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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'S OPPOSITION TO
MOTION TO INTERVENE;
MEMORANDUM OF POINTS AND
AUTHORITIES**

Plaintiff,

vs.

**CALIFORNIA GAMBLING CONTROL
COMMISSION,**

Defendant.

Date: December 17, 2010
Time: 8:30 a.m.
Dept: 62
Judge: Hon. Ronald Styn
Trial Date: May 13, 2011

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2
3 Plaintiff CALIFORNIA VALLEY MIWOK TRIBE ("the Miwok
4 Tribe" or "the Tribe") submits the following in Opposition
5 to the Motion to Intervene filed by Applicants YAKIMA K.
6 DIXIE, VELMA WHITEBEAR, ANTONIA LOPEZ, ANTONE AZEVEDO,
7 MICHAEL MENDIBLES, EVELYN WILSON, and an association
8 purporting to be the CALIFORNIA VALLEY MIWOK TRIBE
9 (collectively "the Dixie Applicants").

10 I.

11 INTRODUCTION

12 The Miwok Tribe is a federally-recognized Indian Tribe
13 situated in Stockton, California. Here, one of the Dixie
14 Applicants claims to be the California Valley Miwok Tribe
15 as well, albeit under the leadership of Chadd Everone
16 ("Everone") who is simply using Yakima Dixie's name to form
17 a "copy-cat" tribe, since Yakima Dixie has been in and out
18 of prison and is not competent to handle his own affairs.
19 (See paragraph 1 to Everone Declaration, describing himself
20 as "the Deputy" of the Tribe and "to Yakima Dixie"; Pl. Ex.
21 "37", Dixie's prison records). To avoid confusion, the
22 Plaintiff CALIFORNIA VALLEY MIWOK TRIBE under Silvia
23 Burley's leadership will be referred to as the "Miwok
24 Tribe" or "the Tribe", while the Applicant CALIFORNIA
25 VALLEY MIWOK TRIBE under Everone's leadership will be
26 referred to as the "Everone Tribe". Everone has been using
27 Dixie to take over the Miwok Tribe, so that he and a
28 wealthy land developer can one day build a casino in the

1 name of the Tribe. (See Pl. Ex. "38", letter from
2 developer to Everone confirming an agreement to finance
3 litigation efforts to take over the Miwok Tribe from Silvia
4 Burley).

5 The Miwok Tribe has filed for injunctive and
6 declaratory relief, including mandamus, against the
7 California Gambling Control Commission ("the Commission"),
8 seeking to have the Commission release to the Miwok Tribe
9 payments withheld under a State fund called the Revenue
10 Sharing Trust Fund ("RSTF"), and to resume quarterly
11 payments. The Court of Appeal has rejected the
12 Commission's assertion that the Tribe under Silvia Burley's
13 leadership has no standing or capacity to file this present
14 action because it is "involved in an internal leadership
15 dispute, or whose constitution is not approved under the
16 IRA..." (See pages 16 and 18 of the Court of Appeal
17 Decision).

18 The Commission makes RSTF payments to Non-Compact
19 tribes under a 1999 tribal-state Compact ("the Compact")
20 entered into between the State of California and
21 approximately 57 tribes who operate gambling casinos. (Pl.
22 Ex. "25"). Non-Compact tribes are entitled to RSTF
23 payments as federally-recognized tribes having no casinos,
24 or having less than 350 gaming devices (i.e., "slot
25 machines") if they have no casino. The Miwok Tribe is a
26 Non-Compact tribe with no casino.

1 The Commission had previously made RSTF payments to the
2 Miwok Tribe, but stopped in August of 2005. In fact, in
3 October of 2004, the Commission successfully opposed
4 Dixie's request for a TRO in the Superior Court, wherein he
5 sought to prevent the Commission from distributing RSTF
6 payments to the Miwok Tribe in care of Burley by raising
7 the same issues he raises in the proposed intervention
8 here. The Commission maintained that it still intended to
9 pay the Tribe through Burley, because she was the
10 recognized representative for the Tribe, despite any
11 leadership dispute, etc. (Pl. Ex. "33"). That prior court
12 ruling bars the Dixie Applicants' motion on res judicata
13 and/or collateral estoppel grounds.

14 To date, there is over \$6.6 million being withheld from
15 the Tribe.

16 The Commission claims it cannot now disburse RSTF
17 payments to the Miwok Tribe because: (1) the Tribe does
18 not have a governing constitution "organized" under the
19 Indian Reorganization Act of 1934 ("IRA"); (2) there is a
20 pending Tribal leadership dispute; and (3) the Tribe does
21 not constitute all potential members in the surrounding
22 Indian community. The Commission has admitted that the
23 language of the Compact alone determines whether an Indian
24 tribe is entitled to receive RSTF payments as a Non-Compact
25 tribe.

26 Under the Compact, there is no requirement that a Non-
27 Compact tribe must be "organized" under the IRA in order to
28

1 receive RSTF payments. All that the Compact requires is
2 that the recipient tribe must be a federally-recognized
3 tribe listed in the FEDERAL REGISTER and have selected an
4 authorized representative to receive RSTF payments for the
5 Non-Compact tribe. (Section 4 of Compact). Both of these
6 requirements have been met in this case with respect to the
7 Miwok Tribe. Moreover, there is no legal requirement that
8 an Indian tribe organize its government under the IRA.

9 Also, the previous Tribal leadership dispute between
10 Burley and Dixie was resolved through a Tribal Court
11 decision in 2005. In addition, this court has no
12 jurisdiction to decide Indian tribal membership disputes.

13 The Dixie Applicants must be divided into three (3)
14 categories: (1) Yakima Dixie, who is now a member of the
15 Miwok Tribe; (2) Velma Whitebear, Antonia Lopez, Antone
16 Azevedo, Michael Mendibles and Evelyn Wilson, who are not
17 members of the Miwok Tribe; and (3) the Everone Tribe.
18 None of these applicants is entitled to intervene in this
19 action for both mutual and independent reasons.

20 The motion is nevertheless untimely. But even if it
21 were, none of the Dixie Applicants is entitled to mandatory
22 intervention, because, except for Dixie, none of them
23 enjoys membership in the Miwok Tribe. Dixie's interests
24 are adequately represented by virtue of his current
25 membership in the Miwok Tribe. The Everone Tribe has no
26 interest to protect, because it is not a federally-
27 recognized tribe, and only federally-recognized tribes with
28

1 fewer than 350 gaming devices qualify as Non-Compact tribes
2 under the Compact. (Section 4 of the Compact).

3 Neither do any of the Dixie Applicants qualify for
4 permissive intervention, because their proposed
5 intervention will improperly enlarge the issues in this
6 case by re-litigating the now resolved leadership dispute
7 between Dixie and Burley, litigating who is entitled to be
8 a member of the Miwok Tribe, and requiring the Miwok Tribe
9 to be "organized" under the IRA. Neither the state court
10 nor the federal court has jurisdiction to resolve any of
11 these issues. They are exclusively within the Miwok Tribe
12 to decide itself. Finally, the proposed Complaint in
13 Intervention is barred by res judicata/collateral estoppel.

14 II.

15 ARGUMENT

16 A. THE MOTION TO INTERVENE IS UNTIMELY

17 First and foremost, the motion to intervene should be
18 denied as untimely. CCP Section 387, the intervention
19 statute, provides that both mandatory and permissive
20 intervention is available only "upon timely application".
21 See Sanders v. Pacific Gas & Elec. Co. (1975) 53 CA3d 661,
22 668-669 (emphasizing that "a right to intervene should be
23 asserted within a *reasonable time* and that the intervener
24 must not be guilty of an *unreasonable delay after knowledge*
25 *of the suit*).

26 Yakima Dixie, as the self-asserted yet former "Chief"
27 of the Miwok Tribe now lawfully headed by Silvia Burley,
28

1 sought to intervene prior to remand when this case was in
2 federal court, but specifically declined to intervene after
3 remand, choosing instead to offer up an "Amicus Brief" in
4 support of the Commission's demurrer, which the trial court
5 rejected. (Pl. Ex. "40"). Moreover, Dixie failed to take
6 any steps to participate in the appeal of this case that
7 resulted in the reversal of the dismissal following the
8 order sustaining the demurrer without leave to amend.
9 There is no excuse for the tardiness of this application,
10 since the Dixie Applicants, through their avowed leader,
11 Yakima Dixie, and his Deputy, Chadd Everone, knew of the
12 pending lawsuit over two years ago. The Dixie Applicants
13 made a strategic decision to wait until after the appeal in
14 this case to seek to intervene, solely to delay these
15 proceedings. Accordingly, the court should exercise its
16 discretion and deny the application as untimely. Northern
17 Cal. Psychiatric Soc. v. City of Berkeley (1986) 178 CA3d
18 90, 109.

19
20 **B. THE DIXIE APPLICANTS ARE NOT ENTITLED TO MANDATORY**
21 **INTERVENTION**

22 Even assuming a timely application, the Dixie
23 Applicants are not entitled to mandatory intervention,
24 because none of them is subject to compulsory joinder,
25 which requires that they each have an *interest in the*
26 *property or transaction* involved in the litigation. CCP
27 Section 387(b); Siena Court Homeowners v. Green Valley
28 (2008) 164 CA4th 1416, 1424-27. Except for Dixie, none of

1 the member applicants is a member of the Miwok Tribe, and
2 thus they each can have no interest in the presently
3 withheld RSTF money. Under the Compact, RTSF benefits are
4 only payable to the Non-Compact tribe, not to individual
5 members. How the money is distributed once paid out, is
6 strictly a Tribal matter. Williams v. Gover (9th Cir. 2007)
7 490 F.3d 785, 788 (holding that a small tribe not
8 "organized" under the IRA had the inherent sovereign right
9 to pass "resolutions" or ordinances governing the affairs
10 of tribal business); Santa Clara Pueblo v. Martinez (1978)
11 436 U.S. 49, 62-63.

12 By virtue of his membership in the Tribe Dixie's
13 interest in the litigation is adequately represented by the
14 Miwok Tribe, making it unnecessary for him to intervene.
15 CCP Section 387(b) ("...unless that person's interest is
16 adequately represented by existing parties..."); City of
17 Malibu v. California Coastal Com. (2005) 128 CA4th 897,
18 906. The Everone Tribe has no interest in the withheld
19 RSTF money, because it is not a federally-recognized Indian
20 tribe, and only federally-recognized Indian tribes who
21 operate less than 350 gaming devices are entitled to
22 receive RSTF payments as Non-Compact tribes.

23 **C. THE DIXIE APPLICANTS ARE NOT ENTITLED TO PERMISSIVE**
24 **INTERVENTION**

25 Neither is any of the Dixie Applicants entitled to
26 permissive intervention, which requires that: (1) they each
27 have a *direct and immediate interest* in the litigation; (2)
28

1 the intervention will *not enlarge the issues* in the case;
2 and (3) the *reasons* for intervention *outweigh* any
3 opposition by the existing parties. As explained, none of
4 the Dixie Applicants have an interest in the RSTF funds,
5 except Dixie, because they are not members of the Miwok
6 Tribe. Dixie's interests are protected by virtue of his
7 membership. The Everone Tribe does not qualify as a Non-
8 Compact tribe under the Compact.

9 In reality, the Dixie Applicants seek to enlarge the
10 issues in this case, by attempting to re-litigate the now
11 resolved leadership dispute, litigate who is entitled to be
12 a member of the Miwok Tribe, and require the Miwok Tribe to
13 be "organized" under the IRA. However, this court has no
14 jurisdiction to decide any of these three basic issues.

15 **a. Attempted Re-litigation of Leadership Dispute**

16 The "leadership dispute" the Dixie Applicants wish to
17 inject into this litigation was resolved by the Miwok Tribe
18 in 2005 through a Tribal Court decision, which is entittled
19 to "full faith and credit". Santa Clara Pueblo, supra at
20 65, fn. 21. Neither this court nor any federal court has
21 jurisdiction to either pass judgment on the merits of that
22 Tribal decision or re-litigate the issue. Santa Clara
23 Pueblo, supra at 59 ("'[S]ubject[ing] a dispute arising on
24 the reservation among reservation Indians to a forum other
25 than the one they have established for themselves'
26 [citation omitted], may 'undermine the authority of the
27 tribal cour[t]...and hence infringe on the right of the
28

1 Indians to govern themselves.'" (citing Williams v. Lee
2 (1959) 358 U.S. 217, 223)).

3 The Miwok Tribe's authority to resolve the leadership
4 dispute is supported by its power to pass resolutions to
5 govern the affairs of the Tribe, which the BIA has already
6 recognized. This recognized right to pass resolutions
7 finds its genesis in the resolution it passed on May 1,
8 2001, (Resolution No. R-1-5-07-2001) changing the name of
9 the Tribe from "Sheep Ranch Rancheria of Me-Wuk Indians of
10 California" to "California Valley Miwok Tribe." (Pl. Ex.
11 "20"). The Tribe thereafter asked the BIA to formally
12 change the name and place the new name in the FEDERAL
13 REGISTER listing federally-recognized tribes. The BIA
14 accepted the resolution and then made the change in the
15 FEDERAL REGISTER in 2001. (Pl. Ex. "21"). To this end, on
16 June 7, 2001, the BIA wrote Silvia Burley, the Chairperson
17 of the Tribe, as follows:

18
19 "The Sheep Ranch Rancheria (Tribe) is a small tribe
20 that does not have a tribal constitution. The Tribe
21 has a tribal council and conducts tribal business
22 through resolutions. A tribal resolution, such as
23 resolution No. R-1-5-07-2001, enacted by the Tribal
24 Council on May 7, 2001, is sufficient to effect the
25 tribal name change. The Tribe's new name has been
26 included on the Tribal Entities List that will be
27 published in the FEDERAL REGISTER later this year."

28 (Pl. Ex. "21"). The BIA has been publishing the Tribe's
new name in the FEDERAL REGISTER every year, since
accepting the change in 2001, and it has never revoked its

1 original action. By publishing the Tribe's new name in the
2 FEDERAL REGISTER every year, the BIA is repeatedly
3 acknowledging the Miwok Tribe's right to pass resolutions
4 in conducting tribal business under Burley's leadership.

5 The most recent FEDERAL REGISTER, dated August 11,
6 2009, again lists the tribe under its new name, California
7 Valley Miwok Tribe. (Pl. Ex. "30"). The list is preceded
8 with a statement that the 564 listed tribal entities (which
9 includes the Miwok Tribe) are "recognized and eligible for
10 funding and services from the Bureau of Indian Affairs by
11 virtue of their status as Indian tribes." (Pl. Ex. "30").
12 The "copy-cat" Everone Tribe is not listed, nor has it ever
13 been. The tribe listed as the California Valley Miwok
14 Tribe in the FEDERAL REGISTER can only mean the Tribe under
15 Burley's leadership, since it was the resolution of that
16 tribe (not the "copy-cat" Everone Tribe) which the BIA
17 accepted for the name change. In addition, the Assistant
18 Secretary of the Department of Interior, Indian Affairs,
19 Larry Echo Hawk, makes the following statement preceding
20 the list of Indian tribal entities:

21 "The listed entities are acknowledged to have the
22 immunities and privileges available to other federally
23 acknowledged Indian tribes by virtue of their
24 **government-to-government relationship with the United**
25 **States** as well as the responsibilities, powers,
26 limitations and obligations of such tribes..."
27 (Emphasis added).

28 (Pl. Ex. "30"). Not only does Mr. Echo Hawk confirm that
the Miwok Tribe has the powers and privileges of federally
acknowledged Indian tribes, which would include the right

1 of self-government and the authority to pass resolutions,
2 but he acknowledges that the BIA has a government-to-
3 government relationship with the Tribe. The court can take
4 judicial notice of this fact. Evid. Code Section 452(c).
5 Thus, the Dixie Applicants' contention that the BIA does
6 not acknowledge the Tribal government under Burley's
7 leadership is trumped by Mr. Echo Hawk's most recent
8 official statement in the FEDERAL REGISTER that it does.
9 Since this is also the Commission's central, underlying
10 defense in this action, the Dixie Applicants' interests
11 will be adequately represented without their participation.
12 CCP Section 387(b).

13 With its inherent right to pass resolutions, as
14 previously acknowledged by the BIA, the same Tribal Council
15 later passed a resolution establishing an "administrative
16 forum" to hear and decide Dixie's challenge to Burley's
17 position as Chairperson of the Miwok Tribe. (Pl. Ex. "20").
18 Resolution No. R-1-02-04-2004, dated February 4, 2004,
19 directed that a hearing officer with "significant Native
20 American law experience" be appointed to hear the matter.
21 (Pl. Ex. "20", page 2). The dispute was heard on January
22 18, 2005, by Harvard educated Troy Woodward. Dixie and
23 Burley participated and presented their respective
24 evidence, and a written decision was rendered in Burley's
25 favor on April 29, 2005. (Pl. Ex. "21"). It is this Tribal
26 Court action that the Dixie Applicants wish to re-litigate
27 in this action. However, since the Tribal Court was set up
28 with the same resolution authority the BIA acknowledged

1 when it accepted the Tribe's name change, the Dixie
2 Applicants' claim that the Tribal Council had no authority
3 to do so is without merit.

4 The doctrine of tribal sovereignty, "the most basic
5 principle of all Indian law", gives the Miwok Tribe the
6 right to function and exist as a tribe outside the IRA, and
7 the power to pass "resolutions" or ordinances governing the
8 affairs of tribal business. Williams v. Gover, supra at
9 788, fn. 12 (Mooretown Rancheria Tribe, a tribe not
10 organized under the IRA, passed a tribal resolution
11 reclassifying tribal membership, which was observed as an
12 act and inherent right of the tribe "central to its
13 existence as an independent political community").

14 **b. Improper Attempt to Litigate Membership Issues**

15 As recognized by the Court of Appeal in this case, "[a]
16 tribe's right to define its own membership for tribal
17 purposes has long been recognized as central to its
18 existence as an independent political community..." (citing
19 Santa Clara Pueblo, supra), and "[a]n Indian tribe has the
20 power to define membership as it chooses, subject to the
21 plenary power of Congress." (citing Williams v. Gover,
22 supra). (Court of Appeal Decision, page 8, fn. 9). Thus,
23 neither this court, nor any federal court, has jurisdiction
24 to decide whether the Dixie Applicants, or any other
25 persons, should be members of the Miwok Tribe, so as to be
26 entitled to the subject RSTF benefits the Commission is
27 withholding. Not even the BIA can intervene in those
28 matters. For example, in Williams v. Gover, supra, the

1 Mooretown Rancheria Tribe, a small tribe, passed a
2 resolution "squeezing out" other of full tribal membership.
3 The federal Court of Appeals affirmed the dismissal of the
4 "squeezed out" group's suit against the BIA, concluding
5 that the BIA had no power to interfere with the tribe's
6 determinations of tribal membership, "even if it had
7 tried". 490 F.3d at 491; see also Martinez v. Southern Ute
8 Tribe (10th Cir. 1957) 249 F.2d 915, 920-921 (holding that
9 "tribes, not the federal government, retain authority to
10 determine tribal membership").

11 **c. No Requirement that the Tribe be "Organized" under**
12 **the Indian Reorganization Act of 1934 ("IRA")**

13 The Dixie Applicants argue that intervention is
14 necessary to insure that the Commission "holds the Funds in
15 trust until the Tribe is 'organized'...as required by the
16 BIA and [the Commission]". (Pages 8 and 10 of Motion).
17 However, the Compact does not require a Non-Compact tribe
18 to be "organized" under the IRA, and the BIA cannot force
19 the Tribe to do so. (See Section 4.0 of the Compact).

20 As recognized by the Court of Appeal in this case, "a
21 tribe may choose not to organize under the IRA, and many
22 tribes have accordingly adopted constitutions using
23 procedures not set forth in the IRA, and several tribes
24 exist without any written constitution". (citing
25 authority). (Page 8, fn. 9 of Court of Appeal Decision);
26 see Kerr-McGee Corporation v. Navajo Tribe of Indians (9th
27 Cir. 1984) 731 F.2d 597, 603-604 (noting that the Navajo
28 Tribe never adopted a constitution and that the choice of

1 government is, itself, an act of self-government),
2 affirmed, 471 U.S. 195, 105 S.Ct. 1900 (1985). Thus, this
3 issue is beyond the jurisdiction of this court to decide.

4 In short, the issues in this case are limited to
5 contract interpretation of what the Compact says and what
6 it doesn't say about the Commission's duty to disburse RSTF
7 to the Miwok Tribe. The proposed intervention would
8 improperly enlarge these limited issues.

9 **D. THE INTERVENORS' CLAIMS ARE BARRED BY RES JUDICATA
10 AND/OR COLLATERAL ESTOPPEL**

11 The present motion raises the same issues Dixie lost on
12 in his prior request for a TRO against the Commission in
13 October of 2004, when he sought to prevent the Commission
14 from disbursing RSTF payments to the Tribe via Burley.
15 (Pl. Ex. "41", prior order denying TRO request). The
16 Superior Court ruled previously against Dixie as follows:

17 In this case, [Dixie's] apparent goal is a writ either:
18 (1) commanding the California Gambling Control
19 Commission ("CGCC") to acknowledge [Dixie] as the
20 Tribe's authorized representative for RSTF purposes;
21 (2) prohibiting the CGCC from acknowledging Silvia
22 Burley as the Tribe representative pending [Dixie's]
23 final litigation of tribal authority related issues
24 before the Bureau of Indian Affairs ("BIA"); or (3)
25 prohibiting the CGCC from disbursing RSTF monies to the
26 Tribe until [Dixie's] BIA contest is finally
27 adjudicated...

28 Moreover, the TRO essentially requests the court to
order the California Gambling Control Commission to act
contrary to its statutory duty, which the court
declines to do. Government Code section 12012.9(d)
requires the CGCC to distribute the RSTF money "without
delay" to each eligible Indian tribe. **Thus, until**

1 otherwise determined by the federal government, those
2 funds in question must be distributed to the Tribe.
3 [Dixie's] claims to be the proper and lawfully
4 acknowledged chief of the Tribe **must be resolved**
5 either **by the Tribe** or the appropriate federal agency.
6 This court lacks jurisdiction to make such a
7 determination.... (Emphasis added).

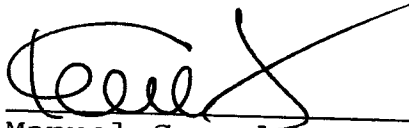
8 (Order dated Oct. 27, 2004, Pl. Ex. "41"). Dixie never
9 appealed that order, and the judgment is now final. Thus,
10 the doctrine of res judicata and collateral estoppel
11 prevents this court from reassessing of merits of that
12 prior determination. Border Bus. v. City of San Diego
13 (2006) 142 CA4th 1538, 1565-1566 (prior ruling on demurrer
14 barred re-litigation in subsequent suit of issues that were
15 actually litigated, including "any legal theory or factual
16 matter which could have been asserted in support of or in
17 opposition to the issue which was litigated"). Since Dixie
18 claims to be the avowed leader of the other Dixie
19 Applicants, the privity requirement is met for the
20 application of both claim and issue preclusion. Housing
21 Authority v. Workers Comp. Appeals Bd. (1998) 60 CA4th
22 1076, 1083.

23 III.

24 CONCLUSION

25 For the foregoing reasons, the motion to intervene
26 should be denied.

27 DATED: 11/29/2010

28 
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Attorney for Plaintiff
CALIFORNIA VALLEY MIWOK TRIBE

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16 CALIFORNIA VALLEY MIWOK TRIBE

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

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

30 Plaintiff,

31 vs.

32 **CALIFORNIA GAMBLING CONTROL
33 COMMISSION,**

34 Defendant.

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**PLAINTIFF'S REQUEST FOR
JUDICIAL NOTICE RE:
OPPOSITION TO MOTION TO
INTERVENE**

Date: December 17, 2010

Time: 8:30 a.m.

Dept: 62

Judge: Hon. Ronald Styn

Trial Date: May 13, 2011

1 Pursuant to California Evidence Code Sections 452(a),
2 (c), (d) and (h), Plaintiff CALIFORNIA VALLEY MIWOK TRIBE
3 ("the Tribe") hereby requests that the Court take judicial
4 notice of the documents described below, which are attached

1 to the declaration of Manuel Corrales, Jr., filed in
2 opposition to the motion to intervene.

3 1. Exhibit "1": Letter dated July 12, 2000, from
4 Dale Risling of the Bureau of Indian Affairs ("BIA").
5 Evidence Code Section 452(c).

6 2. Exhibit "2": Letter dated July 26, 2000, from
7 Dale Risling of the BIA. Evidence Code Section 452(c).

8 3. Exhibit "3": Letter dated November 24, 2003, from
9 Dale Risling of the BIA. Evidence Code Section 452(c).

10 4. Exhibit "4": Letter dated March 26, 2004, from
11 Dale Risling of the BIA. Evidence Code Section 452(c).

12 5. Exhibit "5": Letter dated July 19, 2005, from
13 Janis L. Whipple-DePina of the BIA. Evidence Code Section
14 452(c).

15 6. Exhibit "6": Letter dated August 4, 2005, from
16 the CALIFORNIA GAMBLING CONTROL COMMISSION ("the
17 Commission"). Evidence Code Section 452(c).

18 7. Exhibit "7": Letter dated June 27, 2006, from the
19 Commission. Evidence Code Section 452(c).

20 8. Exhibit "8": Letter dated January 29, 2007, from
21 the BIA. Evidence Code Section 452(c).

22 9. Exhibit "9": Letter dated June 4, 2007, from the
23 Commission. Evidence Code Section 452(c).

24 10. Exhibit "10": Letter dated June 26, 2007 from the
25 Commission. Evidence Code Section 452(c).

26 11. Exhibit "11": Letter dated June 19, 2007, from
27 the BIA. Evidence Code Section 452(c).

1 12. Exhibit "12": Letter dated September 24, 2007,
2 from the Commission. Evidence Code Section 452(c).

3 13. Exhibit "13": Commission's Report dated November
4 8, 2007. Evidence Code Section 452(c).

5 14. Exhibit "14": Letter dated December 14, 2007,
6 from the BIA. Evidence Code Section 452(c).

7 15. Exhibit "15": Letter dated December 21, 2007, to
8 the Commission. Evidence Code Section 452(c).

9 16. Exhibit "16": Letter dated January 2, 2008, to
10 the Commission. Evidence Code Section 452(c).

11 17. Exhibit "17": Letter dated January 3, 2008, from
12 the Commission. Evidence Code Section 452(c).

13 18. Exhibit "18": Letter dated January 4, 2008, to
14 the Commission. Evidence Code Section 452(c).

15 19. Exhibit "19": Tribal Resolution No. R-1-08-14-
16 2009, dated August 14, 2009. Evidence Code Section 452(c).

17 20. Exhibit "20": Tribal Resolution No. R-1-5-07-
18 2001, dated May 7, 2001. Evidence Code Section 452(c).

19 21. Exhibit "21": Letter dated June 7, 2001, from the
20 BIA. Evidence Code Section 452(c).

21 22. Exhibit "22": Tribal Resolution No. R-1-02-04-
22 2004, dated February 4, 2004. Evidence Code Section
23 452(c).

24 23. Exhibit "23": Tribal Court Decision dated SApril
25 29, 2005. Evidence Code Section 452(c) and (d).

1 24. Exhibit "24": Tribal Resolution No. R-1-02-24-
2 2010, dated February 24, 2010. Evidence Code Section
3 452(c).

4 25. Exhibit "25": California Tribal-State Gaming
5 Compact, dated February 2002. Evidence Code Section
6 452(d).

7 26. Exhibit "26": List of all Compact Tribes in
8 California as found on the Commission's website. Evidence
9 Code Section 452(c).

10 27. Exhibit "27": The Commission's Revenue Sharing
11 Trust Fund ("RSTF") report dated January 26, 2006.
12 Evidence Code Section 452(c).

13 28. Exhibit "28": The Commission's RSTF report dated
14 July 22, 2010. Evidence Code Section 452(c).

15 29. Exhibit "29": List of Non-Compact Tribes from the
16 Commission's website, dated March 29, 2010. Evidence Code
17 Section 452(c).

18 30. Exhibit "30": Letter Dated June 14, 2010, from
19 Terresa A. Ciau, the Executive Director of the Commission.
20 Evidence Code Section 452(c).

21 31. Exhibit "31": FEDERAL REGISTER publication dated
22 August 11, 2009, showing a list of all federally-recognized
23 tribes. Evidence Code Section 452(c).

24 32. Exhibit "32": Excerpts from legal treatise on
25 Indian Law, from Charles Wilkinson. Evidence code Section
26 452(h).

1 33. Exhibit "33": Memorandum of Points and
2 Authorities filed by the Commission in Sacramento Superior
3 Court on October 22, 2004. Evidence Code Section 452(d).

4 34. Exhibit "34": The declaration of Gary Qualset
5 filed in the Sacramento Superior Court on October 22, 2004.
6 Evidence Code Section 452(d).

7 35. Exhibit "35": The declaration of Troy Woodward
8 together with his attached decision, filed in the San Diego
9 Superior Court on January 7, 2009. Evidence Code Section
10 452(d).

11 36. Exhibit "36": The Court of Appeal decision in
12 this case, California Valley Miwok Tribe v. California
13 Gambling Control Commission, Case No. D054912, filed April
14 16, 2010. Evidence Code Section 452(d).

15 37. Exhibit "37": Relevant prison records on Yakima
16 Dixie from County of Calaveras. Evidence Code Section
17 452(c) and (d).

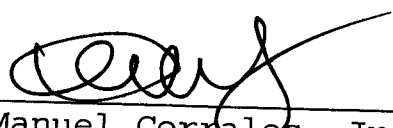
18 38. Exhibit "38": Letter dated May 17, 2006, from
19 Albert Seeno to Chadd Everone. Evidence Code Section
20 452(h).

21 39. Exhibit "39": Reply papers file by Dixie's
22 attorney in the San Diego Superior Court, dated October 24,
23 2008. Evidence Code Section 452(d).

24 40. Exhibit "40": Order Denying Application for Leave
25 to File Amicus Curiae Brief", dated November 21, 2008, in
26 the San Diego Superior Court. Evidence Code section
27 452(d).

1 41. Exhibit "41": Ruling from the Sacramento Superior
2 Court denying Yakima Dixie's request for a TRO, dated
3 October 27, 2004.

4
5
6 Dated December 1, 2010.


Manuel Corrales, Jr., Esq.
Attorney for Plaintiff
CALIFORNIA VALLEY MIWOK
TRIBE