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CALIFORNIA VALLEY MIWOK TRIBE

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO – CENTRAL DISTRICT

CALIFORNIA VALLEY MIWOK TRIBE

Plaintiff,

vs.

CALIFORNIA GAMBLING CONTROL COMMISSION,

Defendant.

Case No.37-2008-00075326-CU-CO-CTL

PLAINTIFF'S RESPONSES TO REQUESTS FOR ADMISSION PROPOUNDED BY INTERVENORS, SET ONE

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

PROPOUNDING PARTY: INTERVENORS

RESPONDING PARTY: PLAINTIFF CALIFORNIA VALLEY MIWOK TRIBE

SET NO: ONE

REQUEST FOR ADMISSION NO. 1:

Admit that the COMMISSION serves as a trustee for disbursement of Revenue Sharing Trust Fund money to eligible NON-COMPACT tribes. [As used herein, the term "COMMISSION" shall mean defendant California Gambling Control Commission.] [As used herein, the term "NON-COMPACT" shall mean a federally recognized Indian tribe operating fewer than 350 Gaming Devices, as defined in the COMPACT.] [As used herein, the term "COMPACT" shall mean the substantially identical Tribal-State Gambling Compacts entered into by and between the State of California, on one hand, and various Indian tribes within the State, on the other hand, which enabled the tribes to conduct gambling operations.]

RESPONSE:

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

On March 11, 2011, the trial court granted the Plaintiff's motion for reconsideration of the court's previous order granting intervention and denied intervention. The ruling was based in part on a December 22, 2010 decision from the Assistant Secretary of Interior ("ASI"), which had concluded that the Miwok Tribe is a

federally-recognized tribe consisting of five members with a recognized governing body established under a 1998 Tribal Resolution. The ASI further ruled that the U.S. Bureau of Indian Affairs ("BIA") could not require the Tribe to expand its membership against its will.

After the March 11, 2011 order denying intervention, the ASI set aside its decision to allow for further briefing on the issues, which prompted the trial court in this case to enter an April 20, 2011 ex parte order staying the "effect" of the court's March 11, 2011 order denying intervention. When the ASI issued its final decision on August 31, 2011, affirming its December 22, 2010, decision, this court stayed all further proceedings in this case, except for discovery, pending resolution of a challenge to the ASI's August 31, 2011 decision by the Intervenors in this case, Yakima Dixie ("Dixie") and his followers.

The Court of Appeal decision granting Plaintiff's petition directing the trial court to lift its stay applies with equal force to the trial court's April 20, 2011 ex parte order staying the effect of its March 11, 2011 order. Accordingly, the Intervenors have been dismissed by virtue of the Court of Appeal decision directing the trial court to lift it stay of these proceedings, which stay is based on the trial court's April 20, 2011 order staying the effect of its March 11, 2011 order granting reconsideration and denying intervention. Since the Intervenors have been dismissed from this case, they have no authority to conduct

discovery, and the written discovery just propounded is improper.

REQUEST FOR ADMISSION NO. 2:

Admit that the COMMISSION has a fiduciary duty to ensure that it disburses the Revenue Sharing Trust Fund money only to an eligible NON-COMPACT tribe or an authorized official or agency thereof.

RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 3:

Admit that Intervenors dispute that Silvia Burley is an authorized official or agency of the TRIBE. [As used herein, the term "TRIBE" shall mean the federally recognized Indian tribe listed in the Federal Register as the California Valley Miwok Tribe and formerly known as the Sheep Ranch Rancheria of Me-Wuk Indians of California.]

RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 4:

Admit that the COMMISSION has no authority to resolve the dispute between Intervenors and Plaintiff regarding whether Silvia Burley is an authorized official or agency of the TRIBE.

RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 5:

Admit that only the governing body of the TRIBE can decide who is an authorized official or agency of the TRIBE.

RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 6:

Admit that YOU contend that the governing body of the TRIBE is a "general council." [As used herein, the term "YOU" or "YOUR" shall mean plaintiff California Valley Miwok Tribe, including an employee, member, attorney, or agent of plaintiff California Valley Miwok Tribe.]

RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 7:

Admit that YOU contend that the TRIBE's "general council" governing body consists of Silvia Burley, Yakima Dixie, Rashel Reznor, Anjelica Paulk and Tristian Wallace.

RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 8:

Admit that Intervenors contend that the governing body of the TRIBE is Intervenor Tribal Council.

RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 9:

Admit that the COMMISSION has no authority to decide who is the governing body of the TRIBE.

RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 10:

Admit that the United States Department of the Interior has the exclusive authority to acknowledge a governing body of a federally recognized Indian tribe.

RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 11:

Admit that the COMMISSION has a policy of releasing Revenue Sharing Trust Fund money only to a NON-COMPACT tribe's tribal governing body acknowledged by the United States Department of the Interior, or an authorized official or agency selected by such a governing body.

RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 12:

Admit that the COMMISSION's policy of releasing Revenue Sharing Trust Fund money only to a NON-COMPACT tribe's governing body acknowledged by the United States Department of the Interior, or to an authorized official or agency

selected by such a governing body, is within its legal authority.

RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 13:

Admit that, at the time YOU filed YOUR First Amended Complaint in this action, the United States Department of the Interior did not acknowledge a governing body of the TRIBE.

RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 14:

Admit that the United States Department of the Interior does not currently recognize a governing body of the TRIBE.

RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 15:

Admit that the document attached as **Exhibit A** is a true and correct copy of a letter from the United States Bureau of Indian Affairs to Silvia Burley dated December 14, 2007.

RESPONSE:

See response to Request for Admission No. 1 above.

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REQUEST FOR ADMISSION NO. 16:

Admit that the document attached as **Exhibit B** is a true and correct copy of a decision issued by the Assistant Secretary of Indian Affairs, United States Department of the Interior, on August 31, 2011.

RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 17:

Admit that a "general council" is a form of tribal government consisting of all of a tribe's adult members.

RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 18:

Admit that YOU contend that the current adult membership of the TRIBE is limited to Silvia Burley, Rashel Reznor, Anjelica Paulk, Tristian Wallace and Yakima Dixie.

RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 19:

Admit that **Exhibit C** is a true and correct copy of the First Amended Complaint filed by Intervenors in *California Valley Miwok Tribe v. Salazar*, No. 1:11-cv-00160-RWR (D.D.C.)

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RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 20:

Admit that in **Exhibit C** Intervenors contend that there are 242 adult members of the TRIBE.

RESPONSE:

See response to Request for Admission No. 1 above.

REQUEST FOR ADMISSION NO. 21:

Admit that the COMMISSION has no authority to decide who are the members of the TRIBE.

RESPONSE:

See response to Request for Admission No. 1 above.

Dated: March 7, 2013

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