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Control Commission

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CALIFORNIA VALLEY MIWOK TRIBE,

Plaintiff,

v.

**THE CALIFORNIA GAMBLING CONTROL
COMMISSION; and DOES 1 THROUGH 50,
Inclusive,**

Defendants.

No. 08-CV-0120 BEN AJB

**DEFENDANT CALIFORNIA
GAMBLING CONTROL
COMMISSION'S MOTION
FOR CHANGE OF VENUE**

28 U.S.C. § 1404(a)

Date: March 10, 2008

Time: 10:30 a.m.

Courtroom: 3

Judge: The Hon. Roger T. Benitez

Defendant California Gambling Control Commission ("Commission") hereby moves this Court to transfer the above-entitled action to the United States District Court for the Eastern District of California, Sacramento Division to 28 U.S.C. § 1404(a) in the interests of justice and for the convenience of parties and witnesses.

This motion is brought on the grounds that even though venue is proper in the Southern District of California because the Court acquired jurisdiction as a result of the removal of this action

1 from the Superior Court of the State of California for the County of San Diego, it is in the best
2 interests of all parties and judicial efficiency to transfer this action to the Eastern District of
3 California, Sacramento Division because: (a) the complaint alleges that the plaintiff resides in
4 Stockton, California which is in the Eastern District; (b) the Commission's offices are located in
5 Sacramento, California which is in the Eastern District; (c) under 28 U.S.C. § 1391, the action could
6 have been brought by plaintiff in the Eastern District of California; (d) the compact which forms the
7 basis for the above entitled action states a preference that this action should be brought in the
8 jurisdiction in which the plaintiff resides; (e) the complaint alleges facts indicating that the Doe
9 defendants in this suit, reside within the Eastern District of California.

10 This motion is based on the pleadings and papers on file in this action, this motion, the
11 Notice of Motion and Memorandum of Points and Authorities in Support Thereof filed
12 concurrently herewith and such other and further evidence as may be presented at a hearing on
13 this motion.

14 Dated: January 31, 2008

15 Respectfully submitted,

16 EDMUND G. BROWN JR.
Attorney General of the State of California

17 ROBERT L. MUKAI
18 Senior Assistant Attorney General

19 SARA J. DRAKE
Supervising Deputy Attorney General

20 RANDALL PINAL
21 Deputy Attorney General

22
23 /s/Peter H. Kaufman
PETER H. KAUFMAN
24 Deputy Attorney General
Attorneys for Defendant California Gambling Control
25 Commission

26 Motion for Change of Venue.wpd

27 SA2008300115

CERTIFICATE OF SERVICE

Case Name: **California Valley Miwok Tribe v. California Gambling Control Commission**
Court: **United States District Court, Southern District, Case No. 08-CV-0120 BEN
AJB**

I declare:

On **January 31, 2008**, I electronically filed the following document(s):

1. **NOTICE OF MOTION FOR CHANGE OF VENUE;**
2. **DEFENDANT CALIFORNIA GAMBLING CONTROL COMMISSION'S
MOTION FOR CHANGE OF VENUE; and**
3. **DEFENDANT CALIFORNIA GAMBLING CONTROL COMMISSION'S
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
MOTION FOR CHANGE OF VENUE TO THE EASTERN DISTRICT OF
CALIFORNIA SACRAMENTO DIVISION**

Electronic Mail Notice List

I have caused the above-mentioned document(s) to be electronically served on the following person(s), who are currently on the list to receive e-mail notices for this case:

mannycorrales@yahoo.com

Manual Notice List

The following are those who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing):

NONE

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **January 31, 2008**, at San Diego, California.

Roberta L. Matson

Declarant


Signature