

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,

vs.

**CALIFORNIA GAMBLING CONTROL
COMMISSION,**

Defendant.

**PLAINTIFF'S RESPONSES TO
REQUESTS FOR PRODUCTION OF
DOCUMENTS PROPOUNDED BY
INTERVENORS, SET ONE**

Dept: 62

Judge: Hon. Ronald Styn

Trial Date: June 4, 2013

1 PROPOUNDING PARTY: INTERVENORS

2 RESPONDING PARTY: PLAINTIFF CALIFORNIA VALLEY MIWOK TRIBE

3 SET NO: ONE

4
5
6 **REQUEST FOR PRODUCTION NO. 1:**

7 All DOCUMENTS that DISCUSS YOUR first cause of action
8 in the FAC.

9 **RESPONSE:**

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

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

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

1 intervention. When the ASI issued its final decision on
2 August 31, 2011, affirming its December 22, 2010, decision,
3 this court stayed all further proceedings in this case,
4 except for discovery, pending resolution of a challenge to
5 the ASI's August 31, 2011 decision by the Intervenor in
6 this case, Yakima Dixie ("Dixie") and his followers.

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

20 **REQUEST FOR PRODUCTION NO. 2:**

21 All DOCUMENTS that DISCUSS YOUR second cause of action
22 in the FAC.

23 **RESPONSE:**

24 See response to Request for Production No. 1 above.

25 **REQUEST FOR PRODUCTION NO. 3:**

26 All DOCUMENTS that DISCUSS YOUR third cause of action
27 in the FAC.

1 **RESPONSE:**

2 See response to Request for Production No. 1 above.

3
4 **REQUEST FOR PRODUCTION NO. 4:**

5 All DOCUMENTS that DISCUSS YOUR fourth cause of action
6 in the FAC.

7 **RESPONSE:**

8 See response to Request for Production No. 1 above.

9
10 **REQUEST FOR PRODUCTION NO. 5:**

11 All DOCUMENTS identified in response to Special
12 Interrogatory No. 16.

13 **RESPONSE:**

14 See response to Request for Production No. 1 above.

15
16 **REQUEST FOR PRODUCTION NO. 6:**

17 All DOCUMENTS identified in response to Special
18 Interrogatory No. 3.

19 **RESPONSE:**

20 See response to Request for Production No. 1 above.

21
22 **REQUEST FOR PRODUCTION NO. 7:**

23 All DOCUMENTS identified in response to Special
24 Interrogatory No. 6.

25 **RESPONSE:**

26 See response to Request for Production No. 1 above.

1 **REQUEST FOR PRODUCTION NO. 8:**

2 All DOCUMENTS identified in response to Special
3 Interrogatory No. 9.

4 **RESPONSE:**

5 See response to Request for Production No. 1 above.
6

7 **REQUEST FOR PRODUCTION NO. 9:**

8 All DOCUMENTS identified in response to Special
9 Interrogatory No. 12.

10 **RESPONSE:**

11 See response to Request for Production No. 1 above.
12

13 **REQUEST FOR PRODUCTION NO. 10:**

14 The original of Yakima Dixie's resignation as
15 Chairperson of the TRIBE on or about April 20, 1999.

16 **RESPONSE:**

17 See response to Request for Production No. 1 above.
18

19 **REQUEST FOR PRODUCTION NO. 11:**

20 The original of YOUR Resolution GC-98-01.

21 **RESPONSE:**

22 See response to Request for Production No. 1 above.
23

24 **REQUEST FOR PRODUCTION NO. 12:**

25 A copy of YOUR current roster of members.

26 **RESPONSE:**

27 See response to Request for Production No. 1 above.
28

1 **REQUEST FOR PRODUCTION NO. 13:**

2 YOUR most recent budget for purposes of obtaining
3 federal funds under Public Law 93-638.

4 **RESPONSE:**

5 See response to Request for Production No. 1 above.

7 **REQUEST FOR PRODUCTION NO. 14:**

8 All DOCUMENTS that DISCUSS any communications which YOU
9 have had with the COMMISSION.

10 **RESPONSE:**

11 See response to Request for Production No. 1 above.

13 **REQUEST FOR PRODUCTION NO. 15:**

14 All DOCUMENTS that DISCUSS any communications which YOU
15 have had with United States Department of the Interior
16 (which includes the Bureau of Indian Affairs).

17 **RESPONSE:**

18 See response to Request for Production No. 1 above.

20 **REQUEST FOR PRODUCTION NO. 16:**

21 All DOCUMENTS that DISCUSS any communications which YOU
22 have had with former Assistant Secretary Larry Echo Hawk.

23 **RESPONSE:**

24 See response to Request for Production No. 1 above.

25 ///

26 ///

27 ///

1 **REQUEST FOR PRODUCTION NO. 17:**

2 All DOCUMENTS that DISCUSS YOUR contention that the
3 TRIBE established a governing body pursuant to Resolution
4 GC-98-01.

5 **RESPONSE:**

6 See response to Request for Production No. 1 above.
7

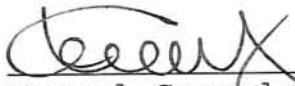
8 **REQUEST FOR PRODUCTION NO. 18:**

9 All DOCUMENTS that DISCUSS YOUR contention that
10 Resolution GC-98-01 was approved by a majority of the adult
11 members of the TRIBE.

12 **RESPONSE:**

13 See response to Request for Production No. 1 above.
14

15
16 Dated: March 7, 2013


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