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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

**NOTICE OF MOTION AND MOTION  
FOR SUMMARY JUDGMENT OF  
DEFENDANT CALIFORNIA  
GAMBLING CONTROL COMMISSION  
AGAINST PLAINTIFF CALIFORNIA  
VALLEY MIWOK TRIBE**

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

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24 TO PLAINTIFF CALIFORNIA VALLEY MIWOK TRIBE, AND THEIR ATTORNEY  
25 OF RECORD:

26 Please take notice that on April 26, 2013, at 2:00 p.m., or as soon thereafter as the matter  
27 may be heard in Department 62 of the San Diego County Superior Court, located at 330 West  
28

1 Broadway, San Diego, California 92101, Defendant California Gambling Control Commission  
2 (Commission) will move the Court for Summary Judgment.

3 Pursuant to Code of Civil Procedure section 437c, subdivision (f)(1), the Commission  
4 moves for summary judgment on the following grounds:

5 1) The First Amended Complaint fails to state facts sufficient to state a cause of action  
6 for injunctive relief, declaratory relief, or a writ of mandate because the plaintiff has not  
7 established an entitlement to disbursement of the quarterly Revenue Sharing Trust (RSTF)  
8 payments that have been withheld and accrued for the benefit of the California Valley Miwok  
9 Tribe during the pendency of an intra-tribal leadership dispute.

10 2) The first amended complaint fails to state facts sufficient to state a cause of action for  
11 injunctive relief, declaratory relief, or a writ of mandate because the Commission has not  
12 wrongfully withheld quarterly RSTF payments from the plaintiff.

13 This motion will be based on this notice, the attached memorandum of points and  
14 authorities, the Commission's Statement of Undisputed Material Facts, the attached declarations  
15 of Neil D. Houston, Tina Littleton, and Sylvia Cates, the Commission's request for judicial  
16 Notice, the complete files and records of this action, and such other oral and documentary  
17 evidence as may be presented at the time of hearing.

18 WHEREFORE, the Commission prays that the instant motion be granted and that judgment  
19 in favor of the Commission be entered accordingly.  
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1 Dated: March 6, 2013

Respectfully Submitted,

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