1 2 3 4 5 6 7 8	Kamala D. Harris Attorney General of California Sara J. Drake Senior Assistant Attorney General William L. Williams, Jr. Deputy Attorney General T. Michelle Laird Deputy Attorney General Neil D. Houston Deputy Attorney General State Bar No. 168058 1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550 Telephone: (916) 322-5476 Fax: (916) 327-2319	Per Government Code § 6103, State of California is exempt from filing fee
9	E-mail: Neil.Houston@doj.ca.gov Attorneys for Defendant	
11	SUPERIOR COURT OF THE S	TATE OF CALIFORNIA
12	COUNTY OF SA	AN DIEGO
13	CENTRAL BI	RANCH
14		
15		
16		se No. 37-2008-00075326-CU-CO-CTL
17 18	v. UI	CPARATE STATEMENT OF NDISPUTED MATERIAL FACTS AND JPPORTING EVIDENCE IN SUPPORT F DEFENDANTS' MOTION FOR
19	THE CALIFORNIA GAMBLING	JMMARY JUDGMENT
20	THROUGH 50, Inclusive,	nte: April 26, 2013 me: 2:00 p.m. ept: 62
21	Defendants. Ju	dge: The Honorable Ronald L. Styn ial Date: June 4, 2013
22	Ac	ction Filed: January 8, 2008
23		
24	Pursuant to section 437c of the Code of Civil 1	Procedure and Rule 3.1350 of the California
25	Rules of Court, Defendant California Gambling Cor	trol Commission ("Commission") submits
26	this separate statement of undisputed material facts,	together with references to supporting
27	evidence, in support of their Motion for Summary Ju	ndgment against Plaintiff California Valley
28		

Defs. Separate Statement of Undisputed Facts in Support of Summary Judgment (37-2008-00075326-CU-CO-CTL)

1 Miwok Tribe. Throughout this statement, the supporting evidence cites to the declarations, 2 verified pleadings, and exhibits concurrently filed and served with this statement. 3 UNDISPUTED FACTS RELEVANT TO FIRST CAUSE OF ACTION 4 OF THE FIRST AMENDED COMPLAINT COMBINED WITH 5 PETITION FOR WRIT OF MANDATE (FAC) 6 [INJUNCTIVE RELIEF] 7 Moving Party's Undisputed Material Facts Opposing Party's Response and Supporting 8 and Supporting Evidence **Evidence** 9 1. Under the Compacts, the Commission is 1. required to collect license fees from gaming 10 tribes, deposit them in the RSTF, and, under the Compacts and Government Code sections 11 12012.75 and 12012.90, make quarterly payments of those funds according to the 12 Compact's specified distribution plans. 13 Gov. Code, §§ 12012.75; 12012.90; 14 Compact §§ 4.3.2, 4.3.2.1 (Ex. A to Req. for 15 Jud. Not. (RJN); see also Decl. of Sylvia 16 Cates (Cates Decl.) ¶ 2. 17 2. The Compacts and Government Code provide that quarterly payments shall be made 18 to Non-Compact Tribes, noncompact tribes, and eligible recipient Indian tribes. 19 respectively—these are alternative and 20 functionally equivalent designations of federally-recognized California Indian tribes 21 that operate fewer than 350 slot machines. 22 (Id.)3. The Commission administers the RSTF in 3. 23 the nominal capacity of "trustee," for the 24 purpose of receiving, depositing, and disbursing the funds on a quarterly basis to 25 Non-Compact Tribes. 26 Compact, § 4.3.2, subd. (a)(ii) (Ex. A to RJN;

27

28

see also Cates Decl. ¶ 2.

1	Moving Party's Undisputed Material Facts and Supporting Evidence	Opposing Party's Response and Supporting Evidence
2	4. Aside from its duties as administrator of the	4.
3	RSTF, the Commission has no discretion "with respect to the use or disbursement of the [RSTF] funds."	
5		
6	Compact, § 4.3.2.1, subd. (b) (Ex. A to RJN; see also Cates Decl. ¶ 2.	
7	This language has been clarified in later	
8	compacts. See Tribal-State Compact Between the State of California and the	
9.	Pinoleville Pomo Nation, § 5.1, subd. (a) (Ex. F to RJN; see also Cates Decl. ¶ 7.	
10	5. The Missels Tribe is a federally recognized	5.
11	5. The Miwok Tribe is a federally-recognized Indian tribe that operates fewer than 350 slot	J.
12	machines, and thus qualifies as a Non-Compact Tribe under the Compacts and Government	
13	Code.	
14	First Amended Complaint Combined With Petition for Writ of Mandate, at p. 3 ¶ 6.	
15	6. The <i>Salazar</i> case was filed on January 24,	6.
16	2011, by the California Valley Miwok Tribe	
17	(consisting of different individuals than the Burley Faction that is the plaintiff in this	
18	action), the Tribal Council, Yakima Dixie,	
19	Velma Whitebear, Antonia Lopez, Michael Mendibles, Evelyn Wilson, and Antone	
	Azevedo (collectively referred to herein as the	
20	"D.C. Plaintiffs"). The <i>Salazar</i> case challenges Assistant Secretary of the Interior	
21	(ASI) (Indian Affairs) Larry Echo Hawk's	
22	December 10, 2010 decision recognizing the Burley Faction as the Miwok Tribe.	
23		
24	Complaint (Salazar) (Ex. C to RJN. See also Docket (Salazar) (Ex. G to RJN.)	
25	7. As a result of Salazar's filing, ASI Echo	7.
26	Hawk withdrew his December 2010 decision	
27	for reconsideration, and then reissued it with modifications on August 31, 2011 (August 31	
28	Decision). On October 17, 2011, the D.C.	
۷٥		3
		of Summary Judgment (37-2008-00075326-CU-CO-CTL)

Moving Party's Undisputed Material Facts and Supporting Evidence	Opposing Party's Response and Supporti Evidence
Plaintiffs filed a first amended complaint that	
challenges ASI Echo Hawk's August 31 Decision.	
Letter, Echo Hawk to Dixie dated April 1, 2011 (Ex. D to RJN); see also Cates Decl., ¶	
5.	
Echo Hawk decision dated August 31, 2011 (Ex. E to RJN); see also Cates Decl., ¶ 6.	
First Amended Complaint (Salazar) (Ex. H to RJN.)	
8. By its express terms, the August 31	8.
Decision is stayed pending the outcome of Salazar.	
Taba II and Jacobs Jaka A. at 24 204	
Echo Hawk decision dated August 31, 2011 (Ex. E to RJN, at p. 8); see also Cates Decl., ¶ 6.	
9. At the present time, as evidenced by the Salazar case, a dispute exists as to the	9.
composition and leadership of the Miwok	
Tribe.	
First Amended Complaint (Salazar) (Ex. H to RJN.	
10.0.4	10
10. On the one hand, the Miwok Tribe may consist only of the Burley Faction, consisting of five members, or, on the other hand, it may	10.
consist of a much larger group of Indians,	
possibly including up to 242 adult members.	
(Id.)	
11. Depending upon the outcome of the	11.
Salazar case, the BIA may, or may not, take	
final action recognizing the Miwok Tribe to consist of the Burley Faction and recognizing	
Silvia Burley as the Tribal Chairperson.	
(Id.)	
	4

Moving Party's Undisputed Material Facts and Supporting Evidence	Opposing Party's Response and Supporti Evidence
12. The Commission makes no independent determinations on the merits of intra-tribal leadership disputes.	12.
Decl. of Tina Littleton (Littleton Decl.), ¶ 3.	
13. The Commission takes no position on the merits of intra-tribal leadership disputes.	13.
Littleton Decl., ¶ 4.	
14. When uncertainty exists as to a Non-Compact Tribe's authorized leadership, the Commission, as administrator of the RSTF, defers to the BIA's determinations.	14.
Littleton Decl, ¶ 5.	
15. Because the BIA deemed it unorganized and lacking a Tribal Chairperson and, for that reason, suspended PL 638 contract funding	15.
disbursement to the Miwok Tribe in 2005, the Commission suspended its disbursement of	
quarterly RSTF payments, pending BIA's recognition of an authorized Miwok Tribe	, ,
leader or leadership group with which to conduct its government-to-government	
business—as evidenced either by BIA's resumption of PL 638 funding, or other BIA action.	
Littleton Decl., ¶ 6.	
16. As of this date, the BIA has not recognized	16
an authorized leader or leadership group for the Miwok Tribe, nor has the BIA resumed	
disbursing PL 638 funds to the Miwok Tribe.	
Littleton Decl., ¶ 7.	
17. As of this date, the Commission is holding	17.
accrued quarterly RSTF payments totaling \$8,763,001.99, plus interest in the amount of	· ,
\$420,246.17, for eventual disbursement to the Miwok Tribe.	
	5

Moving Party's Undisputed Material Facts and Supporting Evidence	Opposing Party's Response and Supportin <u>Evidence</u>
	<u>n yang berakan berakan berang di pengangan dan berang berakan Merulak</u> Teranggan
Littleton Decl., ¶ 8.	
18. The Commission will promptly disburse	18.
the accrued RSTF payments to the Miwok Tribe once the BIA has identified the Miwok	
Tribe's authorized leader or leadership group.	
Littleton Decl., ¶ 9.	
19. The Legislature has provided that shortfalls	19.
in the RSTF (which would otherwise preclude disbursing a total of \$1.1M per year to each	
Non-Compact Tribe) are backfilled from the	
Special Distribution Fund, which, to the extent	
not used for that purpose are used for the public benefit to mitigate the off-reservation impacts	
and costs of tribal gaming.	
Gov. Code, § 12012.90, subd. (e).	
Gov. Code, § 12012.85.	<u></u>
	•
•	
6	

1 2 3

UNDISPUTED FACTS RELEVANT TO SECOND CAUSE OF ACTION

OF THE FIRST AMENDED COMPLAINT COMBINED WITH

PETITION FOR WRIT OF MANDATE (FAC)

[DECLARATORY RELIEF]

5	Barrier De del Tierre	
6	Moving Party's Undisputed Material Facts and Supporting Evidence	Opposing Party's Response and Supporting <u>Evidence</u>
7	1. Under the Compacts the Commission is	1
8	1. Under the Compacts, the Commission is required to collect license fees from gaming	1.
9	tribes, deposit them in the RSTF, and, under the Compacts and Government Code sections	
10	12012.75 and 12012.90, make quarterly payments of those funds according to the	
11	Compact's specified distribution plans.	
12	Gov. Code, §§ 12012.75; 12012.90;	
13	Compact §§ 4.3.2, 4.3.2.1 (Ex. A to Req. for Jud. Not. (RJN); see also Decl. of Sylvia	
14	Cates (Cates Decl.) ¶ 2.	
15	2. The Compacts and Government Code	2.
16	provide that quarterly payments shall be made to Non-Compact Tribes, noncompact tribes,	
17	and eligible recipient Indian tribes, respectively—these are alternative and	
18	functionally equivalent designations of	
19	federally-recognized California Indian tribes that operate fewer than 350 slot machines.	
20	(<i>Id.</i>)	
21	3. The Commission administers the RSTF in the nominal capacity of "trustee," for the	3.
22	purpose of receiving, depositing, and	:
23	disbursing the funds on a quarterly basis to Non-Compact Tribes.	
24	Compact, § 4.3.2, subd. (a)(ii) (Ex. A to RJN;	
25	see also Cates Decl. ¶ 2.	
26	4. Aside from its duties as administrator of the	4.
27	RSTF, the Commission has no discretion "with respect to the use or disbursement of the	
28	[RSTF] funds."	
		7
	Defs. Separate Statement of Undisputed Facts in Support	of Summary Judgment (37-2008-00075326-CU-CO-CTL)

Moving Party's Undisputed Material Facts and Supporting Evidence	Opposing Party's Response and Suppor Evidence
and Supporting Evidence	- DANGE CONTRACTOR
Compact, § 4.3.2.1, subd. (b) (Ex. A to RJN;	
see also Cates Decl. ¶ 2.	
This language has been clarified in later	
compacts. See Tribal-State Compact	
Between the State of California and the	
Pinoleville Pomo Nation, § 5.1, subd. (a) (Ex.	
F to RJN; see also Cates Decl. ¶ 7.	
5 The Miyyek Tribe is a federally recognized	5.
5. The Miwok Tribe is a federally-recognized Indian tribe that operates fewer than 350 slot	, J.
machines, and thus qualifies as a Non-Compact	
Tribe under the Compacts and Government	
Code.	
Time Amonded Commission Compliand With	·
First Amended Complaint Combined With Petition for Writ of Mandate, at p. 3 ¶ 6.	
1 cition for write of mandate, at p. 5 0.	
6. The Salazar case was filed on January 24,	6.
2011, by the California Valley Miwok Tribe	
(consisting of different individuals than the	
Burley Faction that is the plaintiff in this action), the Tribal Council, Yakima Dixie,	•
Velma Whitebear, Antonia Lopez, Michael	
Mendibles, Evelyn Wilson, and Antone	
Azevedo (collectively referred to herein as the	
"D.C. Plaintiffs"). The Salazar case	·
challenges Assistant Secretary of the Interior	
(ASI) (Indian Affairs) Larry Echo Hawk's December 10, 2010 decision recognizing the	
Burley Faction as the Miwok Tribe.	
Complaint (Salazar) (Ex. C to RJN. See also	
Docket (Salazar) (Ex. G to RJN.)	
7. As a result of <i>Salazar's</i> filing, ASI Echo	7.
Hawk withdrew his December 2010 decision	, · ·
for reconsideration, and then reissued it with	·
modifications on August 31, 2011 (August 31	
Decision). On October 17, 2011, the D.C.	·
Plaintiffs filed a first amended complaint that	
challenges ASI Echo Hawk's August 31 Decision.	
Doctoron.	•

Defs. Separate Statement of Undisputed Facts in Support of Summary Judgment (37-2008-00075326-CU-CO-CTL)

Moving Party's Undisputed Material Facts and Supporting Evidence	Opposing Party's Response and Supports Evidence
Letter, Echo Hawk to Dixie dated April 1,	
2011 (Ex. D to RJN); see also Cates Decl., ¶ 5.	
Echo Hawk decision dated August 31, 2011 (Ex. E to RJN); see also Cates Decl., ¶ 6.	
First Amended Complaint (Salazar) (Ex. H to RJN.)	
8. By its express terms, the August 31	8.
Decision is stayed pending the outcome of Salazar.	
Echo Hawk decision dated August 31, 2011	
(Ex. E to RJN, at p. 8); see also Cates Decl.,	
¶ 6.	
9. At the present time, as evidenced by the <i>Salazar</i> case, a dispute exists as to the	9,
composition and leadership of the Miwok	
Tribe.	
First Amended Complaint (Salazar) (Ex. H to RJN.	
10. On the one hand, the Miwok Tribe may	10.
consist only of the Burley Faction, consisting of five members, or, on the other hand, it may	
consist of a much larger group of Indians,	
possibly including up to 242 adult members.	
(Id.)	
11. Depending upon the outcome of the	11.
Salazar case, the BIA may, or may not, take final action recognizing the Miwok Tribe to	
consist of the Burley Faction and recognizing Silvia Burley as the Tribal Chairperson.	
(Id.)	
12. The Commission makes no independent	12.
determinations on the merits of intra-tribal leadership disputes.	
•	

Moving Party's Undisputed Material Facts and Supporting Evidence	Opposing Party's Response and Supporting Evidence
Decl. of Tina Littleton (Littleton Decl.), ¶ 3. 13. The Commission takes no position on the merits of intra-tribal leadership disputes.	13.
Littleton Decl., ¶ 4.	
14. When uncertainty exists as to a Non- Compact Tribe's authorized leadership, the Commission, as administrator of the RSTF,	14.
defers to the BIA's determinations.	
Littleton Decl, ¶ 5.	
15. Because the BIA deemed it unorganized	15.
and lacking a Tribal Chairperson and, for that reason, suspended PL 638 contract funding	
disbursement to the Miwok Tribe in 2005, the	
Commission suspended its disbursement of quarterly RSTF payments, pending BIA's	
recognition of an authorized Miwok Tribe leader or leadership group with which to	
conduct its government-to-government	
business—as evidenced either by BIA's resumption of PL 638 funding, or other BIA	
action.	
Littleton Decl., ¶ 6.	
16. As of this date, the BIA has not recognized	16.
an authorized leader or leadership group for the Miwok Tribe, nor has the BIA resumed	
disbursing PL 638 funds to the Miwok Tribe.	
Littleton Decl., ¶ 7.	
17. As of this date, the Commission is holding	17.
accrued quarterly RSTF payments totaling \$8,763,001.99, plus interest in the amount of	
\$420,246.17, for eventual disbursement to the Miwok Tribe.	
Littleton Decl., ¶ 8.	
18. The Commission will promptly disburse	18.
	0 of Summary Judgment (37-2008-00075326-CU-CO-CTI

1	Moving Party's Undisputed Material Facts and Supporting Evidence	Opposing Party's Response and Supporting Evidence
2	the accrued RSTF payments to the Miwok	
3	Tribe once the BIA has identified the Miwok	
	Tribe's authorized leader or leadership group.	
4 5	Littleton Decl., ¶ 9.	
6	19. The Legislature has provided that shortfalls	19.
	in the RSTF (which would otherwise preclude disbursing a total of \$1.1M per year to each	
7	Non-Compact Tribe) are backfilled from the	
8	Special Distribution Fund, which, to the extent	
9	not used for that purpose are used for the public	
'	benefit to mitigate the off-reservation impacts and costs of tribal gaming.	
)	and costs of titoal gaining.	
1	Gov. Code, § 12012.90, subd. (e).	
2	Gov. Code, § 12012.85.	
3		
4	UNDISPUTED FACTS RELEVAN	Γ TO THIRD CAUSE OF ACTION
5	OF THE FIRST AMENDED CO	MPI AINT COMRINED WITH

PETITION FOR WRIT OF MANDATE (FAC)

[PETITION FOR WRIT OF MANDATE]

27.

Moving Party's Undisputed Material Facts and Supporting Evidence	Opposing Party's Response and Supporting Evidence
1. Under the Compacts, the Commission is required to collect license fees from gaming tribes, deposit them in the RSTF, and, under the Compacts and Government Code sections 12012.75 and 12012.90, make quarterly payments of those funds according to the Compact's specified distribution plans.	1.
Gov. Code, §§ 12012.75; 12012.90;	
Compact §§ 4.3.2, 4.3.2.1 (Ex. A to Req. for Jud. Not. (RJN); see also Decl. of Sylvia Cates (Cates Decl.) ¶ 2.	

Defs. Separate Statement of Undisputed Facts in Support of Summary Judgment (37-2008-00075326-CU-CO-CTL)

Moving Party's Undisputed Material Facts and Supporting Evidence	Opposing Party's Response and Supporting Evidence
and Supporting Eyidence	
2. The Compacts and Government Code	2.
provide that quarterly payments shall be made	
to Non-Compact Tribes, noncompact tribes,	
and eligible recipient Indian tribes,	
respectively—these are alternative and	
functionally equivalent designations of	
federally-recognized California Indian tribes that operate fewer than 350 slot machines.	•
that operate rewer than 350 slot machines.	
(<i>Id.</i>)	
3. The Commission administers the RSTF in	3.
the nominal capacity of "trustee," for the	
purpose of receiving, depositing, and	
disbursing the funds on a quarterly basis to	·
Non-Compact Tribes.	
Compact, § 4.3.2, subd. (a)(ii) (Ex. A to RJN;	
see also Cates Decl. ¶ 2.	
4. Aside from its duties as administrator of the	4.
RSTF, the Commission has no discretion "with	
respect to the use or disbursement of the	
[RSTF] funds."	
Compact, § 4.3.2.1, subd. (b) (Ex. A to RJN;	·
see also Cates Decl. ¶ 2.	
This language has been clarified in later	•
compacts. See Tribal-State Compact	
Between the State of California and the	
Pinoleville Pomo Nation, § 5.1, subd. (a) (Ex.	
F to RJN; see also Cates Decl. ¶ 7.	·
5. The Miwok Tribe is a federally-recognized	5
Indian tribe that operates fewer than 350 slot	
machines, and thus qualifies as a Non-Compact	
Tribe under the Compacts and Government	•
Code.	
First Amended Complaint Combined With	
Petition for Writ of Mandate, at p. 3 ¶ 6.	
6. The Salazar case was filed on January 24,	6.
2011, by the California Valley Miwok Tribe	
(consisting of different individuals than the	
1:	2
·	<u> </u>

Moving Party's Undisputed Material Facts and Supporting Evidence	Opposing Party's Response and Supporting Evidence
Burley Faction that is the plaintiff in this	
action), the Tribal Council, Yakima Dixie, Velma Whitebear, Antonia Lopez, Michael	
Mendibles, Evelyn Wilson, and Antone	
Azevedo (collectively referred to herein as the	
"D.C. Plaintiffs"). The Salazar case	
challenges Assistant Secretary of the Interior (ASI) (Indian Affairs) Larry Echo Hawk's	
December 10, 2010 decision recognizing the	٠.
Burley Faction as the Miwok Tribe.	
Complaint (Salazar) (Ex. C to RJN. See also Docket (Salazar) (Ex. G to RJN.)	
Docket (Sungar) (Ex. & to RSN.)	
7. As a result of Salazar's filing, ASI Echo	7.
Hawk withdrew his December 2010 decision	
for reconsideration, and then reissued it with modifications on August 31, 2011 (August 31	
Decision). On October 17, 2011, the D.C.	
Plaintiffs filed a first amended complaint that	
challenges ASI Echo Hawk's August 31	
Decision.	
Letter, Echo Hawk to Dixie dated April 1,	
2011 (Ex. D to RJN); see also Cates Decl.,	
5.	·.
Echo Hawk decision dated August 31, 2011	
(Ex. E to RJN); see also Cates Decl., ¶ 6.	
, ,	
First Amended Complaint (Salazar) (Ex. H	
to RJN.)	
8. By its express terms, the August 31	8
Decision is stayed pending the outcome of	
Salazar.	
Faho Hawk designed dated Assessed 21, 2011	
Echo Hawk decision dated August 31, 2011 (Ex. E to RJN, at p. 8); see also Cates Decl.,	
¶ 6.	
9. At the present time, as evidenced by the	9.
Salazar case, a dispute exists as to the composition and leadership of the Miwok	
Tribe.	
1	3

Moving Party's Undisputed Material Facts and Supporting Evidence	Opposing Party's Response and Support Evidence
<u> </u>	
First Amended Complaint (Salazar) (Ex. H to RJN.	
10. On the one hand, the Miwok Tribe may	10.
consist only of the Burley Faction, consisting	
of five members, or, on the other hand, it may	
consist of a much larger group of Indians,	
possibly including up to 242 adult members.	
(Id.)	
(111.)	
11. Depending upon the outcome of the	11.
Salazar case, the BIA may, or may not, take	
final action recognizing the Miwok Tribe to	
consist of the Burley Faction and recognizing Silvia Burley as the Tribal Chairperson.	
Silvia Bailey as the Hisar Shanperson.	
(<i>Id.</i>)	
	10
12. The Commission makes no independent determinations on the merits of intra-tribal	12.
leadership disputes.	
· · · · · · · · · · · · · · · · · · ·	
Decl. of Tina Littleton (Littleton Decl.), ¶ 3.	·
13. The Commission takes no position on the	13.
merits of intra-tribal leadership disputes.	
Littleton Decl., ¶ 4.	
14. When uncertainty exists as to a Non-	14.
Compact Tribe's authorized leadership, the	
Commission, as administrator of the RSTF, defers to the BIA's determinations.	
defers to the Birt's determinations.	
Littleton Decl, ¶ 5.	
16.35	
15. Because the BIA deemed it unorganized	15.
and lacking a Tribal Chairperson and, for that reason, suspended PL 638 contract funding	
disbursement to the Miwok Tribe in 2005, the	·
Commission suspended its disbursement of	
quarterly RSTF payments, pending BIA's	
recognition of an authorized Miwok Tribe	
leader or leadership group with which to	
	4 .

Moving Party's Undisputed Material Facts and Supporting Evidence	Opposing Party's Response and Supporti Evidence
and Supporting Evidence	- DYNGERCE
conduct its government-to-government	
business—as evidenced either by BIA's	
resumption of PL 638 funding, or other BIA	
action.	
Tittleton Dool of C	
Littleton Decl., ¶ 6.	
16. As of this date, the BIA has not recognized	16.
an authorized leader or leadership group for the	
Miwok Tribe, nor has the BIA resumed	
disbursing PL 638 funds to the Miwok Tribe.	
Littleton Decl., ¶ 7.	,
17. As of this date, the Commission is holding	17.
accrued quarterly RSTF payments totaling	1/1
\$8,763,001.99, plus interest in the amount of	
\$420,246.17, for eventual disbursement to the	
Miwok Tribe.	
Littleton Decl., ¶ 8.	
10 The Commission will assemble disharms	18.
18. The Commission will promptly disburse the accrued RSTF payments to the Miwok	10.
Tribe once the BIA has identified the Miwok	
Tribe's authorized leader or leadership group.	
Littleton Decl., ¶ 9.	
19. The Legislature has provided that shortfalls	19.
in the RSTF (which would otherwise preclude	19.
disbursing a total of \$1.1M per year to each	
Non-Compact Tribe) are backfilled from the	
Special Distribution Fund, which, to the extent	
not used for that purpose are used for the public	
benefit to mitigate the off-reservation impacts	
and costs of tribal gaming.	, ·
Gov. Code, § 12012.90, subd. (e).	
Son Code, y Invinou, subd. (c).	
Gov. Code, § 12012.85.	·
1	5

1	Dated: March 6, 2013	Respectfully Submitted,
2		Kamala D. Harris Attorney General of California Sara J. Drake
-3		SARA J. DRAKE Senior Assistant Attorney General
4	•	Senior Assistant Attorney General WILLIAM L. WILLIAMS, JR. Deputy Attorney General T. MICHELLE LAIRD
5		Deputy Attorney General
6		2002 1
7	·	NSJ E
8		NEIL D. HOUSTON Deputy Attorney General
9		Deputy Attorney General Attorneys for Defendant
10	SA2008300115	
11	31635622.docx	
12		
13		
14		
15		
16	. •	
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
		16

Defs. Separate Statement of Undisputed Facts in Support of Summary Judgment (37-2008-00075326-CÙ-CO-CTL)