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

**PLAINTIFF'S RESPONSES TO  
SPECIAL 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  
2 PROPOUNDING PARTY: INTERVENORS

3 RESPONDING PARTY: PLAINTIFF CALIFORNIA VALLEY MIWOK TRIBE

4 SET NO: ONE

5  
6 **SPECIAL INTERROGATORY NO. 1:**

7 State all facts supporting YOUR first cause of action  
8 in the FAC for injunctive relief. [As used herein, the  
9 term "YOU" and "YOUR" shall mean plaintiff California  
10 Valley Miwok Tribe, including any employee, member,  
11 attorney, or agent of plaintiff California Valley Miwok  
12 Tribe.] [As used herein, the term "FAC" shall refer to the  
13 First Amended Complaint in YOUR lawsuit against the  
14 COMMISSION in San Diego Superior Court, Case No. 37-2008-  
15 00075326-CU-CO-CTL.] [As used herein, the term  
16 "COMMISSION" shall mean defendant California Gambling  
17 Control Commission.]

18 **RESPONSE:**

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

22 On March 11, 2011, the trial court granted the  
23 Plaintiff's motion for reconsideration of the court's  
24 previous order granting intervention and denied  
25 intervention. The ruling was based in part on a December  
26 22, 2010 decision from the Assistant Secretary of Interior  
27 ("ASI"), which had concluded that the Miwok Tribe is a  
28 federally-recognized tribe consisting of five members with

1 a recognized governing body established under a 1998 Tribal  
2 Resolution. The ASI further ruled that the U.S. Bureau of  
3 Indian Affairs ("BIA") could not require the Tribe to  
4 expand its membership against its will.

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

16 The Court of Appeal decision granting Plaintiff's  
17 petition directing the trial court to lift its stay applies  
18 with equal force to the trial court's April 20, 2011 ex  
19 parte order staying the effect of its March 11, 2011 order.  
20 Accordingly, the Intervenors have been dismissed by virtue  
21 of the Court of Appeal decision directing the trial court  
22 to lift its stay of these proceedings, which stay is based  
23 on the trial court's April 20, 2011 order staying the  
24 effect of its March 11, 2011 order granting reconsideration  
25 and denying intervention. Since the Intervenors have been  
26 dismissed from this case, they have no authority to conduct  
27 discovery, and the written discovery just propounded is  
28 improper.

1 **SPECIAL INTERROGATORY NO. 2:**

2 Identify the names and addresses of all witnesses who  
3 support YOUR contention that YOU are entitled to injunctive  
4 relief as alleged in the first cause of action of the FAC.

5 **RESPONSE:**

6 See response to Special Interrogatory No. 1 above.  
7

8 **SPECIAL INTERROGATORY NO. 3:**

9 Identify all documents which support YOUR contention  
10 that YOU are entitled to injunctive relief as alleged in  
11 the first cause of action of the FAC.

12 **RESPONSE:**

13 See response to Special Interrogatory No. 1 above.  
14

15 **SPECIAL INTERROGATORY NO. 4:**

16 State all facts supporting YOUR second cause of action  
17 in the FAC for declaratory relief.

18 **RESPONSE:**

19 See response to Special Interrogatory No. 1 above.  
20

21 **SPECIAL INTERROGATORY NO. 5:**

22 Identify the names and addresses of all witnesses who  
23 support YOUR contention that YOU are entitled to  
24 declaratory relief as alleged in the first cause of action  
25 of the FAC.

26 **RESPONSE:**

27 See response to Special Interrogatory No. 1 above.  
28

1 **SPECIAL INTERROGATORY NO. 6:**

2 Identify all documents which support YOUR contention  
3 that YOU are entitled to declaratory relief as alleged in  
4 the second cause of action of the FAC.

5 **RESPONSE:**

6 See response to Special Interrogatory No. 1 above.  
7

8 **SPECIAL INTERROGATORY NO. 7:**

9 State all facts supporting YOUR third cause of action  
10 in the FAC for intentional interference with prospective  
11 economic advantage.

12 **RESPONSE:**

13 See response to Special Interrogatory No. 1 above.  
14

15 **SPECIAL INTERROGATORY NO. 8:**

16 Identify the names and addresses of all witnesses who  
17 support YOUR contention that YOUR prospective economic  
18 advantage was intentionally interfered with as alleged in  
19 the third cause of action of the FAC.

20 **RESPONSE:**

21 See response to Special Interrogatory No. 1 above.  
22

23 **SPECIAL INTERROGATORY NO. 9:**

24 Identify all documents which support YOUR contention  
25 that YOUR prospective economic advantage was intentionally  
26 interfered with as alleged in the third cause of action of  
27 the FAC.  
28

1       **RESPONSE:**

2       See response to Special Interrogatory No. 1 above.

3  
4       **SPECIAL INTERROGATORY NO. 10:**

5       State all facts supporting YOUR fourth cause of action  
6       in the FAC for writ of mandate.

7       **RESPONSE:**

8       See response to Special Interrogatory No. 1 above.

9  
10       **SPECIAL INTERROGATORY NO. 11:**

11       Identify the names and addresses of all witnesses who  
12       support YOUR contention that YOU are entitled to a writ of  
13       mandate as alleged in the fourth cause of action of the  
14       FAC.

15       **RESPONSE:**

16       See response to Special Interrogatory No. 1 above.

17  
18       **SPECIAL INTERROGATORY NO. 12:**

19       Identify all documents which support YOUR contention  
20       that YOU are entitled to a writ of mandate as alleged in  
21       the fourth cause of action of the FAC.

22       **RESPONSE:**

23       See response to Special Interrogatory No. 1 above.

24  
25       **SPECIAL INTERROGATORY NO. 13:**

26       State all facts supporting YOUR contention as alleged  
27       in paragraph 25 of the FAC that "The Commission's decision  
28

1 to withhold such funds is wrongful, an abuse of its powers,  
2 and a breach of its fiduciary duties."

3 **RESPONSE:**

4 See response to Special Interrogatory No. 1 above.  
5

6 **SPECIAL INTERROGATORY NO. 14:**

7 State all facts supporting YOUR contention as alleged  
8 in paragraph 32 of the FAC that "Burley is an authorized  
9 selected spokesperson of the Tribe."

10 **RESPONSE:**

11 See response to Special Interrogatory No. 1 above.  
12

13 **SPECIAL INTERROGATORY NO. 15:**

14 State all facts supporting YOUR contention as alleged  
15 in paragraph 45 of the FAC that YOU need the revenue  
16 sharing trust funds held by the COMMISSION "for education,  
17 medical care and other basic survival needs of the Tribe."

18 **RESPONSE:**

19 See response to Special Interrogatory No. 1 above.  
20

21 **SPECIAL INTERROGATORY NO. 16:**

22 Identify all documents supporting YOUR contention as  
23 alleged in paragraph 45 of the FAC that YOU need the  
24 revenue sharing trust funds held by the COMMISSION "for  
25 education, medical care and other basic survival needs of  
26 the Tribe."  
27  
28



1       **RESPONSE:**

2       See response to Special Interrogatory No. 1 above.

3  
4       **SPECIAL INTERROGATORY NO. 17:**

5       What specific clause(s) in the COMPACT mandates that  
6 the COMMISSION must disburse Revenue Sharing Trust Funds to  
7 YOU right now as opposed to waiting until the resolution of  
8 *California Valley Miwok Tribe v. Salazar*, U.S. District  
9 Court for the District of Colombia, Case 11-cv-00160. [As  
10 used herein, the term "COMPACT" shall mean the  
11 substantially identical Tribal-State Gambling Compacts  
12 entered into by and between the State of California, on one  
13 hand, and various Indian Tribes within the State, on the  
14 other hand, which enabled the tribes to conduct gambling  
15 operations.]

16       **RESPONSE:**

17       See response to Special Interrogatory No. 1 above.


18  
19       **SPECIAL INTERROGATORY NO. 18:**

20       State all facts which support YOUR contention that the  
21 clause(s) identified in response to Interrogatory No. 17  
22 mandates that the COMMISSION must disburse Revenue Sharing  
23 Trust Funds to YOU right now as opposed to waiting until  
24 the resolution of *California Valley Miwok Tribe v. Salazar*,  
25 U.S. District Court for the District of Colombia, Case 11-  
26 cv-00160.



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Dated: March 4, 2013

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