EXHIBIT 10

[redacted]

From: Chadd Everone [cae@fis.org]
Sent: Wednesday, September 13, 2006 7:54 PM
To: ArticleWriter1@aol.com
Subject: Re: Addenda

Chris - responding to your memo, below:

First, I believe that Melnicoe contacted Rickards in order to obtain the current balance in the Revenue Sharing Trust Fund (RSTF); or he could have contacted the accounting department. Irrespective, Rickards has made his determination about the freezing of the funds until the BIA determines the authority, so he really does not have much involvement in this matter until that happens.

With respect to them hearing from Burdick, that is addresses as follows.

Smith and Melnicoe do not deal with Burdick - he is my jurisdiction. (Besides, the BIA really does not like to deal with attorneys.) Today, Wednesday, I spent much of the day in Sacramento at the BIA on the issue of filing a Public Law 638 grant application. There is a long and somewhat contorted history around this issues, but it was recommended to me that our group file a competing 638 application, which would have the effect of pushing the BIA to make a determination on the authority and, therefore, who should receive these moneys (i.e., about $300,000 annually) as well as the money in the RSTF. The 638 application must be filed on or shortly after October 1. I had requested all of the existing tribal documents on this matter under the Freedom of Information Act; and my trip to Sacramento was to obtain that information. I met briefly with Burdick, who confirmed that Washington is in the process of circulating, among some 11 officials, a Directive about the recognition of authority. (This is what our D.C. attorney had discovered in a recent discussion with the Solicitor.) We also discussed him meeting with our D.C. attorney and various people at the up-coming National Congress of American Indians, which will be held this year in Sacramento (Oct 1-6) For the 638 FOIA, I met with three individuals (e.g., two Tribal Operations Officers and the FOIA Officer). They went over all of the filings and explained the forms and procedures for filing; I explained the history of the tribe (much of which they already knew); and I expressed the opinion that Washington was on the verge of providing their Directive on tribal authority (which they also confirmed). Everyone was very supportive, helpful, and friendly; and they stress that we do not have to have the budget well detailed but simply submit the letter of transmittal, the tribal resolution (which I will have signed this Saturday at the tribal meeting), and a budget outline; and the details would be rendered with their help. So, again, the tenor was all positive.

As a side event, at about 9 a.m., Arlo Smith has arranged for a conference call between Melnicoe, a tribal consultant, and myself to discuss the overture which the consultant has made with a tribe called Big Lagoon. That tribe has a reservation in the Redwoods and the Governor and Legislature are completely unwilling to allow a casino there. So Big Lagoon was petitioning for a Compact to do off-reservation gaming in Southern California. That deal collapsed last week. Apparently, one of the methods of getting things in the political arena is to help solve the problems of officials from whom you want something. And Smith and Melnicoe have been thinking that if we could propose a federation between Big Lagoon and Sheep Ranch to develop two casinos in a very high traffic zone within the traditional territory of Sheep Ranch (i.e., Tracy area), then the Governor might see that as a way of solving his dilemma with Big Lagoon in the Red Woods. Some initial discussion with the Chairman (Virgil Moorehead) of that tribe disclosed that: 1) he would be willing to discuss the matter, 2) his financial backer (the owner of Pizza Hut) has a contract for only the Barstow location, so

there would be not conflict because that deal is effectively dead. The prospect that this raises for us is possibly a way to expedite the Governor giving us a Compact in a highly favorable location and, also, we might actually become the agents for two tribes instead of just one, in which case the stake-holders (lenders) interests could be amplified.

I may give you a call sometime after the above discussion, tomorrow morning.

Chadd

At 10:18 AM 9/13/2006 -0400, you wrote:
>In a confidentially setting, has Arlo Smith and Pete Melincoe been in
>contact recently with Cy Rickerts? Have they heard from Burdick as to
>which way BIA will decide? The revenue fund release to your group will
>be a huge accomplishment for you, Smith, Melincoe and Burdick.
>
>As you know, trying to gain all advantage prior to writing the check /
>signing loan agreement.
>
>Chris

EXHIBIT 11

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Attorneys for Appellant:
CALIFORNIA VALLEY MIWOK TRIBE

IN THE INTERIOR BOARD OF INDIAN APPEALS

CALIFORNIA VALLEY MIWOK TRIBE, Appellant, v. PACIFIC REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee.	DOCKET NO. IBIA 07-100-A **MOTION TO INSTITUTE DISCIPLINARY PROCEEDINGS AGAINST CHADD EVERONE**

I.
INTRODUCTION

Appellant, the California Valley Miwok Tribe ("Tribe/s"), through its legal counsel, respectfully moves this Board to institute disciplinary proceedings against Chadd Everone ("Everone") prior to the resolution of this appeal pursuant to 43 C.F.R. § 1.6 ("Section 1.6") for practicing before the Department of the Interior ("Department") in violation of 43 C.F.R. § 1.3 ("Section 1.3") and Section 1.6 and for acting in an unethical and unprofessional manner in violation of Section 1.6.

Upon finding that neither statute nor Department regulation empowers Everone to practice before this Board, the Tribe asks that this Board undertake the following remedial and sanctionary measures: (1) remove Everone from the distribution list for this appeal and Docket No. 09-13-A ("09-13-A"); (2) prohibit Everone from filing any documents in the future in connection with this appeal, 09-13-A, or any other appeal initiated by the California Valley Miwok Tribe or Silvia Burley wherein Everone is not a named party and he fails to satisfy one of the Section 1.3 criteria; (3) warn Everone there will be severe monetary and non-monetary consequences should he make such future filings directly or through one of his associates; (4) strike all of Everone's filings from the records in this appeal and 09-13-A, thereby preventing this Board from considering the evidence contained therein when determining the questions on appeal; (5) institute disciplinary proceedings against Everone pursuant to Section 1.6; (6) require Everone to produce the original, signed versions of his filings within a reasonable time following the filing of this motion; and (7) notify the City of Berkeley Police Department and the Alameda County District Attorney's Office that Everone has unlawful practiced law before this Board from his home in Berkeley, CA for the past three years in violation of Section 1.3 and likely Cal. Bus. & Prof. Code § 6125 (Unauthorized Practice of Law[1]), Cal. Bus. & Prof. Code § 16240 (Illegal Practice of Business[2]), Cal. Bus. & Prof. Code §§ 17200 and 17206(a) (Unfair

[1] Cal. Bus. & Prof. Code § 6125 states: "No person shall practice law in California unless the person is an active member of the State Bar."

[2] Cal. Bus. & Prof. Code § 16240 states: "Every person who practices, offers to practice, or advertises any business, trade, profession, occupation, or calling, or who uses any title, sign, initials, card, or device to indicate that he or she

Competition[3]), and Cal. Penal Code §§ 484(a) and 487 (Grand Theft by False Pretenses[4]) – making sure to inform the authorities of every one of his filing, including any future filings such as an opposition to this Motion, as each instance is an actionable offense – as Cannon Number 11 of the American Bar Association's Cannons of Judicial Ethics requires this Board to do.

II.
PRACTICING BEFORE THE DEPARTMENT OF THE INTERIOR

Section 1.3 lists the individuals the Department authorizes to "practice" before it. 43 CFR § 1.3. "Practice" is defined in pertinent part as "any action taken to support or oppose the assertion of a right before the Department or to support or oppose a request that the Department grant a privilege," including "any such action whether it relates to the substance of, or the procedural aspects of handling, a particular matter." 43 C.F.R. § 1.1(c) ("Section 1.1(c)"). In addition to Indian tribes and their members, only those individuals that fall within one of the categories expressly identified in Section 1.3 are allowed to practice before the Department. *Id.* According to Section 1.3, these individuals are:

> (1) Any individual who has been formally admitted to practice before the Department under any prior regulations and who is in good standing on December 31, 1963[.]
>
> (2) Attorneys at law who are admitted to practice before the courts of any State, the District of Columbia, the Commonwealth of Puerto Rio, American Samoa, the Trust Territory of the Pacific Islands, or the District

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is qualified to practice any business, trade, profession, occupation, or calling for which a license, registration, or certificate is required by any law of this state, without holding a current and valid license, registration, or certificate as prescribed by law, is guilty of a misdemeanor."

[3] Cal. Bus. & Prof. Code § 17206(a), in pertinent part, states: "Any person who engages, has engaged, or proposes to engage in unfair competition shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500) for each violation, which shall be assessed and recovered in a civil action bought in the name of the people of the State of California by the Attorney General." In pertinent part, Cal. Bus. & Prof. Code § 17200 defines "unfair competition" as "any unlawful, unfair, or fraudulent business act or practice."

[4] Cal. Penal Code § 484(a), in pertinent part, stats: "Every person who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or real or personal property... is guilty of theft... For the purposes of this section, any false or fraudulent representation or pretense made shall be treated as continuing, so as to cover any money, property or service received as a result thereof, and the complaint, information, or indictment may charge that the crime was committed on any date during the particular period in question." In pertinent part, Cal. Penal Code § 487(a) defines grand theft as theft where "the money, labor, or real or personal property taken is of a value exceeding four hundred dollars ($400)."

Court of the Virgin Islands will be permitted to practice without filling an application for such privilege.

(3) An individual who is not otherwise entitled to practice before the Department may practice in connection with a particular matter on his own behalf or on behalf of:

i. A member of his family;

ii. A partnership of which he is a member;

iii. A corporation, business trust, or an association, if such individual is an officer or a full-time employee;

iv. A receivership, decedent's estate, or a trust or estate of which he is the receiver, administrator, or other similar fiduciary;

v. The lessee of a mineral lease that is subject to an operating agreement or sublease which has been approved by the Department and which grants to such individual a power of attorney;

vi. A Federal, State, county, district, territorial, or local government or agency thereof, or a government corporation, or a district or advisory board established pursuant to statute; or

vii. An association or class of individuals who have no specific interest that will be directly affected by the disposition of the particular matter.

Id. Here, the contents of Everone's filings conclusively prove that he is practicing law in connection with this matter as the term is defined under Section 1.1(c). The genesis of this case is whether or not the Bureau of Indian Affairs ("BIA") possesses the authority to reorganize a non-terminated, federally-recognized Tribe. In other words, this appeal seeks to protect Silvia Burley ("Burley"), the Tribal Council, and the other federally-recognized Tribal members' rights to protect the Tribe's present composition and, for that matter, its very existence, and to handle internal Tribal affairs free from BIA interference. However, shortly after the commencement of this suit, Everone began interfering with the Tribe's efforts to accomplish this by filing a litany of pleadings either opposing these substantive rights or moving this Board to handle the procedural posture of this appeal in certain manners. With respect to directly contesting the

Tribe's attempts to protect its rights, a cursory overview of the contents of Everone's filings shows that he advanced the following arguments in opposition:

- This Board does not have jurisdiction to hear this appeal[5];
- Burley does not have standing to bring this appeal[6];
- The questions on appeal are not ripe for review[7];
- The questions on appeal have already been adjudicated and this Board is barred from re-litigating them under the doctrine of *res judicata*[8];
- This Board, for a variety of reasons, should not stay the underlying BIA decision that is the subject of the appeal[9];

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[5] *See* Exhibit E, 2:16 ("The Interested Parties oppose the Appeal being considered by the Board. This opposition is based on the grounds that the subject of the appeal deals with a BIA determination that is a final action and is unappealable. Further, the legal basis for this action has already been tried in Federal Court and has been dismissed on the Appellant lacking a cause of action. Also The Appellant would lack a legal basis for this Action owing to her lack of authority for this Action on behalf of the Tribe, and there is not standing for The Appeal due to lack of injury; and in any case, any such appeal would is [sic] premature."); Exhibit E, 6:28 ("More fundamentally, The Board should not consider The Appeal because it would violate the non-appealable Olson Determination of February 11, 2005."); Exhibit E, 8:6 ("In reference to the legal basis for The Appeal, the argument has already been made that this action is precluded by the Olsen Determination/Directive of February 11, 2005."); Exhibit E, 8:18 ("Thus... it would see that The Board does NOT have a legal basis to consider this Appeal[.]");Exhibit E, 10:13 ("[T[he Regional Director . . . err[ed] when he determined that his decision was subject to appeal, something which... should be precluded[.]");Exhibit G, 2:45 ("To stay the implementation of an unappealable Mandate would seem to be outside the jurisdiction of the IBIA and an abrogation by the Board of the proper exercise of the discretionary authority of the administration of the BIA according to the provisions of 43 C.F.R. § 4.330[.]").

[6] *See* Exhibit E, 6:18 ("Silvia Burley would not have the authority to cause This Appeal on behalf of The Tribe, and therefore, The Appellant-Burley would not have standing for this action."); Exhibit E, 8:39 ("For the Federal government to accept [Burley's argument] would be a self-abrogation and voluntary forfeiture of its own sovereignty, which, in relationship to this case, the Federal government is, in fact, the superior sovereign entity with its inherent prerogative, *sui juris*, to defend the class of persons with whim it chooses to deal in any government-to-government relation either with this Tribe or with any other sovereign entity."); Exhibit E, 10:35 ("The Appellant-Burley addresses the issue of injury in... its Brief. But it is not demonstrated in that Argument that there has been an injury to The Tribe."); Exhibit L, 3:38 ("Silvia Burley does not have standing to make this Appeal in the name of the Tribe.").

[7] *See* Exhibit E, 11:28 ("Assuming, arguendo, that the substance of this matter were [sic] justiciable and the Appellant were to have standing, it would still be premature for The Board to consider the matter."); Exhibit E, 11:36 ("Until such time that there is a denomination [sic] of such individuals, there is really nothing to appeal.").

[8] *See* Exhibit L, 4:11 ("[T]he substance of this IBIA Appeal has already been adjudicated; and there is nothing for the Board to determine.").

[9] *See* Exhibit G, 1:15 ("[T[he Interested Parties are OPPOSED to the Appellant (Silvia Burley's) Motion to have the IBIA order a Stay on the BIA in helping the Tribe to become organized in accordance with the criteria as defined in that Public Notice."); Exhibit G, 3:77 ("For the IBIA to issue a Stay on the Olsen Determination/Directive as implemented by the Burdick Directive and as affirmed by the Regional Director's denial of the Burley Appeal and, therefore, for the IBIA to impede the organization of the Tribe with a Stay, this would seem to be, in effect, TRO/Injunction. And the Appellant (Burley), in this case, clearly would not have sufficient legal justification for this kind of action."); Exhibit G, 4:104 ("The text of [25 C.F.R. § 2.6 and 43 C.F.R. § 4.314] does not seem to dictate any such automatic Stay for this particular situation."); Exhibit G, 5:156 ("[To] impose a Stay on the

- The appeal is a frivolous, dilatory tactic[10];
- The appeal would cause injury to the "putative" members[11];
- The Board should decide the substance of the appeal against Burley and the Tribe[12]; and
- The Board should dismiss the appeal to facilitate the dismissal of one of the Tribe's other federal suits[13].

Furthermore, in regard to this Board's procedural handling of this appeal, Everone's filings disclose that he advanced the arguments listed below. As in the case with the prior section, the Board should not consider this a complete list of Everone's arguments or the evidence that supports the arguments cited herein:

- The Board should dismiss the appeal due to improper filing[14];
- The Board should dismiss the suit till the issues are ripe for review[15];
- The presiding judge should refrain from recusing himself from hearing this appeal[16];
- This Board should sanction the Tribe's former attorney for failing to send copies of his filings to Everone[17];

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organization will confound who is the proper representative for the tribe to whom this grant money should be entrusted for the benefit of the Tribe."); Exhibit G, 5:167 ("[Imposing] a Stay on the BIA from continuing to assist the Tribe in its organization by implementing the Public Notices of April 2007 would stifle any motivation toward a settlement of the dispute within the Tribe."); Exhibit G, 11:379 ("For the reasons stated herein, the Interested Parties believe that Appellant's Amended Motion to enforce Automatic Stay of November 17, 2007 should be denied.").

[10] *See* Exhibit E, 10:8 ("This Appeal is just another attempt on [Burley's] part to prevent a just resolution to tribal organization; and allowing this to further delay the proceedings would be unconscionable.").

[11] *See* Exhibit E, 11:12 ("The Tribe would be injured by allowing this Appeal to move forward and thereby impeding [sic] its legitimate organization under IRA standards.").

[12] *See* Exhibit G, 3:58 ("[W]here the tribe is unorganized . . . where the Tribe does not have a reputable and legitimate intra-tribal remedy for resolving its own disputes, and ... where the tribe has been in such prolonged, acrimonious, and irreconcilable differences about its legitimate authority, then the Bureau, does, indeed have an obligation to establish its own criteria for identifying legitimate members in the tribe with whom the Bureau will deal on a government-to-government basis.").

[13] *See* Exhibit M, 3:60 ("The Interested Parties . . . believe that [a federal suit by Burley] has no substance; but it is given some buoyancy by IBIA 07-100-A, and the [federal complaint] could be obviated if the appeal were dismissed, as it should be.").

[14] *See* Exhibit D, 1:26 ("[T]hese Interested Parties Move [sic] that this undocketed, IBIA Appeal be dismissed until such time as it becomes properly filed.").

[15] *See* Exhibit E, 11:28 ("Assuming, arguendo, that the substance of this matter were [sic] justiciable and the Appellant were to have standing, it would still be premature for The Board to consider the matter."); Exhibit E, 11:36 ("Until such time that there is a denomination [sic] of such individuals, there is really nothing to appeal.").

[16] *See* Exhibit F, 1:29 ("The Interested Parties are opposed to any such recusal of the Chief Administrative Judge from the adjudication of this case (IBIA 07-100-A) or the associated case (IBIA 06-70-A) . . . [t]he cause for such a recusal appears to be groundless; and such a recusal would almost certainly delay and confound the adjudication of the Appeal(s).").

- This Board should expedite the determination of this appeal[18];
- The Board should consider only certain precedent when contemplating the merits of this appeal[19];
- The Board should strike certain pieces of evidence from the record[20]; and
- Everone would likely contest the reopening of the briefing period in this appeal if he did not agree with the BIA's opinion on the subject[21].

Thus, through these pleadings, Everone not only directly contests the Tribe's arguments concerning their endangered rights that constitute the basis of this appeal, but he also repeatedly asserts his opinion on the proper handling of this case, including the judge who should hear it and the timeframe in which he should issue an opinion. Given this conduct, the only reasonable conclusion is that the filings he's submitted during the course of the past two and one half years in connection with this case and 09-13-A amount to the practice of law as defined by Section 1.1(c).

Further, with even more certainty, Everone's conduct amounts to the practice of law under the California regulatory code. The State of California defines the practice of law as providing "legal advice and legal instrument and contract preparation, whether or not these subjects were rendered in the course of litigation." *Birbower, Montalban, Condo & Frank P.C. v. Superior Court*, 17 Cal.4th 119, 128 (1998). Here, Everone has gone far beyond merely offering legal advice. As his representation agreements clearly depict, he is the architect of

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[17] *See* Exhibit F, 2:22 ("[Due to the Tribe's former attorney's failure to send copies of his filings to the Interested Parties] the Interested Parties request that The Board levy monetary sanctions on the Appellant-Burley in an amount that is deemed appropriate by The Board.").

[18] *See* Exhibit H, 1:11 ("The Interested Parties, hereby, request an expedited Determination on this Appeal."); Exhibit L, 1:27 ("More recent events require the Interested Parties to renew their request of an Expedited Determination of this Appeal and to emphasize that time is critical.").

[19] *See* Exhibit I, 1:20 ("The Appellant Argues that [Civ. Case Nos. 05-0739] cannot be considered by the IBIA until after the time has expired for filing a petition for rehearing in the Court of Appeals. This would seem to be incorrect.").

[20] *See* Exhibit J, 3:35 ("Therefore, please strike from the record the Pleading of the Interested Parties which is dated March 19, 208 and entitled 'RESPONSE OF INTERESTED PARTIES TO APPELLANT'S REPLY TO APPELLEE'S SUPPLEMENT TO ITS OPPOSITION DATED MARCH 12, 2008.'").

[21] *See* Exhibit N, 1:38 ("In the interest of avoiding unnecessary pleadings, the Interested Parties will not provide, at this time, responses to the Appellant's assertions [in Appellant's Request to Reopen the Briefing Period and Receive an Extension of Time to Conduct Discovery and File a Supplemental Brief]. Instead, the Interested Parties will wait to review the Response of the Appellee, BIA. If that Response adequately represents the position of the Interested Parties, then no further reply will be made.").

Yakima Dixie ("Dixie") and the putative members' litigation strategy seeking the termination of the federally-recognized Tribe purely on the basis of an internal leadership dispute[22]. *See* 10/30/03 Letter from Y. Dixie, attached hereto as Exhibit A, and 01/12/06 Resolution of Sheep Ranch Rancheria of Miwok Indians, attached hereto as Exhibit B. We are informed and believe that Everone has established a web of financiers, Casino developers, and attorney and lobbyists with the necessary connections and influence to achieve this end. However, in this appeal, he has pushed his cohorts aside in order to advance this goal himself. As the evidence cited above shows, Everone's arguments cover the gamut of legal subjects, from whether this Board has the jurisdiction to hear the appeal, to Burley's standing to bring the appeal, to legal descriptions of BIA documents, to argument about the interpretation and validity of judicial precedent, to requests for sanctions against another attorney for, we believe rightfully-so, failing to serve Everone with his filed documents. All told, through these filings, Everone has continuously expressed his, and allegedly his clients, belief that the IBIA should allow the Central California Agency of the BIA to follow through with its plan to terminate and reorganize the federally-recognized, non-terminated Tribe[23]. Thus, there should be no doubt that Everone has clearly practiced law before this Board for the better part of three years, as he has not only provided the putative members with legal advice on how to secure a presently unlawful outcome, but repeatedly advocated that this Board follow his advice and stilted interpretations regarding the facts and law that pertain to this matter.

Yet, despite this, since the outset of the case, Everone has continuously failed to satisfy any of the Section 1.3 criteria for practicing before the Department. First, as the Department itself has acknowledged, Everone is neither an Indian nor eligible for membership in an Indian

[22] *See* Exhibit G, 3:58 ("[I]n a situation, a) where the Tribe [does not have] a constitution that has been accepted by the Secretary, b) where the Tribe does not have a reputable and legitimate intra-tribal remedy for resolving its own disputes, and c) where the Tribe has been in such prolonged, acrimonious, and irreconcilable differences about its legitimate authority, then the Bureau, *does,* indeed, have an obligation to establish its own criteria for identifying legitimate members in the Tribe with whom the Bureau will deal on a government-to-government basis.")

[23] *See* Exhibit E, 6:23; Exhibit F, 2:28; Exhibit G, 9:312; Exhibit H, 2:30; Exhibit L, 3:41; Exhibit M, 2:34.

Tribe. *See* Regional Director's Response to Interested Parties Motion to Dismiss, *Everone v. Pacific Regional Director, Bureau of Indian Affairs*, Docket No. 06-70-A. To the best of our knowledge, this is an assertion that Everone has failed to contest and has, in fact, inferentially supported[24]. Thus, the argument that his conduct is permissible under the Department's general rule permitting Indians and Indian tribes to appear before it is utterly without merit.

Second, despite repeated assertions that he has the authority to act in a legal capacity, Everone is not a licensed attorney. Through his pleadings, Everone argues that he is the "deputy" and "counsel general" for Dixie and the putative member class allegedly comprised of upwards of five-hundred individuals. Everone further asserts that these thinly-veiled, fabricated titles confer him with the ability to act in a representative capacity, conduct discovery, and maintain responsibility for the "over-sight of the litigation strategy and its implementation" for these individuals. *See* 10/30/03 Letter from Y. Dixie, attached as Exhibit A, and 01/12/06 Resolution of Sheep Ranch Rancheria of Miwok Indians, attached as Exhibit B. Yet, the powers Everone expressly claims to possess fall within the exclusive province of bar certified attorneys. Yet, searches conducted on the publicly-available attorney directories for the bar associations for the fifty states, the District of Columbia, and the United States territories using the names "Chadd Ludwig," Everone's legal birth-name, and "Chadd Everone" failed to produce any matching results. Additional Everone's own filings provide further indications that he is not an attorney, as not a single one of them in connection with this appeal, 09-13-A, or 6-70-A state he has attorney licensure from any cognizable federal, state, or territorial jurisdiction. Thus, the whole quantum of publicly available evidence leads our firm to believe that, despite his contentions, Everone is not a licensed attorney.

Third and finally, Everone's connection to this appeal does not bring him within any of the seven Departmental safe-harbors for practicing before the Department, which are codified at

[24] *See* Exhibit N, 2:56 ("[Chadd Everone] is not a member of the Tribe not has he ever represented himself as such.").

Section 1.6(3), for the following reasons: (1) Everone is genetically incapable of being related to Dixie or any of the putative members since, as previously mentioned, he is not an Indian, a fact Everone himself is cognizant of, *see* Exhibit N, 2:56 ("[Chadd Everone] is not a member of the Tribe not has he ever represented himself as much."); (2) according to the California Secretary of State's website, as of November 21, 2009 Everone is not a member of a partnership with Dixie or any of the other putative members, and, even if he were, the partnership is neither named-in nor relevant-to this suit; (3) according to the California Secretary of State's website and the Delaware Division of Corporations' website, as of November 21, 2009 Everone is not an officer or an employee of a corporation, business trust, or business association with Dixie or any of the other putative members, and, even if he were, the business entity is neither named-in nor relevant-to this suit; (4) Everone is not the administrator or receiver of a trust or estate that is relevant to this suit; (5) Everone is not the lessee of a mineral lease that is relevant to this suit; (6) Everone does not represent a federal, state, county, district, territorial, or local government given the fact that the Sheep Ranch Rancheria lacks federal or California state recognition as a Tribal entity, and, even if it carries such recognition, there is no evidence on record in this appeal, any other IBIA appeal, or any state or federal court action indicating that the duly-elected governing body of this ill-defined association voted to appoint Everone as its representative; and (7) Everone represents a class of individuals that do have a direct interest in this case based upon the fact that an IBIA order upholding Central California Agency Superintendent Troy Burdick's ("Burdick") plan to reorganize the federally-recognized Tribe would allow the so called putative members to participate in the reorganization, likely become Tribal members, and consequently receive the myriad of federal benefits that accompany such status[25]. Moreover, though this inquiry is outside the scope of the regulation, Everone, personally, is not a disinterested party due to the fact that we are informed and believe he is associated with casino developers and stands to

[25] *See* Exhibit E, 9:24 ("Because of the long standing, internal tribal dispute about authority and membership of the Tribe . . . the Federal government . . . elected to exercise its sovereign right to take a more active role by identifying the class of persons (Putative Member Class) with whom it will deal in organizing the Tribe[.]").

make a wind-fall of income should the Board authorize the unlawful reorganization of the non-terminated, federally-recognized Tribe around his largely fictitious and otherwise self-serving client base. *See* 05/17/06 Cover Letter for Memorandum of Understanding between C. Everone and Midstate Consultants, LLC, attached hereto as Exhibit Q. Should Everone contest the factually-accuracy of this final point, we respectfully ask that this Board order him to produce all documentary evidence in his actual or constructive possession related to his association with Dixie, the putative members, a casino developer by the name of A. D. Seeno, Midstate Consultants, any other financiers or casino developers, and further produce any documentary evidence that indicates his contractual ownership stake in the future casino the putative members seek to develop should the Tribal reorganization take place. However, the Board will likely find that this line of inquiries is probably unnecessary due to the fact that Everone's interest is irrelevant to whether his conduct amounts to "practice" under Section 1.1(c), and, even if it's not irrelevant, Everone himself admits that he is an interested party to this litigation in at least one of his filings. *See* Exhibit E, 7:29 ("To this Interested Party (Everone), much of this appears to be legal flimflammery [sic].").

Thus, given Everone's failure to satisfy the requirements of Section 1.3, the Tribe hereby requests that the Board (1) remove Everone from the distribution list for this appeal and 09-13-A; (2) prohibit him from filing any documents in the future in connection with this matter, 09-13-A, or any other appeal initiated by the California Valley Miwok Tribe or Silvia Burley wherein Everone is not a named party and does not satisfy one of the section 1.3 criteria; (3) warn Everone there will be severe monetary and non-monetary consequences should he make future filings directly or through one of his associates; and (4) strike all of Everone's previous filings from the records in this appeal and 09-13-A, thereby preventing this Board from considering the evidence contained therein during the determination of this appeal.

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III.
INSTITUTION OF DISCIPLINARY PROCEEDINGS

In addition to the remedy requested in the section above, the gravity of Everone's actions in connection with this case and 09-13-A warrant the imposition of disciplinary proceedings. Pursuant to Section 1.6, the Board may institute disciplinary proceedings against "anyone who is practicing or has practiced before the Department on the grounds that he is" (1) incompetent, (2) unethical, (3) unprofessional, (4) "practicing without authority under the provisions of this part," or (5) "that he has violated any provisions of the laws and regulations governing practice before the Department." 43 CFR § 1.6. Here, discipline against Everone is appropriate on the grounds that he lacks authorization to practice before the Department, and, even if the Code of Federal Regulations conferred such authorization, his conduct should still be considered both unethical and unprofessional.

As the prior section establishes, Everone is neither an attorney nor an individual that falls within the ambit of the Section 1.3 safe harbors for practicing before the Department. This alone justifies this Board instituting disciplinary proceedings against Everone, particularly in light of the fact that Everone either has actual knowledge of the rules for practicing before this Board or should be imputed with constructive knowledge of the rules given his three-plus years of practice in connection with this suit, 09-13-A, and 06-70-A.

However, should the Board find that Everone's representative status is permissible under Section 1.3, discipline is still appropriate because his conduct as a representative for Dixie and the "Interested Persons" is neither ethical nor professional. The sections of the Code of Federal Regulations related to practice before the Department of the Interior fail to define either of the terms "unethical" or "unprofessional." Without any Departmental guidance, our firm assumes that these terms take on their traditional definitions and embody the general principles set forth in the American Bar Association's Model Rules of Professional Conduct ("Professional Rule/s") since these widely-recognized rules, which have been adopted or used as the model for the formulation of ethical rules in forty-eight of the fifty states, are designed to protect persons from

the improper acts of alleged representatives. Amongst the many Professional Rules that should apply before this Board is Rule 1.7(a), which explains that a representative shall not take on a representation if it involves or would involve "a concurrent conflict of interest." Model Rules of Prof'l Conduct R. 1.7(a) (2009). A concurrent conflict of interest arises where (1) "the representation of one client will be directly adverse to another client," or (2) "there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer." *Id.*

Here, Everone's representation of Dixie and the putative members involves both a direct conflict of interest and a significant risk of material limitation. First, the representation involves a direct conflict of interest because the interests of these two clients are entirely irreconcilable. On one hand, a BIA-orchestrated Tribal reorganization would benefit the putative members by allowing the federal government to rewrite *Santa Clara Pueblo* and forcibly include their names on the membership roll for a federally-recognized, non-terminated Tribe. On the other hand, the reorganization would also terminate Dixie's Tribal membership and provide no meaningful assurance that Dixie could ever re-attain this status. *See* Exhibit E, 10:1 (Everone states that "Yakima Dixie and the other members with whom he as [sic] been organizing the Tribe accept [sic] this determination even though most of the individuals may not qualify as putative members during the first round or organization."). Moreover, even if Dixie were fortunate enough to successfully navigate his way through the re-organizational process, his interests would still suffer since his name would be one of allegedly five hundred instead of one of approximately ten, as is the present situation. This outcome would markedly dilute Dixie's influence, voting power, and proportional entitlement to per capita payments.

This direct conflict of interest is clearly embodied in Everone's September 16, 2009 letter to BIA Director Jerry Gidner ("Gidner"), attached hereto as Exhibit R, wherein Everone responds to Gidner's offer to facilitate mediation between Burley and Dixie so the parties may resolve any differences of opinion concerning the leadership of the Tribe. In this letter, Everone

states he is opposed to the mediation "because any mediation between Silvia Burley and Yakima Dixie is fundamentally flawed because, since the Olsen Determination of February 2005, those two parties are NOT recognized as being the authority for the Tribe." *Id.* This statement would be proper if it came from the advocate for the putative members, a group whose interests would be irreparably harmed if Dixie and Burley were capable of working out their problems, leading the BIA to rescind its unlawful overture to pierce through the revered *Santa Clara Pueblo* opinion and reform a federally-recognized Tribe. However, it certainly isn't proper coming from an advocate for Dixie, who has steadfastly asserted that he believes the California Valley Miwok Tribe is his Tribe and he wishes to hold a position that is reasonably commensurate with this belief. Thus, through the letter, Everone picked the interests of one client to the detriment of another, and in the process trampled over the express language of Rule 1.7 and the general principles of the Duty of Loyalty that form its foundation[26]. For if Everone were truly protecting Dixie's interests, he would have either maintained that Dixie is the lawful authority for the Tribe, as Dixie has previously asserted, or agreed to Gidner's mediation to ascertain whether the parties could come to a mutually-agreeable solution that doesn't involve the BIA intruding in tribal affairs and undertaking a wholly unlawful course of conduct.

By declaring that Dixie is not the lawful authority for the Tribe, Everone not only establishes there is a direct conflict of interest between Dixie and the putative members but also the underlying realization that his representation of Dixie is materially limited by his other responsibilities in this appeal. Additionally, as Exhibit Q suggests, we are informed and believe that Everone's is incapable of competently, ethically, or professionally representing Dixie because of his own personal interest in the outcome of this litigation, which is namely a substantial ownership interest in a gaming facility constructed and operated by the reformed

[26] This is not the first time Everone has done this. In a filing dated August 18, 2007, Everone stated that Dixie no longer has standing with the BIA because the Olsen Determination eradicated his tribal authority. *See* Exhibit E, 4:1 ("The Olsen Determination of February 11, 2005 effectively put aside all historical precedence of the Tribe in its dealings with the Bureau, including any standings which either Yakima Dixie or Silvia Burley may have had with the BIA.") and 5:1 ("Since the Olsen Directive, the BIA has re-affirmed, in its actions and in documentation, that the Bureau does not recognize Silvia Burley nor anyone as a governing authority for the Tribe.").

Tribe should the BIA proceed to walk in *Santa Clara Pueblo*'s shadow until it achieves its objective. It appears that the dream of obtaining this ownership interest has compelled Everone to argue that Dixie wants the Tribe reorganized, regardless of his client's actual desires, as any other remedy would deprive him of the opportunity to sit at a patriarchal throne, surrounded by a subservient cast of characters who silently watch on while he feasts on the financial remains of a terminated tribe. Again, should Everone contest any of the factual assertions in this paragraph regarding his financial interests in this matter, we respectfully request that this Board demand that he produce any documents in his actual or constructive possession related to his connection to Dixie, the putative members, a casino developer by the name of A. D. Seeno, Midstate Consulting, or any other financiers or casino developers.

Finally, the fact that there are substantial omissions on the majority of Everone's filings raises an additional ethical concern, as there is very little, if any evidence, that Dixie authorized or had any awareness of the filings Everone purports to have filed on his behalf at the time they were filed. This is based in part on the fact that the majority of Everone's filings in connection with this matter are missing Dixie's signature or have someone else's signature in its place. Additionally, it's further based on the fact that our firm received a phone call from Dixie's parole officer on the morning of October 12, 2009, informing us that Dixie was taken into custody three nights earlier, on the evening of October 9, 2009 – some seven days before Everone's latest filing, which, like most of the others, contains Dixie's electronic signature. Yet, given Dixie's then-existing circumstances and communicative restraints, there is serious doubt that Dixie approved this latest filing either in writing or orally. Thus, in order to gauge the full extent of the impropriety Everone has committed in connection with this appeal and 09-13-A, and, consequently, the type and amount of monetary and non-monetary sanctions that should result from the disciplinary proceedings, this Board should require Everone to immediately produce the original versions of every single one of these filings, containing Dixie's legitimate written signature, and representation agreements for each of the approximately five-hundred persons within the putative member class he purports to represent. Further, to ensure Everone refrains

from committing any further unethical acts while attempting to cover up his prior misdeeds, we ask this Board to require Everone to turn these documents over to an attorney and have the attorney file them along with a certification that those document contained what the attorney reasonably believed to be legitimate signatures and dates at the time he or she received them. Further, we request that the Board require Everone's attorney to be someone other than Liz Walker or Thomas Wolfrum given their common histories, shared opinions about the ethicality of representing both Dixie and the putative members, and Wolfrum's penchant for filing frivolous lawsuits. *See* Order Granting Defendants' Motion for Sanctions, *California Valley Miwok Tribe California, et al. v. Burley, et. al*, Civ. Case No. 09-01900, Docket No. 25 (E.D. Cal. October 23, 2009).

In summation, given the breadth of impropriety in this matter, our firm requests that the Board institute disciplinary proceedings against Everone and alert the City of Berkeley Police Department and the Alameda County District Attorney's Office that Everone has likely violated numerous provisions of the California regulatory code by unlawfully practicing law before this Board for the past three years – making sure to identify every filing since each one is a cognizable offense, including any future filings such as an opposition to this Motion – as this Board should do under cannon number eleven of the American Bar Association's Cannons of Judicial Ethics, which states in full:

> Unprofessional Conduct of Attorneys and Counsel. He should utilize his opportunities to criticize and correct unprofessional conduct of attorneys and counselors, brought to his attention; and, if adverse comment is not a sufficient corrective, should send the matter at once to the proper investigative and disciplinary authorities.

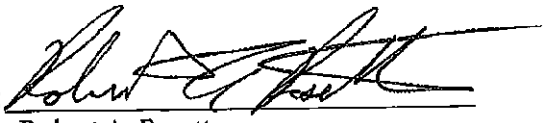
IV.
CONCLUSION

For the reasons set forth herein, we respectfully ask that, prior to the resolution of this appeal, the Board (1) remove Everone from the distribution list for this appeal and Docket No. 09-13-A ("09-13-A"); (2) prohibit Everone from filing any future documents in connection with this appeal, 09-13-A, or any other appeal initiated by the California Valley Miwok Tribe or

Silvia Burley in which Everone is not a named party and does not satisfy one of the Section 1.3 criteria; (3) warn Everone there will be severe monetary and non-monetary consequences should he make future filings directly or through one of his associates; (4) strike all of Everone's previous filings from the records in this appeal and 09-13-A, thereby preventing this Board from considering the evidence contained therein when determining the questions on appeal; (5) institute disciplinary proceedings against Everone pursuant to Section 1.6; (6) require Everone to produce the original, signed versions of his filings within a reasonable time following the filing of this motion; and (7) notify the City of Berkeley's Police Department and Alameda County District Attorney's Office that Everone has unlawful practiced law before this Board from his home in Berkeley, CA for the past three years in violation of Section 1.3 and likely Cal. Bus. & Prof. Code § 6125 (Unauthorized Practice of Law), Cal. Bus. & Prof. Code § 16240 (Illegal Practice of Business), Cal. Bus. & Prof. Code §§ 17200 and 17206(a) (Unfair Competition), and Cal. Penal Code §§ 484(a) and 487 (Grand Theft by False Pretenses), making sure to inform the authorities of every filing as each instance is an actionable offense, including any future filings such as an opposition to this Motion, as Cannon Number 11 of the American Bar Association's Cannons of Judicial Ethics requires this Board to do.

RESPECTFULLY SUBMITTED this 25th day of November, 2009.

ROSETTE & ASSOCIATES, P.C.

By: 

Robert A. Rosette
Kevin M. Cochrane
Saba Bazzazieh
ROSETTE & ASSOCIATES, PC
565 W. Chandler Blvd., Suite 212
Chandler, Arizona 85225

EXHIIBIT LIST

DOCUMENTS ESTABLISHING CHADD EVERONE REPRESENTS DIXIE AND THE PUTATIVE MEMBERS

EXHIBIT	TITLE	DESCRIPTION
A	10/30/03 Letter from Y. Dixie	Document Appoints C. Everone as "deputy" with the authority to "represent" and "discover" for Y. Dixie.
B	01/12/06 Resolution of Sheep Ranch Rancheria of Miwok Indians	Document names C. Everone "Counsel General with over-sight of the litigation strategy and its implementation."
C	12/08/08 Interested Parties' Answer in Opposition to the Appeal & to Appellant's Response to Order to Show Cause plus Request to Expedite IBIA 7-100-A and Contingent Intervenor Status, Docket No. 07-100-A	Document establishes the identity of the "Interested Parties" C. Everone purports to represent.

CHADD EVERONE'S FILINGS IN 07-100-A

EXHIBIT	TITLE	DESCRIPTION
D	06/12/07 Interested Parties' Request for Judicial Notice	Document is missing the signature for Y. Dixie.
E	08/18/07 Interested Parties' Answer to Order Setting Briefing of the IBIA on June 13, 2007 and to Appellant's Brief in Support of its Appeal July 27, 2007	
F	08/27/07 Interested Parties' Opposition to the Recusal of the Chief Administrative Judge and a Request for Sanctions on Appellant and an Expedited Hearing	Document is missing signature for Y. Dixie.
G	11/26/07 Interested Parties' Opposition to Appellant's (Amended) Motion to Enforce Automatic Stay	
H	02/16/08 Interested Parties' Motion to Expedite the Determination of this Appeal.	Document contains signature for V. Whitebear instead of Y. Dixie.
I	03/19/08 Interested Parties' Response to Appellant's Reply to Appellee's Supplement to its Opposition	Document is missing the signature for Y. Dixie.
J	04/15/08 Interested Parties' Response to IBIA's notice of Non-Receipt of Appellant's Response to February 29, 2008, Order, and Order Granting Additional Time to File – Dated April 3, 2008	Document is missing the signature for Y. Dixie.
K	04/27/08 Interested Parties' Judicial Notice	Document is missing the signature for Y. Dixie.

L	06/09/08 Interested Parties' Renewed Request to Expedite Determination	
M	08/15/08 Interested Parties' Judicial Notice	Document is missing the signature for Y. Dixie.
N	10/05/2009 Interested Parties' Response in Opposition to Appellant's Request to Reopen Briefing Dated September 25, 2009	Document is missing the signature for Y Dixie and was mailed/filed when Y. Dixie was believed to be a fugitive from justice.
O	10/19/09 Interested Parties' Request for Documents	Document is missing the signature for Y Dixie and was mailed/filed when Y. Dixie was incarcerated.

CHADD EVERONE'S FILINGS IN 09-13-A

EXHIBIT	TITLE	DESCRIPTION
P	12/08/08 Interested Parties' Answer in Opposition to the Appeal & to Appellant's Response to Order to Show Cause plus Request to Expedite IBIA 7-100-A and Contingent Intervenor Status	Document contains signature for V. Whitebear instead of Y. Dixie.

DOCUMENTS PERTAINING TO CHADD EVERONE'S FINANCIAL INTEREST IN THE OUTCOME OF THIS APPEAL

EXHIBIT	TITLE	DESCRIPTION
Q	05/17/06 Cover Letter for Memorandum of Understanding between C. Everone and Midstate Consultants, LLC	

DOCUMENTS PERTINAING TO CHADD EVERONE'S CONFLICTED REPRESENTATION OF DIXIE AND THE PUTATIVE MEMBERS

EXHIBIT	TITLE	DESCRIPTION
R	09/16/09 Letter from C. Everone to BIA Director Jerry Gidner	Document, which Everone drafted and is purportedly on behalf of Y. Dixie and V. Whitebear, turned down the BIA's recent offer to facilitate mediation between Burley and Dixie, and, in pertinent part, states: "[f]urther any mediation between Silvia Burley and Yakima Dixie is fundamentally flawed because, since the Olsen Determination of February 2005, those two parties are NOT recognized as being the authority for the Tribe."

EXHIBIT 12

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA VALLEY MIWOK TRIBE, formally the Sheep Ranch Rancheria of Me-Wuk Indians of California (a Federally Recognized Indian Tribe),

YAMIKA DIXIE (as Chief/Puntative Member),

Plaintiffs,

v.

SILVIA BURLEY (as possessor of Tribal records), TROY BURDICK, Superintendant, Bureau of Indian Affairs, United States of America (as trustee), ONEWEST BANK (as property owner),

Defendants.
_____/

Case No. 2:09-cv-01900-JAM-GGH

ORDER GRANTING DEFENDANTS' MOTION FOR SANCTIONS

This matter is before the Court on Defendant Silvia Burley's motion for sanctions against Plaintiffs' counsel

pursuant to Federal Rule of Civil Procedure 11(b).[1] Doc. # 11. Plaintiffs did not file an opposition to this motion.

On August 12, 2009 the Court held a hearing in this action regarding Plaintiffs' motion for a preliminary injunction and Defendants' motions to dismiss. The Court denied Plaintiffs' motion for a preliminary injunction and granted Defendants' motions to dismiss for all the reasons stated at the hearing and in the Court's August 31, 2009 written Order. Doc. # 23.

Having considered the briefing on the instant motion, and all pleadings and records filed in this action, the Court finds that a reasonable pre-filing inquiry into the merits of this action would have clearly revealed that (1) Plaintiffs lacked the necessary Article III standing to bring this suit; (2) the Court lacked subject matter jurisdiction over the action; and (3) Plaintiffs initiated the action prior to exhausting their administrative remedies. As such, the Court concludes that Plaintiffs' attorney did not make a reasonable investigation into the merits of the case prior to filing the action with this Court. As a result, Plaintiffs filed a frivolous lawsuit that resulted in a waste of judicial resources and unnecessary costs to Defendants.

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[1] Because oral argument will not be of material assistance, the Court orders this matter submitted on the briefs. E.D. Cal. L.R. 78-230(h).

For the reasons set forth above, the Court GRANTS Defendant Silvia Burley's Motion for Sanctions, imposing sanctions on Plaintiffs' counsel Thomas Wolfrum in the amount of $3750.00 to be paid to Defendants for the reasonable attorneys' fees incurred in this matter.

IT IS SO ORDERED.

Dated: October 22, 2009

JOHN A. MENDEZ,
UNITED STATES DISTRICT JUDGE

EXHIBIT 13

California Valley Miwok Tribe, California
(formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)
11178 Sheep Ranch Rd., Sheep Ranch, California 95250
209-728-8726

November 28 2006

Clinton T. Bailey
8383 Wilshire Boulevard #830
Beverley Hills, California 90211
310-927-8543
ctbesq@yahoo.com

Philip Kaufler
8383 Wilshire Boulevard #830
Beverley Hills, California 90211
323-655-0961
kaufler@earthlink.net

Cancellation of Agreement

I hereby cancel the attached agreement and any other agreement, implied or otherwise, which I may have made with the two of you.

On November 27, 2006, both of you made an unscheduled visit to my place a Sheep Ranch and made various representations which were false and improper. I had assumed that you had come in concert with my existing representation. I, the other members of the Tribe, and the Tribe, itself, have more than adequately legal representation by the following attorneys:

Thomas Wolfrum, Walnut Creek, California - appointed by trible resolution as General Counsel
Peter Glick, Sacramento, California - under contract by me and functions as litigator
Peter Melnicoe and Arlo Smith - appointed by my Depty Chadd Everone for compact negotiations dealings with the California Gambling Control Commission.
Liz Walker and Tim Vollmann, Washington, D.C - appointed by me for litigation and representation.
Chadd Everone is my Deputy and Consul General to the Tribe - appointed by me and by tribal resolution, coordinating the legal representation and negotiations with the BIA.
Velma WhiteBear is the Executive Director for the tribe - appointed by tribal resolution.

No new legal agreements or contracts should be made without due consideration and a tribal resolution.

Yakima Dixie
Yakima Dixie

VICKI L. BUR
Commission # 1528021
Notary Public - California
Calaveras County
My Comm. Expires Nov 19, 2008

11/29/06 Vicki L Bur Notary

~~Melvin Dixie~~

California Valley Miwok Tribe
f.k.a. Sheep Ranch Rancheria of MiWok Indians of California
11178 Sheep Ranch Rd., P.O. Box 41
Sheep Ranch, California 95202

December 15, 2005

Chadd Everone, Deputy
510-486-1314

Ray Fry or Troy Burdick,
Bureau of Indian Affairs, Central California Agency
650 Capitol Mall 8-500
Sacramento, California 95814
Tel: (916) 930-3680; Fax: (916) 930-3780

Mr. Fry:

This is to confirm our meeting on Monday, December 19, 2005 at 10 a.m.

As I indicated, Velma WhiteBear will be out-of-town and unable to attend. However, Antonia Lopez, secretary, whom you have met, will be there. In addition, I have asked Peter Melnicoe to accompany us. Peter is the former Chief Counsel for the Gambling Control Commission. He is the liaison for the tribe to the Commission and was largely responsible for obtaining the Interpleader, the explanation of which is one of the items to be discussed.

In addition, I will report on the DC litigation, apparently Thompson has filed an injunction of some kind but which has yet to be received by Upton or posted on PACER.

Because the Interpleader enables us to obtain broad discovery, the FOIA request becomes more important; and I will try nudge that along.

We are close to the 30 day period within which you expected a determination; and I would like an assessment from you on that matter.

Thank you.

YAHOO! MAIL

Print - Close Window

From: [redacted]

Date: Wed, 13 Sep 2006 09:33:57 EDT

Subject: Fwd: Addenda

To: [redacted]

Karla and all,

I received these emails from Chadd Everone. Please read.

Forwarded Message

From: [redacted]

Date: Wed, 13 Sep 2006 09:28:35 EDT

Subject: Fwd: Addenda

To: [redacted]

HTML Attachment

Forwarded Message

Date: Mon, 11 Sep 2006 16:22:56 -0700

To: "Chris [redacted]" <[redacted]>

From: "Chadd Everone" <cae@fis.org>

Subject: Addenda

Plain Text Attachment

Chris:

In terms of your consideration, I neglected to provide some substantiation
on two important elements: 1) The Revenue Sharing Trust Fund and 2) th Developer.

1) The California Gambling Control Commission maintains the Revenue Sharing
Trust Fund and that is the primary security for the repayment of the lender's money. I may have mentioned that I have hired Peter Melnicoe and
Arlo Smith (the former Chief Counsel and the former Commissioner of that
agency, respectively); and they were instrumental in getting the money frozen. See that determination.
http://www.federatedtribes.com/yakima/2006-06-27-CCGC-Determination.pc

Melnicoe and Smith are now tasked to negotiate with the Governor for a compact. Recently, I asked Melnico to call the Commission and obtain current accounting; and his response is below.

"The California Gambling Control Commission is presently holding $1,340,703.17 for the California Valley Miwok Tribe. The payment for the
third quarter of 2006 should augment that amount by an additional $275,000."

You can see the accounting at the Commission's site - see page 2, California Valley Miwok:
http://www.cgcc.ca.gov/rstfi/2006/RSTF%20Distrib%2019th_CommStaffRepor

2) The Developer/Operate is a substantial and known entity.
http://www.seenohomes.com
http://www.peppermillreno.com

The "placeholder" agreement which we have with him is posted as follows;
and this is a confidential document.
http://www.federatedtribes.com/yakima/2006-05-17-Midstate.pdf

Finally, it terms of due-diligence; I can assure that there are few deals
which have been investigated as thoroughly as this one. I know for a fact
that Seeno spent over $40,000 on legal consulting to assure himself that we
and the deal were legitimate; and Melnicoe and Smith and a variety of other
interests have investigate it thoroughly, including Phil Peck, with whom
you spoke.

If you want to discuss specific issues further, feel free to call or meet. To be candid, if you were to come in now, it would put us in a strategically good posture with the Developer.

Thanks, Chadd

EXHIBIT 14

California Valley Miwok Tribe, California
(formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)
11178 Sheep Ranch Rd. (Sheep Ranch)
Mountain Ranch, California 95246
209-728-8726
{www.californiavalleymiwok.com}

April 17, 2009

Chadd Everone, Deputy
2140 Shattuck Ave. #602
Berkeley, California 94704
510-486-1314

Troy Burdick, Superintendent
Bureau of Indian Affairs, Central California Agency
650 Capitol Mall 8-500
Sacramento, California 95814
Tel: (916) 930-3680 (ext. 3774); Fax: (916) 930-3780

Confirming our meeting on Friday, April 10, 2009 at 11 a.m.

Mr. Burdick:

Attending will be Velma WhiteBear, Antonia Lopez, and myself. I hope that Evelyn Wilson will be able to come; but if the weather looks like it my be inclement, she will probably not make it. We would like to discuss the following items.

1 - How do we go about obtaining a Determination on the exemption for taking land into trust for gaming purposes, under 25 CFR Part 292, which applies to this Tribe. Because the Tribe cannot proceed in earnest with negotiations for land acquisition, the issue of territory is essential. Who makes the Determination? How is that process approached - i.e., what CFR sections apply? As you will see in item #2, this aspect is proceed much faster than could be expected. This reiterates the request in the correspondence of February 18, 2009. Also, attached is a review of the essential criteria for this issue.

2 - We will report on the negotiations for the Altamont property and the Diablo Grande property. We need to broach the issue of Indian water rights. Perhaps we should talk to Ed Dominguez.

3 - How can the issue of 546 Bald Mountain Rd., West Point be approached (as requested in correspondence of April 3, 2009 to Paula Eagletail)?

4 - Let's discuss the issues that may be involved in 10601 Escondido Pl., Stockton, pursuant to the correspondence of April 9, 2009.

5 - May I have the names of other landless tribes in the Central California Agency? And what is the date of the next annual BIA meeting?

6 - Other issues, as Velma may have in mind and as time permits.

Thank you,

This summary has been posted with active links on the Internet site at:

http://www.californiavalleymiwok.com/2009-04-17-Burdick-memo

Establishing The Territory For The Tribe For The Purpose of Acquiring Land that can be placed into Federal Trust for Gaming Purposes [1]

Issue #1 - This Tribe is NOT adversely affected by the recent Supreme Court Decision of February 24, 2009, which nullifies the taking of land into trust for Indian tribes that were not recognized by the Federal government after 1934 [2].

a) This decision said: "The Indian Reorganization Act (IRA), enacted in 1934, authorizes the Secretary of Interior ... to acquire land and hold it in trust "for the purpose of providing land for Indians," 25 U. S. C. §465, and defines "Indian" to "include all persons of Indian descent who are members of any recognized tribe now under Federal jurisdiction," §479." The Supreme Court held that because the Statute said "now under federal jurisdiction" in §479, it unambiguously referred to those tribes that were under federal jurisdiction when the IRA was enacted in 1934, and consequently does not apply to those tribe that were not under federal jurisdiction at the time of the passage of the law. The Court held that "courts must presume that a legislature says in a statute what it means and means in a statute what it says there." Consequently, many Indian tribe that became Federally recognized after the passage of the 1934 Act would not be permitted to have land taken into trust for them until Congress passes a new law which permits that.

b) This particular Tribe became Federally recognized by a census on August 13, 1915 and was designated as the "Sheepranch-Indians" [3]; land was acquired by the Federal government for the occupancy of tribal members on April 5, 1916 [4], and the Tribe was identified as recognized to vote for the IRA and did vote in the affirmative to become organized [5], all of which is affirmed in the letter of December 12, 2008 from the Office of the Solicitor, United Stated Department of the Interior to the Deputy Attorney General, State of California, regarding the history and status of this Tribe [6].

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[1] The full documentation for this territory and land-into-trust is posted at:
http://www.californiavalleymiwok.com/L-T-Report/

[2] Carcieri, Governor of Rhode Island, et al. v. Salazar, Secretary of the Interior, et al. certiorari to the United States Court of Appeals for the First Circuit No. 07–526. February 24, 2009
http://www.californiavalleymiwok.com/L-T-Report/2009-02-24-SupremeCourt-LandsTrust.pdf

[3] The original census which identifies and recognizes the Tribe.
http://www.californiavalleymiwok.com/L-T-Report/pages/Exhibit-IB-1915-08-13.pdf

[4] The purchase of land for the occupancy of tribal members.
http://www.californiavalleymiwok.com/L-T-Report/pages/Exhibit-IC-1916-04-05-Land-Purchase.pdf

[5] The documents showing that the Tribe is recognized to vote for the Indian Reorganization Act of 1934.
http://www.californiavalleymiwok.com/L-T-Report/pages/Exhibit-IE-1936-06-06.pdf

[6] http://www.californiavalleymiwok.com/2008-12-12-BIA-position-letter.pdf

c) In a court action that was initiated in 2002 by Silvia Burley in the name of the Tribe against the BIA and to have the Tribe declared to have been "terminated", the Bureau argued extensively that the Tribe has never been terminated since its identification in 1915. [7] Although the Court never ruled on the issue of termination, it can be assumed by the official argumentation of the BIA in that case and throughout all other documentation that the Bureau hold this Tribe to have never been terminated. Thus, any suggestion that the Supreme Court's decision would apply to this Tribe because it was terminated and restored after 1934 would be spurious.

Issue #2 - The Tribe is "landless".

a) Pursuant to the Rancheria (Termination) Act of August 18, 1958 (72 Statute 619), the Solicitor of the Department of the Interior issued a formal Opinion regarding the issuance of title to approximately 58 small tracts of land called "Rancheria" to the resident Indians by the Unites States. [8] In this opinion, the Solicitor states:

> "The "assignment" in the rancheria cases, occasionally referred to as "allotment," differs from the usual "assignment," which is the tribal action of allocating tribal land to individual members. The rancheria assignments are referred to as formal when in writing - informal when oral. They were in the nature of revocable permits, or, at the most, possessory estates, terminating upon abandonment of possession. Actual occupancy was occasionally required. Legal title and ownership interest remains in the United States (Comm. to Representative Lea, 4/4/36). pg. 1883

In this Solicitor's opinion, it is clear that (in respect to this Tribe and probably all other rancheria tribes) neither individual Indians or the Indian tribe, itself, ever held any formal allocation to the property at Sheep Ranch, California, and therefore the individual Indians and the Tribe were always "landless".

b) In a Court pleading of March 2, 2004, the United States, as Defendant, reviewed the history of the reservation property for this Tribe. [9] In §10, page 4, the Bureau states:

> "10. In 1990, the Bureau of Indian Affairs sought to amend its land title records with respect to Sheep Ranch Rancheria by filing a petition with Department of Interior's Office of Hearings and Appeals to permit the BIA to hold title in trust for the Tribe instead of the heirs of Mable Dixie. The petition was **denied**." (Emphasis, added.)

---

[7] California Valley Miwok Tribe v. USA et al. Case #CIV.S-02-0912 Defendants' Memorandum In Support of Their Counter Motion To Dismiss.
http://www.californiavalleymiwok.com/Suit-02-0912-BurleyVsUSA/2004-03-02c-Def-MotionToDismiss.pdf

[8] Rancheria Act of August 18, 1958; In: Opinions of the Solicitor of the Department of the Interior Relating to Indian Affairs 1917-1974; Washington, United States Government Printing Office
http://www.californiavalleymiwok.com/1960-08-01-SolicitorOpinion.pdf

[9] See pages 3-4 California Valley Miwok Tribe v. USA et al. Case #CIV.S-02-0912 Defendants' Memorandum In Support of Their Counter Motion To Dismiss.
http://www.californiavalleymiwok.com/Suit-02-0912-BurleyVsUSA/2004-03-02c-Def-MotionToDismiss.pdf

Apparently, the BIA attempted to deed the Sheep Ranch property to the Tribe, rather than have it deeded to individual Indians; but that action was denied by the IBIA or IBLA, which is further evidence that the Tribe is "landless".

c) On December 12, 2008, the Office of the Solicitor, United States Department of the Interior issued a letter to the Deputy Attorney General, Department of Justice, State of California regarding the history and status of this Tribe. [10] While not dealing specifically with the issue of the Tribe being "landless", it would seem to be obvious from its history as recited in that letter.

Issue #3 - This Tribe qualifies for the "Initial Reservation Exception" in the Code of Federal Regulations entitled "Gaming on Trust Lands Acquired After October 17, 1988" (25 CFR Part 292) which implements §2719 of the Indian Gaming Regulatory Act (IGRA), which, in turn, allows Indian tribes to conduct class II and class III gaming activities on land acquired after October 17, 1988. [11]

Those regulations define the "Initial Reservation Exception" as follows.

Code	Notes & Comments
§ 292.6 What must be demonstrated to meet the "initial reservation" exception? This section contains criteria for meeting the requirements of 25 U.S.C. 2719(b)(1)(B)(ii), known as the "initial reservation" exception. Gaming may occur on newly acquired lands under this exception only when all of the following conditions in this section are met:	
(a) The tribe has been acknowledged (federally recognized) through the administrative process under part 83 of this chapter.	Affirmative - see [12]
b) The tribe has no gaming facility on newly acquired lands under the restored land exception of these regulations.	Because the Tribe has never been termination, the "restored land exception" would not apply.
(c) The land has been proclaimed to be a reservation under 25 U.S.C. 467 and is the first proclaimed reservation of the tribe following acknowledgment.	This needs to be resolved

[10] http://www.californiavalleymiwok.com/2008-12-12-BIA-position-letter.pdf

[11] Department of the Interior Bureau of Indian Affairs; 25 CFR Part 292 - Gaming on Trust Lands Acquired After October 17, 1988; In: 29354 Federal Register / Vol. 73, No. 98 / Tuesday, May 20, 2008 / Rules and Regulations http://www.californiavalleymiwok.com/2008-05-20-FR-LandToTrust.pdf

[12] Land-to-trust report. http:// www.californiavalleymiwok.com/L-T-Report/

Code	Notes & Comments
(d) If a tribe does not have a proclaimed reservation on the effective date of these regulations, to be proclaimed an initial reservation under this exception, the tribe must demonstrate the land is located within the State or States where the Indian tribe is now located, as evidenced by the tribe's governmental presence and tribal population, and within an area where the tribe has significant historical connections and one or more of the following modern connections to the land:	Affirmative
((1) The land is near where a significant number of tribal members reside; or	Affirmative - the majority of the prospective members live in Stockton, California
(2) The land is within a 25-mile radius of the tribe's headquarters or other tribal governmental facilities that have existed at that location for at least 2 years at the time of the application for land-into-trust; or	Affirmative - a recognized headquarters for the Tribe has been in Stockton, California since 2002.
(3) The tribe can demonstrate other factors that establish the tribe's current connection to the land.	Affirmative

The Tribe is prepared to demonstrate that land within a 25 mile radius of Stockton, California would qualify by the above criteria.

EXHIBIT 15

[redacted]

From: Chadd Everone [cae@fis.org]
Sent: Monday, September 11, 2006 4:23 PM
To: Chris Ray
Subject: Addenda

Chris:

In terms of your consideration, I neglected to provide some substantiation on two important elements: 1) The Revenue Sharing Trust Fund and 2) the Developer.

1) The California Gambling Control Commission maintains the Revenue Sharing Trust Fund and that is the primary security for the repayment of the lender's money. I may have mentioned that I have hired Peter Melnicoe and Arlo Smith (the former Chief Counsel and the former Commissioner of that agency, respectively); and they were instrumental in getting the money frozen. See that determination.
http://www.federatedtribes.com/yakima/2006-06-27-CCGC-Determination.pdf

Melnicoe and Smith are now tasked to negotiate with the Governor for a compact. Recently, I asked Melnico to call the Commission and obtain a current accounting; and his response is below.

"The California Gambling Control Commission is presently holding $1,340,703.17 for the California Valley Miwok Tribe. The payment for the third quarter of 2006 should augment that amount by an additional $275,000."

You can see the accounting at the Commission's site - see page 2, California Valley Miwok:
http://www.cgcc.ca.gov/rstfi/2006/RSTF%20Distrib%2019th_CommStaffReport.pdf

2) The Developer/Operate is a substantial and known entity.
http://www.seenohomes.com
http://www.peppermillreno.com

The "placeholder" agreement which we have with him is posted as follows; and this is a confidential document.
http://www.federatedtribes.com/yakima/2006-05-17-Midstate.pdf

Finally, it terms of due-diligence; I can assure that there are few deals which have been investigated as thoroughly as this one. I know for a fact that Seeno spent over $40,000 on legal consulting to assure himself that we and the deal were legitimate; and Melnicoe and Smith and a variety of other interests have investigate it thoroughly, including Phil Peck, with whom you spoke.

If you want to discuss specific issues further, feel free to call or meet. To be candid, if you were to come in now, it would put us in a strategically good posture with the Developer.

Thanks, Chadd

EXHIBIT 16

Thomas Wolfrum,
Attorney at Law
1460 Maria Lane, Suite 340
Walnut Creek CA 94596

facsimile transmittal

To:	Gary Qualset	**Fax:**	916-263-0499
From:	Thomas Wolfrum	**Date:**	5/20/2004
Re:	California Valley Miwok Tribe	**Pages:**	4 including this cover sheet
CC:	Yakima K. Dixie		

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Mr. Gary Qualset
Deputy Director for Licensing & Compliance
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 200
Sacramento CA

Dear Mr. Quaselt,

I represent Yakima K. Dixie and the Sheep Ranch Rancheria of MiWok Indians of California (aka California Valley Miwok Tribe).

I received by facsimile a copy of the letter addressed to you that accompanies this cover sheet.

Mr. Keep's letter should be sufficient for the California Commission to withhold payments from the California

Valley Miwok Tribe until Yakima K. Dixie's appeal is resolved.

If you have any questions for me, please telephone me at 925-930-5645.

Sincerely,

Thomas Wolfrum

United States Department of the Interior

OFFICE OF THE SOLICITOR
Washington, D.C. 20240

TRANSMISSION NOTICE

TO: Thomas Wolfrum, Esq.
1460 Maria Lane, Suite 340
Walnut Creek, CA 94596

Transmission number: 925-930-6208

Confirmation number: 925-930-5645 ext: 201

Mr. Wolfrum

I am out of the office all day Friday, May 21. I had not anticipated a further telephone conference.

FROM: Scott Keep, Assistant Solicitor
Branch of Tribal Government & Alaska
Division of Indian Affairs
Office of the Solicitor, Mail Stop 6456
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240
(202) 208-6526 or 5311

NO. OF PAGES TO FOLLOW: _____

DATE/TIME:

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United States Department of the Interior

OFFICE OF THE SOLICITOR
1849 C STREET N.W.
WASHINGTON, DC 20240

In reply, please address to:
Main Interior, Room 6456

Mr. Gary Qualset
Deputy Director for Licensing & Compliance
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 200
Sacramento, CA

May 20, 2004

Re: California Valley Miwok Tribe

Dear Mr. Gary Qualset:

The purpose of this letter is to confirm to you that the Department of the Interior does have pending before it an appeal from Yakima Dixie contesting the Department's recognition of Silvia Burley as the spokesperson of the California Valley Miwok Tribe. In addition, the Department is a defendant in litigation in the United States District Court for the Eastern District of California brought by the California Valley Miwok Tribe under the apparent direction of Ms. Burley. In that litigation, Brian Golding, the Tribal Operations Specialist for both the Central California Agency of the Bureau of Indian Affairs (BIA) and for the Pacific Region of the BIA recently described Ms. Burley's status as follows:

> 9. At the present time, the Bureau of Indian Affairs acknowledges Silvia Burley as the authorized representative of the California Valley Miwok Tribe with whom government-to-government business is conducted. However, the BIA does not view the Tribe to be an organized tribe and, therefore declines to recognize Ms. Burley as a "tribal chairperson" in the traditional sense as one who exercises authority over an organized Indian tribe.

Declaration of Brian Golding, at 4, ¶ 9. A copy of Mr. Golding's declaration is enclosed for your convenience.

The status of the California Valley Miwok Tribe as an unorganized tribe lacking a sufficiently defined governmental structure and membership is described in more detail in other paragraphs of Mr. Golding's declaration and the March 26, 2004, letter to Ms. Burley from the Superintendent of the Central California Agency, a copy of which was attached to Mr. Golding's declaration as Exhibit "b," and a copy of which is enclosed for your ready reference.

We will be glad to try to keep you informed of the status of the litigation and the dispute over the organization and leadership of the California Valley Miwok Tribe. In the meantime, if you have

any questions or if we can be of any assistance in the future in some other matter, please don't hesitate to call on us.

Sincerely,

Scott Keep
Assistant Solicitor
Branch of Tribal Government and Alaska
Division of Indian Affairs

Enclosures

cc: John W. Spittler, Esq.
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 200
Sacramento, CA

Thomas Wolfrum, Esq.
1460 Maria Lane, Suite 340
Walnut Creek, CA 94596

Debora G. Luther, Esq.
Assistant United States Attorney
United States Attorney's Office
Eastern District of California
501 I Street, Suite 10-100
Sacramento, CA 95814

Phillip E. Thompson, Esq.
Thompson Associates
9450 Pennsylvania Avenue
Suite 4
Upper Marlboro, MD 20772

Brian Golding
Tribal Operations Specialist
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

EXHIBIT 17

2005-10-13-Keep

SHEEP RANCH RANCHERIA OF MIWOK INDIANS OF CALIFORNIA
A.K.A. CALIFORNIA VALLEY MIWOK TRIBE
11178 SHEEP RANCH RD., P.O. BOX 41
SHEEP RANCH, CALIFORNIA 95202

October 13, 2005

Scott Keep, Assistant Solicitor
Branch of Tribal Government & Alaska
Division of Indian Affairs
Office of the Solicitor, Mail Stop 6456
U.S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240
(202) 208-6526 or 3511
Fax: (202) 219-1791 or (202) 208-3490

Chadd Everone 510-486-1314
Thomas Wolfrum 925-930-5645

Mr. Keep:

Greetings! I hope that all is well with you.

The issue before the Bureau is the determination of whom the Bureau will recognize as being the authority for the Tribe for the purposes of its organization. I understand that this determination is now "back in Washington". Hence, I assume that that entails your involvement, to some extent. Thus, I would like to speak with you briefly to assess the situation, and I will call to set a time.

Specifically, I would like to understand: 1) where does the determination stand and who is responsible for making it, 2) how do Silvia's suits against the Bureau impact the determination and its timing, and 3) on our part, what additional pleadings might be useful to advance the determination and the organizational process?

Our general policy has been to work within the channels of authority; and I am reasonably satisfied that we are getting due-process through the Bureau's administrative procedures - albeit a somewhat slow and epistemologically opaque process. I will provide, here, a synopsis of my understanding of the progression of recent events, as a platform for our discussion and to see if our respective understandings are congruent.

Respectfully,

Chadd Everone

Schematic

BIA mandates the organization of the Tribe by putative members (February 11, 2005).

Yakima accepts the mandate and proceeds with organization and negotiations with BIA (March 7, 2005 to present).

Silvia attempts to disrupt organizational process within BIA by court action.

The organizing Putative Members are defined, identified, and submitted to BIA for acknowledgment (July 8, 2005 and pending) .

The organizational process is as follows:

1) Identify organizing Putative Members.
2) Putative Members draft instruments of governance.
2) Putative Members establish criteria for broader membership.
3) Broader membership is identified and included.
4) Instruments of governance are modified and ratified by broader membership.
5) Membership and instruments of governance are presented to BIA for modification and final acceptance.

Background

As you know, Yakima Dixie's appeal culminated in the Michael D. Olsen "Determination" letter of February 11, 2005, in which the Principal Deputy, Acting Assistant Secretary of the Bureau dismissed the appeal "on procedural grounds". He said that "Your appeal of the BIA's recognition of Ms. Burley as tribal Chairman has been rendered moot by the BIA's decision of March 26, 2004....". And that refers to the "Risling Determination" of about 1 year prior, in which the BIA determined that the Tribe is unorganized (therefore could not have a "Chairperson") and that the constitution which Burley had submitted was improper. (In his letter, Risling appeared to criticize Burley for not having made any substantive efforts in tribal organization over the course of some 4 years during which she had been responsible for tribal affairs. Because Burley failed to appeal that determination, it became the policy of the Bureau.) Olsen went on further to propose that the dispute be resolved by Mr. Dixie organizing the Tribe with the help of the local agency. He noted that "The first step in organizing the Tribe is identifying ***putative*** tribal members" (the emphasis is mine); and he suggested the guidance and assistance of Ray Fry and the Central California Agency. Yakima could have viewed this determination as a "run around", being that he had, in fact, been attempting to organize the Tribe in that venue since 1999. However, he chose to accept the Olsen letter on its face value, and he proceed to restart the organizational process from scratch.

Thus, the Olsen letter of February 11, 2005 is seminal and the Risling letter of March 26, 2004 is foundational.

After a detailed parsing and evaluation of the Olsen and Risling letters by a solid 6 lawyers and experts in Indian affairs, it was determined that the letter shall be considered a Mandate by the Bureau to resolve the dispute over the recognized authority for the Tribe by organizing the Tribe, *de novo*. This approach has the advantage of obviating the endless wrangling about antecedent pleadings, claims, administrative actions, etc. by grounding the resolution on inherent criteria - i.e., who inherently has the right to organize the Tribe and have the done so in a manner which is acceptable to the U.S. government for that entity to give it full recognition as a sovereign entity and qualified to receive the benefits thereof?

The usage of the term "putative" by Olsen made reference, seemingly, to another document - i.e., the Declaration of Brian Golding Sr. of April 30, 2004 in Case #civ.S-02-0912, in which Golding introduced the term "putative" in reference to legitimate members of this Tribe.

> "With respect to federally recognized tribes that are unorganized, have no formal government structure and/or have no formal enrollment document or list of members and where a distribution plan was prepared for the Tribe, such as Sheep Rancher Rancheria, it has been BIA's practice to acknowledge the distributees listed on the plan and their lineal descendants as putative members of the tribe. Pursuant to this practice, Yakima Dixie was and has been acknowledged by BIA as a ***putative member*** of the Tribe." (Again, the emphasis is mine. See Section 5, lines 6-11, page 3 of that Declaration)

The main issue, then, in the organizational process, would be contingent on the term "putative", which most everyone bemoans as vague but which I, personally, find clear, instructive, and *apropos* in this situation. In various communications we have relied on the definitions from two authoritative sources [1, 2];

[1] **Merriam-Websters Unabridged Dictionary.** Putative - adjective. Etymology:Middle English, from Late Latin putativus, from Latin putatus (past participle of putare to consider, think) + -ivus -ive * more at PAVE. 1 : commonly accepted or supposed : REPUTED *a few of us are a little dubious about these putative human superiorities— E.A.Hooton* *the putative father*. 2 : assumed to exist or to have existed : HYPOTHESIZED, INFERRED *they can recognize rock strata capable of producing oil, and look for the putative product— Time*

[2] **Oxford English Dictionary.** Putative [a. F. putatif (14–15th c. in Hatz.-Darm.), or ad. late L. putativ-us

and we hold the term "putative" to mean: commonly accepted, by common sense, and by common law and tradition. No one from the Bureau nor from Burley's faction has ever disputed this definition nor provided alternative meanings.

In reference to the Putative Members in the sense of those individuals who might be the accepted authorities by common law and tradition, we have made reference, in our pleading with the BIA, to two primary authorities: 1) the 1925, definitive, anthropological work of A.L. Kroeber's "Handbook of the Indians of California - Chapter 30 The Miwok", wherein he describes the lines of descent of tradition authority; and 2) the more recent, legal determination of 1983 in the case of Tillie Hardwick, et al. v. the United States of American, et al. That case involved 17, Rancheria-type tribes such as Sheep Ranch; and therein, it is stipulated that:

> "The Court shall certify a class consisting of all those persons who received any of the assets of the rancherias listed and described in paragraph 1 pursuant to the California Rancheria Act and any Indian Heirs, legates or successors in interest of such persons with respect to any real property they received as a result of the implementation of the California Rancheria Act."

The two references (i.e., Kroeber and Tillie Hardwick) would constitute valid criteria for defining "putative member" by tradition and jurisprudence, respectively. Again, we have promulgated these criteria on many occasions since the Olsen Determination; and no one from the Bureau nor Silvia Burley's faction has ever rebutted them or provided alternative criteria.

Immediately after the Olsen Determination of February 11, 2005, Yakima Dixie, on behalf of the Putative Members, began negotiations with the Bureau on the organization of the Tribe in a series of official meetings with various representatives of the Central California Agency (i.e., Ray Fry, Dale Morris, Myra Spicker, and, more recently, Troy Burdick). In the process and by the aforementioned criteria for putative member, the putative members were identified as being:

(Tertullian c 200), f. putat-us: see prec. and -ive.]
That is such by supposition or by repute; commonly thought or deemed; reputed, supposed. putative marriage, in Canon Law, a marriage which though legally invalid was contracted in good faith by at least one of the parties.

1432–50 tr. Higden (Rolls) III. 331 Philippus,+fader putatiue of the noble conquerour Alexander. 1539 Test. Ebor. (Surtees) VI. 92 John Beilbie, my sone putative. a1548 Hall Chron., Edw. IV 196 Of al hys other putatyue (I dare not say fayned) frendes+he had bene clerely abandoned. 1577 tr. Bullinger's Decades (1592) 688 Neither is the Scripture it selfe ashamed, to call Marie+not the putatiue or supposed, but the true and naturall mother. 1681 J. Flavel Meth. Grace vi. 130 Let their blasphemous mouths call it in derision putative righteousness, (i.e.) a mere fancied or conceited righteousness; yet we know assuredly Christ's righteousness is imputed to us, and that in the way of faith. 1765 Blackstone Comm. I. xvi. 458 If such putative father, or lewd mother, run away from the parish, the overseers+may seize their rents, goods, and chattels, in order to bring up the said bastard child. 1858 Sears Athan. ii. xi. 240 He [Christ] imparts not a putative, but a subjective, righteousness to the believer.

1811 Ld. Meadowbank in Brymner v. Riddell (Febr.) (Ct. of Session), Here there was a putative marriage, acknowledged by all the friends of both parties, and by the general admission+of the legality of that marriage. 1825 Rt. Bell (title) Report of a case of legitimacy under a putative marriage [Brymner v. Riddell] tried+1811. 1876 P. Fraser Husb. & Wife Law Scotl. (ed. 2) I. 152 The children born of such a putative marriage are, by the law of Scotland legitimate, though the marriage be null.

Hence "putatively adv., in a putative way or manner; supposedly, reputedly.

1716 M. Davies Athen. Brit. II. 220 He subjoin'd also that Christ did not really suffer, but only Putatively in people's Fancies. 1851 P. Colquhoun Rom. Civ. Law II. §1078 Putatively married persons have the same privilege. 1903 McNeill Egregious English 109 Mr. Davidson is a Scot, and Mr. Yeats, putatively at any rate, an Irishman.

Yakima Dixie - a lineal descendant of Mable Hodge Dixie, the sole distributee of the reservation property, an heir to her estate, and her senior living son;

Melvin Dixie - a lineal descendant of Mable Hodge Dixie, the sole distributee of the reservation property, an heir to her estate, and the younger brother of Yakima; and

Dequita Boire - a lineal descendant of Merle Butler, the only other heir to the estate of Mable Hodge Dixie, the sole distribute of the reservation.

These three individuals constitute the authentic and legitimate Putative Member Class, according to the criteria as established by Kroeber and in Tillie Hardwick. In addition, by formal Resolution, this Putative Member Class, for the sake of continuity, allowed Silvia Burley to be one additional member of the organizers of the Tribe. Further, Velma WhiteBear has been designated by the Putative Members to be the administrative authority for the Tribe and its operational officer. (Velma is the Attorney-in-Fact for Yakima Dixie. She is an individual who is a close relative of Yakima Dixie; she is heir to his estate, and supportive of his plans for the purpose of the Tribe; and as a person who was raised on the reservation property at Sheep Ranch, as an individual who is a competent administrator in her own right of Indian programs, who is deeply involved in local Indian affairs and knowledgeable of the families and their histories, and who has acted as the Executive Director for the Tribe over the last several years, she is, by far, the best qualified person to administer the affairs of this tribe.) These determinations have been presented to the Bureau; and, presently, they await the Bureau's confirmation.

In an attempt to impede, disrupt, circumvent, and/or negate the official organizational process under the auspices of the Bureau, Silvia Burley initiated a non-substantive suit in an attempt to have the Court prevent the Bureau from being involved in the organizational process, thus nullifying the Olsen Mandate of February 11, 2005. Yakima Dixie, on behalf of the Putative Member Class, has requested Intervenor status from the Court. Both the Bureau and the Intervenor have moved to have the suit dismissed; but we can be assured that Thompson will appeal it if that happens - thus, attempting to delay the process for another year and further deplete tribal resources. In an attempt to refute Yakima's status as Intervenor, Burley disenrolled him as a member in her Tribe, which does nothing more that dramatically underscore Burley and her managers' mean-spiritedness and lack of sincerity and competence as being the authority for the Tribe. This is a foreshadowing of what would come under her administration: first enrolling a sufficient number of members to satisfy the BIA and then soon thereafter disenrolling them - as many of the other tribes seem to be doing.

In our proceedings with the Bureau, all agents have averred that the court actions do not have to impede the organization of the Tribe; and on that premise, the Putative Members are proceeding judiciously. In a similar manner, the court case can proceed independently of the BIA's designation of the authorized representatives for the Tribe. (If Burley were to prevail in court, the designation of the BIA could simply be reversed.) If there is a reason for a delay in the Determination, we would really need to know that.

This constitutes a review of the main issue from the date of the Olsen Determination. The events are chronicled in detail in a series of documents that were submitted to the local BIA; and we can provide copies to the Solicitor if so desired.

EXHIBIT 18

TELEFAX MEMO **(URGENT)**

DATE: October 28, 2005

TO: Scott Keep and Jane Smith

FROM: Liz Walker and Tim Vollmann

SUBJECT: California Valley Miwok Tribe v. DOI, No. 1:05CV0739 (D.D.C.)
Need for communication with California Gaming Control Commission

As you know, the Commission will be distributing $800,000 to plaintiffs in the very near future unless persuaded to reconsider or postpone the action contemplated in the agency's October 19th letter, which we faxed to you earlier in the week. Dale Campbell the lawyer in California representing our mutual client Yakima Dixie spoke this week to Cy Richards of the California Gambling Control Commission, and was told they needed an understanding of the Department's position with regards to who was the leader of the Miwok Community. Mr. Richards was clear to us that the declarations filed in the suit brought by Sylvia Burley against the Government (referred to in the Commission's letter of October 19, 2005), were confusing, and they felt "cut their legs off" in terms of deferring payment to distribution of the gaming funds.

As you are now aware, Sylvia Burley has attempted to disenroll Yakima Dixie from the Tribe, and will no doubt deny him the right to his portion of the RSTF distribution payment. Therefore, it has become more urgent that the Gambling Commission defer payment, until the enrollment issues can be addressed. We are seeking immediate intervention by the lawyers of the BIA to clarify the declarations filed by the Government in the recent lawsuit brought by Sylvia Burley. We request that you or Jane Smith contact Cy Richards, either in writing or by telephone, and communicate that the declarations attached to his recent letter have been misconstrued, and were not intended to imply that the department has decided who is the official leader or spokesperson for the community. In our view, a deferment of the funds would be fair under these circumstances so that the issues of enrollment can be addressed to avoid litigation initiated by Mr. Dixie.

We certainly understand that it is the Department's position that it does not purport to take sides when it comes to the Commission's decisions on the distribution of gaming revenues. But some communication is in order because of the confusion between the BIA and the Commission on the proper interpretation of the Declarations filed in the case, and also a September 14, 2005, letter from Superintendent Troy Burdick to Silvia Burley.

Also, there is the intervening, critical event of the purported disenrollment of Movant-Intervenor Yakima Dixie, which threatens to permanently thwart BIA's efforts to aid the organization of the Tribe. We believe that Mr. Richards was not aware of that fact. As you can understand, this bogus disenrollment decision is not a mere internal tribal matter. It was a flagrant attempt to halt the BIA's organization initiative. The BIA has clearly recognized that Mr. Dixie is a tribal member (indeed, the only recognized tribal members for many years.) The action taken was by a tribal forum which the BIA does not recognize, because it is a purported product of a constitutional process which the BIA does not recognize. Also, the action on its face violates Mr. Dixie's rights to due process and freedom of expression.

For the BIA and the Department to acquiesce in the Commission's distribution of funds on Monday (1) fuels Plaintiff's litigation efforts against the Department; (2) recognizes *de facto* the disenrollment of Yakima Dixie; and (3) violates Mr. Dixie's status and rights.

Simply, TIME is the enemy at this point. We recommend that you take some steps to persuade the Commission to defer action, and clarify that the BIA, has not determined who is the authoritative leader of the Tribe. Indeed the Government has used an exhaustion of administrative remedies defense to her claims. If the Commission acts now, without the advice or necessary consideration of the BIA's position and intervening events, there will necessarily be expanded litigation, potentially involving all parties, including the Commission.

As you are aware I met with Jerry Gidner this week, and explained our position. In that meeting, I argued that there is a very significant distinction between the use of Ms. Burley for the purpose of BIA contract funding and the payment RSTF distributions. RSTF distributions made here will go in large part to individuals as per capita type payments. The mere fact contract funds are continuing to be paid to the "Tribe" (regardless of a final determination of who is a person of authority) should not chill the BIA's desire to clarify to the Commission the BIA opposition to Ms. Burley's attempt to block the *inclusive* organization of the Tribe and a fair development of the Tribe's constitutional process. Therefore, we are asking for a communication by the BIA, to explain the Government's position in the pending lawsuit brought by Ms. Burley, that may have been confused by the declarations and documents filed with the Governments pleadings. We believe a communication from the lawyers at the BIA to the Cy Richards explaining the context of the declarations in question would be appropriate under the circumstances, and is a very modest request that could prevent harm to our client and unnecessary litigation.

Accordingly, proposing a modest delay is the prudent step to be taken TODAY.

Please feel free to call me or Tim Vollman today to discuss this.

cc: Tim Vollman
James Upton
Jerry Gidner

EXHIBIT 19

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

The Honorable Dianne Feinstein
United States Senator
One Post Street, Suite 2450
San Francisco, California 94104

Dear Senator Feinstein:

Thank you for your letter of August 24, 2007, on behalf of Mr. Arlo E. Smith, regarding his concerns about potential payment of P.L. 93-638 funds to the California Miwok Tribe (Sheep Ranch). We apologize for the delay in our response.

Mr. Smith's concern about payments being made to a group, prior to the establishment of a recognized governing body, is also a valid concern shared by the Bureau of Indian Affairs. The Bureau has not entered into contracts nor disbursed funds for fiscal year 2008 with any party who purports to represent the California Miwok Tribe (Sheep Ranch); nor does the Bureau intend to contract with any party alleging to represent California Miwok Tribe (Sheep Ranch) until the tribe is organized. (See enclosed letters.)

Thank you for your interest in Indian affairs.

Sincerely

for Jerry Gidner
Director, Bureau of Indian Affairs

Enclosures

Copy to your Washington office

EXHIBIT 20

California Valley Miwok Tribe, California
(formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)
11178 Sheep Ranch Rd. (Sheep Ranch)
Mountain Ranch, California 95246
209-728-8726
{www.californiavalleymiwok.com}

October 10, 2008

Chadd Everone, Deputy
2140 Shattuck Ave. #602
Berkeley, California 94704
510-486-1314

Troy Burdick, Superintendent
Bureau of Indian Affairs, Central California Agency
650 Capitol Mall 8-500
Sacramento, California 95814
Tel: (916) 930-3680 (ext. 3774); Fax: (916) 930-3780

This is to confirm our meeting on Friday, October 10, 2008 at 10:30.

Topics

- Status of the Constitution — Anything to do with the BIA?
  http://www.californiavalleymiwok.com/constitutions/2008-08-29-ConstitutionDraft.pdf
- Authority to Velma — Relevance to organizing?
  http://www.californiavalleymiwok.com/2008-07-23-Yakima-Authority.pdf
- Land-to-Trust — Private Letter Ruling regarding San Joaquin, 25 mile
  http://www.californiavalleymiwok.com/L-T-Report/
- Diablo Grande — Land-to-trust protocol
  http://www.californiavalleymiwok.com/land-to-trust/Diablo-Grande/
- Burley tax delinquency — Implications for headquarters?
  http://www.californiavalleymiwok.com/2008-09-29-Taxes-Escondido.pdf
- Park Closure — Another pass - mailing list for all tribes?
  http://www.federatedtribes.com/parkclosure/
- Treasure Island — List of landless tribes.
  http://www.federatedtribes.com/treasure-island/2008-08-15-Prospectus.pdf

Chadd Everone

FYI

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The Clerk of the IBIA tells me that the Appeal (IBIA 7-100-A) has been "ripe" for determination for about a year (since September 2007) and that we are #56 in the queue. Our efforts to have expedited the proceedings seem to have been to no avail either with the IBIA, itself, or with Michael Smith and others at Central. Obviously, everyone is restive; but we are using the time to do as much as possible on all fronts, in advance.

Attached is a Table and flow-chart of expected events *vis a vis* tribal organization.

II

Ms. Burley's attorney (now Corrales in San Diego) contacted us to see if we would consider settling. That was a surprise. After a thorough review by myself, the Tribal Council, the at large members at a tribal meeting, and the Attorneys, we could not see that any settlement between Silvia and Yakima would have any meaning at this stage, being that the recognized authority for the Tribe is in the hands of the BIA and has already been defined in the Public Notice of April 2007. Our attorney call Corrales, left a message on his answering device saying that we was ready to respond, but Corrales never returned the call. So, we can assume that either Corrales is out of the picture or came to the same conclusion - settlement has no meaning at this stage.III

I mentioned the Diablo Grande Prospect to you in the context of reservation property.

http://www.californiavalleymiwok.com/land-to-trust/Diablo-Grande/

The Chapter I1 bankruptcy of that development is being resolved as I write this; and I will be put in touch with the eventual controllers of the property. About 1 month ago, I took the initiate of contacting their attorney, Robert Uram (a partner in Sheppard, Mullin *et al.* in San Francisco). This is a big, establishment-type of law firm located on the water-front at 4 Embarcadero Center on the 17th floor and above. When I originally contacted Uram and after he had give a briefing to me on the status of the property, he asked what I had in mind. When I said that I represented an Indian tribe, he immediately interrupted me, not allowing me to complete the sentence, and said: "Good idea! We have been looking for alternatives for the property". As it turns-out, Uram worked at the Department of the Interior (1973-1983) in the Bureau of Land Management on various subject including Indian law, and for a while during that period, he was the Associate Solicitor for Surface Mining. So, I considered him to be a real find, on top of which he was enthusiastic and open minded. We arranged to meet; and so, yesterday Arlo Smith and I went to his office for a conference. In the course of discussing the prospects for Diablo Grande, I mentioned our fanciful notion about Treasure Island and a consortium of Indian tribes. As it turns out, his law firm represents Lennar Corp, which has the contract to develop Treasure Island; and both he and his associate, who was in attendance, though that the idea was pretty good. So, they are arranging a meeting with Lennar officials. Arlo was prepared to advance the idea to Mayor Newsom and than on to Feinstein *et al.*; but we will wait to see if Lennar will talk

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IV

The Tribal Constitution has been thoroughly vetted and, tomorrow, I will do one last review with some of the prospective, tribal members who still have a few issues.

Supposed Agenda - given the Dismissal of IBIA 07-100-A

Events

I IBIA Dismisses #07-100-A as of 8-25-08 #56 on calendar ripe for 1 year.

II We send Letter to 120 registered prospective members. The letter contains:

- ❖ Notice of IBIA Dismissal
- ❖ Expect letter for BIA which identifies Putative Members - assume that you will not be one of them, do not panic.
- ❖ When received, please notify us with the enclosed form and envelope
- ❖ Those who object with the BIA and impede organization further may be sanctioned. The only ground for appeal is that you are in fact a lineal descendant of one of the 14 persons identified.
- ❖ A meeting will be called between the Tribal Council and the identified Putative Members.

III BIA send letters to 580 applicants

- ❖ We get to know the Bureau's protocol as a basis for meeting with BIA

IV We send letters to the 120 which further refines the organizational process

- ❖ Call the meeting between the Tribal Council and the Putative Members
- ❖ Agenda - Constitution and Interim Tribal Council.

V We hold the meeting in IV - Interim Tribal Council, Constitution, ratifications.

VI We communicate events in V to the BIA in advance meeting in VII.

VII Meeting between the BIA and the Tribe.

- ❖ Present the Interim Tribal Council
- ❖ Present the Constitution - BIA review
- ❖ Request the letter of recognized authority.

continue refining **CONSTITUTION**

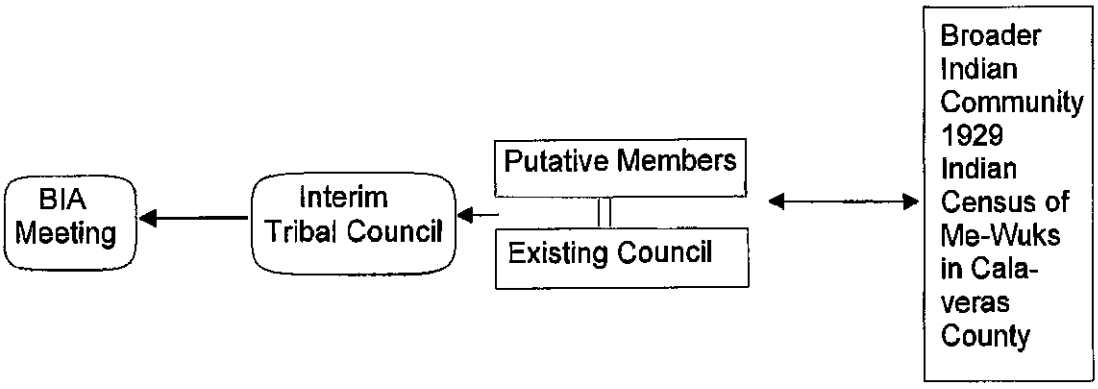

EXHIBIT 21

Rob Rosette

From: Pete Melnicoe [pmelnicoe@gotsky.com]
Sent: Friday, December 24, 2010 10:06 AM
To: Rob Rosette
Subject: Meeting with Everone

Rob --

Per our telephone discussion of yesterday, I spoke with Chadd Everone this morning, who indicated that he would be interested in further discussing your proposals.

Mr. Everone has during the past several years done considerable pre-development spade work exploring potential casino sites for the Tribe. He has negotiated with the owners of a particularly promising site that could be one of the best in California and lined up qualified consultants, and has had continuing discussions with a California tribe-based development group with extensive experience and access to capital. While, as you know, casino development can be a lengthy process, I believe Mr. Everone has already undertaken work that could save years, including behind-the-scenes political work with local government officials that would help grease the skids. I also believe that the political climate for a casino and access has improved with Jerry as Governor. It would be a shame for the Tribe if all this work were thrown down the toilet. Certainly, the estimated revenue from the project would dwarf the Tribe's revenue sharing by a factor of two or three hundred, even considering the current revenue downturn. While we are all accustomed to considerable BS when it comes to casino development, Mr. Everone's proposed project and the folks he has lined up auger well for success, provided, of course, that the tribal leadership and arrangements are simpatico.

There is potentially a lot of money to be made. Please advise us of your availability to meet in the SF Bay Area following the holidays.

Regards,

Pete Melnicoe

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11178 Sheep Ranch Rd. (Sheep Ranch)
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July 24, 2008

Chadd Everone, Deputy
2140 Shattuck Ave. #602
Berkeley, California 94704
510-486-1314

Diablo Grande Profile

Diablo Grande
9521 Morton Davis Dr.
Patterson, California 95363
209-892-4653

www.diablogrande.com

Background

On Sunday, July 20, 2008, I was looking at a particular piece of property in the northern part of Stanislaus County for the Tribe. The owner of that location had been identified by Albert Avelos (an investor in Friends of Yakima) as having 5,600 acres; and he had expressed that his family would be interested in considering a deal in which they would donate about 500 or so acres to the Tribe for a percentage of casino earnings. For a variety of reasons, this is the kind of arrangement for which I have been looking. In the course of conversation, he mentioned various business activities in Stanislaus County and suggested that I take a look at the Diablo Grande Development, which had recently gone into bankruptcy. So, I did, on the way back to the Bay Area. I was astounded at what I saw and struck by the serendipitous conjunction. I immediately reviewed the court documents and contacted the legal firm which is handling the bankruptcy. The attorney was quite open about the situation and asked what we had in mind. I explained that I represented an Indian tribe and ..... He got the idea before I could finish the sentence, interjected that this is a great idea, and thought that it could be a great fit. He, having been in the Solicitors Office for the Department of Interior, understood instantaneously. Apparently, he and our attorney, Vollmann, were colleagues, some years ago in D.C. and are good friends.

I have assembled this basic portfolio and am circulating it among several prospective sources of financial backing. In a memo to one of the prospects, J. Dietrick, I said the following, which roughly summarizes the prospect as I presently see it.

John & Fran:

Below is a memo from the agent for Diablo Grande. He sent a series of documents; and a confidentiality agreement would have to be in place for them to release the appraisal report by the Banks. I have attached their CNDA (confidentiality and non-disclosure agreement) in case you make some progress with your prospect(s).

Now, because timing is very tight and investing bidders must be qualified by the end of this month, we (you and us) need to shoot with a high-powered, Wheatherby, big-bore, elephant gun with a heavy weight slug and not with a 20 gauge shot-gun that is loaded for bird. (Just an analogy!) So, let's not deal with equivocation in terms of qualifying your prospect(s). I am issuing a prospectus to Albert Seeno and possibly reconnecting with Stations Casinos on this.

First, any investor would have to pass scrutiny in terms of criminal record or overt connections to governmentally unacceptable people vis a vis gaming.

Second, any investor would have to have substantial and tangible economic worth. However, the investor at this stage (land acquisition) would not have to have the big worth for developing the casino but just for land acquisition under terms such as described below.

Third, the scenario which I would foresee would be something like this. The investor buys the property on the basis that, if we are unable get land-into-trust for this location and, therefore, cannot develop a casino, then the project would have reserve value to the Buyer in terms of its existing potential - at least break-even, retreat value. In other words, the property should be purchased at a price that is reasonable to the buyer, given its present and near term commercial value with the casino prospect being only a smaller premium in terms of risking one's capital. At the same time, a memorandum of understanding would be signed between that developer and Friends of Yakima, Inc. and the Tribe to the effect that the Developer would donate to the Tribe a certain acreage of the 28,5000 that is in the development (e.g., 1,000 acres). The Tribe would then present this land for reservation property. If the Federal government accepted, then we proceed. If denied, then the Tribe would deed it back to the Buyer. If we proceed to a casino, then the interests of the Buyer and Friends of Yakima would be consolidated in a rational proportionality of percentages of the income from the casino-complex over the life of the Developer/Operator agreement with the Tribe.... Something like that!

Fran tells me that you have my prior missive and have already made some contacts. I will make contact soon. Chadd

The Basic Facts

The description of this property differs somewhat between the original Court Petition under Chapter 11, the developer's written description, and the verbal description of the agent. A detailed analysis will be part of the bidding procedures. However, here is a fairly close summary.

This is a 28,500 acre development. It is permitted for 400 homes with 200 presently "occupied". There are two golf courses, a club-house, 8 miles of roads, several vineyards. It is tucked into a absolutely beautiful valley. It has zoning for a convention center and hotel. It has a water contract with the California State Water Project which is immediately on the other side of Highway 5; it has its own water treatment plant and full-capacity electricity. A compact with environmental group is signed. The project was initiated in the 1990's, was delayed by some 11 environmental suits, all of which have been resolved. The Developer is Diablo Grande Limited Partnership, which invested about $120 million in the project, ran out of money as the economic down-turn occurred, and in March 2008 file for voluntary bankruptcy under Chapter 11. The attorneys for the Developer are Sheppard, Mullin, Richter & Hampton, LLP; and their agent is FTIConsulting.com. I have spoken to the attorneys and the agent, they have provided the confidential documentation on the auctioning; and they like the notion of a casino development. There is a reserve or recovery bid of $26 million against which new bids will have to compete. The lead investor is a Dr. Donald Panoz at 1394 Broadway, Braselton, GA.

Maps

Google Map #1 - Here is the site, itself. It is referenced to the clubhouse. Click on the Satellite tab to see the topography.

Google Map #2 - Intersection of Highway 5 and the off ramp at Oak Flat Road. Using this link, if one scrolls over to the left and follows Oak Flat Rd., it turns into Diablo Grande Parkway; and 6 miles from the freeway is the entrance to the Diablo Grande Development. The property is said to be about 25 miles from Altamount Pass. And by roads, it is 58.2 miles from 10601 Escondido Place, Stockton.

Google Map #3 - The location is in the jurisdiction of Patterson, California. See:

Google Map #4 - Recall that Silvia Burley was negotiating a site for this tribe in Los Banos, which is quite a bit further south.

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continue refining CONSTITUTION