

Robert A. Rosette, Esq. SBN 224437

ROSETTE & ASSOCIATES

193 Blue Ravine Road, Suite 255
Folsom, California 95630

Tel: (916) 353-1084

Fax: (916) 353-1085

Email: rosette@rosettela.com

Manuel Corrales, Jr., Esq. SBN 117647

Attorney at Law

17140 Bernardo Center Drive, Suite 370
San Diego, California 92128

Tel: (858) 521-0634

Fax: (858) 521-0633

Email: mannycorrales@yahoo.com

Terry Singleton, Esq. SBN 58316

SINGLETON & ASSOCIATES

1950 Fifth Avenue, Suite 200
San Diego, California 92101

Tel: (619) 239-3225

Fax: (619) 702-5592

Email: terry@terrysingleton.com

Attorneys for Plaintiff
CALIFORNIA VALLEY MIWOK TRIBE

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO - CENTRAL DISTRICT**

CALIFORNIA VALLEY MIWOK TRIBE Case No. 37-2008-00075326-CU-CO-CTL

**PLAINTIFF'S RESPONSES TO FORM
INTERROGATORIES PROPOUNDED BY
INTERVENORS, SET ONE**

Plaintiff,

vs.

Dept: 62
Judge: Hon. Ronald Styn
Trial Date: June 4, 2013

**CALIFORNIA GAMBLING CONTROL
COMMISSION,**

Defendant.

1 PROPOUNDING PARTY: INTERVENORS

2 RESPONDING PARTY: PLAINTIFF CALIFORNIA VALLEY MIWOK TRIBE

3 SET NO: ONE

4
5
6 **FORM INTERROGATORY NO. 1.1:**

7 **RESPONSE:**

8 Objection: The written discovery is irrelevant,
9 improper and propounded without a prior court order, based
10 upon the following grounds:

11 On March 11, 2011, the trial court granted the
12 Plaintiff's motion for reconsideration of the court's
13 previous order granting intervention and denied
14 intervention. The ruling was based in part on a December
15 22, 2010 decision from the Assistant Secretary of Interior
16 ("ASI"), which had concluded that the Miwok Tribe is a
17 federally-recognized tribe consisting of five members with
18 a recognized governing body established under a 1998 Tribal
19 Resolution. The ASI further ruled that the U.S. Bureau of
20 Indian Affairs ("BIA") could not require the Tribe to
21 expand its membership against its will.

22 After the March 11, 2011 order denying intervention,
23 the ASI set aside its decision to allow for further
24 briefing on the issues, which prompted the trial court in
25 this case to enter an April 20, 2011 ex parte order staying
26 the "effect" of the court's March 11, 2011 order denying
27 intervention. When the ASI issued its final decision on
28 August 31, 2011, affirming its December 22, 2010, decision,

1 this court stayed all further proceedings in this case,
2 except for discovery, pending resolution of a challenge to
3 the ASI's August 31, 2011 decision by the Intervenor in
4 this case, Yakima Dixie ("Dixie") and his followers.

5 The Court of Appeal decision granting Plaintiff's
6 petition directing the trial court to lift its stay applies
7 with equal force to the trial court's April 20, 2011 ex
8 parte order staying the effect of its March 11, 2011 order.
9 Accordingly, the Intervenor have been dismissed by virtue
10 of the Court of Appeal decision directing the trial court
11 to lift its stay of these proceedings, which stay is based
12 on the trial court's April 20, 2011 order staying the
13 effect of its March 11, 2011 order granting reconsideration
14 and denying intervention. Since the Intervenor have been
15 dismissed from this case, they have no authority to conduct
16 discovery, and the written discovery just propounded is
17 improper.

18 **FORM INTERROGATORY NO. 12.1:**

19 **RESPONSE:**

20 See response to Form Interrogatory No. 1.1 above.

21 **FORM INTERROGATORY NO. 12.2:**

22 **RESPONSE:**

23 See response to Form Interrogatory No. 1.1 above.

24 **FORM INTERROGATORY NO. 12.3:**

25 **RESPONSE:**

26 See response to Form Interrogatory No. 1.1 above.

1 **FORM INTERROGATORY NO. 12.4:**

2 **RESPONSE:**

3 See response to Form Interrogatory No. 1.1 above.

4
5 **FORM INTERROGATORY NO. 12.6:**

6 **RESPONSE:**

7 See response to Form Interrogatory No. 1.1 above.

8
9 **FORM INTERROGATORY NO. 13.1:**

10 **RESPONSE:**

11 See response to Form Interrogatory No. 1.1 above.

12
13 **FORM INTERROGATORY NO. 13.2:**

14 **RESPONSE:**

15 See response to Form Interrogatory No. 1.1 above.

16
17 **FORM INTERROGATORY NO. 17.1:**

18 **RESPONSE:**

19 See response to Form Interrogatory No. 1.1 above.

20
21 **FORM INTERROGATORY NO. 50.1:**

22 **RESPONSE:**

23 See response to Form Interrogatory No. 1.1 above.

24
25 **FORM INTERROGATORY NO. 50.2:**

26 **RESPONSE:**

27 See response to Form Interrogatory No. 1.1 above.

1 **FORM INTERROGATORY NO. 50.3:**

2 **RESPONSE:**

3 See response to Form Interrogatory No. 1.1 above.

4
5 **FORM INTERROGATORY NO. 50.4:**

6 **RESPONSE:**

7 See response to Form Interrogatory No. 1.1 above.

8
9 **FORM INTERROGATORY NO. 50.5:**

10 **RESPONSE:**

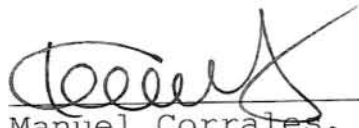
11 See response to Form Interrogatory No. 1.1 above.

12
13 **FORM INTERROGATORY NO. 50.6:**

14 **RESPONSE:**

15 See response to Form Interrogatory No. 1.1 above.

16
17
18 Dated: March 7, 2013


Manuel Corrales, Jr., Esq.
Attorney for Plaintiff
CALIFORNIA VALLEY MIWOK
TRIBE