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*Per Government Code § 6103, State of
California is exempt from filing fee*

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SAN DIEGO
13 CENTRAL BRANCH
14

15 **CALIFORNIA VALLEY MIWOK TRIBE,**

16 Plaintiff,

17 v.

18
19 **THE CALIFORNIA GAMBLING**
20 **CONTROL COMMISSION; and DOES 1**
21 **THROUGH 50, Inclusive,**

22 Defendants.

Case No. 37-2008-00075326-CU-CO-CTL

**DECLARATION OF NEIL D. HOUSTON
IN SUPPORT OF DEFENDANT
CALIFORNIA GAMBLING CONTROL
COMMISSION'S MOTION FOR
SUMMARY JUDGMENT**

Date: April 26, 2013

Time: 2:00 p.m.

Dept: 62

Judge: The Honorable Ronald L. Styn

Trial Date: June 4, 2013

Action Filed: January 8, 2008

23
24 I, NEIL D. HOUSTON, declare:

25 1. I am a Deputy Attorney General with the California Department of Justice, Office of
26 the Attorney General, and am counsel of record for the Defendants in this matter. I am an
27 attorney at law duly licensed to practice before all courts within the State of California. I have
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1 personal knowledge of the facts set forth below and if called as a witness, I could and would
2 competently testify to them.

3 2. I make this declaration in support of defendant's motion for summary judgment filed
4 concurrently herewith.

5 3. From 2010 to early 2012, I was counsel of record for the California Gambling
6 Control Commission (Commission) in the matter entitled *Alturas Indian Rancheria v. Salazar, et*
7 *al.* (No. 2:10-CV-01997 (E.D. Cal. filed July 27, 2010)). As such, I have personal knowledge of
8 that proceeding.

9 4. In or about early 2010, a leadership dispute arose within the Alturas Indian
10 Rancheria, which is a small tribe located in Modoc County. As a result of the dispute, the
11 Department of the Interior, Bureau of Indian Affairs (BIA) declined to renew a then-pending PL
12 638 contract. On the basis of that authorized federal action, the Commission prospectively
13 withheld and accrued the tribe's quarterly Revenue Sharing Trust Fund (RSTF) payments.
14 Litigation by the tribe followed against both the federal government and the Commission in the
15 United States District Court for the Eastern District of California. Chief Judge Emeritus
16 Lawrence K. Karlton determined that he lacked jurisdiction to adjudicate the intra-tribal
17 leadership dispute, and stayed proceedings to permit settlement discussions to occur and to await
18 a decision and final agency action by the BIA. Ultimately, the tribal factions reached a settlement
19 and the BIA entered into a renewed PL 638 contract with the prevailing faction. As part of a
20 global settlement, the Commission promptly released the accrued RSTF payments to the
21 prevailing faction once the BIA's action became final.

22 I declare under penalty of perjury, under the laws of the State of California, that the
23 foregoing is true and correct of my own personal knowledge. Executed this 6th day of March,
24 2013, at Sacramento, California.

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27 NEIL D. HOUSTON
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