

Subject: Miwok

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Date: 5/23/2012 1:19 PM

To: Chadd Everone <cae@fis.org>

CC: Robert Uram <RUram@sheppardmullin.com>, Thomas Wolfrum <twolfrum@wolfrumlaw.com>

Chadd,

We discovered today on the court of appeal's website the following orders:

05/21/2012	Order filed.	For good cause shown, the Superior Court of San Diego County is ordered to show cause why the relief requested should not be granted. Absent objection on or before May 25, 2012, the informal response filed by the superior court will be deemed its return to the order to show cause, and petitioner may file a reply on or before June 15, 2012. In the event of an objection, real party California Gambling Control Commission may file a return to the order to show cause on or before June 18, 2012. Petitioner may file a reply on or before July 9, 2012. Absent a written request on or before July 16, 2012, oral argument will be deemed waived. If a party requests oral argument, the request should be in letter form with proof of service on the other parties. The letter should also identify the focus of the party's argument and the amount of time requested, not to exceed 15 minutes.
05/23/2012	Order filed.	The order to show cause filed on May 21, 2012, is amended nunc pro tunc to correct the 2nd sentence to read as follows: Absent objection on or before May 25, 2012, the informal response of the California Gaming Commission will be deemed its return to the order to show cause, and petitioner may file a reply on or before June 15, 2012.

This means that the court is going to consider Burley's writ. The court appears to have forgotten that we are also real parties in interest and we are entitled to file a return (opposition) to the writ. We are going to file a letter today reminding the court about us and our right to oppose the writ. Assuming the above stated schedule remains, our opposition will be due June 18, Burley will reply on July 9, and we will request oral argument before July 16. The court will then set oral argument. I understand that due to vacation schedules, it takes longer to get a hearing with the court of appeal during the summer. After oral argument, a decision must be issued within 90 days, although it often takes less than 2 weeks. Thus, it appears unlikely that we would have a decision before September. Hopefully by then we have a final, favorable decision in the DC case rendering this exercise moot.

I also spoke with Neil Houston from the Commission and they will be sending in a notice that they wish to file their own return as well.

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