

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CALIFORNIA VALLEY MIWOK TRIBE,
formerly SHEEP RANCH OF ME-WUK
INDIANS OF CALIFORNIA,

Plaintiff,

vs.

UNITED STATES OF AMERICA, UNITED
STATES DEPARTMENT OF THE
INTERIOR, GALE A. NORTON, Secretary of
the Interior, DAVID W. ANDERSON,
Assistant Secretary – Indian Affairs,

Defendants.

Case No.: CIV 05 CV 739

**DECLARATION OF GEORGE L. STEELE IN SUPPORT OF
PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

I, George L. Steele, hereby declare:

1. I am the attorney of record for Plaintiff California Valley Miwok Tribe ("CVMT").
2. I have personal knowledge of the following facts and would and could testify competently thereto.
3. I submit this Declaration in support of CVMT's Motion for a Preliminary Injunction.
4. On December 13, 2005, I notified counsel for Defendants, Jim Upton, of our intent to initiate this action. On December 14, 2005, Mr. Upton and I agreed to a briefing schedule whereby CVMT would serve and file its application on December 23, 2005, Defendants would file their opposition on January 3, 2006, and we would request a hearing date from the Court of January 5, 6, or 9, 2006.
5. On or about October 28, 2005, Ray Fry issued a letter rejecting a tribal resolution to reprogram \$3,000 of Tribal funds into the BIA Fee-to-Trust Program,

stating: "Since the BIA does not recognize any governing body for the Tribe, nor do we currently have a government-to-government relationship with the California Valley Miwok Tribe, we are returning this resolution without action."


6. On November 2, 2005, I spoke with Jim Upton, counsel for Defendants, seeking a retraction of the October 28, 2005 Ray Fry letter. Mr. Upton stated that Scott Keep had seen a draft of Ray Fry's letter before it was signed. He indicated that he would find out something fairly quickly.

7. On November 21, 2005, I spoke with Mr. Upton again about the issue. Mr. Upton stated that he had nothing to report, but that Scott Keep wanted a deadline to respond. Mr. Upton and I agreed on December 1, 2005.

8. On December 5, 2005, Mr. Upton informed me that Defendants would not retract Ray Fry's letter and reiterated Defendants' position set forth in the letter.

9. Later on December 5, 2005, I received a phone call from Marc LeForestier, Deputy Attorney General for the State of California, informing me that Mr. LeForestier had filed an interpleader in California Superior Court in order to have the state court determine the Tribe's leadership. Of the four defendants named in the complaint, only Silvia Burley is a member of CVMT.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 22nd day of December, 2005, at Pasadena, California.


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