

July 16, 2012

File Number: 26RJ-159719

Court of Appeal
Fourth Appellate District, Division One
750 B Street, Suite 300
San Diego, CA 92101

Re: ***California Valley Miwok Tribe v. Superior Court***
Appellate Case No. D061811 (Writ of Mandate/Prohibition)
San Diego Superior Court Case No. 37-2008-00075326
Hon. Ronald L. Styn

REQUEST FOR ORAL ARGUMENT BY REAL PARTIES IN INTEREST/INTERVENORS

TO THE HONORABLE JUSTICES OF THE COURT OF APPEAL:

Pursuant to the Court's Order dated May 21, 2012, Real Parties in Interest/Intervenors 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 hereby request oral argument, with a focus on the following arguments:

1. The Petition is untimely. It seeks to challenge a stay ruling originally made on April 6, 2011. It also seeks to challenge the trial court's orders on September 7, 2011 and October 21, 2011 wherein the trial court rejected Petitioner's argument that the Assistant Secretary's August 31, 2011 decision was immediately effective.
2. Petitioner's remedies at law are adequate.
3. Petitioner will not suffer irreparable injury if the writ is denied.
4. The trial court did not abuse its discretion by staying dispositive motions pending the outcome of the federal litigation.

SheppardMullin

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Real Parties in Interest/Intervenors request 15 minutes, which includes time to respond to opposing arguments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matt S. McConnell". The signature is stylized with a large, looped "M" and a cursive "S".

Matthew S. McConnell

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
Counsel for Intervenors/Real Parties in Interest

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

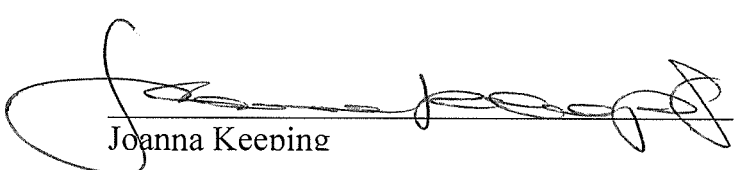
I am employed in the County of San Diego; I am over the age of eighteen years and not a party to the within entitled action; my business address is 12275 El Camino Real, Suite 200, San Diego, California 92130-2006.

On July 16, 2012, I served the following documents described as REQUEST FOR ORAL ARGUMENT BY REAL PARTIES IN INTEREST/INTERVENORS on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

See Attached Service List

- ☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at San Diego, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ **BY OVERNIGHT DELIVERY:** I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier.
- ☐ **BY FACSIMILE:** I served said document(s) to be transmitted by facsimile pursuant to Rule 2.306 of the California Rules of Court. The telephone number of the sending facsimile machine was 858-509-3691. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The sending facsimile machine (or the machine used to forward the facsimile) issued a transmission report confirming that the transmission was complete and without error.
- ☐ **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed below.
- ☐ **STATE:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- ☒ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 16, 2012, at San Diego, California.


Joanna Keeping

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