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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF SAN DIEGO**
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16 **CALIFORNIA VALLEY MIWOK**
17 **TRIBE,**

18 Plaintiff,

19 v.

20 **CALIFORNIA GAMBLING CONTROL**
21 **COMMISSION, et al.,**

22 Defendants,
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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

NOTICE OF MOTION AND MOTION TO
INTERVENE AS DEFENDANTS PURSUANT
TO CALIFORNIA CODE OF CIVIL
PROCEDURE SECTIONS 387(a) AND 387(b)

Law and Motion

Hearing Date: December 17, 2010

Hearing Time: 8:30 a.m.

Hearing Place: C-62

Trial

Trial Date: May 13, 2011

Trial Dept: C-62

Trial Judge: The Hon. Ronald L. Styn

Filing Date First Amended Complaint: August 29,
2008

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2 **TO PLAINTIFF, California Valley Miwok Tribe, The California Gambling Control**
3 **Commission and their respective attorneys of record:**

4 YOU ARE EACH HEREBY NOTIFIED THAT Applicant Intervenor, California Valley
5 Miwok Tribe, California (a.k.a. Sheep Ranch Rancheria Of Me-Wuk Indians, California, and
6 identified herein as the “Tribe”), Yakima K. Dixie, Velma WhiteBear, Antonia Lopez, Antone
7 Azevedo, Michael Mendibles, and Evelyn Wilson, will on December 17, 2010 at 8:30 a.m. or as
8 soon thereafter as the matter may be heard in Department of this Court, located at 200 West
9 Broadway, San Diego, California, will move the court for an order permitting them leave to
10 intervene as defendants in the above captioned action. Intervenor based their motion on the
11 grounds that intervention is permissive and mandatory pursuant to Sections 387(a) and 387(b) of
12 the California Code of Civil Procedure, that each Intervenor has an interest in the matter in
13 litigation, that each Intervenor is so situated that any judgment rendered in its absence may as a
14 practical matter impair or impede his, her or its ability to protect that interest and the interest is not
15 adequately represented by the current parties; Intervenor have a direct and immediate interest in
16 the matter in litigation, intervention will not enlarge the issues raised by the original parties and
17 the reasons for intervention outweigh any opposition by the existing parties.

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19 Intervenor are the Tribe and members of the California Valley Miwok Tribe previously
20 known as the Sheep Ranch Me-Wuk Indians of the Sheep Ranch Rancheria in Calaveras County,
21 California. Intervenor Mr. Dixie is also the Hereditary Chief, tribal authority and tribe chairperson
22 of the Tribe. As explained in the accompanying memorandum in support of this motion,
23 Intervenor do not recognize California Valley Miwok Tribe and do not recognize Silvia Burley as
24 a spokesperson or person of authority for the Tribe. In Intervenor’s view, Ms. Burley did not have
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1 the authority to file the instant suit in the name of the “California Valley Miwok Tribe” in San
2 Diego County Superior Court. Intervenors seek to intervene in this action to protect their interests
3 in the sums on deposit with the defendant The California Gambling Control Commission for the
4 Tribe.

5 The Motion In Intervention is based upon this Motion, this Notice of Motion, the
6 Memorandum of Points and Authorities filed separately, Exhibits A – I lodged with Department
7 62 of the Superior Court In and For San Diego County, a proposed “Complaint” in Intervention
8 filed separately, six (6) individual Declaration(s) filed separately by Intervenors Yakima K. Dixie,
9 Velma WhiteBear, Michael Mendibles, Evelyn Wilson, Antone Azevado, and Antonia Lopez, the
10 declaration of Chadd Everone, the records and files in this action and any such further evidence
11 and argument as may be presented prior to or at the time of hearing on the motion. A proposed
12 Order for Intervention will also be lodged in support of the Motion to Intervene.
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15 The grounds for this Motion are set out in the accompanying Memorandum of Points and
16 Authorities in Support of Motion.
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18 Respectfully submitted October 30, 2010.

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21 Thomas W. Wolfrum, Esq.
22 Attorney for Intervenors
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