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7 Attorneys for State Defendants

8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

11 **ALTURAS INDIAN RANCHERIA, a**
 12 **federally-recognized Indian tribe,**
 13
 Plaintiff,
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 v.
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 16 **KENNETH L. SALAZAR, et al.,**
 17
 Defendants.

2:10-cv-01997-LKK-EFB

**STIPULATION FOR ENTRY OF
 JUDGMENT AND ORDER**

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 19 Plaintiff and Intervenor Alturas Indian Rancheria (“Tribe”) and defendants State of
 20 California, Edmund G. Brown Jr., Governor of California, California Gambling Control
 21 Commission (“Commission”), and Tina M. Littleton, Executive Director of the California
 22 Gambling Control Commission (collectively referred to herein as the “State Defendants”), by and
 23 through their respective undersigned counsel, recognizing the uncertainty of litigation, and
 24 desiring to reach a full and final settlement of all causes of action and claims raised, or which
 25 could have been raised, in this case, hereby stipulate and respectfully request that the Court enter
 26 judgment in accordance with the following terms:

1 1. The Tribe shall cause the Bureau of Indian Affairs (“BIA”), by and through its
2 counsel Sylvia Quast, Assistant United States Attorney, to issue a letter to the State Defendants,
3 by and through their counsel, Neil D. Houston, Deputy Attorney General, confirming that the
4 BIA recognizes the Business Committee of the Tribe, consisting of Phillip Del Rosa, Wendy Del
5 Rosa, and Darren Rose (“Business Committee”), as the duly-constituted body of the Tribe for
6 purposes of carrying out the government-to-government relationship between the Tribe and the
7 United States, and that this recognition is now final for the Department of the Interior
8 (“Confirming Letter”).

9 2. On the basis of the Confirming Letter and such other information as may be presented
10 to it at the time of hearing, the Commission shall consider the adoption of this Stipulation for
11 Entry of Judgment (“Stipulation”) and the disbursement of all accrued Revenue Sharing Trust
12 Fund (“RSTF”) monies to the Tribe, together with all interest accrued thereon at the State
13 Controller’s Office rate, in the total sum of \$1,859,410.87 as of January 12, 2012, at the
14 Commission’s regularly scheduled public meeting beginning at 10:00 a.m., on January 12, 2012,
15 at 2399 Gateway Oaks, Sacramento, CA 95833. Interest accruing on the accrued RSTF monies
16 between January 12, 2012 and the date upon which the wire transfer described in paragraph 5,
17 below, is made, shall be calculated at the prevailing State Controller’s Office rate and paid to the
18 Tribe by the Commission by separate check mailed to such address as the Business Committee
19 may designate.

20 3. The State Defendants’ obligations hereunder are expressly conditioned upon the
21 Commission’s adoption of this Stipulation at its regularly scheduled meeting on January 12,
22 2012. The Tribe shall not file this Stipulation with the Court until the Commission has adopted it
23 as described herein. The Tribe’s counsel is hereby authorized to, and shall promptly, file this
24 Stipulation with the Court upon its adoption by the Commission.

25 4. Upon the Commission’s adoption of this Stipulation and approval of the disbursement
26 of the accrued RSTF monies described in paragraph 2, above, the Commission shall, by no later
27 than the close of business on January 12, 2012, request the release of the accrued RSTF monies
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1 by the Department of General Services and the State Controller's Office. The Commission shall
2 take such steps as are available to it to expedite the processing of payment to the Tribe, in an
3 effort to obtain release of the accrued RSTF funds by January 20, 2012, and in no event later than
4 January 31, 2012.

5 5. Pursuant to the Business Committee's request, the accrued RSTF monies shall be
6 disbursed to the Tribe by wire transfer to Account No. 171011841, Routing Number 121138288,
7 Plumas Bank, 510 North Street, Alturas, CA 96101, which method of payment is hereby
8 confirmed by execution of this Stipulation by the Tribe's counsel.

9 6. At its regular meeting on January 26, 2012, the Commission shall consider the
10 disbursement of RSTF funds for the fourth quarter of 2011 to all eligible California tribes.
11 Provided that the Business Committee remains, and is at that time, recognized by the BIA as
12 described in paragraph 1, above, the Commission shall deem the Business Committee the duly
13 constituted body of the Tribe for the purpose of receiving such funds on behalf of the Tribe.

14 7. The Tribe shall release all causes of action and claims raised, or which could have
15 been raised, against the State Defendants in this case.

16 8. The parties shall bear their own costs and attorneys' fees incurred in this action.

17
18 Dated: January 11, 2012

Respectfully submitted,

19 KAMALA D. HARRIS
20 Attorney General of California
21 SARA J. DRAKE
22 Senior Assistant Attorney General

23 */s/ Neil D. Houston*

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25 NEIL D. HOUSTON
26 Deputy Attorney General
27 *Attorneys for State of California, Edmund G.*
28 *Brown, Jr., California Gambling Control*
Commission, Tina M. Littleton

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Dated: January 12, 2012

RAPPORT AND MARSTON


/s/ Lester J. Marston

LESTER JOHN MARSTON
*Attorney for Plaintiff and Intervenor
Alturas Indian Rancheria*

ORDER

Having read the foregoing Stipulation of the parties, and good cause appearing therefor, IT IS HEREBY ORDERED, that the parties carry out the terms and conditions of the foregoing Stipulation.

Dated: January 13, 2012


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT