

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@terrysinglet.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.

**DECLARATION OF MANUEL
CORRALES, JR., IN SUPPORT OF
REPLY TO DEFENDANT CALIFORNIA
GAMBLING CONTROL COMMISSION'S
OPPOSITION TO PLAINTIFF'S
MOTION FOR JUDGMENT ON THE
PLEADINGS**

Date: April 26, 2013

Time: 2:00 p.m.

Dept: 62

Judge: Hon. Ronald Styn

Trial Date: June 4, 2013

1 I, Manuel Corrales, Jr., declare that if called as a
2 witness in this case I could and would competently testify
3 as follows:

4 1. I am an attorney at law duly licensed to practice
5 in the State of California, the State of New Mexico, and
6 the State of Utah, and I am one of the attorneys of record
7 for Plaintiff CALIFORNIA VALLEY MIWOK TRIBE herein. I have
8 personal knowledge of the facts set forth herein.

9 2. Attached herewith and marked as Exhibit "39" is a
10 true and correct copy of the Notice of Ruling: Motion for
11 Judgment on the Pleadings," with an accompanying proof of
12 service showing that it was served on March 14, 2011.

13 I declare under penalty of perjury under the laws of
14 the State of California that the foregoing is true and
15 correct.

16 Executed this 4 day of April, 2013, at San Diego,
17 California.

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MANUEL CORRALES, JR.

EXHIBIT “39”

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

11753 Avenida Sivrita

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

**NOTICE OF RULING: MOTION FOR
JUDGMENT ON THE PLEADINGS**

Plaintiff,

vs.

**CALIFORNIA GAMBLING CONTROL
COMMISSION,**

Defendant.

Date: March 11, 2011

Time: 2:00 p.m.

Dept: 62


Judge: Hon. Ronald Styn

Trial Date: May 13, 2011

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, AND TO
2 ALL OTHER INTERESTED PARTIES:

3 PLEASE TAKE NOTICE that on March 11, 2010, in
4 Department 62 of the above-entitled Court, the Hon. Ronald
5 L. Styn presiding, the San Diego County Superior Court
6 entered an order granting Plaintiff's Motion for Judgment
7 on the Pleadings. A copy of the order is attached herewith
8 and marked as Exhibit "1", and is incorporated into this
9 notice by this reference.

10
11
12 Dated: March 14, 2011


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

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL

MINUTE ORDER

DATE: 03/11/2011

TIME: 02:00:00 PM

DEPT: C-62

JUDICIAL OFFICER PRESIDING: Ronald L. Styn
CLERK: Kim Mulligan
REPORTER/ERM: Susan Holthaus CSR# 6959
BAILIFF/COURT ATTENDANT: M. Chadwell

CASE NO: **37-2008-00075326-CU-CO-CTL** CASE INIT.DATE: 01/08/2008
CASE TITLE: **California Valley Miwok Tribe vs. The California Gambling Control Commission**
CASE CATEGORY: Civil - Unlimited CASE TYPE: Contract - Other

EVENT TYPE: Motion Hearing (Civil)
MOVING PARTY: California Valley Miwok Tribe
CAUSAL DOCUMENT/DATE FILED: Motion for Judgment on the Pleadings, 02/07/2011

APPEARANCES

SEE SIGN-IN SHEET FOR APPEARANCES.

The Court hears oral argument and CONFIRMS the tentative ruling as follows:

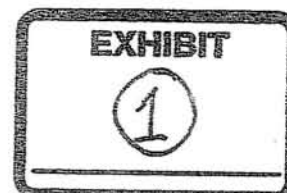
The court addresses the evidentiary issues. Plaintiff California Valley Miwok Tribe's request for judicial notice is granted. Defendant California Gambling Control Commission's request for judicial notice is granted. The Commission's objections to Plaintiff's request for judicial notice are overruled. Plaintiff's reply request for judicial notice is granted. Intervenor's objections to Plaintiff's evidence in reply are overruled.

The court then rules as follows. Plaintiff California Valley Miwok Tribe's motion for judgment on the pleadings as to Defendant California Gambling Control Commission's answer is granted.

The court finds the complaint alleges facts sufficient to state causes of action for declaratory and injunctive relief alleged against the Commission.

The court also finds that, in light of the December 22, 2010 decision by Assistant Secretary Larry Echo Hawk of the United States Department of the Interior -Indian Affairs, of which this court takes judicial notice, [Evidence Code § 452(c)], the Commission's answer does not state facts sufficient to constitute a defense to the complaint. CCP §438(c)(1)(A).

The December 22, 2010 decision definitively establishes the Tribe's membership, governing body and leadership, including Sylvia Burley's status as representative and Chairperson of the Tribe. In doing so, the decision establishes Plaintiff's right to the RSTF monies held by the Commission. As discussed in



CASE TITLE: California Valley Miwok Tribe vs. The
California Gambling Control Commission

CASE NO: 37-2008-00075326-CU-CO-CTL

this court's ruling on Plaintiff's motion for reconsideration, the December 22, 2010 decision is final and effective immediately. Given the effect of the December 22, 2010 decision, the Commission's answer fails to state facts sufficient to establish both its denials and the affirmative defenses it asserts. The December 22, 2010 decision establishes the recognized leader of the Tribe as Burley thereby establishing her standing to bring this action against the Commission. For the reasons set forth in this court's ruling on Plaintiff's motion for reconsideration, the January 12, 2011 Troy Burdick letter does not keep open issues of Tribal government, membership and leadership. While the Commission argues that the Intervenor's administrative appeal from the January 12, 2011 letter stays the effectiveness of the January 12, 2011 letter, the Commission provides no authority establishing that this administrative appeal has any effect on the December 22, 2010 decision. The December 22, 2010 decision conclusively and finally resolved these issues. The issue the Commission raises with respect to joinder of the Compact Tribes, does not have any bearing on Plaintiff's right to the RSTF monies currently held in trust by the Commission. Moreover, the answer fails to allege facts setting forth how the Compact Tribes have standing to contest payment of RSTF monies by the Commission to the Tribe.

The court orders Plaintiff to submit a judgment within 10 days of this ruling.

Plaintiff's counsel to submit a separate order re: stay.



Judge Ronald L. Styn

PK

<p style="text-align: center;">Superior Court of California County of San Diego SIGN-IN SHEET</p>	Calendar No.: 32, 33, 34, 35
	Court Use Only

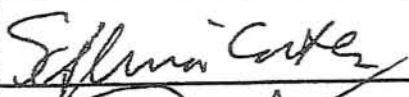
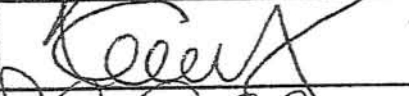
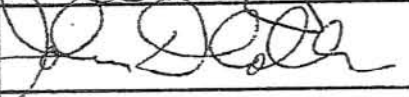
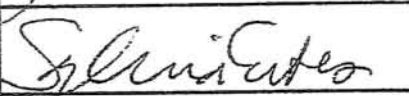
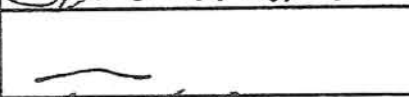
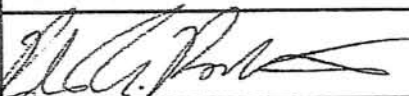

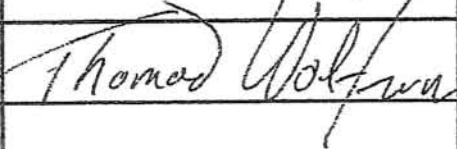
CASE: 37-2008-00075326-CU-CO-CTL - California Valley Miwok Tribe vs. The California Gambling Control Commission

EVENT TYPE: Demurrer / Motion to Strike

EVENT DATE/TIME: 03/11/2011 2:00 pm

JUDGE: Ronald L. Slyn

DEPARTMENT: C-62

ATTORNEY/PARTICIPANT NAME	CLIENT NAME	SIGNATURE
Cates, Sylvia A	The California Gambling Control Commission et. al. [DFN]	
CORRALES JR, MANUEL	California Valley Miwok Tribe et. al. [PLN]	
FREEMAN, RICHARD M JOHN COLLINS	California Valley Miwok Tribe California et. al. [INV]	
Cates Gates, Sylvia A	The California Gambling Control Commission et. al. [DFN]	
KAUFMAN, PETER H	The California Gambling Control Commission et. al. [DFN]	
Rosette, Robert A	California Valley Miwok Tribe et. al. [PLN]	
Singleton, Terry	California Valley Miwok Tribe et. al. [PLN]	
Wolfum, Thomas W	Azevedo, Antone et. al. [INP]	

SHORT TITLE: California Valley Miwok Tribe v. California Gambling Control Commission	CASE NUMBER: 37-2008-00075326-CU-CO-CTL
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ATTACHMENT TO PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL (DOCUMENTS SERVED)
(This Attachment is for use with form POS-030)

The documents that were personally served by first-class mail are as follows *(describe each document specifically)*:

NOTICE OF RULING: MOTION FOR RECONSIDERATION AND MOTION FOR LEAVE TO INTERVENE

NOTICE OF RULING: MOTION FOR JUDGMENT ON THE PLEADINGS

NOTICE OF RULING: MOTION TO QUASH DEPOSITION SUBPOENA FOR DEAN SHELTON

NOTICE OF RULING: DEMURRER TO COMPLAINT IN INTERVENTION

SHORT TITLE: California Valley Miwok Tribe v. California Gambling
Control Commission

CASE NUMBER:
37-2008-00075326-CU-CO-CTL

ATTACHMENT TO PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL (PERSONS SERVED)

(This Attachment is for use with form POS-030)

NAME AND ADDRESS OF EACH PERSON SERVED BY MAIL:

<u>Name of Person Served</u>	<u>Address (number, street, city, and zip code)</u>
Thomas W. Wolfrum, Esq.	1333 North California Blvd., Suite 150 Walnut Creek, California 94596
Sylvia A. Cates, Esq. Deputy Attorney General	1300 "I" Street, Suite 125 Sacramento, California 94244-2550
Terry Singleton, Esq. SINGLETON & ASSOCIATES	1950 Fifth Avenue, Suite 200 San Diego, California 92101
Robert A. Rosette, Esq. ROSETTE & ASSOCIATES	193 Blue Ravine Road, Suite 255 Folsom, California 95630
Randy Pinal, Esq. Deputy Attorney General	110 West "A" Street, Suite 1100 San Diego, California 92101
Richard Freeman, Esq. SHEPPARD, MULLIN, RICHTER, et al.	12275 El Camino Real, Suite 200 San Diego, California 92130-2006