could not be a person of authority. Realizing now that Ms. Burley does not
 158 belong to this Tribe, Mr. Dixie will repudiate any affiliation which she might have
 with the Tribe.

159 <http://www.californiavalleymiwok.com/2007-05-25-Burdick-memo.pdf>

160

161 We believe that there is overwhelming evidence which supports the Commission to stay
 162 any distribution of funds from the RSTF until the BIA makes definitive conclusions
 163 about legitimate membership. Given the history of this case, if the BIA has not as yet
 164 explicitly identified an authority, the Commission should not have the obligation (nor
 165 indeed the authority) to release these funds to anyone. And we expect this to be resolved
 166 in the very near future.

168

Sincerely, Drafted by,

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172

 Chadd Everone, Deputy

 Yakima Dixie, Chief

EXHIBIT “23”

2009-04-20-Syvia-Quast-DOJ



California Valley Miwok Tribe, California
(formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)
11178 Sheep Ranch Rd. (Sheep Ranch)
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April 20, 2009

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Tel: (916) 554-2740; E-mail <Sylvia.quast@usdoj.gov>

Regarding the suit:

California Valley Miwok Tribe v. Dick Kempthorne, et al.
United States Court of Appeals for the Ninth Circuit - Case #09-15466

Ms. Quast:

I represent what can be called the Yakima Dixie group or Putative Member Class of this Tribe. As you may know, there has been a prolonged dispute between this group and Ms. Silvia Burley regarding who is to be the Federally recognized authority for the Tribe. This dispute culminated in what we call the Olsen Mandate of February 11, 2005. See:

<http://www.californiavalleymiwok.com/2005-02-11-BIA-Determination.pdf>

Therein, Michael Olsen (Principal Deputy, Acting Assistant Secretary - Indian Affairs) determined that was no Federally recognized authority for the Tribe, that the issue of authority would have to be resolved by tribal re-organization under the umbrella of the BIA, and that the BIA would not recognize any intra-tribal remedy regarding issues of tribal membership. This was a final agency action and not subject to appeal. Since that Determination, Ms. Burley has made every possible effort to obstruct tribal re-organization, asserting that because, at one time the BIA address her as Chairperson, *ipso facto*, she had to be the Federally recognized authority, cloaking herself, personally, in the mantle of sovereignty. Her efforts have included suits against the Federal government, IBIA appeals, and suits against the State of California. Our group has "stalked" these proceeding as either Intervenor, *Amicus Curiae*, or Interested Party and as Plaintiff in one instance against the State of California. All of Burley's efforts have failed with the exception of the three pending actions as identified by the color green in the schematic of litigations, which is appended. Those actions are: A) Burley v. the BIA (IBIA appeal #07-100-A); Burley v. California Gambling Control Commission in the California Court of Appeals - 4th district (case #D054912); and c) your action.

2009-04-20-Syvia-Quast-DOJ

56 The IBIA case #07-110-A is the linch-pin and once that is adjudicated the others, I would assume,
58 would collapse. I last spoke to the clerk of the IBIA on April 17, 2009; and the case is #9 in the
docket, which I calculate would mean about 2 months away.

60 From the Orders on your case, it appears that Ms. Burley must file her opening brief by tomorrow,
62 April 21, and you must file your response by May 21. In discussion with Superintendent Troy
64 Burdick on April 17, 2009, he made the side comment that even if the IBIA were to make its Deter-
66 mination, your action, if still out-standing, might delay tribal organization until your action is
68 resolved - i.e., another year. Consequently, we would request that you do everything possible to
70 expedite your proceedings. Burley's tactic is clearly to obstruct and delay, and several of the tribal
elders have died during this delay. Also, people are getting mightily peeved at the BIA for allowing
this procedural obstruction to supersede the substance of this matter. It seems that Silvia Burley has
been given every consideration for 4 years since the Olsen Determination, while the legitimate
members are given short shrift. Also, an expedited proceeding in your case would prevent us from
having to file for *Amicus* status

72 If there is any information which might help you, either I or our attorney, Tim Vollmann who
74 presented our *amicus* brief in the U.S. Court of Appeals in this matter, might be able to be of some
use.


76 Sincerely,

78
80 *Chadd Everone*

2009-03-29-Litigations

Here is a charting of the various litigations in which we have been engaged, directly or indirectly as an interested party, Intervenor, or *amicus curiae*. Chadd

Legend:

BIA	means	Bureau of Indian Affairs
IBIA	means	Interior Board of Indian Appeals
SCC-SD	means	Superior Court of California, San Diego
SCC-Sacto	means	Superior Court of California, Sacramento
CSCA	means	California
USDC-E	means	United States District Court - Eastern District (Sacramento)
USCA-9th	means	United States Court of Appeals - 9th Circuit
USDC-DC	means	United States District Court - District of Columbia
USCA-DC	means	United States Court of Appeals - District of Columbia
Intra-tribal	means	Administrative Hearing with the Tribe
CGCC	means	California Gambling Control Commission
	means	Completed
	means	Pending

#	Date	Jurisdiction	Case # and litigants	2001												2002												2003												
				1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	
1	2001-07-18	USDC-E	#01-1389 Dixie vs. Burley																																					
2a	2002-10-29	USDC-E	#02-0912 Burley vs. USA																																					
2b	2003-10-07	USDC-E	#02-0912 Intervenor Burley vs. USA																																					

2009-03-29-Litigations

#	Date	Jurisdiction	Case # and litigants	2001												2002												2003													
				1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12		
3	2003-10-30	BIA	Appeal																																						

#	Date	Jurisdiction	Case # and litigants	2004												2005												2006																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
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4	2004-03-22	Intra-tribal	#AH-2004-001 Burley v. Dixie	Invalidated by BIA #3																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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2009-03-29-Litigations

#	Date	Jurisdiction	Case # and litigants	2007												2008												2009														
				1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12			
6c	2005-06-16	USCA-DC	#06-5203 Appeal of #05-cv-00739	District Court #6a Affirmed																																						
6d	2006-10-11	USCA-DC	#06-5203 AmicusCuriae.pdf	Argued by Vollmann																																						
8	2006-03-29	IBIA	#06-07-A Dixie v BIA PL638	Withdrawn & Dismissed																																						
9	2006-11-10	IBIA	#07-100-A Burley v. BIA	Pending ->																																						
10a	2008-01-07	SCC-SD	#37-2008-00075326 Burley v.CGCC												Removed																											
10b	2008-01-22	USDC-E	#2:08-cv-00984 Burley v CGCC												Remanded																											
10c	2008-06-02	USDC-E	#2:08-cv-00984 Dixie Intervention															Obviated																								
10d	2008-07-28	SCC-SD	#37-2008-00075326 Burley v.CGCC																																							
10	2009-03-12	CCA-4th	D054912 Burley v. CGCC																																							
11	2008-03-28	IBIA	#08-58-A Burley v. BIA PL-638												Dismissed																											
12	2008-10-29	IBIA	#09-13-A Burley v. BIA PL 636																																							
13a	2008-12-19	USDC-E	# 2:08-cv-03164 Burley v. BIA PL 638																																							
13b	2009-03-11	USCA-9th	Case #09-15466 appealing 13a																																							

EXHIBIT “24”

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO - CENTRAL DISTRICT

--oOo--

CALIFORNIA VALLEY MIWOK TRIBE,)	
Plaintiff,)	
vs.)	Case No.
CALIFORNIA GAMBLING CONTROL)	37-2008-00075326-
COMMISSION,)	CU-CO-CTL
Defendant.)	
)	

Deposition of
CHADD ALLEN EVERONE
February 8, 2012

--oOo--

Reported by: MARY BARDELLINI, CSR No. 2976

Page 2

APPEARANCES

For the Plaintiff:

LAW OFFICE OF MANUEL CORRALES, JR.

By: MANUEL CORRALES, JR.

Attorney at Law

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San Diego, California 92128

(858)521-0634; Fax (858)521-0633

mannycorales@yahoo.com

SINGLETON & ASSOCIATES (Not Present)

By: TERRY SINGLETON

Attorney at Law

1950 Fifth Avenue, Suite 200

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(619)239-3225; Fax (619)702-5592

terry@terrysingleton.com

Page 4

For Yakima Dixie:

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By: MATTHEW S. MCCONNELL

Attorney at Law

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San Diego, California 92130-2006

(858)720-8928; Fax (858)509-3691

mmccconnell@sheppardmullin.com

Also Present:

Silvia Burley

Tiger Paulk

Page 3

For the Defendant:

STATE OF CALIFORNIA

DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

By: NEIL D. HOUSTON

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By Mr. Houston 126

--oOo--

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INDEX OF EXHIBITS

Plaintiff's

Exhibit	Description	Page
1	Copy of business card of Chadd Everone	45
2	Letter dated December 27, 2000, to Silvia Burley from Chadd Everone, 2 pages	53
3	The Will & Testament of Yakima K. Dixie, 5/5/04, 6 pages	53
4	E-mail dated September 13, 2006, to ArticleWriter1@aol.com from Chadd Everone, 2 pages	67
5	E-mail dated September 11, 2006, to Chris Ray from Chadd Everone, 1 page	74
6	E-mail chain, 3 pages	83
7	E-mail dated September 29, 2006, to Chris Ray from Chadd Everone, 2 pages	100
8	Bridge-loan Agreement & Prospectus, 18 pages	107
9	Synopsis, January 29, 2007, 4 pages	117

--oOo--

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INDEX OF QUESTIONS INSTRUCTED NOT TO ANSWER

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93 15
124 14

Page 8

BE IT REMEMBERED that, pursuant to Notice of Taking Deposition, on Wednesday, the 8th day of February, 2012, commencing at the hour of 9:30 a.m., at the Offices of CALIFORNIA ATTORNEY GENERAL, 1300 I Street, Sacramento, California, before me, Mary Bardellini, a Certified Shorthand Reporter in and for the State of California, personally appeared

CHADD ALLEN EVERONE,
called as a witness by the Plaintiff herein, pursuant to all applicable sections of the Code of Civil Procedure of the State of California, and, who, being by the Certified Shorthand Reporter first duly and regularly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

EXAMINATION

BY MR. CORRALES:

Q. Good morning, Mr. Everone. Would you please give us your full name.

A. Chadd Everone, E-V-E-R-O-N-E. Middle name is A-L-L-E-N.

Q. Have you ever gone by a different name?

A. Well, my birth name was Ludwig, last name L-U-D-W-I-G.

Q. When you say your birth name was Ludwig, did you change your name?

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A. I did.

Q. When was that?

A. March 22nd, 1972.

Q. You changed your name from Ludwig Allen Everone --

A. Chadd Allen Ludwig.

Q. So your last name was Ludwig?

A. Yes.

Q. All right. Now, do you understand that the deposition today is being taken under penalties of perjury?

A. Pardon me?

Q. Do you understand that the testimony today is being taken under the penalties of perjury?

A. I do.

Q. Do you know what a deposition is?

A. Yes.

Q. Have you given a deposition before?

A. Yes.

Q. Let's kind of set some ground rules because I think it's important for us to have a clear record.

Now, a deposition is an opportunity for attorneys to ask witnesses questions in litigation, and this is one of those settings.

We have a court reporter, who is an officer of

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1 without a license?

2 **A. The answer is I did not believe. In fact, I**

3 **knew that I was not.**

4 Q. Okay. Did you ever go to law school?

5 **A. I did not.**

6 Q. Did you ever try and obtain a license for the

7 practice of law?

8 **A. Never.**

9 Q. Okay. Now, on the card it says deputy and

10 consul general, California Valley Miwok Tribe, comma,

11 California. Why the California at the end?

12 **A. That's the official name of the tribe in the**

13 **Federal Register.**

14 Q. Did you understand that the Federal Register

15 lists names of federally-recognized tribes together with

16 its location?

17 **A. Yes.**

18 Q. And after each tribe, whether the tribe is in

19 San Diego, whether it's in San Francisco, at the end of

20 the name of the tribe there's a comma and then the name

21 of the location; did you understand that?

22 **A. I did not understand that.**

23 Q. And so the name that you took directly out of

24 the Federal Register, California Valley Miwok Tribe,

25 comma, California, is what appears in the Federal

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1 Register?

2 **A. That's the name that appears in the Federal**

3 **Register.**

4 Q. And that's what you put on the card?

5 **A. It is.**

6 Q. And did you know that the last word,

7 California, was simply the location as it appears on the

8 Federal Register?

9 **A. I'd have to look at the Federal Register**

10 **listing to see if it pertains to other tribes. There's**

11 **tribes and bands and groups and things like that, so I**

12 **don't know.**

13 Q. All right. Now, but the card, the name that

14 you put on the card is -- you're calling this the

15 California Valley Miwok Tribe in reference to the

16 intervenor tribe; that's what you mean?

17 **A. As the card says, Sheep Ranch Rancheria of**

18 **Miwok Indians of California.**

19 Q. It's not the tribe that is being headed by

20 Silvia Burley. This is the tribe that --

21 **A. It's not the plaintiff tribe.**

22 Q. Right. It's the intervenor tribe. That's what

23 you meant?

24 **A. That's what I meant.**

25 Q. Now, let me ask you this question, sir. I'm

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1 going to go back to the questions I asked you concerning

2 written statements that you made to Miss Burley. And

3 I'm going to mark as Exhibit Number 2 a letter -- I only

4 have one copy -- a letter that purports to be signed by

5 Chadd, C-H-A-D-D --

6 **MR. MELNICOE:** I'm going to need to confer with

7 my client for a second, Counsel.

8 (Discussion held off the record between

9 counsel and witness.)

10 **MR. CORRALES:** Okay.

11 **BY MR. CORRALES:**

12 Q. And it purports to be dated December 27, 2000.

13 And the letterhead is Chadd Everone, and there's a

14 picture, a copy of a picture of a person on the right --

15 upper right-hand corner. Do you recognize this letter,

16 sir?

17 **A. I recognize the picture. The December 28 --**

18 **well ...**

19 Q. Do you recognize the letter as a letter you

20 sent?

21 **A. Well, you know, I don't recall sending letters**

22 **to Silvia, but it's likely that I did, so I will say**

23 **that it is.**

24 Q. The last page has -- says best wishes and then

25 Chadd and then Chadd Everone, IM, Ph.D., but it has a

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1 stamp on there Chadd. Is that your handwriting or is

2 that electronic?

3 **A. That's electronic.**

4 Q. Is that typically your custom and practice to

5 do it by electronic signature?

6 **A. If it's an electronic document.**

7 Q. Is this your picture?

8 **A. Yes. Does this go to --**

9 **MR. MELNICOE:** To the court reporter.

10 (Plaintiff's Exhibit 2 was marked for

11 identification.)

12 **BY MR. CORRALES:**

13 Q. Going to show you what I will have marked next

14 in order. This purports to be the Will and Testament of

15 Yakima Dixie.

16 **MR. MELNICOE:** Let's pass this around. You've

17 got multiple copies of this one?

18 **MR. CORRALES:** I've got only one copy of that

19 for you to share.

20 (Plaintiff's Exhibit 3 was marked for

21 identification.)

22 **BY MR. CORRALES:**

23 Q. And this is -- looks like it's --

24 **A. Written February 9, 2004. That's the date up**

25 **at the upper right.**

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1 when you drafted this?

2 **A. It was important that Yakima memorialize all**
3 **the official agreements and all of the legal situations**
4 **that pertained to him, that is to say his inheritance in**
5 **the land, the members of the tribe, and the agreements**
6 **that he had made on behalf of the tribe. That's all.**

7 Q. And did you expect, by virtue of this Will,
8 that those agreements would continue to operate should
9 Mr. Dixie die?

10 **A. Those agreements have already changed, so the**
11 **answer to that --**

12 Q. I'm talking about the time you drafted this.

13 **A. I had no intention.**

14 Q. Were you expecting those agreements to continue
15 to operate or be in effect if Mr. Dixie should die as a
16 result of this Will?

17 **A. I don't know if I had expectations or not.**
18 **These were just agreements that he had made, legal**
19 **agreements that he had made.**

20 MR. CORRALES: Let's see. All right. Why
21 don't we take a couple of minutes. We've been going for
22 about an hour. Come back in about five minutes.

23 (Recess taken.)

24 MR. CORRALES: Why don't we go back on the
25 record.

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1 BY MR. CORRALES:

2 Q. Mr. Everone, you understand you're still under
3 oath?

4 **A. I do.**

5 Q. Mr. Everone, tell me a little bit about your
6 educational background.

7 **A. Well, I graduated high school in Madrid, Spain.**

8 Q. Spain. What year was that?

9 **A. 1958.**

10 Q. Okay.

11 **A. Then I went to the University of Madrid for a**
12 **couple of years, two years. Came to Berkeley a couple**
13 **of years.**

14 Q. You say you came to Berkeley --

15 **A. Went to the University of California, Berkeley.**

16 Q. Okay.

17 **A. Then went back to Spain for about a year.**

18 Q. University of Madrid?

19 **A. Yes. And then on to California State**
20 **University at Sacramento. That's it.**

21 Q. Did you receive any degrees?

22 **A. B.A.**

23 Q. From which university?

24 **A. From the University of California -- sorry,**
25 **California State University.**

1 Q. B.A.?

2 **A. Yes.**

3 Q. In what?

4 **A. In political science or B.S. probably,**
5 **bachelor's degree in political science.**

6 Q. You think it was a B.S.?

7 **A. Uh-huh.**

8 Q. Any other degrees?

9 **A. No.**

10 Q. Okay. On the letter that I showed you, Exhibit
11 Number 2, you see it in front of you there, sir?

12 **A. Yes.**

13 Q. You say Chadd Everone, IM, Ph.D. What is --
14 what Ph.D. did you obtain?

15 **A. I did not obtain one in the academy. I just**
16 **took that based upon postgraduate work at Sac State.**

17 Q. So you don't have a Ph.D.?

18 **A. I don't have one from a university.**

19 Q. Well, when you say you have a Ph.D., where did
20 you get it?

21 **A. Actually, I got it by completing my thesis work**
22 **and submitting it to an independent group of advisors.**

23 Q. And --

24 **A. So I just assumed that title.**

25 Q. You assumed the title of Ph.D., but you don't

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1 really have one?

2 **A. Okay.**

3 Q. Is that correct?

4 **A. I would say that the assumption is having one.**

5 Q. Well --

6 **A. It's an honorary --**

7 Q. Did you actually get a certificate --

8 **A. No.**

9 Q. -- that says you have a Ph.D.?

10 **A. No.**

11 Q. What does IM stand for?

12 **A. That was a term that I used for some time.**
13 **It's an abbreviation for immortalist.**

14 Q. What does that mean?

15 **A. Well, there was a school of philosophy in --**
16 **around the 1970's, they were called the immortalists,**
17 **and it was associated with people who wanted to invent**
18 **non-aging human beings and live forever. So that's what**
19 **I used at the time to identify myself with that school**
20 **of thought.**

21 Q. Is that the school of thought that you claim
22 gave you a Ph.D.?

23 **A. No.**

24 Q. All right. Did you ever stop designating
25 yourself as a Ph.D.?

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<p>1 A. Yes. It became irrelevant after awhile.</p> <p>2 Q. When you say irrelevant, what do you mean by</p> <p>3 that?</p> <p>4 A. Well, it wasn't related to what I was doing.</p> <p>5 Wasn't related to what I was doing with this tribe.</p> <p>6 Wasn't related to what I was doing in terms of research.</p> <p>7 Q. Did you stop using Ph.D. in your letter</p> <p>8 designations because it was false?</p> <p>9 A. No.</p> <p>10 Q. Anybody ever tell you that it was false?</p> <p>11 A. No.</p> <p>12 Q. But you don't have a Ph.D., do you?</p> <p>13 A. I don't have a Ph.D. from a university.</p> <p>14 Q. You don't have a certificate that says you have</p> <p>15 a Ph.D.?</p> <p>16 A. No.</p> <p>17 Q. So when you wrote this letter and you had that</p> <p>18 letterhead on there, and you signed it Chadd Everone,</p> <p>19 IM, Ph.D., you typed that, right?</p> <p>20 A. I did.</p> <p>21 Q. And that was false, right?</p> <p>22 A. I claim it was not.</p> <p>23 Q. You claim it was. At the time it was false,</p> <p>24 wasn't it?</p> <p>25 A. I do not. There is no official Ph.D. title or</p>	<p>1 And this is --</p> <p>2 MR. MELNICOE: Counsel, let's stop right here</p> <p>3 for a second.</p> <p>4 MR. CORRALES: I need to identify this for the</p> <p>5 record.</p> <p>6 MR. MELNICOE: Sure.</p> <p>7 MR. CORRALES: From Chadd Everone, cae@fis.org,</p> <p>8 to articlewriter1@aol.com, and it's a one -- two-page</p> <p>9 document.</p> <p>10 MR. MELNICOE: This is obviously a confidential</p> <p>11 document, Counsel. Would you please identify where it</p> <p>12 was obtained?</p> <p>13 MR. CORRALES: When you say it's obviously a</p> <p>14 confidential document, what do you mean? There is no</p> <p>15 word on here that says confidential.</p> <p>16 MR. MELNICOE: There's --</p> <p>17 THE WITNESS: A blackout.</p> <p>18 MR. MELNICOE: It's to articlewriter1@aol.com,</p> <p>19 and you seem to have a copy of it. Was this obtained by</p> <p>20 hacking the website of the tribe or the --</p> <p>21 MR. CORRALES: Are you making an objection or</p> <p>22 making a speech?</p> <p>23 MR. MELNICOE: I'm making both.</p> <p>24 MR. CORRALES: Well, you can't make a speaking</p> <p>25 objection. I haven't even asked the witness a question</p>
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<p>1 license. There is no such thing in law.</p> <p>2 Q. But you didn't have a Ph.D. when you signed</p> <p>3 that letter, did you?</p> <p>4 A. I've already answered that question.</p> <p>5 MR. MELNICOE: Yeah, I think he's covered it,</p> <p>6 Counsel. Asked and answered.</p> <p>7 BY MR. CORRALES:</p> <p>8 Q. So when you signed Chadd Everone, IM, Ph.D.,</p> <p>9 that was a false statement, right?</p> <p>10 A. I've already answered that question.</p> <p>11 Q. And your answer is it was not a false</p> <p>12 statement?</p> <p>13 A. That's right.</p> <p>14 Q. Because you believe you had a Ph.D. even though</p> <p>15 you didn't have one; is that what you're saying?</p> <p>16 A. That's your interpretation.</p> <p>17 Q. That's what you said. I think we can move on.</p> <p>18 All right.</p> <p>19 Let's go to the next in order, which is 4.</p> <p>20 (Plaintiff's Exhibit 4 was marked for</p> <p>21 identification.)</p> <p>22 BY MR. CORRALES:</p> <p>23 Q. This purports to be a copy of an e-mail, and</p> <p>24 I'll ask you some questions about this.</p> <p>25 Looks like I have an extra copy here, Counsel.</p>	<p>1 so --</p> <p>2 MR. MELNICOE: I'm not sure I'm going to let</p> <p>3 him answer.</p> <p>4 MR. CORRALES: You do so at your own peril,</p> <p>5 Mr. -- who is it, Mr. Melnicoe, former Commission</p> <p>6 attorney.</p> <p>7 MR. MELNICOE: I'll confer with him to see if</p> <p>8 there's a lawyer-client issue here.</p> <p>9 MR. CORRALES: I don't believe there is.</p> <p>10 MR. MELNICOE: Well, you don't believe there</p> <p>11 is, but we'll decide whether there is or isn't.</p> <p>12 MR. CORRALES: Good luck.</p> <p>13 MR. McCONNELL: Why don't you go outside and</p> <p>14 talk with him.</p> <p>15 (Recess taken.)</p> <p>16 MR. MELNICOE: Back on the record. Proceed,</p> <p>17 Counsel.</p> <p>18 MR. CORRALES: All right.</p> <p>19 BY MR. CORRALES:</p> <p>20 Q. Do you recognize this e-mail, sir?</p> <p>21 A. I guess I do, yes.</p> <p>22 Q. It says to articlewriter1, Chris. Did you</p> <p>23 recall writing an e-mail to a Chris?</p> <p>24 A. Yes.</p> <p>25 Q. All right. And it says, on the first</p>

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1 paragraph: First, I believe that Melnicoe contacted
2 Rickards in order to obtain the current balance in the
3 Revenue Sharing Trust Fund, or he could have contacted
4 the accounting department.

5 Why did you write that, sir, to Mr. Chris?

6 **A. I don't recall why I wrote that. Chris Ray is**
7 **his name, is a --**

8 **Q. I'll get into that in a minute. So you don't**
9 **recall why you wrote that.**

10 You also said: Irrespective, Rickards has made
11 his determination about the freezing of the funds until
12 the BIA determines the authority, so he really does not
13 have much involvement in this matter until that happens.

14 Did you have a conversation with Mr. Rickards
15 at the Commission about that subject?

16 **A. No. No, I did not. I've never spoken with Mr.**
17 **Rickards.**

18 **Q. How did you get that information?**

19 **A. I don't recall.**

20 **Q. Did you tell Chris, in this e-mail, that you**
21 **were taking it upon yourself to ensure that the Revenue**
22 **Sharing Trust Fund money was frozen so that the**
23 **plaintiff tribe couldn't have access to it?**

24 **A. It says here that the fund -- I guess -- I**
25 **don't know what I was trying to do other than to say**

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1 **that the funds were frozen, and they would be available**
2 **to repay, if we prevailed, to repay the lenders if we**
3 **prevailed.**

4 **Q. It says -- you mentioned Melnicoe --**

5 **MR. MELNICOE: Melnicoe, by the way.**

6 **MR. CORRALES: Melnicoe?**

7 **MR. MELNICOE: Yeah.**

8 **MR. CORRALES: Okay.**

9 **BY MR. CORRALES:**

10 **Q. You use -- you mentioned Melnicoe. Who is**
11 **Melnicoe?**

12 **A. That's my counsel here, Peter Melnicoe.**

13 **Q. And how was he involved in connection with this**
14 **e-mail?**

15 **A. Early on or at some point around this time,**
16 **perhaps, I had requested that -- I discovered --**

17 **MR. MELNICOE: I think we're getting into**
18 **lawyer-client privilege here, Counsel.**

19 **MR. CORRALES: Not yet.**

20 **MR. MELNICOE: We're awfully close.**

21 **MR. CORRALES: He hasn't said anything about a**
22 **conversation that he had with you. I'm asking him what**
23 **your involvement was.**

24 **BY MR. CORRALES:**

25 **Q. You can proceed.**

1 **A. Well, I had asked both Arlo Smith and Peter**
2 **Melnicoe --**

3 **Q. Go ahead.**

4 **A. -- to consult with the tribe on negotiating a**
5 **Compact for the tribe.**

6 **Q. Who is Mr. Melnicoe? Who did you understand**
7 **him to be at the time?**

8 **A. Former Chief Counsel for the California**
9 **Gambling Control Commission.**

10 **Q. Okay. And what was it that you wanted Mr.**
11 **Melnicoe to do?**

12 **A. I had nothing specific other than to negotiate**
13 **a Compact for the tribe if we prevailed in securing the**
14 **authority for the community, the tribal community.**

15 **Q. And Rickards here in your e-mail means Cyrus**
16 **Rickards, the Chief Counsel for the Commission at that**
17 **time, correct?**

18 **A. Yes.**

19 **Q. And did you expect that Mr. Melnicoe would have**
20 **influence over the Commission because of his prior**
21 **position as Chief Counsel for the Commission?**

22 **A. No, because the Compact negotiations would be**
23 **negotiated with the Governor. Being that they were**
24 **experienced with these kinds of negotiations, I figured**
25 **that they would have expertise in writing up Compacts,**

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1 **negotiating them, and expediting them.**

2 **I had no intent of either Arlo Smith or Peter**
3 **Melnicoe to deal with Cy Rickards or attempt to deal at**
4 **all with the Revenue Sharing Trust Fund.**

5 **Q. You said Arlo Smith. Who is he?**

6 **A. He's former Commissioner --**

7 **MR. MELNICOE: Uh-huh.**

8 **THE WITNESS: -- of the Gambling Control**
9 **Commission.**

10 **BY MR. CORRALES:**

11 **Q. So you had Mr. Arlo Smith work together with**
12 **Mr. Melnicoe --**

13 **A. Melnicoe.**

14 **Q. -- to contact the Commission?**

15 **A. No. As I explained, I had asked them to be**
16 **involved in Compact negotiations with the Governor, not**
17 **with the Commission.**

18 **Q. Not with the Commission?**

19 **A. Not with the Commission. You don't negotiate**
20 **Compacts with the Commission.**

21 **Q. So this had nothing to do with getting the**
22 **money frozen?**

23 **A. Nothing.**

24 **Q. Did you ever --**

25 **A. That decision had already been made, I guess.**

EXHIBIT “25”

CALIFORNIA GAMBLING CONTROL COMMISSION

Address: 2399 Gateway Oaks Drive, Suite 220 • Sacramento, CA 95833-4231
Phone: (916) 263-0700 • FAX: (916) 263-0452

*Memorandum*

DATE: April 25, 2016

TO: Chairman Evans
Commissioner Conklin
Commissioner Dunstan
Commissioner Hammond
Commissioner To

VIA: Stacey Luna Baxter
Executive Director

FROM: Rachelle Ryan
Associate Analyst, Administration Division

SUBJECT: Revenue Sharing Trust Fund Report (RSTF) of Distribution of Funds to Eligible Recipient Indian Tribes for the Quarter Ended March 31, 2016

All eligible Tribes will be allocated a total of \$275,000.00, which consists of \$174,012.51 from RSTF payments and interest income, and \$100,987.49 from shortfall funds that have been transferred into the RSTF from the Special Distribution Fund (SDF) as shown in Exhibit 1.

RSTF payments of \$12,696,362.36 and interest income of \$21,130.45, for a total of \$12,717,492.81, was deposited into the RSTF for the quarterly period ended March 31, 2016. A portion of the interest income is allocated to previously approved distributions held in the RSTF on behalf of two (2) Tribes in the amount of \$14,579.58. The quarterly amount of the shortfall in payments to all eligible recipient Indian Tribes for the quarter totals \$7,372,086.77.

Staff continues to recommend that the distribution to the California Valley Miwok Tribe be allocated but withheld. On December 30, 2015, Kevin Washburn, the Assistant Secretary (of the Department of the Interior) for Indian Affairs (AS-IA), issued a final agency decision that unequivocally states that the United States does not recognize leadership for the California Valley Miwok government. A decision by AS-IA is final for the Department, effective immediately, and unlike decisions rendered by subordinate Bureau of Indian Affairs (BIA) officials, is not automatically stayed upon appeal. Accordingly, there continues to be no California Valley Miwok Tribe government to which the Commission can make an RSTF payment.

Staff recommends that the distribution allocated to the Lipay Nation of Santa Ysabel be distributed to the Yavapai Apache Nation, pursuant to an order from Sacramento County Superior Court.

Staff recommends the distribution allocated to the Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation be distributed to Grandpoint Bank, as Escrow Agent, pursuant to an order from Inyo County Superior Court.

Staff also recommends that the distribution to the Alturas Indian Rancheria be allocated but withheld pending a decision by the Bureau of Indian Affairs (BIA) regarding who they will recognize as the lawful governing body of the Tribe for the purposes of government-to-government relations. The decision of the Northern California Agency Superintendent of the BIA was appealed on April 30, 2015 to the Regional Director of the BIA. On October 15, 2015, the Regional Director of the BIA decided the case; however, that decision has been appealed to the Interior Board of Indian Appeals.

A listing of the amount of revenue received from each Compact Tribe is attached as Exhibit 2. The receipts are equally distributed to seventy-three (73)¹ of the eighty-nine (89) Tribes listed in Exhibit 1 as eligible recipient Tribes (pending receipt of outstanding eligibility certification forms, if any).

At the end of the calendar quarter, the amount of outstanding payments due into the RSTF from three (3) Tribes was \$1,203,750.00. If the payments due at the end of this quarter had been deposited into the RSTF, each recipient Tribe would have received \$16,489.72 in additional RSTF money with this quarter's distribution in lieu of an equal amount of SDF transferred shortfall funds. Total outstanding payments for the quarter ended March 31, 2016, are summarized in the following Table 1:

Table 1		
Indian Gaming Revenue Sharing Trust Fund Payments		
Aging Schedule as of March 31, 2016		
Period(s) in Arrears ²	Number of Tribes	Amount Due
One (1) Quarter (1999 Compact Section 4.3.2.3)	1	\$ 78,750.00
Two (2) Quarters (1999 Compact Section 4.3.2.3)	2	1,125,000.00
Exceeds 30 days after the calendar quarter (varies by Compact)	0	-
Totals	3	\$ 1,203,750.00

A fund condition statement for the RSTF through March 31, 2016, for the fiscal year 2015-16 is attached as Exhibit 3.

¹ Distributions to the California Valley Miwok Tribe and Alturas Indian Rancheria are withheld pending resolution of Tribal leadership disputes.

² Periods in Arrears are categorized according to the applicable Tribal Compact provisions.

Attachments:

- Exhibit 1 – RSTF Distribution List
- Exhibit 2 – RSTF Received From Compacted Tribes
- Exhibit 3 – RSTF Fund Condition Statement

Exhibit 1**Revenue Sharing Trust Fund Distribution****Total Amount of Distribution for the Quarter Ended March 31, 2016**

	Recipient Indian Tribe	Quarterly Distribution from Revenue Received	Quarterly Shortfall	Total Potential Quarterly Distribution	Distributions Inception to March 31, 2016
1	Alturas Indian Rancheria ¹	174,012.51	100,987.49	\$275,000.00	\$15,813,385.42
2	Augustine Band of Cahuilla Indians ²	.00	.00	.00	1,238,385.42
3	Bear River Band of the Rohnerville Rancheria	174,012.51	100,987.49	275,000.00	15,813,385.42
4	Big Lagoon Rancheria	174,012.51	100,987.49	275,000.00	15,813,385.42
5	Big Pine Paiute Tribe of the Owens Valley	174,012.51	100,987.49	275,000.00	15,813,385.42
6	Big Sandy Rancheria of Western Mono Indians of California	174,012.51	100,987.49	275,000.00	15,813,385.42
7	Big Valley Band of Pomo Indians of the Big Valley Rancheria	174,012.51	100,987.49	275,000.00	8,525,000.00
8	Bishop Paiute Tribe	174,012.51	100,987.49	275,000.00	15,813,385.42
9	Blue Lake Rancheria ²	.00	.00	.00	1,788,385.42
10	Bridgeport Indian Colony	174,012.51	100,987.49	275,000.00	15,813,385.42
11	Buena Vista Rancheria of Me-Wuk Indians of California	174,012.51	100,987.49	275,000.00	15,813,385.42
12	Cahto Tribe	174,012.51	100,987.49	275,000.00	15,813,385.42
13	Cahuilla Band of Mission Indians of the Cahuilla Reservation	174,012.51	100,987.49	275,000.00	15,813,385.42
14	California Valley Miwok Tribe ¹	174,012.51	100,987.49	275,000.00	15,813,385.42
15	Campo Band of Diegueno Mission Indians of the Campo Indian Reservation ²	.00	.00	.00	538,034.21
16	Cedarville Rancheria	174,012.51	100,987.49	275,000.00	15,813,385.42
17	Chemehuevi Indian Tribe of the Chemehuevi Reservation	174,012.51	100,987.49	275,000.00	15,813,385.42
18	Cher-Ae Heights Indian Community of the Trinidad Rancheria	174,012.51	100,987.49	275,000.00	15,813,385.42
19	Chicken Ranch Rancheria of Me-Wuk Indians of California	174,012.51	100,987.49	275,000.00	15,813,385.42
20	Cloverdale Rancheria of Pomo Indians of California	174,012.51	100,987.49	275,000.00	15,813,385.42
21	Cold Springs Rancheria of Mono Indians of California	174,012.51	100,987.49	275,000.00	15,813,385.42
22	Colorado River Indian Tribes of the Colorado River Indian Reservation	174,012.51	100,987.49	275,000.00	15,813,385.42

Exhibit 1					
Revenue Sharing Trust Fund Distribution					
Total Amount of Distribution for the Quarter Ended March 31, 2016					
	Recipient Indian Tribe	Quarterly Distribution from Revenue Received	Quarterly Shortfall	Total Potential Quarterly Distribution	Distributions Inception to March 31, 2016
23	Cortina Indian Rancheria	174,012.51	100,987.49	275,000.00	15,813,385.42
24	Coyote Valley Reservation	174,012.51	100,987.49	275,000.00	11,825,000.00
25	Death Valley Timbi-Sha Shoshone Tribe	174,012.51	100,987.49	275,000.00	15,813,385.42
26	Dry Creek Rancheria of Pomo Indians of California ²	.00	.00	.00	1,513,385.42
27	Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria	174,012.51	100,987.49	275,000.00	15,813,385.42
28	Elk Valley Rancheria	174,012.51	100,987.49	275,000.00	15,813,385.42
29	Enterprise Rancheria of Maidu Indians of California	174,012.51	100,987.49	275,000.00	15,813,385.42
30	Ewiiapaayp Band of Kumeyaay Indians	174,012.51	100,987.49	275,000.00	15,813,385.42
31	Federated Indians of Graton Rancheria ²	.00	.00	.00	12,642,594.03
32	Fort Bidwell Indian Community of the Fort Bidwell Reservation of California	174,012.51	100,987.49	275,000.00	15,813,385.42
33	Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation	174,012.51	100,987.49	275,000.00	15,813,385.42
34	Fort Mojave Indian Tribe of Arizona, California & Nevada	174,012.51	100,987.49	275,000.00	15,813,385.42
35	Greenville Rancheria	174,012.51	100,987.49	275,000.00	15,813,385.42
36	Grindstone Indian Rancheria of Wintun-Wailaki Indians of California	174,012.51	100,987.49	275,000.00	15,813,385.42
37	Guidiville Rancheria of California	174,012.51	100,987.49	275,000.00	15,813,385.42
38	Habematolel Pomo of Upper Lake	174,012.51	100,987.49	275,000.00	15,813,385.42
39	Hoopa Valley Tribe	174,012.51	100,987.49	275,000.00	15,813,385.42
40	Hopland Band of Pomo Indians of the Hopland Rancheria	174,012.51	100,987.49	275,000.00	3,741,306.53
41	Iipay Nation of Santa Ysabel	174,012.51	100,987.49	275,000.00	15,813,385.42

Exhibit 1					
Revenue Sharing Trust Fund Distribution					
Total Amount of Distribution for the Quarter Ended March 31, 2016					
	Recipient Indian Tribe	Quarterly Distribution from Revenue Received	Quarterly Shortfall	Total Potential Quarterly Distribution	Distributions Inception to March 31, 2016
42	Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation	174,012.51	100,987.49	275,000.00	15,813,385.42
43	Ione Band of Miwok Indians of California	174,012.51	100,987.49	275,000.00	15,813,385.42
44	Jamul Indian Village of California	174,012.51	100,987.49	275,000.00	15,813,385.42
45	Karuk Tribe	174,012.51	100,987.49	275,000.00	15,813,385.42
46	Kashia Band of Pomo Indians of the Stewarts Point Rancheria	174,012.51	100,987.49	275,000.00	15,813,385.42
47	Koi Nation of Northern California	174,012.51	100,987.49	275,000.00	15,392,594.03
48	La Jolla Band of Luiseno Indians	174,012.51	100,987.49	275,000.00	15,813,385.42
49	La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation	174,012.51	100,987.49	275,000.00	15,813,385.42
50	Lone Pine Paiute-Shoshone Tribe	174,012.51	100,987.49	275,000.00	15,813,385.42
51	Los Coyotes Band of Cahuilla and Cupeno Indians	174,012.51	100,987.49	275,000.00	15,813,385.42
52	Lytton Rancheria of California	174,012.51	100,987.49	275,000.00	15,813,385.42
53	Manchester Band of Pomo Indians of the Manchester Rancheria	174,012.51	100,987.49	275,000.00	15,813,385.42
54	Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation	174,012.51	100,987.49	275,000.00	15,813,385.42
55	Mechoopda Indian Tribe of Chico Rancheria	174,012.51	100,987.49	275,000.00	15,813,385.42
56	Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation	174,012.51	100,987.49	275,000.00	15,813,385.42
57	Middletown Rancheria of Pomo Indians of California ²	.00	.00	.00	482,578.08
58	Northfork Rancheria of Mono Indians of California	174,012.51	100,987.49	275,000.00	15,813,385.42
59	Pala Band of Luiseno Mission Indians of the Pala Reservation ²	.00	.00	.00	482,578.08

Exhibit 1					
Revenue Sharing Trust Fund Distribution					
Total Amount of Distribution for the Quarter Ended March 31, 2016					
	Recipient Indian Tribe	Quarterly Distribution from Revenue Received	Quarterly Shortfall	Total Potential Quarterly Distribution	Distributions Inception to March 31, 2016
60	Paskenta Band of Nomlaki Indians of California ²	.00	.00	.00	688,385.42
61	Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation ²	.00	.00	.00	482,578.08
62	Picayune Rancheria of Chukchansi Indians of California ²	.00	.00	.00	1,513,385.42
63	Pinoleville Pomo Nation	174,012.51	100,987.49	275,000.00	15,813,385.42
64	Pit River Tribe (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias)	174,012.51	100,987.49	275,000.00	15,813,385.42
65	Potter Valley Tribe	174,012.51	100,987.49	275,000.00	15,813,385.42
66	Quartz Valley Indian Community of the Quartz Valley Reservation of California	174,012.51	100,987.49	275,000.00	15,813,385.42
67	Quechan Tribe of the Fort Yuma Indian Reservation ²	.00	.00	.00	7,838,385.42
68	Ramona Band of Cahuilla	174,012.51	100,987.49	275,000.00	15,813,385.42
69	Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California	174,012.51	100,987.49	275,000.00	15,813,385.42
70	Resighini Rancheria	174,012.51	100,987.49	275,000.00	15,813,385.42
71	Rincon Band of Luiseno Mission Indians of the Rincon Reservation ²	.00	.00	.00	441,306.53
72	Robinson Rancheria	174,012.51	100,987.49	275,000.00	1,925,000.00
73	Round Valley Indian Tribes, Round Valley Reservation	174,012.51	100,987.49	275,000.00	15,813,385.42
74	San Pasqual Band of Diegueno Mission Indians of California ²	.00	.00	.00	482,578.08
75	Santa Rosa Band of Cahuilla Indians	174,012.51	100,987.49	275,000.00	15,813,385.42
76	Scotts Valley Band of Pomo Indians of California	174,012.51	100,987.49	275,000.00	15,813,385.42
77	Sherwood Valley Rancheria of Pomo Indians of California	174,012.51	100,987.49	275,000.00	15,813,385.42

Exhibit 1**Revenue Sharing Trust Fund Distribution****Total Amount of Distribution for the Quarter Ended March 31, 2016**

	Recipient Indian Tribe	Quarterly Distribution from Revenue Received	Quarterly Shortfall	Total Potential Quarterly Distribution	Distributions Inception to March 31, 2016
78	Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract) ²	.00	.00	.00	7,563,385.42
79	Susanville Indian Rancheria	174,012.51	100,987.49	275,000.00	15,813,385.42
80	Tejon Indian Tribe	174,012.51	100,987.49	275,000.00	4,659,890.00
81	Tolowa Dee-Ni' Nation (formerly Smith River Rancheria)	174,012.51	100,987.49	275,000.00	15,813,385.42
82	Torres Martinez Desert Cahuilla Indians	174,012.51	100,987.49	275,000.00	15,813,385.42
83	Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California ²	.00	.00	.00	482,578.08
84	United Auburn Indian Community of the Auburn Rancheria of California ²	.00	.00	.00	1,513,385.42
85	Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation	174,012.51	100,987.49	275,000.00	15,813,385.42
86	Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches)	174,012.51	100,987.49	275,000.00	15,813,385.42
87	Wilton Rancheria	174,012.51	100,987.49	275,000.00	7,494,505.49
88	Wiyot Tribe	174,012.51	100,987.49	275,000.00	15,813,385.42
89	Yurok Tribe of the Yurok Reservation	174,012.51	100,987.49	275,000.00	15,813,385.42
	Total	\$12,702,913.23	\$7,372,086.77	\$20,075,000.00	\$1,136,938,642.30

Footnotes:

¹ Distribution to the Tribe is currently pending.² No longer an eligible recipient Tribe; however, previously received RSTF distributions.

Exhibit 2			
Revenue Sharing Trust Fund			
Amount of Revenue from Each Compact Tribe Received by the Commission through the Quarter Ending March 31, 2016			
	Compact Tribe	Revenue Received Fiscal Year to Date	Revenue Received Inception to Date
1	Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation	\$1,500,000.00	\$20,827,953.20
2	Alturas Indian Rancheria	0.00	375,000.00
3	Augustine Band of Cahuilla Indians	67,500.00	924,241.27
4	Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation	552,262.50	11,690,312.77
5	Bear River Band of the Rohnerville Rancheria	0.00	0.00
6	Berry Creek Rancheria of Maidu Indians of California	97,200.00	1,649,470.68
7	Big Sandy Rancheria of Western Mono Indians of California	0.00	0.00 ¹
8	Big Valley Band of Pomo Indians of the Big Valley Rancheria	33,750.00	714,421.23
9	Blue Lake Rancheria	46,350.00	730,581.63
10	Buena Vista Rancheria of Me-Wuk Indians of California	0.00	0.00 ¹
11	Cabazon Band of Mission Indians	1,030,612.50	18,225,769.41
12	Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria	270,000.00	2,335,808.22
13	Cahto Tribe	0.00	0.00
14	Cahuilla Band of Mission Indians of the Cahuilla Reservation	0.00	125,000.00
15	Campo Band of Diegueno Mission Indians of the Campo Indian Reservation	22,500.00	691,921.23
16	Chemehuevi Indian Tribe of the Chemehuevi Reservation	0.00	0.00 ¹
17	Cher-Ae Heights Indian Community of the Trinidad Rancheria	0.00	0.00
18	Chicken Ranch Rancheria of Me-Wuk Indians of California	0.00	0.00
19	Dry Creek Rancheria of Pomo Indians of California	416,250.00	19,000,746.58
20	Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria	0.00	0.00
21	Elk Valley Rancheria	0.00	62,500.00
22	Ewiiapaayp Band of Kumeyaay Indians	0.00	2,437,433.22

Exhibit 2			
Revenue Sharing Trust Fund			
Amount of Revenue from Each Compact Tribe Received by the Commission through the Quarter Ending March 31, 2016			
	Compact Tribe	Revenue Received Fiscal Year to Date	Revenue Received Inception to Date
23	Federated Indians of Graton Rancheria	6,347,097.00	18,084,838.00
24	Hoopa Valley Tribe	0.00	0.00
25	Hopland Band of Pomo Indians of the Hopland Rancheria	0.00	3,368,042.68
26	Jackson Rancheria of Me-Wuk Indians of California	967,354.35	14,793,703.27
27	Jamul Indian Village of California	0.00	0.00
28	La Jolla Band of Luiseno Indians	0.00	0.00
29	Manchester Band of Pomo Indians of the Manchester Rancheria	0.00	0.00
30	Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation	0.00	0.00
31	Middletown Rancheria of Pomo Indians of California	0.00	437,500.00
32	Mooretown Rancheria of Maidu Indians of California	101,250.00	2,608,382.22
33	Morongo Band of Mission Indians	1,500,000.00	16,922,104.14
34	Bishop Paiute Tribe	0.00	0.00
35	Pala Band of Luiseno Mission Indians of the Pala Reservation	1,500,000.00	35,875,896.37
36	Paskenta Band of Nomlaki Indians of California	88,811.65	1,099,835.13
37	Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation	157,500.00	7,243,661.71
38	Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation	1,500,000.00	19,094,120.11
39	Picayune Rancheria of Chukchansi Indians of California	2,205,000.00	33,959,619.86
40	Pit River Tribe (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias)	0.00	0.00
41	Quechan Tribe of the Fort Yuma Indian Reservation	0.00	0.00
42	Redding Rancheria	50,625.00	2,047,022.64
43	Resighini Rancheria	0.00	0.00
44	Rincon Band of Luiseno Mission Indians of the Rincon Reservation	1,851,562.50	29,502,766.96
45	Robinson Rancheria of Pomo Indians	0.00	337,500.00

Exhibit 2**Revenue Sharing Trust Fund****Amount of Revenue from Each Compact Tribe Received by the Commission through the Quarter Ending March 31, 2016**

	Compact Tribe	Revenue Received Fiscal Year to Date	Revenue Received Inception to Date
46	San Manuel Band of Mission Indians	1,500,000.00	23,950,240.41
47	San Pasqual Band of Diegueno Mission Indians of California	2,306,250.00	31,352,116.84
48	Santa Rosa Indian Community of the Santa Rosa Rancheria	1,908,225.00	40,393,376.51
49	Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation	657,750.00	20,556,039.04
50	Sherwood Valley Rancheria of Pomo Indians of California	0.00	0.00
51	Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract)	5,140,076.65	37,532,000.52
52	Soboba Band of Luiseno Indians	648,787.50	13,158,018.09
53	Susanville Indian Rancheria	0.00	0.00
54	Sycuan Band of the Kumeyaay Nation	1,112,715.67	36,505,350.88
55	Table Mountain Rancheria of California	876,937.50	18,563,045.03
56	Tolowa Dee-Ni' Nation (<i>formerly Smith River Rancheria</i>)	0.00	0.00
57	Tule River Indian Tribe of the Tule River Reservation	331,425.00	11,986,299.04
58	Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California	562,500.00	5,981,583.02
59	Twenty-Nine Palms Band of Mission Indians of California	1,033,875.00	21,885,103.77
60	United Auburn Indian Community of the Auburn Rancheria of California	1,500,000.00	28,450,312.20
61	Viejas Band of Kumeyaay Indians	1,500,000.00	25,195,189.25
62	Yocha Dehe Wintun Nation	1,500,000.00	26,637,524.18
	Totals	\$40,884,167.82	\$607,312,351.31
	Interest	55,658.93	9,417,470.57
	Grand Totals	\$40,939,826.75	\$616,729,821.88

Footnotes:

1. Prepayment receipts were returned to payor Tribes for the return of unused putative gaming device licenses issued by Sides Accountancy Corporation. Licenses in equal number were issued by the Commission on September 5, 2002 resulting in \$2,137,500 in prepayment fees to the Fund.

EXHIBIT 3
 CALIFORNIA GAMBLING CONTROL COMMISSION
 0366 - INDIAN GAMING REVENUE SHARING TRUST FUND
 FUND CONDITION STATEMENT
 As of the Quarter Ended March 31, 2016
 Cash Basis

BEGINNING BALANCE	\$ 32,593,194.96
REVENUES AND TRANSFERS - Current Year	
Revenues:	
250300 Income from Surplus Money Investment Fund	55,658.93
216900 License fees held in trust	40,884,167.82
Transfer from the SDF to the RSTF for shortfall per Item 0855-111-0367, Budget Act of 2015	18,000,000.00
Totals, Revenues	58,939,826.75
Totals, Resources	91,533,021.71
EXPENDITURES	
Disbursements to Eligible Indian Recipient Tribes	58,575,000.00
Totals, Expenditures	58,575,000.00
Prior Year Adjustment	607,676.87
FUND BALANCE, prior to distribution	33,565,698.58
Pending distribution	19,525,000.00
Disbursements held on behalf of the Alturas Indian Rancheria	1,100,000.00
Disbursements held on behalf of the California Valley Miwok Tribe	12,338,001.99
Interest due to Tribes ¹	516,799.90
FUND BALANCE, after distribution ²	\$ 85,896.69

Footnotes:

¹. Accrued interest on previously held distributions in the amount of \$515,381.21 for California Valley Miwok Tribe and \$1,418.69 for Alturas Indian Rancheria.

². The fund balance represents the cash basis balance as identified by the Commission since inception of the Fund. This balance may not agree with the State Controller's fund balance, which is reported on an accrual basis. Additional reconciling items may exist that have not been identified.

EXHIBIT “26”



IN REPLY REFER TO:

Tribal Government Services

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office

2800 Cottage Way

Sacramento, California 95825

JUN 09 2016

Ms. Silvia Burley
% Robert A. Rosette, Esq
Rosette, LLP
565 W. Chandler Boulevard, Suite 212
Chandler, AZ 85225

Dear Ms. Burley:

In accordance with the Assistant Secretary - Indian Affairs' December 30, 2015, decision, Robert Uram, Attorney, Sheppard, Mullin, Richter & Hampton, LLP, on behalf of his clients Yakima Dixie and others, submitted documentation to support the election held in 2013 to adopt a Constitution purportedly organizing the California Valley Miwok Tribe.

Enclosed is a compact disc containing Mr. Uram's April 18, 2016, submittal in its entirety. This is to provide you the opportunity to comment on the process utilized to conduct the July 2013 election to adopt the Constitution outlined in Mr. Uram's submittal. **By close of business on July 12, 2016**, please provide your comments and any documents that support your position.

If you have a question contact Harley Long, Tribal Government Officer, at (916) 978-6067, or by e-mail at harley.long@bia.gov.

Sincerely,

Regional Director

cc: Robert Uram, Sheppard, Mullin, Richter & Hampton, LLP

EXHIBIT “27”

CIVIL

**U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:16-cv-01345-WBS-CKD**

Paulk et al v. Jewell et al
Assigned to: Senior Judge William B. Shubb
Referred to: Magistrate Judge Carolyn K. Delaney
Cause: 28:1362 Indian Tribal Controversy

Date Filed: 06/16/2016
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures Act/Review
or Appeal of Agency Decision
Jurisdiction: U.S. Government Defendant

Plaintiff**Anjelica Paulk**

represented by **Manuel Corrales , Jr.**
Law Offices of Manuel Corrales, Jr.
11753 Avenida Sivrita
San Diego, CA 92128
858-521-0634
Fax: 858-521-0633
Email: mannycorrales@yahoo.com
ATTORNEY TO BE NOTICED

Plaintiff**Silvia Burley**

represented by **Manuel Corrales , Jr.**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff**Rashel Reznor**

represented by **Manuel Corrales , Jr.**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff**Tristian Wallace**

represented by **Manuel Corrales , Jr.**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff**California Valley Miwok Tribe**

represented by **Manuel Corrales , Jr.**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

General Council

represented by **Manuel Corrales , Jr.**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Sally Jewell

represented by **Jody Schwarz**
US Department Of Justice Enrd
601 D Street NW
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Email: jody.schwarz@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Lawrence S. Roberts

represented by **Jody Schwarz**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Michael Black

represented by **Jody Schwarz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Intervenor Defendant

California Valley Miwok Tribe

represented by **James Franklin Rusk**
Sheppard Mullin, LLP
4 Embarcadero Center
17th Floor
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Defendant

**California Valley Miwok Tribe Tribal
Council**

represented by **James Franklin Rusk**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert J. Uram
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Defendant

Yakima Dixie

represented by **James Franklin Rusk**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert J. Uram
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ATTORNEY TO BE NOTICED

Intervenor Defendant

Velma WhiteBear

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Robert J. Uram
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Intervenor Defendant

Antonia Lopez

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Defendant

Michael Mendibles

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ATTORNEY TO BE NOTICED

Robert J. Uram
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Defendant

Gilbert Ramirez, Jr.

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ATTORNEY TO BE NOTICED

Robert J. Uram
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ATTORNEY TO BE NOTICED

Intervenor Defendant

Antoinette Lopez

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ATTORNEY TO BE NOTICED

Intervenor Defendant

Iva Sandoval

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ATTORNEY TO BE NOTICED

Robert J. Uram
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

EXHIBIT “28”

corporationwiki



FRIENDS OF YAKIMA INC.

Active Henderson, NV

Friends of Yakima Inc. Overview

Friends of Yakima Inc. filed as a Domestic Corporation in the State of Nevada on Tuesday, March 30, 2004 and is approximately twelve years old, according to public records filed with Nevada Secretary of State.

Key People

Excel

Name

Chadd Allen Everone	President	Director	Secretary
Phil Peck			Treasurer
Albert B. Avalos	Director		Secretary
Bill B. Martin			Secretary

Known Addresses

Excel



2140 Shattuck Ave Berkeley, CA 94704

2360 Corporate Cir Henderson, NV 89074

Corporate Filings

Nevada Secretary of State

Filing Type: Domestic Corporation

Status: Active

State: Nevada

State ID: C8378-2004

Date Filed: Tuesday, March 30, 2004

Registered Agent Incorp Services, Inc.

Source



Nevada Secretary of State
Data last refreshed on Friday, March 18, 2016

EXHIBIT “29”

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO - CENTRAL DISTRICT

--oOo--

CALIFORNIA VALLEY MIWOK TRIBE,)	
Plaintiff,)	
vs.)	Case No.
CALIFORNIA GAMBLING CONTROL)	37-2008-00075326-
COMMISSION,)	CU-CO-CTL
Defendant.)	
)	VOLUME II

Continued Deposition of
YAKIMA KENNETH DIXIE
February 7, 2012

--oOo--

Reported by: MARY BARDELLINI, CSR No. 2976

APPEARANCES

For the Plaintiff:
LAW OFFICE OF MANUEL CORRALES, JR.
By: MANUEL CORRALES, JR.
Attorney at Law
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(858)521-0634; Fax (858)521-0633
mannycorrales@yahoo.com

SINGLETON & ASSOCIATES
By: TERRY SINGLETON
Attorney at Law
1950 Fifth Avenue, Suite 200
San Diego, California 92101
(619)239-3225; Fax (619)702-5592
terry@terrysingleton.com

Videographer:
JORDAN MEDIA, INCORPORATED
By: TERI WEESNER
1228 Madison Avenue
San Diego, California 92116

Also Present:
Silvia Burley
Tiger Paulk
Michael Mendibles

For the Defendant:
STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
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BE IT REMEMBERED that, pursuant to Notice of Taking Deposition, on Tuesday, the 7th day of February, 2012, commencing at the hour of 3:15 p.m., at the Offices of CALIFORNIA ATTORNEY GENERAL, 1300 I Street, Sacramento, California, before me, Mary Bardellini, a Certified Shorthand Reporter in and for the State of California, personally appeared

YAKIMA KENNETH DIXIE,

called as a witness by the Plaintiff herein, pursuant to all applicable sections of the Code of Civil Procedure of the State of California, and, who, being by the Certified Shorthand Reporter first duly and regularly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

THE VIDEOGRAPHER: We are on the record. This is the digital video deposition of Yakima Dixie, testifying in the matter of California Valley Miwok Tribe versus the California Gambling Control Commission, et al., in the Superior Court of the State of California, County of San Diego, Central Branch, Case Number 37-2008-00075326-CU-CO-CTL.

This deposition is being held at 1300 I Street, 15th Floor, Sacramento, California.

Today is February 7th, 2012. The time is 3:15.

My name is Teri Weesner, Legal Video Specialist with

Jordan Media, Incorporated, at 1228 Madison Avenue in San Diego, California.

The certified shorthand reporter today is Mary Bardellini in association with Kramm Court Reporting, San Diego, California.

Would counsel please state their appearances for the record.

MR. CORRALES: Yes. My name is Manuel Corrales. I represent plaintiff, California Valley Miwok Tribe.

MR. McCONNELL: Matthew McConnell on behalf of intervenors.

MR. RUSK: James Rusk also on behalf of intervenors.

THE VIDEOGRAPHER: Would you please swear the witness.

(Whereupon the witness was sworn to tell the truth and testified as follows.)

MR. McCONNELL: Before we start, I'm going to lodge an objection to the presence of Tiger Paulk. The Court's order regarding Mr. Dixie's deposition was clear; it was limited to counsel and parties only. That was directly in response to the arguments raised by intervenors that Mr. Paulk's presence at the last deposition was harassing.

1 So I'm going to have you and Mr. McConnell take
2 a break and confer about that for the next couple of
3 minutes and come back and see if we can have you answer
4 the question without having to have that done.

5 We'll take a couple of minutes.

6 THE VIDEOGRAPHER: We're off the record at
7 5:27.

8 (Recess taken.)

9 THE VIDEOGRAPHER: We're back on the record at
10 5:36.

11 BY MR. CORRALES:

12 Q. Okay. Mr. Dixie, did you have an opportunity
13 to speak with your attorney during the break?

14 A. Yeah.

15 Q. Okay. And are you prepared to answer my
16 question?

17 A. Hum?

18 Q. Are you prepared to answer my question?

19 A. Yeah.

20 Q. Okay. Before the break, the first break that
21 we had, you testified in the deposition that the
22 signature that appears on Exhibit Number 34 was your
23 signature. After we took a break and you consulted with
24 your attorney, you then said that is not your signature.

25 So my question is: Are you changing your

1 testimony?

2 A. It appears not to be my signature.

3 Q. That's not the question. Move to strike.
4 Are you changing your testimony, yes or no?

5 A. No.

6 MR. CORRALES: Okay. Those are all the
7 questions I have.

8 FURTHER EXAMINATION

9 BY MR. McCONNELL:

10 Q. Mr. Dixie, I know this has been a long day, but
11 again turning to Exhibits 33 and 34, both of these
12 documents purporting to show your resignation, the two
13 signatures or Exhibit 33 and 34, did you write those
14 signatures?

15 A. It appears.

16 Q. Exhibit 33, is that a signature that you
17 believe you wrote on Exhibit 33?

18 A. Uh-huh.

19 Q. You believe that's your signature?

20 A. Umm, I don't -- umm, they're pretty close.

21 Q. This is the document indicating on Tuesday,
22 April 20th, 1999, that you are resigning as chairperson.
23 Do you believe that you wrote the signature on
24 Exhibit 33 resigning as chairperson?

25 A. I don't remember on that one.

1 Q. On Exhibit 34 --

2 A. Okay. Yeah. Yeah.

3 Q. Okay. Yeah. This is or is not your signature?

4 MR. CORRALES: I'll object to the question.

5 THE WITNESS: It is.

6 BY MR. McCONNELL:

7 Q. You think it is?

8 A. Yeah.

9 Q. And on Exhibit 34, do you think that's your
10 signature? Again, this is --

11 A. Yes.

12 Q. -- accepting the resignation of chairperson?

13 A. Uh-huh.

14 Q. And did you resign as chairperson of the Miwok
15 Sheep Ranch Tribe?

16 A. Yeah. Yes.

17 Q. You did. Were you able to resign as
18 chairperson?

19 A. Yeah.

20 MR. McCONNELL: No further questions.

21 MR. CORRALES: Any stipulations? Same
22 stipulations as last time?

23 MR. McCONNELL: Okay. Thank you.

24 MR. CORRALES: Thank you, Mr. Dixie.

25 THE REPORTER: Counsel, do you want this

1 transcribed, I take it?

2 MR. CORRALES: Yes, we do want it transcribed.

3 THE REPORTER: Counsel, do you want a copy?

4 MR. McCONNELL: Sure.

5 THE REPORTER: How about this morning's
6 depositions, do you want any copies?

7 MR. HOUSTON: Of this? Not of this at this
8 point. The deposition from this morning is continued
9 until tomorrow.

10 THE VIDEOGRAPHER: We're off the record at
11 5:40. This is the end of Disk Number 2 of today's
12 proceedings.

13 (Time noted: 5:40 p.m.)

14
15 YAKIMA KENNETH DIXIE

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17 --oOo--

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1 State of California)
2)ss.
3 County of Placer)

4 I, Mary Bardellini, Certified Shorthand
5 Reporter No. 2976, State of California, do hereby
6 certify:

7 That said proceedings were taken at the time
8 and place therein named and were reported by me in
9 shorthand and transcribed by means of computer-aided
10 transcription, and that the foregoing 98 pages is a
11 full, complete, and true record of said proceedings.

12 And I further certify that I am a disinterested
13 person and am in no way interested in the outcome of
14 said action, or connected with or related to any of the
15 parties in said action, or to their respective counsel.

16 The dismantling, unsealing, or unbinding of the
17 original transcript will render the reporter's
18 certificate null and void.

19 IN WITNESS WHEREOF, I have hereunto set my hand
20 this _____ day of February 2012.

21

22

23

24

25

MARY BARDELLINI, CSR No. 2976

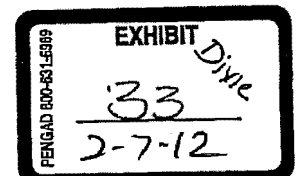
Sheep Ranch Tribe of Me-Wuk Indians

Formal notice of resignation

I Yakima K. Dixie being of sound mind and body on this date of Tuesday April 20th, 1999, am resigning as Chairperson of the Sheep Ranch Tribe of Me-Wuk Indians Sheep Ranch, California. This written document shall serve as a formal notice within the Tribe and to the United States Government and/or any other powers that may be.

Signed *Yakima Kenneth Dixie*
YAKIMA K. DIXIE

Cc: Mr. Yakima K. Dixie
11178 School Road
P.O. BOX 41
Sheep Ranch, CA 95250
(209) 728-8625



**GENERAL COUNCIL GOVERNING BODY OF
THE SHEEP RANCH TRIBE OF ME-WUK INDIANS**

RE: Chairperson

SPECIAL MEETING CALLED TO ORDER ON THE 20TH OF APRIL 1999.

Time Beginning: 12:00 NOON

The General Council as the Governing Body of the Sheep Ranch Tribe of Me-Wuk Indians has agreed to accept the resignation of Chairperson from Mr. Yakima K. Dixie.

The General Council has appointed Silvia Burley as Chairperson.

Signed *Yakima K. Dixie*
Yakima K. Dixie (Chairperson)
Sheep Ranch Tribe of Me-Wuk Indians

Signed *Silvia Burley*
Silvia Burley (Secretary/Treasurer)
Sheep Ranch Tribe of Me-Wuk Indians

Signed *Rashel K. Reznor*
Rashel K. Reznor (Tribal Member)
Sheep Ranch Tribe of Me-Wuk Indians

RESOLVED: That the General Council is in agreement to the acceptance of the resignation of Mr. Yakima K. Dixie as Chairperson and has officially appointed Silvia Burley as Chairperson of the Sheep Ranch Tribe of Me-Wuk Indians, now, therefore be it.

This Special Meeting is now adjourned.

Time Ending: 12:30 PM

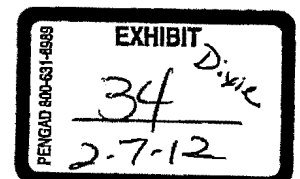


EXHIBIT “30”

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL

MINUTE ORDER

DATE: 08/02/2016

TIME: 02:51:00 PM

DEPT: C-67

JUDICIAL OFFICER PRESIDING: Eddie C Sturgeon

CLERK: Patricia Ashworth

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT: ///

CASE NO: 37-2015-00031738-CU-CO-CTL CASE INIT:DATE: 09/18/2015

CASE TITLE: California Valley Miwok Tribe vs. California Gambling Control Commission
[IMAGED]

CASE CATEGORY: Civil - Unlimited CASE TYPE: Contract - Other

APPEARANCES

The Court, having taken the above-entitled matter under submission on 07/29/2016 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

The court vacates the tentative ruling of July 29, 2016, and enters the following ruling:

Defendant California Gambling Control Commission's ("Commission") demurrer to plaintiff California Valley Miwok Tribe's complaint ("CVMT") is overruled. Defendant's demurrer to the first, second, third, and fourth causes of action are sustained, without leave to amend. Plaintiff's demurrer to the fifth and seventh causes of action are overruled. The Commission shall file and serve an answer by September 1, 2016.

The court has reviewed the 58 page complaint describing the history of the Miwok dispute, as well as the numerous cases brought in federal and state court, and the *Washburn* decision. The Commission demurs on the basis of res judicata and standing based upon the lack of jurisdiction to determine the authorized leadership of the tribe.

The demurrer to the first cause of action for breach of contract is sustained, without leave to amend. Plaintiff alleges that the Commission promised the Miwok Tribe in writing that it would "immediately" release the RSTF funds when they became due, "once the BIA recognized the governing body of the Tribe and the tribal leadership is resolved." (Comp., ¶35.) The Tribe incurred significant legal expenses to resolve the internal leadership dispute. (*Id.* at ¶36.) Plaintiff further alleges that despite the earlier promises, the commission failed to release the funds. (¶40.) The court takes judicial notice as requested by both parties.

The *Washburn* December 10, 2015 decision establishes the tribal dispute remains. The Assistant Secretary-Indian Affairs of the Department of the Interior on remand *California Valley Miwok Tribe v. Jewell* (D.D.C. 2013) 5 F.Supp.3d 86, 88 ("Jewell" or CVMT III) concluded the membership of CVMT is not limited to five people and the United States does not recognize the leadership for the CVMT

CASE TITLE: California Valley Miwok Tribe vs.
California Gambling Control Commission [IMAGED]

CASE NO: 37-2015-00031738-CU-CO-CTL

government. (P. 3.) The decision states:

Responding to the court's remand, I conclude that the Tribe's membership is more than five people, and that the 1998 General Council does not consist of valid representatives of the Tribe. I further conclude that the individuals who make up the Eligible Groups must be given opportunity to take part in the reorganization of CVMT. At the discretion of the Eligible Groups, the Miwok Indians named on the 1929 Census and their descendants may be given that opportunity to participate in the reorganization of CVMT.

I find that Mr. Dixie has not proven that the 2013 Constitution was validly ratified. I authorize the BIA Pacific Regional Director (RD) to receive additional submissions from Mr. Dixie for the purpose of establishing whether the 2013 Constitution was validly ratified. As an alternative, I encourage the Tribe to petition for a Secretarial election under 25 C.F.R. Part 81 within 90 days of this decision.

Although plaintiff urges this court to not consider this decision final, this is in contravention to the opinion itself which states, "This decision is a final agency action." No stay is in effect at this time.

Furthermore, the court is prohibited from granting the relief requested under the first cause of action, i.e., the enforcement of the Commission's promise to release the RSTF payments. This was the same fundamental relief requested in *California Valley Miwok Tribe v. California Gambling Control Commission* (2014) 231 Cal.App.4th 885, 896, *review denied* (Mar. 11, 2015) (CVMT IV). The court in CVMT IV states:

The Tribe, as represented by Burley, filed this action against the Commission in January 2008. Against the Commission, the operative complaint seeks (1) a writ of mandate under Code of Civil Procedure section 1085; (2) an injunction; and (3) declaratory relief. All three causes of action seek the same fundamental relief, namely an order requiring the Commission to pay over the RSTF funds to the Tribe, with Burley as its leader, to distribute according to her discretion. Specifically, all three causes of action present the common issue of whether, in carrying out its duty as a trustee of the RSTF, the Commission is legally justified in maintaining a policy of withholding the RSTF funds from the Tribe until the federal government establishes a government-to-government relationship with a tribal leadership body for the purpose of entering into a contract for ISDEAA benefits. (*Id.* at p. 896.)

Most of plaintiff's allegations in the complaint were also discussed within the decision, as well as the federal and state appellate decisions, including the name change initiated by Burley, the fact that payments had been previously made and then suspended, the prior recognition of five tribal members, the listing in the Federal Register, letters addressing Burley as Chairperson, and the long history of this case. Plaintiff places great significance on the 2012 deposition testimony of Yakima Dixie recanting he did not resign. However, the court also considered that contention and did not find it controlling. (*Id.* at p. 901.) The court held that Commission was justified in withholding RSTF funds in light of the tribal membership and leadership dispute. (*Id.* at p. 905.) The court explained:

In this case, the Commission is faced with an impossible situation in trying to identify a tribal representative to whom the RSTF funds can be released. Burley claims to be the authorized tribal representative pursuant to a tribal government created by five tribal members. The Yakima faction opposes Burley's claim to be the authorized tribal representative and has formed a rival tribal government, allegedly representing a much larger population of tribal members. Both factions claim that their tribal council is the sole legitimate tribal government, and that their leaders are the authorized tribal representatives. Under these circumstances, it is impossible for the Commission to carry out its role, as

CASE TITLE: California Valley Miwok Tribe vs.
California Gambling Control Commission [IMAGED]

CASE NO: 37-2015-00031738-CU-CO-CTL

defined by statute and the Compacts, to distribute the RSTF funds to the tribe known as the California Valley Miwok Tribe. (*Ibid.*)...

Thus, although the BIA may refuse to provide ISDEAA benefits for a variety of reasons, in this case the BIA's refusal was caused by uncertainty as to the Tribe's authorized leadership. Therefore, the BIA's resumption of contracting for ISDEAA benefits with the Tribe will establish that an authorized leader exists to receive funds on behalf of the Tribe. At that point, the proper party to receive the distribution of the RSTF funds will no longer be "reasonably in dispute" (Prob. Code, § 16004.5, subd. (b)(4)), and the Commission will accordingly have a duty under the Compacts and the Government Code to distribute the RSTF funds to the Tribe. (*Id.* at pp. 908-909.)

Merely because plaintiff's attempt to frame the issues under different causes of action (in this case breach of contract and promissory estoppel), does not prevent this court from finding the underlying facts have been litigated and a final judgment has been reached. For the same reasons, the demurrer to the third cause of action for injunctive relief commanding the Commission to discharge its statutory duties and release the RSTF's monies is barred, as well as the fourth cause of action for declaratory relief. (See, prayer for relief, ¶1-5.)

Plaintiffs allege in the fifth cause of action for writ of mandate that the Commission is not "withholding" those RSTF funds, but has diverted them to another account and is using those funds for its own purposes. This cause of action raises a different issue than previously litigated. The demurrer is overruled. The Commission challenges the standing of this plaintiff to bring this action based upon the *Washburn* decision that Burley's claim on behalf of the tribe fails because of the failure to have input from the numerous other potential members of the tribe arising out of the census taken in 1929. However, similar arguments have been raised in the other cases, and the court has found standing.

The court is unable to sustain the demurrer to the seventh cause of action for conspiracy on the grounds of res judicata because plaintiff has alleged a different cause of action (conspiracy) and added a new defendant (Chadd Everone.) Certainly, looking at the whole picture, plaintiff continues to seek the distribution of the gambling proceeds held in trust through its alleged representative Silvia Burley. However, the court's hands are tied, notwithstanding that the Commission's arguments on the primary right theory has merit.

Eddie C. Sturgeon

Judge Eddie C Sturgeon

EXHIBIT “31”

Subject: Fw: CVMT v. Cal. Gambling Control Comm. (Appellant's Reply Brief)

From: Manuel Corrales (mannycorrales@yahoo.com)

To: kevin_washburn@ios.doi.gov;

Date: Saturday, May 17, 2014 8:58 AM

Manuel Corrales, Jr., Esq.
17140 Bernardo Center Drive, Suite 210
San Diego, California 92128
Tel: (858) 521-0634
Fax: (858) 521-0633
mannycorrales@yahoo.com

----- Forwarded Message -----

From: Manuel Corrales <mannycorrales@yahoo.com>
To: "kevin_washburn@ois.doi.gov" <kevin_washburn@ois.doi.gov>
Cc: "sequoyah_simmerman@ios.doi.gov" <sequoyah_simmerman@ios.doi.gov>; "michael.berrigan@sol.doi.gov" <michael.berrigan@sol.doi.gov>; "lawrence_roberts@ios.doi.gov" <lawrence_roberts@ios.doi.gov>; "larry_roberts@ios.doi.gov" <larry_roberts@ios.doi.gov>; "s.burley@californiavalleymiwoktribe-nsn.gov" <s.burley@californiavalleymiwoktribe-nsn.gov>; Tiger Paulk <tigerplk@yahoo.com>; Terry Singleton <terry@terrysingleton.com>
Sent: Friday, May 16, 2014 8:38 PM
Subject: CVMT v. Cal. Gambling Control Comm. (Appellant's Reply Brief)

Mr. Washburn:

Attached is a copy of Appellant's Reply Brief filed in the case of CVMT v. CGCC. I represent the Appellant, California Valley Miwok Tribe ("CVMT"), in that case. The recent U.S. District Court's decision has been judicially noticed by the State California Court of Appeal, as well as other documents in connection with Yakima Dixie's challenge of your August 31, 2011 decision.

In light of the order remanding your August 31, 2011 decision for reconsideration, my client has authorized me to forward this Reply Brief to you for your review, so as to apprise you of issues that arose after your August 31, 2011 decision that was not part of the administrative record and that may be of interest in the process of reconsidering your decision, including supplementing the administrative record. Of particular interest is Yakima Dixie's deposition testimony taken in this California State case in which he admits that he in fact

resigned as Chairman of the Miwok Tribe in 1999, and that his resignation was never forged as he had previously claimed for all these years. The U.S. District Court's decision mentioned Dixie's claim that he never resigned and his claim of purported fraud in connection with the Tribal Council.

It is my hope that the facts and points raised in this Reply Brief will prompt you to order the administrative record to be supplemented prior to you issuing a reconsidered decision. My client considers Dixie's deposition testimony to be highly critical to your reconsidered decision. As you know, the administrative record is replete with references by the BIA that the Tribal leadership dispute between Dixie and Silvia Burley had "crippled" the Tribe for all of these years, and resulted in extensive administrative and civil litigation. Indeed, your August 31, 2011 decision mentioned this fact as well.

Based on Dixie's deposition testimony, it would appear that Dixie may have misled the U.S. District Court. Notably, Dixie was represented at his deposition by Shepherd, Mullin, Richter & Hampton, the same attorneys representing Dixie and his group in the federal litigation, yet those lawyers never mentioned this fact to the Court.

Should you have any questions, please feel free to contact me.

Manuel Corrales, Jr., Esq.
17140 Bernardo Center Drive, Suite 210
San Diego, California 92128
Tel: (858) 521-0634
Fax: (858) 521-0633
mannycorrales@yahoo.com

Attachments

- ReplyBriefMiwokComm2may14 copy.pdf (7.33MB)

EXHIBIT “32”

ADMITTED TO
PRACTICE IN:
CALIFORNIA, UTAH
AND NEW MEXICO

MANUEL CORRALES, JR.

A T T O R N E Y A T L A W

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SAN DIEGO, CALIFORNIA 92128
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E-MAIL:
mannycorrales@yahoo.com

June 6, 2014

Mr. Kevin Washburn
U.S. Department of the Interior—Indian Affairs
MS-4141-MB
1849 C Street, NW
Washington, D.C. 20240

Via Email and U.S. Mail

Dear Mr. Washburn:

This letter will respond to Mr. Robert Uram's email correspondence to you dated June 6, 2014. As I indicated, I represent the California Valley Miwok Tribe under the leadership of Silvia Burley.

Since Mr. Uram enclosed the Respondent Briefs of his clients, the Dixie Faction and its followers, I am enclosing a copy of the Tribe's Appellant's Opening Brief.

Mr. Uram's June 6, 2014 email to you contains serious misrepresentations typical of what his law firm and his client, Yakima Dixie ("Dixie"), have been engaged in for over 14 years. He is obviously embarrassed by the fact that he and Dixie perpetrated a fraud on the U.S. District Court by not informing the Court that Dixie had admitted under oath in a February 2012 deposition that he in fact resigned, and that his resignation was not forged as he had previously claimed. Since his deposition was taken after the August 31, 2011 decision challenged by Dixie and his followers through Mr. Uram's office, it was not considered by Mr. Echo Hawk in that decision.

YAKIMA DIXIE'S DEPOSITION TESTIMONY IS NOT "DISPUTED": IT IS UNREFUTED

Mr. Uram asserts that Dixie's deposition testimony is "disputed." This is utterly false. Notably, Dixie had the opportunity to make changes to his deposition transcript, but he chose not to, thus refuting Mr. Uram's false assertion that he gave his testimony under stress and confusion. Both Dixie and his lawyers, Sheppard, Mullin, Richter & Hampton, LLP, received the original transcript for review in accordance with California law, and had the right to make any changes to that transcript within the 30 days allotted to do so. Yet they said nothing about Dixie's testimony admitting he had resigned being wrong in any way, or that it was given under stress or duress. It was the truth when it was given then, and it is the truth today, notwithstanding Mr. Uram's Monday morning quarter-backing comments on Dixie's state of mind.

DIXIE'S ADMISSION WAS ELICITED BY HIS OWN LAWYER

Again, Mr. Uram's law firm, Sheppard, Mullin, Richter & Hampton, LLP, represented Dixie at his deposition, and it was in response to questions from his own lawyer that Dixie admitted resigning and admitted that his resignation was not forged after all. Mr. Uram's false claim that Dixie's life was threatened at the deposition is equally fallacious and nothing more than a desperate attempt to downplay the enormous impact of Dixie's testimony in the State of California proceeding and in the matter presently before you in reconsidering the August 31, 2011 decision.

DIXIE'S DEPOSITION TESTIMONY IS HIGHLY RELEVANT

Dixie's deposition testimony can hardly be irrelevant to the issues before you on remand. Mr. Uram has a credibility problem and an obvious conflict. Since he misled the U. S. District Court and concealed from the Court Mr. Dixie's deposition testimony, it is in his best interest to argue (though falsely) that Dixie's deposition testimony is "irrelevant" to the issues before you on remand. Otherwise, he runs the risk of being disciplined from the State Bar. As the Assistant Secretary of Interior—

Indian Affairs (“ASI”) Larry Echo Hawk aptly observed in his August 31, 2011 decision:

“This decision is necessitated by a long and complex tribal leadership dispute that resulted in extensive administrative and judicial litigation.” (Emphasis added).

(Page 3, August 31, 2011 decision). Indeed, the IBIA decision that referred the matter to the ASI for resolution of the “enrollment issue” noted that the BIA was attempting to resolve the Tribal leadership dispute between Dixie and Silvia Burley (“Burley”) indirectly by attempting to enroll people as members against the Tribe’s will, because, as the BIA erroneously concluded, “Until the organization and membership issues were resolved, a leadership dispute between Burley and Yakima...could not be resolved, and resolution of that dispute was necessary for a functioning government-to-government relationship with the Tribe.” (51 IBIA 103 at 103-104).

As stated, the U.S. District Court relied on Dixie’s assertions, not knowing they were false, that he never resigned and that there was fraud and misconduct with respect to the Tribe’s leadership, in reaching its ultimate decision. For example, the U.S. District Court stated:

Here, the August 2011 Decision fails to address *whatsoever* the numerous factual allegations in the administrative record that raise significant doubts about the legitimacy of the General Council. From as early as April 1999, Yakima contested the validity of the Council. *See* AR 000182 (April 21, 1999 letter from Yakima to the BIA stating that he “cannot and will not resign as chairman of the Sheep Ranch Indian Rancheria”); *see also*, AR 000205 (October 10, 1999 letter from Yakima to BIA raising questions about Burley’s authority); AR 001690, 000231 (Yakima notifying the BIA of “fraud and misconduct” with respect to the Tribe’s leadership).

CVMT v. Jewell (formerly Salazar) (D.C. Dist. Ct. 2013) 2013 U.S. Dist. LEXIS 174535. Accordingly, based solely on the administrative record, the U.S. District Court concluded that Dixie’s claim that his resignation was forged and that he never resigned raised doubts about the validity of

the Tribal Council under the Burley Faction. If, as the U.S. District Court concluded, the legitimacy of the Tribal Council turns on whether Dixie resigned and whether there was fraud and misconduct in connection with respect to the Tribe's leadership (i.e., when Dixie's resignation was forged), then clearly Dixie's recent deposition testimony given in state court that he resigned after all, and that his resignation was never forged, is highly relevant to the issues for you to consider upon remand. Accordingly, the Tribal leadership dispute was the driving force of the matter the ASI was asked to resolve by the IBIA, and it remains relevant for purposes of your reconsidered decision.

CHADD EVERONE'S COMPLICITY EXPLAINS DIXIE'S FRAUD

The facts pertaining to Chadd Everone are not "wild accusation" as Mr. Uram would have you believe. They explain why Dixie falsely maintained for all these years that he never resigned and that his resignation was forged. Clearly, Dixie was not capable of leading the Tribe, because he was in and out of prison for murder (He murdered Burley's uncle) and other crimes and had problems with alcohol, all of which was detailed in his deposition. Having Burley take over made perfect sense, since she is bright and capable. However, after Dixie resigned, the September 1999 California Compacts were signed into law thus allowing Tribes in California to engage in the operation of gambling casinos. A group of investors heard about Dixie and somehow contacted him in the hopes of building a casino. However, as speaking with Dixie they realized that Burley, not Dixie was leading the Tribe as a result of Dixie's resignation. They then enlisted the help of Chadd Everone who then convinced Dixie to lie about his resignation so that he and his investors could build a casino using Dixie name.

Mr. Everone was not with the Peace Corp, nor was he engaged in social justice for a cause as he wants everyone to believe. For him, it's about taking over the Tribe so that he and other non-Indians can build a casino by using Dixie. It's about money. These are not "wild allegations," but relevant facts that explain why the Tribal leadership dispute has gone unresolved for over 14 years, and why a high-priced law firm like Sheppard, Mullin, Richter & Hampton, LLP, has been pursuing Dixie's purported claims for all of these years. He can't afford to pay their fees.

They are not working on the case “pro bono,” but are being financed by Everone and his group of investors.

The statements about Mr. Chadd Everone are accurate. He was deposed in the California State case and confirmed the information concerning his involvement in using Dixie to build a casino. He and his group of investors are looking to the \$1.1 million annual payments of Revenue Sharing Trust Fund (“RSTF”) money for the Tribe, presently accumulated to be over \$10 million, to finance a casino.

MR. URAM HAS MISCHARACTERIZED THE ISSUES

Mr. Uram takes great liberties in mischaracterizing even the most basic facts, a practice that should be a “red flag” about his credibility. For example, he states in his email that I filed a Reply Brief on behalf on my client, Silvia Burley. However, a cursory review of the caption and signature pages of the appellant brief shows that the appeal is being prosecuted on behalf of the CALIFORNIA VALLEY MIWOK TRIBE, the plaintiff in the underlying action and the aggrieved party. Silvia Burley is not a party to that action.

Next, Mr. Uram characterizes the issue pending before the California Court of Appeal as whether the California Gambling Control Commission “properly exercised its discretion by choosing not to disburse [the RSTF payments] to a five person faction claiming to be the Tribe...” This is inaccurate and misleading. The issue is whether the Commission is legally justified in withholding the subject RSTF payments from the Tribe based on the potential that the Dixie Faction may prevail in the federal litigation. It is undisputed that the Compacts provide that the Commission has no discretion relative to the disbursement of those funds.

Most importantly, Mr. Uram mischaracterizes the issues for you to reconsider on remand. He falsely states that the U.S. District Court “held unreasonable your predecessor’s determinations that the tribe’s membership was limited to five people and that the 1998 resolution signed by two people established a valid Tribal government.” A half-truth is just as despicable as a full lie.

In reality, the U.S. District Court made it clear that the ASI merely assumed that the Tribe's membership is limited to five persons, and merely assumed that the General Council represents a duly constituted government, in light of the facts contained in the administrative record. (See Section B and C of the Discussion Section of Order). The Court merely wants you to develop facts to support these two determinations made in the August 31, 2011 decision.

THE ADMINISTRATIVE RECORD DID NOT CONTAIN DIXIE DEPOSITION TESTIMONY

As pointed out, the administrative record the Court had before it for review did not contain the February 2012 deposition testimony of Dixie admitting he had in fact resigned and that there was no "fraud" or misconduct" in his resignation as Tribal Chairman. Instead, the U.S. District Court noted that "numerous factual allegations in the administrative record...raise significant doubts about the legitimacy of the General Council." What were those "numerous allegations"? They were Dixie's allegations that he never resigned and that his resignation was forged. Upon reconsideration, there will be no issue of assuming anything. The cold hard facts of Dixie's deposition testimony that was not part of the administrative record, will support the correct conclusion that the Tribal Council led by Burley is the valid governing body for the Tribe which Dixie himself agreed to and ratified in the documents he now admits signing.

In any event, Burley could not have taken advantage of Dixie relative to the establishment of the Tribal Council, since the resolution for its establishment was drafted by the Bureau of Indian Affairs ("BIA"), which both Dixie and Burley signed.

It should also be noted that Melvin Dixie, Yakima's brother, has been dead for several years.

DIXIE ADMITS THAT THE TRIBE CONSISTS OF "LESS THAN TEN (10) PEOPLE"

Also missing from the administrative record is the statement made by Dixie in a brochure prepared for the investment of a gaming casino that states:

“Sheep Ranch...’ is a very small (<10 members), long-established (1916), federally recognized California Indian tribe that is qualified to receive benefits, including the right to establishment a Class III gambling facility...” (Emphasis added).

(Yakima Dixie “Bridge-loan Agreement & Prospectus, 2/26/2004). The sign “<” means “less than.” Thus, Dixie’s statement here is that the Tribe consists of “less than 10 members,” not “over 200 adults and their children” as falsely stated by Mr. Uram to the Court. It is a binding admission by Dixie on behalf of himself and his faction.

FACTS THAT SHOULD BE CONSIDERED ON REMAND, IN LIGHT OF DIXIE’S DEPOSITION TESTIMONY

Upon reconsideration, the following facts would be relevant to support the conclusion that the General Council established in 1998 was, and is, a valid governing body for the Tribe, and that membership is validly limited to five (5) persons:

1. The September 24, 1998 letter from Dale Risling, Sr., of the BIA, to Yakima Dixie confirmed a meeting he and other BIA representatives had with Dixie and Burley on September 8, 1998. It was noted that prior to August 5, 1998, the only two members of the Tribe were Yakima Dixie and his brother, Melvin Dixie.

2. The September 24, 1998 letter confirms that the whereabouts of Melvin Dixie were at that time unknown.

3. The September 24, 1998 letter further confirms that on August 5, 1998, Yakima Dixie “accepted Silvia Burley, Rashel Reznor, Angelica Paulk, and Tristian Wallace as enrolled members of the Tribe.”

4. Dixie’s August 5, 1998 act, in light of the unknown whereabouts of Melvin Dixie, was a valid and binding act of conferring Tribal membership consistent with Indian law. Williams v. Gover (9th Cir. 2007) 490 F.3d 785, 490 (holding that an unorganized tribe had the

right and power to pass a resolution deciding who is to be a member of its tribe, citing Santa Clara Pueblo v. Martinez (1978) 436 U.S. 49).

5. In the September 24, 1998 letter, the BIA recommended that the Tribe “operate as a General Council,” and the BIA enclosed a draft General Council resolution (Resolution #GC-98-01) specifying the general powers of the General Council and the rules for governing the Tribe.”

6. The September 24, 1998 letter further provided that “[o]nce the General Council adopted such a resolution, the General Council would then proceed to elect or appoint a Chairperson...”

7. Consistent with the September 24, 1998 letter, Dixie and Burley drafted Resolution #GC-98-01, patterned after the draft resolution given to them by the BIA, signed it on November 5, 1998, and submitted it to the BIA.

8. The signed Resolution #GC-98-01 noted that “[t]he whereabouts of Melvin Dixie are unknown.”

9. The signed Resolution #GC-98-01 further confirmed that membership consisted of at least the following: Yakima Dixie, Silvia Fawn Burley, Rashel Kawehilani Reznor, Anjelica Josett Paulk, and Tristian Shawnee Wallace, and indicated that “this membership may change in the future consistent with the Tribe’s ratified constitution and any duly enacted Tribal membership statutes.” Thus, should Melvin Dixie’s whereabouts be determined, he could be added to the membership role.

10. As a result of Resolution #GC-98-01, Dixie was appointed as the Tribal Chairman.

11. On April 20, 1999, Dixie signed a document entitled “Formal Notice of Resignation,” wherein he states that he is resigning as Chairperson of the Tribe. (Copy attached).

12. On April 20, 1999, Dixie, Burley and Reznor all signed a document stating that “[t]he General Council as the governing body of the [Tribe] has agreed to accept the resignation of Chairperson from Mr. Yakima K. Dixie.” Dixie signed as Chairperson, thus ratifying Resolution #GC-98-01 establishing the General Council. The document also stated that the General Council “has officially appointed Silvia Burley as Chairperson of the [Tribe]...” (Copy attached).

13. Ten (10) days after resigning, Dixie signed a document for the development of a casino with the Tribe. However, he signed as “Tribal Member” under the signature of Silvia Burley who signed as “Chairperson” of the Tribe. (Copy attached).

14. On July 7, 1999, Dixie wrote the BIA, through his attorney who had a power of attorney, and referred to himself as the “Vice President” of the Tribe, not the Chairman.

15. Later, on July 23, 1999, Dixie signed an Addendum to the Development Agreement. He again signed as “Tribal Member,” not as Tribal Chairperson, under the signature of Burley who signed as “Chairperson” of the Tribe. (Copy attached).

16. Dixie was shown each of these documents containing his signature at his deposition in February 2012, and he confirmed that they were indeed his signatures.

17. Near the end of 1999, Dixie met with Chadd Everone who convinced him he needed to lie about resigning from the Tribe, so that they, together with other investors, could take advantage of the newly signed Compacts various Tribes signed with the California Governor allowing Tribes to operate gambling casinos, and build a casino using Dixie. Thereafter, up until February 2012, Dixie falsely maintained that he never resigned and that his resignation was a forgery.

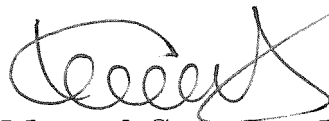
Mr. Uram’s contention that Dixie’s deposition testimony does not prove that he resigned is frivolous at best, and is contradicted by the above-referenced documents Dixie admitted signing. Resolution #GC-

98-01 unambiguously contains a statement that Tribal membership consisted of only five (5) persons, thus confirming the BIA's statement in its September 24, 1998 letter to Dixie that he had accepted those persons as members of the Tribe, with Burley identified as one of those members.

It is the Tribe's hope that the administrative record can be supplemented to show these facts, especially the deposition testimony of Dixie admitting he resigned as Tribal Chairman, so that nothing is concealed and that truth will prevail.

A copy of the tribe's Appellant's Opening Brief is enclosed, together with the documents showing that Dixie in fact resigned.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Manuel Corrales, Jr.', with a large, sweeping flourish at the end.

Manuel Corrales, Jr.

Enclosures

Cc: Silvia Burley, Chairperson, California Valley Miwok Tribe
Robert Uram, Esq.
Terry Singleton, Esq.
Robert Rosette, Esq.

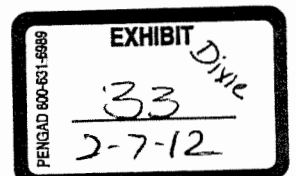
Sheep Ranch Tribe of Me-Wuk Indians

Formal notice of resignation

I Yakima K. Dixie being of sound mind and body on this date of Tuesday April 20th, 1999, am resigning as Chairperson of the Sheep Ranch Tribe of Me-Wuk Indians Sheep Ranch, California. This written document shall serve as a formal notice within the Tribe and to the United States Government and/or any other powers that may be.

Signed *Yakima Kenneth Dixie*
YAKIMA K. DIXIE

**Cc: Mr. Yakima K. Dixie
11178 School Road
P.O. BOX 41
Sheep Ranch, CA 95250
(209) 728-8625**



**GENERAL COUNCIL GOVERNING BODY OF
THE SHEEP RANCH TRIBE OF ME-WUK INDIANS**

RE: Chairperson

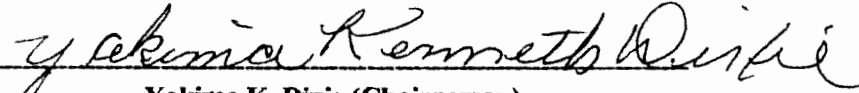
SPECIAL MEETING CALLED TO ORDER ON THE 20TH OF APRIL 1999.

Time Beginning: 12:00 NOON

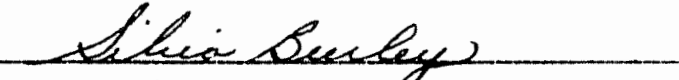
The General Council as the Governing Body of the Sheep Ranch Tribe of Me-Wuk Indians has agreed to accept the resignation of Chairperson from Mr. Yakima K. Dixie.

The General Council has appointed Silvia Burley as Chairperson.

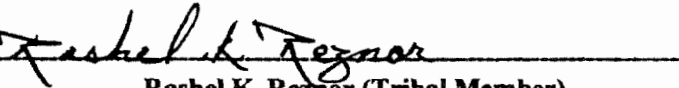
Signed


Yakima K. Dixie (Chairperson)
Sheep Ranch Tribe of Me-Wuk Indians

Signed


Silvia Burley (Secretary/Treasurer)
Sheep Ranch Tribe of Me-Wuk Indians

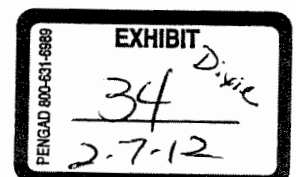
Signed


Rashel K. Reznor (Tribal Member)
Sheep Ranch Tribe of Me-Wuk Indians

RESOLVED: That the General Council is in agreement to the acceptance of the resignation of Mr. Yakima K. Dixie as Chairperson and has officially appointed Silvia Burley as Chairperson of the Sheep Ranch Tribe of Me-Wuk Indians, now, therefore be it.

****This Special Meeting is now adjourned.***

Time Ending: 12:30 PM



**GENERAL COUNCIL GOVERNING BODY
OF THE
SHEEP RANCH TRIBE OF ME-WUK INDIANS**

**GENERAL COUNCIL
MEETING:**

There will be a meeting of all voting members of the Sheep Ranch Tribe of Me-Wuk Indians on the 8th day of May, 1999, at the Sheep Ranch Rancheria, starting at 2 pm and continuing until all the below agenda items are finished:

- ✓RATIFICATION OF CONSTITUTION;
- ✓ORGANIZATION OF PROVISIONAL GOVERNMENT;
- ✓ELECTION OF OFFICERS;
- ✓DEVELOPMENT AGREEMENT;
- ✓SELECTION OF ATTORNEY & CONTRACT APPROVAL

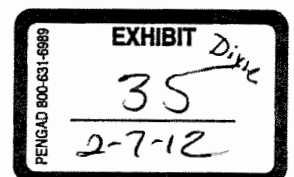
CERTIFICATION OF NOTICE

I certify by my signature below that I have received actual notice of the above meeting all agenda items a minimum of one week prior to attending the meeting and waive any objection to any notice requirements through my attendance and participation in the meeting:

Yakima R. Dixie
Yakima Dixie 5-8-99

Silvia Burley 5-8-99
Silvia Burley

Rashel Reznor 5-8-99
Rashel Reznor



DEVELOPMENT AGREEMENT

THIS AGREEMENT is made and entered into this 30 day of Apr. 1999 by and between the Sheep Ranch Tribe of Me-Wuk Indians, a Federally recognized Indian Tribe, hereinafter referred to as "Tribe," acting by and through its duly authorized Officers, who hereby certify and represent that they are empowered to so act, and BBC Entertainment, Inc., A Minnesota corporation, with a business address of P.O. Box 21, Mission, SD, 57555 hereinafter referred to as "BBC" and/or "Developer."

WHEREAS, the Tribe desires to acquire land for a tribal land base and to establish physical boundaries of its closed reservation and development of a Gaming Project;

WHEREAS, the Tribe desires to establish an Enterprise for development and gaming purposes to provide income, training, employment, and the betterment of life for the people of the Tribe; and

WHEREAS, Developer has the expertise, experience, resources, and personnel who are experienced in the various fields required; and

WHEREAS, Developer desires to provide for the Tribe certain required, legal infrastructure, resources and financing in order to acquire a site for a gaming facility on tribal land, and for other purposes; and

WHEREAS, the Tribe desires to engage the Developer to perform the services and provide the necessary resources for the development and construction of a gaming facility in return for the payment of the development fee specified herein, and to provide the Enterprise financing for the same; and

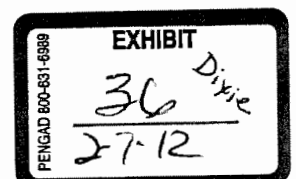
WHEREAS, the Tribe is a sovereign entity, as that term is defined by the laws and Courts of this nation and will do nothing to diminish that sovereignty, but realizes that the investment of the substantial amounts of funds contemplated by this Agreement requires that the rights and interests of those who provide such funds need to be protected; and

DEVELOPMENT AGREEMENT



Page 1 of 15


Mary T. Wynne, Attorney at Law
P.O. Box 1218 Tel 509.422.6267
Okanogan, WA 98840 Fax 509.422.6268


36.1

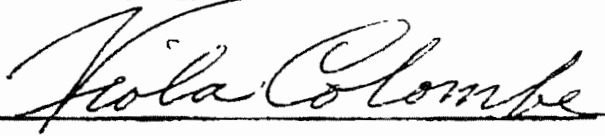


IN WITNESS THEREOF, this Agreement was signed, sealed and entered into the day and year above first written, in duplicate originals by the undersigned parties who represent and warrant that they have the authority so to do.

By:  By: 
SILVIA BURLEY RASHEL K. REZNOR
Its: CHAIRPERSON OF THE Its: TRIBAL MEMBER
GENERAL COUNCIL

By: 
YAKIMA DIXIE
Its: TRIBAL MEMBER

BBC ENTERTAINMENT, INC.
By: 
Charles C. Colombe
Its: PRESIDENT

By: 
Its: SECRETARY

1 canceled without any reimbursement to the Developer of any project development
2 expenses accrued to date. Should a dispute regarding the existence of fault arise,
3 then this dispute shall be submitted to arbitration pursuant to Section E, Other
4 Provisions, paragraph 5, of this Agreement.

5 Further, it is understood between below signed parties that any actions taken
6 pursuant to the authority granted by this Addendum shall only be taken upon written
7 notice to all parties.

8
9 Executed on this 23 day of JULY, 1999 at
10 Sheep Ranch (City), Calaveras County (County),
11 California (State).

12 Silvia Burley
13 Silvia Burley, Chairperson

14 Yakima Dixie
15 Yakima Dixie, Tribal Member

16 Charles Colombe
17 Charles Colombe, BBC Entertainment

18 Rachel K. Reznor
19 Rachel K. Reznor, Tribal Member

20 Mary T. Wynne
21 Mary T. Wynne, Attorney at Law

22 Karla Colombe
23 BBC/SECRETARY/Witness

24
25
26
27 ADDENDUM TO DEVELOPMENT AGREEMENT

28
MARY T. WYNNE
ATTORNEY AT LAW
POB 1218
212 2ND AVE. N., SUITE # 3
OKANOGAN, WA 98840
(509) 422-6267
(509) 422-6268 (FAX)

EXHIBIT “33”

ADMITTED TO
PRACTICE IN:
CALIFORNIA, UTAH
AND NEW MEXICO

MANUEL CORRALES, JR.

A T T O R N E Y A T L A W

17140 BERNARDO CENTER DRIVE, SUITE 210
SAN DIEGO, CALIFORNIA 92128
TEL (858) 521-0634
FAX (858) 521-0633

E-MAIL:
mannycorrales@yahoo.com

July 9, 2014

Mr. Kevin Washburn
U.S. Department of the Interior—Indian Affairs
MS-4141-MB
1849 C Street, NW
Washington, D.C., 20240

Via Email and U.S. Mail

Re: Response to Mr. Robert Uram's Letter of June 27, 2014

Dear Mr. Washburn:

This letter responds to Mr. Robert Uram's recent letter to you dated June 27, 2014 attacking the substance of my June 6, 2014 correspondence to you. In light of the numerous misstatements contained in his letter, it is important that I respond.

First of all, contrary to Mr. Uram's misrepresentations, I represent the CALIFORNIA VALLEY MIWOK TRIBE ("the Miwok Tribe") in the pending appeal of the California state court proceeding regarding the disbursement of state Revenue Sharing Trust Fund ("RSTF") payments the Miwok Tribe is entitled to receive. The Tribal Council, headed by Silvia Burley ("Burley"), authorized the prosecution of that case. The issue presently before the California Court of Appeal is whether the California Gambling Control Commission ("the Commission") has a legally sufficient basis for withholding the RSTF from the Miwok Tribe pending the resolution of the federal litigation in which Yakima Dixie ("Dixie") and his followers (collectively "the Dixie Faction") challenge the August 31, 2011 decision by the Assistant Secretary of Interior ("ASI"), Larry Echo Hawk. The issue is not whether Burley is "currently

recognized by the United States as the leader of this Tribe,” as Mr. Uram has falsely characterized it to be. (Page 2 of Uram letter, 6/27/2014).

SHEPPARD, MULLIN AND DIXIE’S FRAUD ON THE COURT

Mr. Uram attempts to excuse his conduct in concealing Dixie’s deposition testimony from the U.S. District Court by asserting that the Miwok Tribe’s attorney in that proceeding, Robert Rossette, “had every opportunity to bring the deposition to the attention of the court.” (Page 1 of Uram letter). That does not relieve Mr. Uram of his obligations as an officer of the court not to purposely mislead the court. Mr. Rossette was not affirmatively prosecuting the claims and assertions in federal court that Dixie never resigned and that his resignation was a forgery. Only Mr. Uram alone, on behalf of Dixie, was making those representation, which were false. Indeed, one of the documents Dixie admitted signing in his deposition was a Tribal document appointing Burley to replace him as Tribal Chairman.

To withhold this information from the Court while at the same time arguing that Dixie never resigned, and that his resignation was a forgery, was deceptive and unmitigated fraud upon the Court. Mr. Uram had every opportunity, and indeed had an obligation, to bring this to the attention of the Court, but he made a calculated decision not to, hoping to gain an unfair advantage in the litigation.

Mr. Uram next asserts that he had no obligation to bring Dixie’s deposition testimony to the attention of the U.S. District Court, because review was “based on the administrative record before the agency when the decision (August 31, 2011 decision) was made, not on a subsequent record made before the court.” (Page 1). This is incorrect.

The relevant pages to Dixie’s deposition transcript, together with the exhibits showing that Dixie resigned, that his resignation was not forged, and that he signed Tribal documents appointing Burley to replace him as Tribal Chairman, were filed with the San Diego County Superior Court in connection with an ex parte application, immediately after the deposition was taken, and several times thereafter in connection with

other motions. Mr. Uram's partner, Matthew McConnell, with whom he was in constant contact (See attached Uram declaration 3/6/2013 in support of Dixie Faction motion for summary judgment, Ex. "1"), attended those hearings in which the Dixie deposition transcript was filed with the Superior Court. In fact, it was Mr. McConnell who defended Dixie at his deposition and, in trying to lessen the damaging testimony, examined Dixie himself, but ended up eliciting testimony from Dixie confirming that he in fact resigned. As a result, Dixie's deposition transcript was immediately available for the U.S. District Court to take judicial notice of, but, again, Mr. Uram never made that request. Federal courts may take judicial notice of other courts' proceedings, within the federal judiciary and without, if the proceedings directly relate to the matters before the court. See U.S. ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc. (9th Cir. 1992) 971 F.2d 244, 248.

Indeed, Mr. Uram, together with Dixie, jointly participated in a fraud upon the U.S. District Court and the San Diego Superior Court (where he filed declarations and a verified Complaint stating that he never resigned and that his resignation was a forgery). As a result, the Dixie Faction Complaint and challenge to the August 31, 2011 ASI decision would have been subject to dismissal by the U.S. District Court, had these facts been brought to its attention. The fact that Mr. Uram and his client got away with this fraud at this stage of the proceedings is of no moment.

A similar situation occurred in the case of Aoude v. Mobile Oil Corp. (1st Cir. 1989) 892 F.2d 1115, prompting the Court to affirm a dismissal of Plaintiff's case based on fraud on the court. The Court there indicated that the case "amply illustrates that, though the 'bread of deceit is sweet to a man...afterwards his mouth shall be filled with gravel.'" 892 F.2d at 1116 (quoting Proverbs 20:17). In that case, Plaintiff tried to steal by deceit a Mobile franchise from a gas station operator. Plaintiff then concocted, backdated and then tricked the gas station operator to sign a bogus purchase agreement. He then sued him and attached the false agreement to his Complaint. Later, during his deposition, the truth about the false agreement came out, and thereafter the U.S. District

Court dismissed Plaintiff's case based on fraud on the court, observing that his "entire case rests on a false foundation." 892 F.2d at 1117.

The Court in Aoude, *supra*, affirmed the dismissal and explained what constitutes "fraud on the court," all of which is applicable to what Mr. Uram's firm and Dixie have done *in pari delicto* in the federal and state courts. It stated:

A "fraud on the court" occurs where it can be demonstrated, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier or unfairly hampering the presentation of the opposing party's claim or defense. (citations omitted).

Because corrupt intent knows no stylistic boundaries, fraud on the court can take many forms. In our estimation, however, the present case is a near-classic example of the genre. Appellant's bad faith is manifest. By Aoude's own admission, he fabricated the purchase agreement; gave it to his lawyer; read the complaint before it was filed; realized that counsel, acting on his behalf, proposed to annex the bogus agreement to the complaint (thus representing it to be authentic); and nevertheless authorized the filing. Thereafter, Aoude and his counsel continued to act out the charade until, in the course of pretrial discovery undertaken by Mobile, Monahan revealed a glimmer of the truth...The only conceivable reason for Aoude's elaborate duplicity was to gain unfair advantage, first in the dispute, thereafter in the litigation. The tactic plainly hindered defendant's ability to prepare and present its case, while simultaneously throwing a large monkey wrench into the judicial machinery. In our view, this gross behavior constitutes fraud on the court.

892 F.2d at 1118-1119. See also Cleveland Demolition Co. v. Azcon Scrap Corp. (4th Cir. 1987) 827 F.2d 984, 986 (fraud on court may exist where witness and attorney conspire to present perjured testimony); Rozier v. Ford Motor Co. (5th Cir. 1978) (same, where party, with counsel's

collusion, fabricates evidence). Similarly, Mr. Uram's conduct and that of Dixie constitute fraud on the court. Attached is a copy of Dixie's declaration filed in state court on November 8, 2010 stating under penalty of perjury that he never resigned and that his resignation is a forgery. (Ex. "2," paragraph 5). Also attached is are the selected pages to Dixie's verified Complaint in Intervention in the State case, dated December 22, 2010, wherein he again states under penalty of perjury that he never resigned as Tribal Chairman, that his resignation is a forgery and that he "remains tribal chairperson of the Tribe." (Ex. "3," paragraph 4). He also states on page 13 of his Complaint that: "The essence of this action is the tribal dispute regarding the leadership of the Tribe." Curiously, nowhere in his verified Complaint and nowhere in his declarations filed in the state case does he ever say that the establishment of the Tribal Council in November 1998 was "invalid" at the outset.

When Dixie admitted in February 2012 he in fact resigned, that his resignation was not forged, and that he signed Tribal documents appointing Burley to replace him as Tribal Chairperson, it became evident that he committed fraud on the state court by filing false pleadings under oath. However, compounding this was Mr. Uram's actions in the federal court. Not only did he know about Dixie's deposition testimony, but he also knew that Dixie and his state court attorney filed false pleadings in the state court. Despite this, he perpetrated and compounded the fraud even further by concealing Dixie's deposition testimony from the federal court and concealing from the federal court the fact that Dixie filed false pleadings in the related state court proceeding. Mr. Uram was playing "fast and loose" with the judicial system, conduct that the courts do not condone. Aoude, supra at 1122.

Mr. Uram asserts that there can be no fraud on the court, because, in his view, Dixie's deposition is "irrelevant." In other words, Mr. Uram maintains that it is okay to lie, so long as the lie is not relevant. However, nowhere in the U.S. District Court's decision does it ever say that Dixie's claim of "fraud and misconduct" relative to the change of leadership is irrelevant. To be sure, Mr. Uram is not the judge and jury on what is relevant. He simply got caught in a lie.

Mr. Uram's and Dixie's fraud on the state and federal courts should be not be condoned. Mr. Uram may feel that he dodged a bullet with the U.S. District Court, now that the decision is final. However, the process is not complete, and eventually the Court will be told about it.

On remand, you can consider this evidence as relevant to the issues for reconsideration, since you are acting as an agency for public justice. As Justice Black wrote in a similar case involving fraud on the court, and as quoted in Aoude, supra:

Tampering with the administration of justice in the manner indisputably shown here involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot complacently be tolerated consistently with the good order of society...The public welfare demands that the agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud. (Emphasis added).

Hazel-Atlas Glass Co. v. Hartford-Empire Co. (1944) 322 U.S. 238, 246, fn. 2.

**DIXIE'S DEPOSITION TESTIMONY IS RELEVANT BECAUSE IT IS
THE FOUNDATION FOR RESOLUTION OF ALL ISSUES ON
REMAND**

Dixie's deposition testimony that he resigned, that his resignation was not forged after all, and that he signed Tribal documents appointing Burley to replace him as Tribal Chairman, are highly relevant to the issues for resolution on remand. Indeed, the issue of the Tribal leadership dispute, i.e., Dixie's claim that he, not Burley, is the rightful Chairman of the Tribe, is referenced throughout the U.S. District Court decision. (Page 7 ["leadership dispute brewing between Yakima and Burley..."], ["On October 10, 1999, Yakima raised concern about the leadership dispute"], [December 1999 "Yakima again alleged 'fraud and misconduct relative to the change in Tribal leadership during April and

May 1999' and maintained that he is the rightful Chairperson of the Tribe"], page 8 [BIA writes Yakima and Burley advising them to resolve the dispute internally within a reasonable time], page 9 ["The leadership and membership dispute between Yakima and Burley continued"], page 11 ["by November 2006, the BIA concluded that "the ongoing leadership dispute [was] at an impasse...")].

Based on these facts in the administrative record raising doubts about the Tribal leadership dispute, the U.S. District Court concluded that the August 31, 2011 decision was required to address them. It stated:

Here, the August 2011 Decision fails to address *whatsoever* the numerous factual allegations in the administrative record that raise significant doubts about the legitimacy of the Tribal Council. From as early as April 1999, Yakima contested the validity of the Council (citing Dixie's letter to the BIA stating that he "cannot and will not resign as chairman of the Sheep Ranch Indian Rancheria"). (Emphasis added).

(Page 21 and 22 of U.S. District Court decision). Significantly, the Court stated that Dixie contested the "validity of the Council" from April of 1999," knowing full well that the Tribal Council was established in November 1998 under Resolution #CG 98-01. Thus, reference here is to Dixie's claim that he never resigned and that his resignation was forgery, not to the improper issue Mr. Uram now wants to advance, to wit: that the establishment of the 1998 Tribal Council under Resolution #CG 98-01 was "void at the outset."

THE VALIDITY OF THE ESTABLISHMENT OF THE TRIBAL COUNCIL IN 1998 WAS NEVER REFERRED TO THE ASI FOR RESOLUTION

In fact, whether the establishment of the 1998 tribal council was void or invalid at the outset was never an issue the IBIA referred over to the ASI for resolution. As the IBIA decision aptly states:

Understood in the context of the history of this Tribe, and the BIA's dealings with the Tribe since approximately 1999, this case is properly characterized as an enrollment dispute...(Emphasis added).

51 IBIA 103, 122. Here, the IBIA casts the dispute for resolution from the time the leadership dispute arose in April 1999, not at the time the Tribal Council was established in November 1998. The ASI was never referred for review any issue regarding the validity of the establishment of the 1998 Tribal Council, and Mr. Uram's assertion to the contrary is wrong. Specifically, the IBIA referred over the following issue to the ASI:

[Whether] the BIA improperly determined that the Tribe is "unorganized," failed to recognize [Burley] as the Tribe's Chairperson, and is improperly intruding into Tribal affairs by determining the criteria for a class of putative tribal members and convening a general council meeting that will include such individuals.

51 IBIA at 123. The issue of whether the Tribe is "unorganized" involves whether the Tribe can operate under a Tribal Council or whether it must re-organized under the Indian Reorganization Act of 1934 ("IRA") to receive federal funding and have an ongoing government-to-government relationship with the federal government. The issue is not whether the Tribal Council was properly organized in 1998. That was never the intent of the IBIA referral. Indeed, nothing in the IBIA decision referring the "enrollment dispute" over to the ASI mentions the challenge of the establishment of the Tribal Council under Resolution #CG 98-01 in November 1998.

Accordingly, Mr. Uram has mischaracterized the issues for reconsideration. To understand what must be resolved, a reading of the IBIA decision is paramount.

Mr. Uram asserts that the holding of Alan-Wilson v. BIA (1997) 30 IBIA 241 is "the crux of the case," and based thereon, argues that the establishment of the Tribal Council under Resolution #CG 98-01 in

November 1998 was invalid at the outset. (Page 2 of Uram letter). However, Alan Wilson, supra, has no application to this case. There, the Cloverdale Rancheria was 1 of 17 Rancherias restored to federal recognition under a stipulated judgment in the case of Hardwick v. United States, Civil No. C-79-1710 SW (N.D. Calif. Dec. 22, 1983). The Cloverdale Rancheria was then placed in the Federal Register as a federally-recognized tribe. Soon thereafter, the BIA met with certain individuals living on the Rancheria and asked them if they were interested in forming a tribal government. After a tribal government was formed another person came forward claiming to be the one qualified under the Hardwick, supra, criteria to organize the tribal government, and a dispute arose. The IBIA decision then stated:

This is not an ordinary tribal government dispute, arising from an internal dispute in an already existing tribal entity. In such cases, BIA and this Board must exercise caution to avoid infringing upon tribal sovereignty. (citation omitted). Rather, this case concerns, in essence, the creation of a tribal entity from a previously unorganized group. In such a case, BIA and this Board have a responsibility to ensure that the initial tribal government is organized by individual who properly have the right to do so. (Emphasis added).

30 IBIA 241 (Page 8). The U.S. District Court decision in this case quoted this language, but it does not apply. (Note the Tribe, as Intervenor in the federal case, sought to appeal the U.S. District Court's decision, but was barred from doing so, in light of the federal Defendant's decision not to appeal. The Tribe continues to maintain that the decision is fraught with error.)

In contrast to the dispute in Cloverdale, supra, the Miwok Tribe was not federally-recognized by virtue of a stipulated judgment. It has been federally-recognized since at least 1916. In 1966, only Mabel Dixie, Yakima Dixie's mother, not any purported 200 members, was the only Tribal member living on the 0.92 acre Rancheria identified by an Indian Agent in 1915, and she was the sole distribute of Tribal assets under the 1966 Rancheria distribution plan. In contrast to the Cloverdale

Rancheria, the then named Sheep Ranch Rancheria (now the California Valley Miwok Tribe) was never terminated, and thus never had to go through the process of being restored to federal recognition through the court or otherwise.

In addition, there was no dispute that arose out of the validity of the Tribal Council that Dixie and Burley established in 1998. No such issue was ever tendered to the IBIA for resolution, and the IBIA has never referred such an issue to the ASI for resolution.

It is also undisputed that the Miwok Tribe is federally-recognized, and thus is “an already existing tribal entity.” Thus, contrary to the dispute in Cloverdale, supra, the dispute between Dixie and Burley is an “ordinary tribal government dispute, arising from an internal dispute in an already existing tribal entity.” Cloverdale, supra.

DIXIE IS ESTOPPED FROM OBJECTING TO THE VALIDITY OF THE 1998 TRIBAL COUNCIL

As pointed out in my June 6, 2014 letter, Yakima Dixie signed the 1998 Resolution establishing the Tribal Council confirming that the “whereabouts of Melvin Dixie are unknown.” Yakima Dixie also had the power to adopt Burley and her daughters as members of the Tribe, which he exercised prior to his execution of the 1998 Resolution. Dixie cannot object to his own actions as a basis to claim the 1998 Resolution establishing the Tribal Council is invalid. He affirmatively represented that he did not know the whereabouts of Melvin Dixie at the time of the establishment of the Tribal Council in 1998, and cannot now claim that the whereabouts of Melvin were in fact known and that he should have been contacted. Blake v. C.I.R. (2nd Cir. 1982) 697 F.2d 473, 478 (adopting Restatement 2nd Contracts, §90 (promissory estoppel). As stated in comment “a” of Restatement 2nd, Contracts:

“Estoppel prevents a person from showing the truth contrary to a representation of fact made by him after another has relied on the representation.”

In addition, Black's Law Dictionary defines "estoppel" as:

"A bar that prevents one from asserting a claim or right that contradicts what one has said or done before or what has been legally established as true."

Black's Law Dictionary, 10th ed., 2014, page 667.

Here, the BIA and Burley and the other adopted members relied on Yakima Dixie's representations that he did not know the whereabouts of Melvin Dixie at the time the 1998 Resolution was executed and the Tribal Council established. The doctrine of promissory estoppel prevents him from now claiming the Tribal Council's creation is invalid because he purportedly in fact knew of Melvin Dixie's whereabouts.

DIXIE'S OBJECTIONS TO THE VALIDITY OF THE TRIBAL COUNCIL IS BARRED BY THE STATUTE OF LIMITATIONS

It is undisputed that Dixie and his followers sued the federal government in its challenge to the August 31, 2011 decision. As part of that challenge, the Dixie Faction sought to claim that the Tribal Council established under Resolution #CG-98-01 was invalid at the outset, as a result of the BIA's actions. While this claim was never tendered to the ASI by the IBIA for resolution, the Dixie Faction nonetheless asserts it as a claim within their challenge of the August 31, 2011 decision. However, the claim is barred by the statute of limitations.

Accordingly, upon reconsideration, you can consider this fact as a basis for rejecting the Dixie Faction's claim that the Tribal Council was invalid when it was formed in November of 1998.

The Indian Claims Commission Act required all claims accruing before August 13, 1946, to be brought during a five-year period ending in 1951. The claims may not "thereafter be submitted to any court or administrative agency for consideration." Indian Claim Commission Act of 1946, §12, 60 Stat. 1049 (*formerly* 25 U.S.C. §70k); COHEN'S HANDBOOK OF FEDERAL INDIAN LAW, 2012 edition, §5.06[5], pp.

443-444. Claims accruing after that date must now be brought within six (6) years from the date the claim first accrues. 28 U.S.C. §2501(Court of Federal Claims), 28 U.S.C. §2401(civil actions in federal district courts).

In Hopland Band of Pomo Indians v. U.S. (Fed.Cir. 1988) 855 F.2d 1573, 1577, the court held that a claim for the improper termination of the rancheria was time-barred for failing to commence an action within 6 years of the claim first accrued. It further held that the statute of limitations are to be applied against claims of Indian tribes in the same manner as against any other litigant seeking legal redress or relief from the government. 855 F.2d at 1576. The Court then concluded that the Hopland Tribe's claim first accrued when the Tribe first became aware that the U.S. government terminated its tribal status, which was more than 6 years from the date of filing its Complaint in court. It stated:

Thus, for purposes of section 2501, it would appear more accurate to state that a cause of action against the government has first "accrued" only when all the events which fix the government's alleged liability have occurred *and* the plaintiff was or should have been aware of their existence. (citation omitted). On the other hand, once the cause of action accrues and the statutory period starts running, Congress has explicitly provided a plaintiff 6 years in which to file his action and no more.

855 F.2d at 1577-1578.

Here, Dixie has acknowledged executing the 1998 Resolution establishing the Tribal Council. He was aware of its creation through the BIA's assistance since it was first drafted. He was the first Tribal Chairman appointed under that newly formed Tribal Council, and he claimed for many years after April 1999 that he never resigned from the position of Tribal Chairman of that Tribal Council, a claim we now know was false. Yet he never filed any administrative claim or federal lawsuit claiming that the Tribal Council was invalid at the outset, until his federal suit challenging the August 31, 2011 ASI decision in October 2011, i.e., 13 years later. Accordingly, Dixie's claim that the Tribal Council was purportedly invalid at the outset is time-barred under 28

U.S.C. §2501 and 28 U.S.C. §2401 for having failed to commence any action on that claim within 6 years of the date he executed the November 1998 Resolution.

Pursuant to the directions on remand, you may consider this fact in reconsidering your decision.

CLAIMING TO BE THE CALIFORNIA VALLEY MIWOK TRIBE AND THEN SUING IN THAT NAME REFUTES THE ASSERTION THAT THE TRIBAL COUNCIL WAS INVALID AT THE OUTSET

It is undisputed that the Dixie Faction filed suit in federal court challenging the August 31, 2011 ASI decision as Plaintiff CALIFORNIA VALLEY MIWOK TRIBE. However, it is also undisputed that the Tribe was formerly called the Sheep Ranch Rancheria of Me-Wuk Indians of California. That was the name the Tribe called itself when it organized its governing body as a Tribal Council in November 1998 under Dixie and Burley's signature. However, the record shows that the Tribal Council under Burley's leadership thereafter passed a resolution changing the name of the Tribe to the California Valley Miwok Tribe, which the BIA accepted and then made that change in the Federal Register. (See attached letter dated June 7, 2001 from Sharon Blackwell of the BIA, Ex. "4")

Rather than sue under the original name, the Dixie Faction instead sued under the new name of the Tribe, thus confirming and ratifying that the Tribal Council under Burley's leadership had the authority to pass such a resolution affecting the Tribe. Mr. Uram's letter to you also purports to be on behalf of his client, the California Valley Miwok Tribe. However, Mr. Uram cannot in good faith maintain that the Tribal Council was invalid at the outset, and then purport to sue under the changed name of the Tribe by the authority he disputes.

CHADD EVERONE EVIDENCE

The evidence concerning Chadd Everyone are set forth in my previous correspondence, and need not be repeated. Whether Dixie

claimed he resigned in April 1999 or the end of 1999 is irrelevant. The point is that Dixie lied about it all of these years and used that lied with Everone's help to perpetrate a fraud on the courts for all of these years. Dixie's assertion that he claimed he resigned in April 1999 may have been what called attention to his predicament and set the wheels in motion for Everone's eventual involvement.

Since the Everone evidence explain Dixie's fraud, it should be considered on remand.

MR. URAM HAS NOT ACCURATELY CHARACTERIZED THE ISSUES FOR RECONSIDERATION

Mr. Uram continues to mischaracterize the District Court's decision. For example, he states several times in his correspondence to you that the Court purportedly held the August 31, 2011 AAI decision "unlawful." However, nowhere in the Court's decision does the word "unlawful" appear in describing the August 31, 2011 decision.

The issues I believe are appropriate for reconsideration are set out in my June 6, 2014 letter. Mr. Uram's proposed issues incorrectly assumes factual predicates that do not exist. For example, the U.S. District Court never stated that the August 31, 2011 decision was "unlawful," as Mr. Uram falsely represents. If that were the case, then there would be no need to remand to your office for reconsideration, since such a ruling would end the matter. However, the Court did not do that. It specifically remanded back to your office for reconsideration, because the August 31, 2011 decision merely assumed that the membership is limited to five persons, and merely assumed that the General Council represents a duly constituted government, in light of the facts contained in the administrative record. Facts developed from a supplemented administrative record would be helpful, in light of Dixie's deposition testimony that came after the August 31, 2011 decision. In addition, facts showing that Dixie's claims that the Tribal Council is invalid at the outset are time-barred would also be relevant to the process. In other words, the court wants you to develop facts to support these two determinations. Clearly, you have every right to reach the same

conclusions, if, upon reconsideration, you have developed facts that support those conclusions.

As stated above, the validity of the 1998 Resolution establishing the Tribal Council was not an issue referred to by the IBIA for resolution. This claim is nevertheless time-barred. The IBIA was addressing the Tribe's appeal of the BIA's actions, and the Tribe never tendered that issue for resolution. The fact the ASI mentioned it in its decision does not mean he was deciding that as a disputed issue in the IBIA's appeal. Indeed, he mentioned that the Tribe is a federally-recognized tribe, but that was not an issue for him to decide.

CONCLUSION

In due course, Mr. Rosette's office will be setting forth what it feels are the issues to be decided for your reconsidered decision, which may be in addition to what I have expressed herein and in my June 6, 2014 letter to you.

Thank you.

Very truly yours,



Manuel Corrales, Jr.

Enclosures

Cc: Silvia Burley, Chairperson, California Valley Miwok Tribe
Terry Singleton, Esq.
Robert Rosette, Esq.
Robert Uram, Esq.
Tiger Paulk

EXHIBIT “1”

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2 Including Professional Corporations
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5 Facsimile: 858-509-3691
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6 Four Embarcadero Center, 17th Floor
San Francisco, CA 94111-4109
7 Telephone: 415-434-9100
Facsimile: 415-434-3947

8 Attorney for Intervenors
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SAN DIEGO
12

13 CALIFORNIA VALLEY MIWOK
14 TRIBE,

Plaintiff,
15 v.

16 CALIFORNIA GAMBLING CONTROL
COMMISSION, et al.,

17 Defendants.
18

No: 37-2008-00075326-CU-CO-CTL

DECLARATION OF ROBERT J. URAM
IN SUPPORT OF INTERVENORS'
MOTION FOR SUMMARY JUDGMENT
AND/OR SUMMARY ADJUDICATION

Date: April 26, 2013

Time: 2:00 p.m.

Dept.: C-62

Judge: The Hon. Ronald L. Styn

19 CALIFORNIA VALLEY MIWOK
20 TRIBE, CALIFORNIA (a.k.a. SHEEP
RANCH RANCHERIA OF ME-WUK
21 INDIANS, CALIFORNIA), YAKIMA K.
DIXIE, VELMA WHITEBEAR,
22 ANTONIA LOPEZ, ANTONE
AZEVEDO, MICHAEL MENDIBLES,
23 AND EVELYN WILSON,

24 Intervenors.
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1 I, ROBERT J. URAM, do hereby declare:

2
3 1. I am a partner with the law firm of Sheppard, Mullin, Richter &
4 Hampton LLP, attorneys for The California Valley Miwok Tribe ("Tribe"), The Tribal
5 Council, Yakima Dixie, Velma WhiteBear, Antonia Lopez, Michael Mendibles, Evelyn
6 Wilson and Antone Azevedo (collectively, "Intervenors").

7
8 2. On February 9, 2011, on behalf of Intervenors, I filed an
9 administrative appeal with the Bureau of Indian Affairs ("BIA") Regional Director,
10 challenging the January 12, 2011 decision by Bureau of Indian Affairs Superintendent
11 Troy Burdick to recognize the results of a purported Tribal election held by Silvia Burley
12 on January 7, 2011. Lodged as Exhibit 11 is a true and correct copy of the administrative
13 appeal. Lodged as Exhibit 10 is a true and correct copy of Troy Burdick's January 7, 2011
14 letter.

15
16 3. As of today, the BIA has not responded to, or decided, the appeal filed
17 on February 9, 2011.

18
19 4. On January 24, 2011, I filed a complaint on behalf of Intervenors in
20 the federal District Court for the District of Columbia, against United States Secretary of
21 the Interior Ken Salazar and other federal defendants, challenging the issuance of a
22 decision concerning the Tribe that the Assistant Secretary – Indian Affairs ("AS-IA")
23 issued on December 22, 2010. The case is California Valley Miwok Tribe v. Salazar,
24 No. 1:11-cv-00160-RWR (D.D.C.) (CVMT v. Salazar).

25
26 5. The AS-IA subsequently rescinded his December 22, 2010 decision
27 and issued a new decision on August 31, 2011. Intervenors then filed a First Amended
28 Complaint in CVMT v. Salazar. Lodged as Exhibit 9 is a true and correct copy of the AS-

1 IA's December 22, 2010 decision. Lodged as Exhibit 12 is a true and correct copy of the
2 AS-IA's April 1, 2011 notice in which he rescinded his December 22, 2010 decision.
3 Lodged as Exhibit 13 is a true and correct copy of the AS-IA's August 31, 2011 decision.
4

5 6. Intervenor's First Amended Complaint challenges the AS-IA's
6 findings in the August 31, 2011 decision regarding the membership and leadership of the
7 Tribe, including the validity of Silvia Burley's general council and the governing
8 documents it is based on. Lodged as Exhibit 19 is a true and correct copy of Intervenor's
9 First Amended Complaint in CVMT v. Salazar.

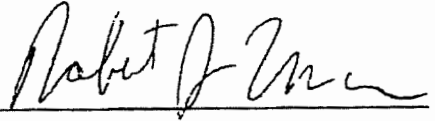
10
11 7. Silvia Burley, filing in the name of the Tribe, intervened in CVMT v.
12 Salazar. Burley, the federal defendants and Intervenor's have all filed dispositive motions
13 in CVMT v. Salazar and await the court's ruling on those motions. The case remains
14 pending. Lodged as Exhibit 17 is a true and correct copy of the Civil Docket Report for
15 CVMT v. Salazar.

16
17 8. If the federal court grants Intervenor's motion for summary judgment
18 in CVMT v. Salazar and grants the requested relief, it will invalidate the AS-IA's August
19 31 decision, and the prior BIA decisions that deny recognition of any Tribal government
20 would remain in effect. Lodged as Exhibit 18 is a true and correct copy of Intervenor's
21 motion for summary judgment in CVMT v. Salazar.

22
23 9. Lodged as Exhibit 15 is a true and correct copy of a Memorandum
24 Opinion and Order in CVMT v. Salazar.

25
26 10. Lodged as Exhibit 14 is a true and correct copy of a Joint Status
27 Report that was filed in CVMT v. Salazar.

1 I declare under penalty of perjury pursuant to the laws of the State of
2 California that the foregoing is true and correct. Executed March 6, 2013 at San Francisco,
3 California.

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5 _____

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8 Robert J. Uram
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EXHIBIT “2”

FILED
Clerk of the Superior Court

NOV 08 2010

1 Thomas W. Wolfrum, Esq.
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3 Tel: (925) 930-5645
Fax: (925) 930-6208

4 Attorney for Applicant Intervenors

5
6
7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF SAN DIEGO**

9
10 **CALIFORNIA VALLEY MIWOK**
TRIBE,

11 Plaintiff,

12 v.

13 **CALIFORNIA GAMBLING CONTROL**
COMMISSION, et al.,

14 Defendants.

15
16
17
18
19 **CALIFORNIA VALLEY MIWOK**
TRIBE, CALIFORNIA (a.k.a. SHEEP
20 **RANCH RANCHERIA OF ME-WUK**
21 **INDIANS, CALIFORNIA), YAKIMA K.**
22 **DIXIE, VELMA WHITEBEAR,**
ANTONIA LOPEZ, ANTONE
AZEVEDO, MICHAEL MENDIBLES,
AND EVELYN WILSON,

23 Applicant Intervenors.

No: 37-2008-00075326-CU-CO-CTL

DECLARATION OF YAKIMA K. DIXIE
IN SUPPORT OF MOTION TO
INTERVENE AS DEFENDANTS

Law and Motion

Hearing Date: December 17, 2010

Hearing Time: 8:30 a.m.

Hearing Place: C-62

Trial Date: May 13, 2011

Trial Dept: C-62

Trial Judge: The Hon. Ronald L. Slyn

First Amended Complaint Filed 8/20/08

Code of Civil Procedure §387

1 I, Yakima K. Dixie, am over the age of 18 and a resident of Calaveras County, California.
2 I have actual and personal knowledge of the following facts and am competent to testify to the
3 same. This Declaration is being offered in support of the Motion to Intervene.

4 1. Sheep Ranch Rancheria has been my domicile for almost my entire life and the
5 title to the Rancheria is held by the federal government in trust for my benefit.

6 2. I am seeking to intervene in this litigation because I am the Hereditary Chief and
7 Traditional Authority for the Federally Recognized Tribe known as California Valley Miwok
8 Tribe (formerly, the Sheep Ranch Rancheria of Me-Wuk Indians of California) (the "Tribe"). I
9 inherited the position of Hereditary Chief upon the death of my mother, Mabel Hodge Dixie, on
10 July 11, 1971. My tribal lineal descent through my mother goes back to the Hodge family of the
11 1915 census of the Sheepranch Indians.

12 3. I also seek to intervene in this litigation, which was filed by Silvia Burley because
13 Ms. Burley is not recognized as the authority for the Tribe by the BIA, by the putative members
14 of the Tribe or the State of California. If the Court orders the Revenue Sharing Trust Fund
15 ("RSTF") funds to be disbursed, the Court must also determine who is the authority of the Tribe
16 to receive the Funds.

17 4. In 1996, Ms. Burley approached me seeking assistance in obtaining medical and
18 education benefits for herself and her two daughters.

19 5. In 1999, I allowed Ms. Burley into the Tribe. Shortly thereafter, Ms. Burley
20 alleged that I resigned as Tribal Chairman, that she represented that she spoke for the Sheepranch
21 Miwok people and that she was the leader and chairperson of the Tribe. I have never consented
22 to her claim of leadership. The document allegedly showing my resignation as Tribal Chairman
23 is a forgery. *

6. Ms. Burley purported to set up a "Tribal Council," made up of herself and her two daughters. But, on information and belief, she otherwise made no effort to organize the Tribe around the lineal descendants of the Me-Wuk people who had lived at the Rancheria.

7. From 1999 to 2005, Ms. Burley collected federal grant and RSTF money meant for the Tribe based on her baseless claim to be the leader of the Tribe. On information and belief, she, her two daughters and their immediate family, have been the only beneficiaries of those substantial monies. On information and belief, these sums were used to purchase a home for her and her daughters, on which Ms. Burley subsequently took out a \$500,000 line of credit. I have never received any of that money. I do not know anyone who has received any of that money other than Ms. Burley, her husband, and her children, nor do I know of any programs Ms. Burley set up for the benefit of the Tribe.

8. In September 2005, Ms. Burley and her "Tribal Council" purported to disenroll me from the Tribe, based on the alleged ground that I had held myself out to be a member of another Indian Tribe, namely the Sheep Ranch Rancheria of Me-Wuk Indians which, of course, is simply another name for the California Valley Me-Wuk Indians. *

9. My being "Hereditary Chief" and "Traditional Authority" for the Tribe do not, at present, denote a legal relationship with the U.S. Federal government. Hereditary chiefdom is, however, provided by Miwok traditions. The Tribe is "recognized" by the U.S. government but is it not yet considered "organized" by the Bureau of Indian Affairs ("BIA"). Until the Tribe is recognized by the BIA as "organized" no one and no group has a right to the RTSF funds. The Tribe is currently working with the BIA to become "organized" around the putative members. Until the Tribe becomes formally organized, the BIA has stated that it holds neither Ms. Burley nor me as the recognized authority. Although the federal government does not recognize an

authority for the Tribe at present I, as the Hereditary Chief and Traditional Authority, am the only person who rightfully may receive funds on behalf of the Tribe.

10. On April 11, 2007, to assist the Tribe to organize and to identify current putative members of the Tribe, the BIA issued a public notice identifying 14 putative members of the Tribe and called for descendants of those persons to submit documentation to the BIA. One of the listed putative members is my mother, Mable Hodge Dixie, and, therefore, I submitted supporting documentation to the BIA and am a putative member of the Tribe.

11. On information and belief, 580 persons (including myself) submitted personal genealogies to the BIA in response to the BIA's April 11, 2007 public notice. According to the BIA and on information and belief, neither Ms. Burley nor any member of her immediate family submitted documentation to the BIA in response to the April 11, 2007 public notice.

I declare the foregoing is true and correct under penalty of perjury under the laws of California.

October 31, 2010

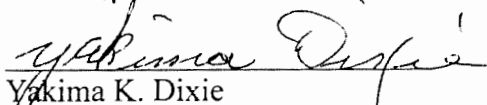

Yakima K. Dixie

EXHIBIT “3”

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Attorney for Applicant Intervenors

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

VIA FAX

CALIFORNIA VALLEY MIWOK
TRIBE,

Plaintiff,

v.

CALIFORNIA GAMBLING CONTROL
COMMISSION, *et al.*,

Defendants.

CALIFORNIA VALLEY MIWOK
TRIBE, CALIFORNIA (a.k.a. SHEEP
RANCH RANCHERIA OF ME-WUK
INDIANS, CALIFORNIA), YAKIMA K.
DIXIE, VELMA WHITEBEAR,
ANTONIA LOPEZ, ANTONE
AZEVEDO, MICHAEL MENDIBLES,
AND EVELYN WILSON,

Applicant Intervenors.

No: 37-2008-00075326-CU-CO-CTL
COMPLAINT IN INTERVENTION

By leave of Court, the Intervenors, California Valley Miwok Tribe, California (a.k.a.
Sheep Ranch Rancheria of Me-Wuk Indians, California), Yakima K. Dixie, Velma WhiteBear,

1

Complaint In Intervention
CVMT v. CGCC San Diego Superior Court Case No. 37-2008-00075326-CU-CO-CTL

Antonia Lopez, Antone Azevedo, Michael Mendibles and Evelyn Wilson (collectively, the "Intervenors"), submit this COMPLAINT IN INTERVENTION and join with defendants in opposing plaintiff's claims.

On August 20, 2008, plaintiff, Silvia Burley, purportedly on behalf of the California Valley Miwok Tribe, filed a First Amended Complaint Combined with Petition for Writ of Mandate ("Complaint") in the above-entitled action against defendants, California Gambling Control Commission and DOES 1 through 50, seeking injunctive, declaratory relief and a Writ of Mandate regarding distribution of certain funds from the Revenue Sharing Trust Fund ("RSTF") and the Special Distribution Fund (collectively with RSTF, the "Funds") to Silvia Burley and alleging intentional interference with prospective economic advantage against certain unnamed DOES 21 through 50. Defendant California Gambling Control Commission ("CGCC") has appeared in this action and placed plaintiff's claims at issue by filing an answer denying plaintiff's allegations and raising affirmative defenses.

INTRODUCTION

1. Intervenor Yakima K. Dixie, is, and at all times relevant to this action was, domiciled in Sheep Ranch, California. Mr. Dixie is a member, the Hereditary Chief, the tribal chairman and the tribal authority of the California Valley Miwok Tribe, California, formerly known as the Sheep Ranch Rancheria of Me-Wuk Indians of California (the "Tribe"). Mr. Dixie inherited the position of Hereditary Chief and tribal authority of the Tribe from his mother, Mabel Louise Hodge Dixie. The action is of particular interest to Mr. Dixie because of his pecuniary interest in the Funds and his fiduciary duty as the Hereditary Chief, tribal chairman and tribal authority to preserve the Funds for the legitimate members of the Tribe.

2. Intervenor Velma WhiteBear, Antonia Lopez, Antone Azevedo, Michael Mendibles, and Evelyn Wilson, (with Yakima K. Dixie the "Member Intervenor") are lineal descendants of historic members of the Tribe. Mr. Dixie and each of the Member Intervenor is a lineal descendant of a historical member or members of the Tribe listed in the 1929 Indian Census Roll of Calaveras County.

3. The Member Intervenor recognize Mr. Dixie as the Hereditary Chief and the tribal authority of the Tribe.

4. Neither Mr. Dixie nor the Member Intervenor recognize Ms. Burley as any authority for the Tribe. Ms. Burley alleges that she is a member of the Tribe by virtue of Mr. Dixie allowing Ms. Burley, her two daughters and her granddaughter into the Tribe in 1999 to obtain medical and education benefits. Soon thereafter, Ms. Burley alleged that Mr. Dixie resigned as tribal chairperson and that she was elected to the position. The resignation is a forgery. Mr. Dixie remains the Hereditary Chief, tribal authority, and tribal chairperson of the Tribe.

5. As shown by the facts alleged below, the Intervenor have the right to intervene in this action under the mandatory intervention provisions of California Code of Civil Procedure §387(b) because the Intervenor claim pecuniary and tribal interests in the Funds, the subject of this action, and the adjudication of the parties' claims in the Intervenor's absence will impair or impede the Intervenor's ability to protect those interests. The Intervenor's interests are not represented by the current parties to this action.

6. CGCC holds the Funds in trust for the Tribe pending its "organization" as contemplated by the Bureau of Indian Affairs (the "BIA") so that a properly constituted governing body in accord with Federal Indian law and policy may accept the Funds. Therefore,

in its ANSWER AND RETURN OF CALIFORNIA GAMBLING CONTROL COMMISSION TO VERIFIED FIRST AMENDED COMPLAINT COMBINED WITH PETITION FOR WRIT OF MANDATE, this Court also lacks jurisdiction to adjudicate an internal tribal dispute, to determine the proper spokespersons for the Tribe, to adjudicate whether the Tribe is "organized," to adjudicate the identity of the Tribe or to adjudicate a matter barred by sovereign immunity.

II. Second Defense for Failure to State a Claim Against Plaintiff

As a second and separate and complete affirmative defense, the Intervenor respectfully request that the Court dismiss plaintiff's Complaint in this action, and all claims therein, because plaintiff has failed to state a claim for which the Court may grant relief.

III. Third Defense for No Basis to Name DOE Defendants Against Plaintiff

As a third and separate and complete affirmative defense, the Intervenor respectfully request that the Court dismiss plaintiff's Complaint in this action, and all claims therein, because plaintiff has no basis under which it may name DOE defendants consistent with the Rules of Court.

IV. Fourth Defense for Failure to Exhaust Administrative and Tribal Remedies Against Plaintiff

As a forth and separate and complete affirmative defense, the Intervenor respectfully request that the Court dismiss plaintiff's Complaint in this action, and all claims therein, because the plaintiff has failed to exhaust its administrative and tribal remedies. The Intervenor, with the aid of the BIA, have attempted to mediate with Ms. Burley. Ms. Burley refused to cooperate with such requests until 2010, when mediation was no longer possible because there was no longer an intertribal remedy. Further, the BIA is currently reviewing the

leadership dispute matter and is expected to provide a determination shortly. The essence of this action is the tribal dispute regarding the leadership of the Tribe.

In addition to the affirmative defenses above, the Intervenor joins with CGCC in asserting the following affirmative defenses already asserted in CGCC's ANSWER AND RETURN OF CALIFORNIA GAMBLING CONTROL COMMISSION TO VERIFIED FIRST AMENDED COMPLAINT COMBINED WITH PETITION FOR WRIT OF MANDATE: I. Plea In Abatement; II. No Jurisdiction (except as provided above); III. Unclean Hands; IV. Res Judicata; V. Collateral Estoppel; VI. Lack of Standing.

As the Complaint fails to provide sufficient information concerning the allegations, the facts and the identity of the DOES, the Intervenor reserves their right to assert additional affirmative defenses. The Intervenor has not asserted defenses to the plaintiff's Third Cause of Action against DOES 21-50 because no Intervenor is named a DOE.

The Intervenor respectfully request the Court enter judgment:

1. Dismissing plaintiff's Complaint in this action, and all claims therein, with prejudice;
2. Declaring that the Commission shall continue to hold the Funds in trust for the Tribe until such time as the Tribe is duly organized as overseen by the BIA;
3. Awarding the Intervenor their costs; and granting such further relief as the Court deems appropriate.

December 22, 2010

Thomas Wolfrum,
Attorney for Intervenor

01911

VERIFICATION

We, the undersigned Intervenor in the above-entitled action have read the foregoing Complaint in Intervention and know the contents thereof. The same is true of each of our own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, each of us believes it to be true.

Each of us declares under penalty of perjury that the foregoing is true and correct and that this declaration was executed in California.

Dated this 18 day of December, 2010.

Yakima K. Dixie
Yakima K. Dixie

Velma WhiteBear
Velma WhiteBear

Antonia Lopez
Antonia Lopez

Antone Azevedo
Antone Azevedo

Michael Mendibles
Michael Mendibles

Evelyn F. Wilson, Sr.
Evelyn Wilson

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*

EXHIBIT “4”



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240

IN REPLY REFER TO:

Tribal Government Services
BCCO 01792

JUN 7 2001

Honorable Silvia Burley
Chairperson, California Valley Miwok Tribe
aka "Sheep Ranch Rancheria of Me-Wuk
Indians of California"
1055 Winter Court
Tracy, California 95376

Dear Chairperson Burley:

Thank you for your letter dated April 9, 2001, regarding the Tribal Council's desire to change the name of the *Sheep Ranch Rancheria of Me-Wuk Indians of California* to the *California Valley Miwok Tribe*. You have received conflicting information on how to accomplish the name change so you've requested us to clarify the matter.

The *Sheep Ranch Rancheria* (Tribe) is a small tribe that does not have a tribal constitution. The Tribe has a tribal council and conducts tribal business through resolution. A tribal resolution, such as resolution No. R-1-5-07-201, enacted by the Tribal Council on May 7, 2001, is sufficient to effect the tribal name change. The Tribe's new name has been included on the Tribal Entities List that will be published in the FEDERAL REGISTER later this year. *

Some tribes have constitutions that contain a provision that specifically states the tribe's official name. In that situation, the tribe will have to amend that particular provision in the constitution before the new name will be published in the FEDERAL REGISTER. On the other hand, if the tribal constitution does not contain a provision that sets out the tribe's official name, an amendment to the constitution is unnecessary. In such instances, the tribe can change its name by enacting a tribal ordinance to establish its official name.

We hope that this information resolves the matter for you.

Sincerely,

Deputy Commissioner of Indian Affairs

cc: Regional Director, Pacific Region w/copy of incoming
Superintendent, Central California Agency w/copy of incoming