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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SAN DIEGO
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13 CALIFORNIA VALLEY MIWOK
14 TRIBE,

Plaintiff,

15 v.

16 CALIFORNIA GAMBLING CONTROL
COMMISSION, et al.,

17 Defendants.
18

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

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

INTERVENORS' MOTION AND
NOTICE OF MOTION FOR SUMMARY
JUDGMENT OR, IN THE
ALTERNATIVE, SUMMARY
ADJUDICATION

Date: April 26, 2013

Time: 2:00 p.m.

Dept.: C-62

Judge: The Hon. Ronald L. Styn

1 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

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3 PLEASE TAKE NOTICE that on April 26, 2013 at 2:00 p.m., or as soon
4 thereafter as counsel may be heard in Department C-62 of the above-entitled Court, the
5 Hon. Ronald L. Styn presiding, located at 330 West Broadway, San Diego, California
6 92101, California Valley Miwok Tribe, California (A.K.A. Sheep Ranch Rancheria Of
7 Me-Wuk Indians, California), Yakima K. Dixie, Velma Whitebear, Antonia Lopez, Antone
8 Azevedo, Michael Mendibles, and Evelyn Wilson (collectively "Intervenors") will move
9 the Court pursuant to Code of Civil Procedure § 437c for an order granting summary
10 judgment, specifically that all causes of action in plaintiff's Complaint have no merit.

11
12 In the event that summary judgment dismissing plaintiff's claims in their
13 entirety is for any reason denied, Intervenors move in the alternative for summary
14 adjudication as to all causes of action deemed appropriate by the Court, specifically that:

- 15
16 1. Plaintiff's First Cause of Action for Injunctive Relief has no merit;
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18 2. Plaintiff's Second Cause of Action for Declaratory Relief has no merit;
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20 3. Plaintiff's Fourth Cause of Action for Writ of Mandate has no merit.

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22 This Motion will be made upon the grounds that there is no triable, genuine
23 issue of material fact and that Intervenors, and in turn the defendant California Gambling
24 Control Commission, are entitled to summary judgment or summary adjudication as a
25 matter of law.

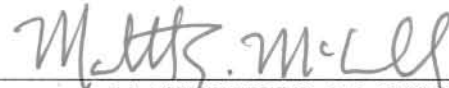
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27 This Motion will be based upon this Notice of Motion, the Memorandum of
28 Points and Authorities, the Separate Statement of Undisputed Material Facts, the

1 Declarations and exhibits filed herewith, all pleadings, papers and records on file, any
2 additional evidence the Court may deem appropriate, and such other and further matters of
3 which the Court shall or may take judicial notice.

4
5 Dated: March 6, 2013

6 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

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8 By



9 MATTHEW S. McCONNELL

10 Attorneys for Intervenors
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