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23 CALIFORNIA VALLEY MIWOK TRIBE

24  
25 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
26 **COUNTY OF SAN DIEGO - CENTRAL DISTRICT**

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

28 Plaintiff,

vs.

**CALIFORNIA GAMBLING CONTROL**  
**COMMISSION,**

Defendant.

**PLAINTIFF'S EX PARTE**  
**APPLICATION FOR ENTRY OF**  
**JUDGMENT AGAINST DEFENDANT**  
**CALIFORNIA GAMBLING CONTROL**  
**COMMISSION; DECLARATION OF**  
**MANUEL CORRALES, JR.**

Date: September 7, 2011  
Time: 8:30 a.m.  
Dept. 62  
Judge: Hon. Ronald Styn

1 Plaintiff CALIFORNIA VALLEY MIWOK TRIBE ("the Tribe" or  
2 "Plaintiff") hereby applies ex parte for entry of judgment  
3 against the Defendant CALIFORNIA GAMBLING CONTROL  
4 COMMISSION ("the Commission") on the following grounds:

5  
6 **THE ASSISTANT SECRETARY OF THE U.S. DEPARTMENT OF INTERIOR,**  
7 **LARRY ECHO HAWK, HAS ISSUED HIS RECONSIDERED DECISION**  
8 **AFFIRMING HIS PRIOR DECEMBER 22, 2010 DECISION IN FAVOR OF**  
9 **THE TRIBE**

10 1. On August 31, 2011, the Assistant Secretary of the  
11 U.S. Department of Interior, Larry Echo Hawk, issued his  
12 long-awaited reconsidered decision. In it, he reaffirmed  
13 his December 22, 2010, decision letter that the Tribe is a  
14 federally-recognized tribe consisting of five (5) members  
15 which operates under a General Council form of government  
16 pursuant to Resolution #CG-98-01, which effectively  
17 recognized Silvia Burley as the Chairperson of the Tribe.  
18 He further reaffirmed that the Tribe is not required to  
19 expand its five (5) adult membership to so-called  
20 "potential citizens", and that it is not required to  
21 organize its present form of government under the Indian  
22 Reorganization Act of 1934 ("IRA").

23 2. On March 11, 2011, Plaintiff successfully sought  
24 and obtained an order granting judgment on the pleadings as  
25 to the Commission. The Court ruled that the Commission's  
26 Answer did not state facts sufficient to constitute a  
27 defense to the Complaint, in light of the Assistant  
28 Secretary's December 22, 2010 decision letter. The  
Commission's sole defense in withholding Revenue Sharing

1 Trust Fund ("RSTF") money paid out for the Tribe since 2005  
2 was that the Tribe purportedly did not have a governing  
3 body recognized by the U.S. government, that a leadership  
4 dispute called into question Silvia Burley's right to act  
5 as Chairperson for the Tribe, and that the Tribe was  
6 required to be organized under the IRA and include within  
7 its membership other "potential" members in the surrounding  
8 community. The Assistant Secretary's December 22, 2011  
9 decision letter, however, refuted each one of these  
10 defenses. The Court then took judicial notice of that  
11 decision and, on March 11, 2011, granted the motion, and  
12 directed Plaintiff's counsel to prepare the judgment. The  
13 Court also directed Plaintiff's counsel to prepare a  
14 separate order giving the Commission a statutory, temporary  
15 stay of execution on the judgment.

16 3. In accordance with the Court's order, Plaintiff's  
17 counsel circulated a proposed judgment to defense counsel  
18 for the Commission. When the parties could not agree on  
19 the language of both the proposed judgment and the proposed  
20 order staying enforcement of the judgment, the parties  
21 submitted their respective versions to the Court.

22 4. On March 25, 2011, the Court signed Plaintiff's  
23 proposed order staying enforcement of the judgment, and  
24 modified Plaintiff's proposed judgment. The modifying  
25 language dealt with how the Commission would release the  
26 presently withheld RSTF money. It then directed  
27  
28

