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LEGAL PROCESS #12

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*Per Government Code §6103, State
of California is exempt from filing
fee*

8 **Attorneys for Plaintiff California Gambling
Control Commission**

10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF SACRAMENTO

13 **CALIFORNIA GAMBLING CONTROL
COMMISSION,**
14
15 Plaintiff,
16
17 **SYLVIA BURLEY; YAKIMA DIXIE; CHAD
EVERONE; and VELMA WHITEBEAR,**
18
19 Defendants

CASE N^o **05AS05385**
COMPLAINT IN INTERPLEADER

21 Plaintiff California Gambling Control Commission ("Plaintiff") alleges as follows:

22 1. Plaintiff is the California Gambling Control Commission, an agency of the State of
23 California, vested with jurisdiction over all persons or things having to do with the operation of
24 gambling establishments within the State of California. Plaintiff also has responsibilities defined
25 by certain tribal-state class III gaming compacts completed between the State of California and
26 various California Indian tribes, under which the Plaintiff is identified as "the State Gaming
27 Agency."
28

1 2. Plaintiff is informed and believes and thereon alleges, that Defendant Sylvia Burley
2 (“Burley”) is an individual who claims to be a person of authority within the government of the
3 California Valley Miwok Tribe, and who claims a right to receive disputed funds, described more
4 fully in the paragraphs below.

5 3. Plaintiff is informed and believes and thereon alleges, that Defendant Yakima Dixie
6 (“Dixie”) is an individual who claims to be a person of authority within the government of the
7 California Valley Miwok Tribe, and who claims a right to receive disputed funds, described more
8 fully in the paragraphs below.

9 4. Plaintiff is informed and believes and thereon alleges, that Defendant Chad Everone
10 (“Everone”) is an individual who claims to be a person of authority within the government of the
11 California Valley Miwok Tribe, and who claims a right to receive disputed funds, described more
12 fully in the paragraphs below.

13 5. Plaintiff is informed and believes and thereon alleges, that Defendant Velma Whitebear
14 (“Whitebear”) is an individual who claims to be a person of authority within the government of
15 the California Valley Miwok Tribe, and who claims a right to receive disputed funds, described
16 more fully in the paragraphs below.

17 6. The California Valley Miwok Tribe (“CVMT”) (fka Sheep Ranch Rancheria of Mi-
18 Wuk Indians) is a federally recognized Indian tribe, and Plaintiff is informed and believes, and
19 thereon alleges, that at present CVMT has few members, no recognized or functioning tribal
20 government, and does not conduct tribal gaming activities.

21 7. The tribal-state class III gaming compacts completed between the State of California
22 and various federally-recognized California Indian Tribes in 1999, and at other times
23 (“Compacts”), continue in effect, and provide for the creation and maintenance of a Revenue
24 Sharing Trust Fund (“RSTF”), under which fund California Indian tribes that either do not
25 engage in casino-style gambling at all, or do so only on a limited basis (“Non-Compact Tribes”),
26 are entitled to a share of revenue from California Indian tribes engaged in larger-scale casino
27 operations. CVMT is a Non-Compact Tribe within the meaning of the 1999 Compacts. An
28 exemplar of the 1999 Compacts is attached to this complaint at Exhibit A, and is incorporated by

1 reference here. The RSTF provisions are contained in section 4.3.2 of the 1999 Compacts.

2 8. The Compacts provide that Non-Compact Tribes are entitled to receive up to \$1.1
3 Million annually in distributions from the RSTF.

4 9. Plaintiff is identified by the Compacts as a limited "Trustee" of the RSTF, and in that
5 role is required to make RSTF distributions to Non-Compact Tribes, but has "no discretion with
6 respect to the use or disbursement of the trust funds." (Compacts, § 4.3.2.1, subd. (b).) The
7 Compacts provide that Plaintiff's sole authority "shall be to serve as a depository of the trust
8 funds and to disburse them on a quarterly basis to Non-Compact Tribes." (Compacts, § 4.3.2.1,
9 subd. (b).)

10 10. Plaintiff is now in possession of approximately SEVEN HUNDRED SEVENTY-
11 EIGHT THOUSAND and ONE DOLLARS and 99 CENTS (U.S. \$ 778,001.99) ("RSTF
12 Money"), derived from the RSTF, which is to be distributed to CVMT.

13 11. Burley, Dixie, Everone and Whitebear have made conflicting claims to leadership of
14 the Tribe's government, and to distributions from the RSTF, including the RSTF Money, on the
15 Tribe's behalf.

16 12. Plaintiff is informed and believes, and thereon alleges, that the federal Department of
17 the Interior, Bureau of Indian Affairs ("BIA"), does not recognize any tribal government of the
18 CVMT, does not recognize any individual with authority to represent the CVMT for general
19 purposes, and at present does not conduct government-to-government relations with the CVMT.

20 13. It is Plaintiff's practice to make RSTF distributions to the federally recognized
21 government of each recipient Non-Compact Tribe.

22 14. Plaintiff lacks knowledge and authority to determine the validity of the defendants'
23 conflicting claims to control of the CVMT's government, or authority to represent it, and so
24 cannot determine to whom the RSTF monies should be distributed, on behalf of the CVMT.

25 15. Plaintiff claims no interest in the RSTF Money, or in future RSTF distributions to
26 which the CVMT will be entitled under the terms of the Compacts, except that it seeks a
27 determination of whether and to whom the RSTF Money should be distributed.

28

1 16. Concurrently with the filing of this complaint, Plaintiff shall deposit the RSTF Money
2 with the clerk of this Court pursuant to Code of Civil Procedure, section 386, subdivision (c).

3 17. Plaintiff has incurred costs and reasonable attorney's fees in connection with these
4 proceedings, and may incur additional costs and fees hereafter.

5 WHEREFORE Plaintiff prays for judgment as follows:

6 1. That defendants and each of them be ordered to interplead and litigate their claims to
7 receive the RSTF Money, and future RSTF distributions, on behalf of the CVMT;

8 2. That Plaintiff be discharged from liability to each of the defendants, if any, with respect
9 to the RSTF money;

10 3. That Plaintiff be permitted to deposit future RSTF distributions to the CVMT with the
11 clerk of this Court, until the defendants resolve this litigation, or until further Order of this Court.

12 4. That Plaintiff be awarded costs and reasonable attorney's fees to be paid to Plaintiff
13 from the funds deposited with the Court clerk as described above; and

14 5. For such other and further relief as the Court deems just and proper.

15

16 Dated: December 5, 2005

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Respectfully submitted,

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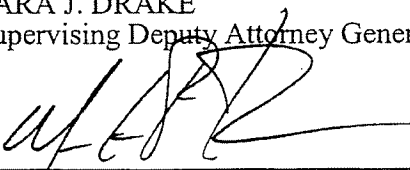
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Commission**

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