

Manuel Corrales, Jr., Esq. SBN 117647

**Attorney at Law**

11753 Avenida Sivrita  
San Diego, California 92128  
Tel: (858) 521-0634  
Fax: (858) 521-0633  
Email: [mannycorrales@yahoo.com](mailto:mannycorrales@yahoo.com)

Terry Singleton, Esq. SBN 58316

**SINGLETON & ASSOCIATES**

1950 Fifth Avenue, Suite 200  
San Diego, California 92101  
Tel: (619) 239-3225  
Fax: (619) 702-5592  
Email: [terry@terrysingleton.com](mailto:terry@terrysingleton.com)

Attorneys for Plaintiff  
CALIFORNIA VALLEY MIWOK TRIBE

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

**CALIFORNIA VALLEY MIWOK TRIBE** Case No. 37-2008-00075326-CU-  
CO-CTL

Plaintiff,

vs.

**CALIFORNIA GAMBLING CONTROL  
COMMISSION,**

Defendant

**DECLARATION OF TROY M.  
WOODWARD IN SUPPORT OF  
PLAINTIFF'S SUPPLEMENTAL  
BRIEF [AUTHENTICATING TRIBAL  
COURT DECISION]**

Date: December 12, 2008  
Time: 8:30 a.m.  
Dept: 65  
Judge: Hon. Joan M. Lewis

I, Troy M. Woodward, declare that if called as a  
witness in this case, I could and would testify as follows:

1. That I am attorney at law duly licensed to  
practice in the State of Pennsylvania. My specialty is  
Federal Indian law and Tribal law. My business address is:

1 Native American Law & Development Center, 10220 Deer Trail  
2 Court, Suite 201, Dunkirk, Maryland, telephone (410) 257-  
3 5426. I have personal knowledge of the facts set forth  
4 herein.

5 2. I was born and reared on the Blackfeet Indian  
6 Reservation in Montana and am a Blackfeet descendant. I  
7 graduated from Brigham Young University in 1988 and Harvard  
8 Law School in 1991.

9 3. After law school, I worked for several years for  
10 the Department of Labor as a law clerk. My duties included  
11 legal research, recommending dispositions of cases and  
12 drafting legal opinions for signature by federal  
13 Administrative Appeals Judges.

14 4. I began work at the Department of the Interior in  
15 1994 as an attorney for the Department of the Interior in  
16 the Solicitors Office --Division of Indian Affairs in the  
17 Branch of Tribal Government and Alaska. While working at  
18 the Solicitor's office, I was charged with interpreting and  
19 writing opinions on all aspects of Federal Indian law  
20 including tribal government matters and the Indian Gaming  
21 Regulatory Act (IGRA). As an attorney I reviewed Tribal  
22 Constitutional amendments for federal approval, when  
23 required, and drafted Indian Lands opinions for gaming.

24 5. In 1998 I was hired by the Coushatta Tribe of  
25 Louisiana as their lead attorney. While lead attorney for  
26 Coushatta, I drafted and implemented Coushatta Tribal  
27 Codes, developed and implemented the Coushatta Tribal  
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1 Court, advised the Tribal Council on all matters relating  
2 to tribal membership and tribal government. I Drafted  
3 opinions and interpreted tribal laws. I advised the Tribe  
4 on the interplay among tribal law, state law and federal  
5 law. I was the lead Attorney to Tribe's Governing Body and  
6 advised the Tribe on all aspects of Tribal economic  
7 development and Economic Diversification

8 6. In 2000 I was invited to return home to become the  
9 lead attorney for my Tribe, the Blackfeet Nation. In my  
10 capacity as the Tribe's General Council, I was involved  
11 extensively in drafting and interpreting tribal laws. I  
12 advised the Tribe on matters relating to tribal governance,  
13 tribal membership, tribal jurisdiction and treaty rights.  
14 I was frequently consulted by the Blackfeet Tribal  
15 Appellate Court to weigh in on cases of import to the Tribe  
16 and provided advisory opinions to the Court as requested.  
17 I frequently represented the Blackfeet Tribe in Tribal  
18 Court and drafted proposed orders for the Court in matters  
19 involving the Tribe.

20 7. In 2001 I formed a partnership with Marcella  
21 Giles (Muscogee Creek), Giles and Woodward, PLLC,  
22 representing Indian Tribes and Individual Indians in  
23 matters of tribal government, membership, economic  
24 development and tribal relations with the federal  
25 government.

26 8. In 2003 I participated as a sole practitioner in  
27 the formation of the Native American Law & Economic  
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1 Development Center, an association of Individual Indian law  
2 practitioners that cooperatively shared practice resources.  
3 In that capacity, I was asked by Phillip Thompson, an  
4 attorney at the Center, if I would be interested in  
5 providing judicial services to the California Valley Miwok  
6 Tribe, including setting up and drafting procedures for the  
7 Tribe's court and acting as a tribal judge, if needed. I  
8 was subsequently contacted by the Tribe and hired to  
9 perform judicial services. In that capacity, I presided  
10 over an appeal lodged by Yakima K. Dixie with the Tribe and  
11 referred to the Tribal Court.

12 8. As the tribal judge, styled as Administrative  
13 Hearing Officer, I contacted the attorneys for both Mr.  
14 Dixie and the Tribe and instructed them that I had been  
15 hired to hear Mr. Dixie's appeal on his allegation that he  
16 never resigned his position of Tribal Chairperson.

17 9. As the tribal judge, I corresponded with and  
18 received evidence from the attorneys for Mr. Dixie and the  
19 Tribe. After the evidence was submitted, I ordered the  
20 parties to present additional evidence at a Hearing to be  
21 held in California. The Tribe appeared at the hearing but  
22 Mr. Dixie refused to appear. In light of Mr. Dixie's  
23 refusal to appear at the hearing, I determined to decide  
24 the matter on the written record submitted by the parties  
25 prior to the hearing.

26 10. As the tribal judge I examined the evidence  
27 submitted by Yakima Dixie and his attorneys as well as the  
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1 evidence submitted by the Tribe and its attorneys. Based  
2 on the evidence, I concluded that

3 (a) Silvia Burley was an enrolled member of the  
4 California Valley Miwok Tribe;

5 (b) Yakima Dixie failed to prove his allegations that  
6 he was unlawfully replaced as Chairperson of the Tribe;

7 (c) Mr. Dixie resigned his position as Chairperson;

8 (d) Silvia Burley was appointed to the position of  
9 Chairperson upon Mr. Dixie's resignation;

10 (e) Mr. Dixie was elected as the vice-Chairperson of  
11 the Tribe in the same election where Silvia Burley was  
12 elected as the Chairperson of the Tribe;

13 (f) Both Mr. Dixie and Ms. Burley acted in those  
14 offices in signing official tribal documents and in  
15 correspondence with the government of the United States  
16 subsequent to the election.

17 11. I found that the allegation by Mr. Dixie that he  
18 was fraudulently replaced as the Tribe's Chair was simply  
19 not supported by the evidence, particularly because Mr.  
20 Dixie participated in Tribal Government functions and  
21 signed documents as the Tribe's Vice-Chair subsequent to  
22 his resignation. In the Decision and Order I found it  
23 compelling that the federal district court for the Eastern  
24 District of California took judicial notice of evidence  
25 that Silvia Burley and Rashel Reznor are recognized by the  
26 BIA as the sole members of the governing body of the Sheep  
27 Ranch Rancheria of Me-wuk Indians.

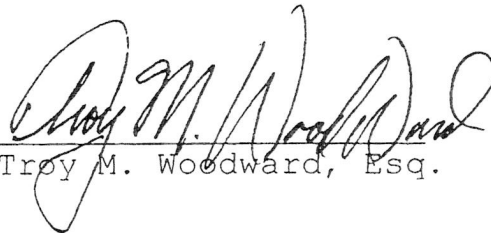
1        12. The Decision and Order means that Yakima Dixie was  
2 given due process and his claims were heard by an objective  
3 tribunal in tribal court, the proper forum for deciding  
4 tribal disputes. That decision is final for the Court and  
5 accurately reflects federal and tribal law on the matter.  
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7        13. Attached herewith and marked as Exhibit "27" is a  
8 true and correct copy of a "Decision and Order" I authored  
9 in Case No. CVMT-AH-2004-001, in the California Valley  
10 Miwok Court, on April 29, 2005. The signature appearing on  
11 page 26 of the Decision is mine.

12        I declare under penalty of perjury under the laws of  
13 the State of California that the foregoing is true and  
14 correct.

15        Executed this 6<sup>th</sup> day of January, 2009 at Dunkirk,  
16 Maryland.  
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Troy M. Woodward, Esq.