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9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SAN DIEGO
12

13 CALIFORNIA VALLEY MIWOK
14 TRIBE,

15 Plaintiff,
16 v.

17 CALIFORNIA GAMBLING CONTROL
18 COMMISSION, et al.,

19 Defendants.
20

21 CALIFORNIA VALLEY MIWOK
22 TRIBE, CALIFORNIA (a.k.a. SHEEP
23 RANCH RANCHERIA OF ME-WUK
INDIANS, CALIFORNIA), YAKIMA K.
DIXIE, VELMA WHITEBEAR,
ANTONIA LOPEZ, ANTONE
AZEVEDO, MICHAEL MENDIBLES,
AND EVELYN WILSON,

24 Intervenors.
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No: 37-2008-00075326-CU-CO-CTL

DECLARATION OF MATTHEW S.
MCCONNELL IN SUPPORT OF
INTERVENORS' MOTION FOR
SUMMARY JUDGMENT AND/OR
SUMMARY ADJUDICATION

Date: April 26, 2013

Time: 2:00 p.m.

Dept.: C-62

Judge: The Hon. Ronald L. Styn

1 I, MATTHEW S. MCCONNELL, do hereby declare:

2
3 1. I am a partner with the law firm of Sheppard, Mullin, Richter &
4 Hampton LLP, attorneys for The California Valley Miwok Tribe, The Tribal Council,
5 Yakima Dixie, Velma WhiteBear, Antonia Lopez, Michael Mendibles, Evelyn Wilson and
6 Antone Azevedo ("Intervenors").

7
8 2. Lodged as Exhibit 1 is a true and correct copy of Plaintiff's First
9 Amended Complaint Combined With Petition for Writ of Mandate in this case.

10
11 3. Lodged as Exhibit 2 is a true and correct copy of portions of a
12 California Tribal-State Gaming Compact dated February 2002 and published by the
13 California Division of Gambling Control.

14
15 4. Lodged as Exhibit 3 is a true and correct copy of the Declaration of
16 Silvia Burley filed in support of Plaintiff's Reply to Defendant's and Intervenors'
17 Opposition to Motion for Reconsideration in this case.

18
19 5. Lodged as Exhibit 4 is a true and correct copy of a letter dated
20 February 11, 2005 from Michael D. Olsen, Acting Assistant Secretary of the U.S.
21 Department of the Interior, Bureau of Indian Affairs ("BIA"), to Yakima Dixie.

22
23 6. Lodged as Exhibit 5 is a true and correct copy of a letter dated April
24 2, 2007 from the Regional Director of the BIA to Silvia Burley., denying an appeal by
25 Silvia Burley.

1 7. Lodged as Exhibit 6 is a true and correct copy of a letter dated July
2 19, 2005 from BIA Awarding Official Janice Whipple-DePina to Silvia Burley, denying
3 federal funding to Silvia Burley.

4
5 8. Lodged as Exhibit 7 is a true and correct copy of a letter dated December
6 14, 2007 from BIA Superintendent Troy Burdick to Silvia Burley, denying federal funding
7 to Silvia Burley.

8
9 9. Lodged as Exhibit 8 is a true and correct copy of a letter dated
10 December 22, 2010 from Assistant Secretary of the Interior – Indian Affairs (“AS-IA”)
11 Larry Echo Hawk to Yakima Dixie.

12
13 10. Lodged as Exhibit 9 is a true and correct copy of a public notice dated
14 December 23, 2010 purporting to call a Special Meeting of the General Council of the
15 California Valley Miwok Tribe.

16
17 11. Lodged as Exhibit 10 is a true and correct copy of a letter dated
18 January 12, 2011 from BIA Superintendent Troy Burdick to Silvia Burley.

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20 12. Lodged as Exhibit 11 is a true and correct copy of a Notice of Appeal
21 dated February 9, 2011 to BIA Regional Director Amy Dutschke, filed by Intervenors.

22
23 13. Lodged as Exhibit 12 is a true and correct copy of a letter dated April
24 1, 2011, from AS-IA Larry Echo Hawk to Yakima Dixie, rescinding the AS-IA’s decision
25 dated December 22, 2010.

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27 14. Lodged as Exhibit 13 is a true and correct copy of a letter dated
28 August 31, 2011, from AS-IA Larry Echo Hawk to Yakima Dixie.

1 15. Lodged as Exhibit 14 is a true and correct copy of a Joint Status
2 Report filed in California Valley Miwok Tribe v. Salazar, No. 1:11-cv-00160-RWR
3 (D.D.C.) ("CVMT v. Salazar").
4

5 16. Lodged as Exhibit 15 is a true and correct copy of a Memorandum
6 Opinion and Order entered by the federal district court in CVMT v. Salazar.
7

8 17. Lodged as Exhibit 16 is a true and correct copy of the Court's
9 tentative order in this case dated October 21, 2011, denying Plaintiff's motion for entry of
10 judgment.
11

12 18. Lodged as Exhibit 17 is a true and correct copy of the federal court's
13 docket report in CVMT v. Salazar as of March 6, 2013.
14

15 19. Lodged as Exhibit 18 is a true and correct copy of the Motion for
16 Summary Judgment and supporting Memorandum of Points and Authorities filed by
17 Intervenor in CVMT v. Salazar.
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19 20. Lodged as Exhibit 19 is a true and correct copy of the First Amended
20 Complaint filed by Intervenor in CVMT v. Salazar.
21

22 21. Lodged as Exhibit 20 is a true and correct copy of a letter dated
23 August 4, 2005, from the California Gambling Control Commission to Silvia Burley,
24 denying payment of RSTF money to Burley.
25

26 22. Lodged as Exhibit 21 is a true and correct copy of a letter dated June
27 27, 2006 from the California Gambling Control Commission to Silvia Burley, denying
28 payment of RSTF money to Burley.

1 23. Lodged as Exhibit 22 is a true and correct copy of a letter dated June
2 26, 2007 from the California Gambling Control Commission to Karla Bell, denying
3 payment of RSTF money to Silvia Burley.

4
5 24. Lodged as Exhibit 23 is a true and correct copy of a letter dated
6 January 3, 2008 from the California Gambling Control Commission to Manuel Corrales.

7
8 25. Lodged as Exhibit 24 is a true and correct copy of a letter dated
9 December 12, 2008 from Associate Solicitor of Indian Affairs Edith Blackwell to
10 California Deputy Attorney General Peter Kaufman.

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12 26. Lodged as Exhibit 25 is a true and correct copy of a letter dated
13 January 14, 2009 from Associate Solicitor of Indian Affairs Edith Blackwell to California
14 Deputy Attorney General Peter Kaufman.

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16 27. Lodged as Exhibit 26 is a true and correct copy of the First Amended
17 Complaint filed in California Gambling Control Commission v. Sylvia Burley, et al., No.
18 05AS05386 (Sac. Cnty Sup. Ct.).

19
20 28. Lodged as Exhibit 27 is a true and correct copy of the demurrer filed
21 by Silvia Burley in California Gambling Control Commission v. Sylvia Burley, et al., No.
22 05AS05386 (Sac. Cnty Sup. Ct.).

23
24 29. Lodged as Exhibit 28 is a true and correct copy of the court's order
25 sustaining the demurrer in California Gambling Control Commission v. Sylvia Burley, et
26 al., No. 05AS05386 (Sac. Cnty Sup. Ct.).

1 30. Lodged as Exhibit 29 is a true and correct copy of a letter dated
2 March 26, 2004 from BIA Superintendent Dale Risling, Jr., to Silvia Burley.

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4 31. Lodged as Exhibit 30 is a true and correct copy of a letter dated
5 November 6, 2006 from BIA Superintendent Troy Burdick to Silvia Burley and Yakima
6 Dixie.

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8 32. Lodged as Exhibit 31 is a true and correct copy of a public notice
9 dated April 11, 2007 in the Amador Ledger Dispatch regarding a meeting to organize a
10 government of the California Valley Miwok Tribe.

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12 33. Lodged as Exhibit 32 is a true and correct copy of a Declaration filed
13 by Silvia Burley in support of Plaintiff's Motion for Summary Judgment, or, Alternatively,
14 Summary Adjudication in this case.

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16 34. Lodged as Exhibit 33 is a true and correct copy of a letter dated
17 September 24, 2007 from the California Gambling Control Commission to Silvia Burley,
18 denying RSTF money to Burley.

19
20 35. Lodged as Exhibit 34 is a true and correct copy of excerpts from the
21 California Gambling Control Commission's Response to CVMT Form Interrogatories, Set
22 Two, containing portions of the Commission's responses to Plaintiff's Requests for
23 Admissions.

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I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed March 6, 2013 at San Diego, California.

Matthew S. McConnell