Robert A. Rosette, Esq. SBN 224437 ROSETTE & ASSOCIATES 1 193 Blue Ravine Road, Suite 255 Folsom, California 95630 Tel: (916) 353-1084 Fax: (916) 353-1085 3 Email: rosette@rosettelaw.com 4 Manuel Corrales, Jr., Esq. SBN 117647 5 Attorney at Law 17140 Bernardo Center Drive, Suite 370 San Diego, California 92128 Tel: (858) 521-0634 6 Fax: (858) 521-0633 7 Email: mannycorrales@yahoo.com 8 Terry Singleton, Esq. SBN 58316 SINGLETON & ASSOCIATES 9 1950 Fifth Avenue, Suite 200 San Diego, California 92101 10 Tel: (619) 239-3225 Fax: (619) 702-5592 11 Email: terry@terrysingleton.com 12 Attorneys for Plaintiff CALIFORNIA VALLEY MIWOK TRIBE 13 14 15 SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SAN DIEGO - CENTRAL DISTRICT 16 17 Case No.37-2008-00075326-CU-CO-CTL 18 CALIFORNIA VALLEY MIWOK TRIBE DECLARATION OF MANUEL 19 CORRALES, JR., IN SUPPORT OF REPLY TO DEFENDANT CALIFORNIA Plaintiff, 20 GAMBLING CONTROL COMMISSION'S OPPOSITION TO PLAINTIFF'S 21 VS. MOTION FOR JUDGMENT ON THE PLEADINGS 22 CALIFORNIA GAMBLING CONTROL Date: April 26, 2013 23 COMMISSION, Time: 2:00 p.m. Dept: 62 24 Judge: Hon. Ronald Styn Defendant. Trial Date: June 4, 2013 25 26 27 28

Decl. of Manuel Corrales, Jr., in Support of Reply to Def. CGCC's Opposition to Motion for Jmt. on Pleadings Page 1

- 1. I am an attorney at law duly licensed to practice in the State of California, the State of New Mexico, and the State of Utah, and I am one of the attorneys of record for Plaintiff CALIFORNIA VALLEY MIWOK TRIBE herein. I have personal knowledge of the facts set forth herein.
- 2. Attached herewith and marked as Exhibit "39" is a true and correct copy of the Notice of Ruling: Motion for Judgment on the Pleadings," with an accompanying proof of service showing that it was served on March 14, 2011.

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

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

MANUEL CORRALES, JR.

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9	Terry Singleton, Esq. SBN 5831 SINGLETON & ASSOCIATES	6		
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11	Fax: (619) 702-5592 Email: terry@terrysingleton.co	m		
12				
13	Attorneys for Plaintiff CALIFORNIA VALLEY MIWOK TRIBE			
14				
15				
	SUPERIOR COURT OF THE COUNTY OF SAN DIEGO	STATE OF CALIFORNIA		
16	COUNTY OF SAN DIEGO	- CENTRAL DISTRICT		
17				
18	CALIFORNIA VALLEY MIWOK TRIBE	Case No.37-2008-00075326-CU-CO-CTL		
19		NOTICE OF RULING: MOTION FOR JUDGMENT ON THE PLEADINGS		
20	Plaintiff,	JUDGMENT ON THE PHEADINGS		
Netter.		Date: March 11, 2011 Time: 2:00 p.m.		
21	vs.	Dept: 62		
22		Judge: Hon. Ronald Styn Trial Date: May 13, 2011		
23	CALIFORNIA GAMBLING CONTROL			
24	COMMISSION,			
	D - 5 3 t			
25	Defendant.			
26				
27				
-				

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

PLEASE TAKE NOTICE that on March 11, 2010, in

Department 62 of the above-entitled Court, the Hon. Ronald

L. Styn presiding, the San Diego County Superior Court

entered an order granting Plaintiff's Motion for Judgment

on the Pleadings. A copy of the order is attached herewith

and marked as Exhibit "1", and is incorporated into this

notice by this reference.

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

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. Intervenors' 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 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 Intervenors' 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

Superior	Cour	t of	Californ	iia
Coun	ty of	San	Diego	

SIGN-IN SHEET

Calendar No.: 32 , 33 , 3 4 35

Court Use Only

CASE: 37-2008-00075326-CU-CO-CTL - California Valley Miwok Tribe vs. The California Gambling Control Commission EVENT DATE/TIME: 03/11/2011 2:00 pm

JUDGE: Ronald L. Styn

DEPARTMENT: C-62

EVENT TYPE: Demurrer / Motion to Strike

The California Gambling Control Commission et. al. [DFN]	Softma Cortez
California Valley Miwok Tribe et. al.	Celes
California Valley Miwok Tribe California et. al. [INV]	Je sede
The California Gambling Control Commission et. al. [DFN]	Silvinates
The California Gambling Control Commission et. al. [DFN]	
California Valley Miwok Tribe et. al. [PLN]	Ill. Hole
California Valley Miwok Tribe et. al. [PLN]	
Azevedo, Antone et. al. [INP]	Thomas Wolfma
	/
-	
	Commission et. al. [DFN] California Valley Miwok Tribe et. al. [PLN] California Valley Miwok Tribe California et. al. [INV] The California Gambling Control Commission et. al. [DFN] The California Gambling Control Commission et. al. [DFN] California Valley Miwok Tribe et. al. [PLN] California Valley Miwok Tribe et. al. [PLN]

	POS-030
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
Robert A. Rosette, Esq., SBN 224437	
ROSETTE & ASSOCIATES	
193 Blue Ravine Road, Suite 255	
Folsom, California 95630	
TELEPHONE NO.: (916) 353-1084 FAX NO. (Optional): (916) 353-1085	
E-MAIL ADDRESS (Optional), TO Sette @rosettelaw.com	
ATTORNEY FOR (Name): Plaintiff California Valley Miwok Tribe	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	
STREET ADDRESS: 330 West Broadway	
MAILING ADDRESS: 330 West Broadway	
CITY AND ZIP CODE San Diuego, California 92101	
BRANCH NAME: Central District	
PETITIONER/PLAINTIFF: California Valley Miwok Tribe	
RESPONDENT/DEFENDANT: California Gambling Control Commission	
	CASE NUMBER:
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL	37-2008-00075326-CU-CO-CTL
(Do not use this Proof of Service to show service of a Summons a	
1. I am over 18 years of age and not a party to this action. I am a resident of or employed	I in the county where the mailing
took place.	
My residence or business address is:	
11753 Avenida Sivrita	
San Diego, California 92128	
 On (date):March 14, 2011 I mailed from (city and state): San Diego the following documents (specify): 	
The documents are listed in the Attachment to Proof of Service by First-Class Mail (form POS-030(D)).	—Civil (Documents Served)
 I served the documents by enclosing them in an envelope and (check one): 	
 a.	postage fully prepaid.
b. placing the envelope for collection and mailing following our ordinary business	practices. I am readily familiar with this
business's practice for collecting and processing correspondence for mailing. O placed for collection and mailing, it is deposited in the ordinary course of business.	on the same day that correspondence is ess with the United States Postal Service in
a sealed envelope with postage fully prepaid.	
5. The envelope was addressed and mailed as follows:	
Name of person served:	
b. Address of person served:	
The name and address of each person to whom I mailed the documents is listed in by First-Class Mail—Civil (Persons Served) (POS-030(P)).	the Attachment to Proof of Service
I declare under penalty of perjury under the laws of the State of California that the foregoing	is true and correct.
Date: March 14, 2011	
M(000)	
Manuel Corrales, Jr., Esq. (Type or print name of person completing this form) (Signature)	IRE OF PERSON COMPLETING THIS FORM)

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 (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

Address (number, street, city, and zip code)

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:

Name of Person Served

Thomas W. Wolfrum, Esq.	1333 North California Blvd., Suite 150 Walnut Creek, California 94596
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Richard Freeman, Esq. SHEPPARD, MULLIN, RICHTER, et al.	12275 El Camino Real, Suite 200 San Diego, California 92130-2006