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Control Commission  
11

12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
14

15 **CALIFORNIA VALLEY MIWOK TRIBE,**

16 Plaintiff,

17 v.

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

21 Defendants.  
22

No. 08-CV-0120 BEN AJB

**NOTICE OF MOTION TO  
DISMISS THE COMPLAINT FOR  
INJUNCTIVE RELIEF,  
DECLARATORY RELIEF,  
BREACH OF CONTRACT,  
BREACH OF FIDUCIARY DUTY  
AND INTENTIONAL  
INTERFERENCE WITH  
PROSPECTIVE ECONOMIC  
ADVANTAGE, OR, IN THE  
ALTERNATIVE, TO STAY  
PROCEEDINGS**

Hearing: March 10, 2008

Time: 10:30 a.m.

Courtroom: 3

Judge: The Hon. Roger T. Benitez

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25  
26 TO PLAINTIFF AND ITS ATTORNEY OF RECORD:

27 PLEASE TAKE NOTICE: that on March 10, 2008 at 10:30 a.m. or as soon thereafter as the  
28 matter may be heard in Department 3 of the United States Courthouse located at 940 Front

1 Street, San Diego, California, Defendant California Gambling Control Commission will move  
2 the Court for an order dismissing the Complaint in the above entitled matter pursuant to Rule  
3 12(b)(1), 12(b)(6) and 12(b)(7) of the Federal Rules of Civil Procedure, or, in the alternative,  
4 staying the proceedings pursuant to the Court's inherent authority.

5 Dated: January 31, 2008

6 Respectfully submitted,

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

8 ROBERT L. MUKAI  
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11 RANDALL PINAL  
12 Deputy Attorney General

13  
14 /s/Peter H. Kaufman  
15 PETER H. KAUFMAN  
16 Deputy Attorney General  
Attorneys for Defendant California Gambling Control  
17 Commission

18 Notice to Dismiss.wpd  
19 SA2008300115