

Writer's Direct Line: 415-774-3285
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January 6, 2011

Our File Number: 26RJ-159149

VIA FACSIMILE AND CERTIFIED MAIL

Ms. Sylvia Burley
c/o California Valley Miwok Tribe
10601 N. Escondido Pl.
Stockton, CA 95212
Facsimile: (209) 931-4333

Re: Special Meeting of the General Council of the California Valley Miwok Tribe

Dear Ms. Burley:

We are writing on behalf of Mr. Yakima Dixie and the Tribal Council of the California Valley Miwok Tribe¹ ("Tribe") regarding the Special Meeting of the Tribe's General Council that you have called for January 7, 2011. We believe that you are not authorized to call a Special Meeting and that the public notice for the meeting was inadequate because it did not attempt to involve or provide notice to the entire tribal community that is entitled to participate in the organization of the Tribe.² Furthermore, it is inappropriate for you to attempt to take actions affecting the governance of the Tribe while a dispute is ongoing regarding the leadership of the Tribe. We request that you postpone or cancel the Special Meeting until the status of the Tribe and its leadership is resolved.

Your public notice refers to the December 22, 2010 letter issued by Larry Echo Hawk, Assistant Secretary for Indian Affairs within the Department of the Interior ("Department"). We believe that the decisions expressed in the Assistant Secretary's letter are erroneous and improper, and we have asked Secretary of the Interior Ken Salazar to stay and reconsider the Assistant Secretary's decision. A copy of our letter to Secretary Salazar is enclosed. It is in the best interests of the Tribe to postpone the Special Meeting until the Secretary completes his review.

¹ The Tribal Council consists of Mr. Dixie and putative Tribe members Velma WhiteBear, Antonia Lopez, Michael Mendibles, Evelyn Wilson and Antoine Azevedo.

² Your public notice, dated December 23, 2010, apparently was served on our client by facsimile transmission from your attorneys, Rosette & Associates.

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Finally, your public notice states that the Tribe is "organized" and that the Tribe recognizes yourself, Sylvia Burley, as its Chairperson. As we note in our letter to Secretary Salazar, the Department has never recognized the Tribe as "organized" pursuant to the Indian Reorganization Act of 1934, and therefore neither you nor anyone else can be recognized as its Chairperson. The Assistant Secretary's December 22, 2010 letter, even if a valid exercise of the Assistant Secretary's decision, does not purport to recognize the Tribe as organized or to recognize you as its Chairperson.

If you have any questions about this letter, please feel free to call me at the number listed above.

Sincerely,


Robert J. Uram

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST:5JAR1\403210824.1

Enclosure: Letter to Secretary of the Interior Ken Salazar

cc: Robert A. Rosette, Esq.
Larry Echo Hawk, Assistant Secretary – Indian Affairs, Department of the Interior
Michael Black, Director, Bureau of Indian Affairs
Dale Morris, Pacific Regional Director, Bureau of Indian Affairs
Troy Burdick, Superintendent, Central California Agency, Bureau of Indian Affairs
Associate Solicitor, Division of Indian Affairs, U.S. Department of the Interior Regional
Solicitor, Pacific Southwest Region, U.S. Department of the Interior

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the County of San Francisco; I am over the age of eighteen years and not a party to the within entitled action; my business address is Four Embarcadero Center, 17th Floor, San Francisco, California 94111-4109.

On **January 6, 2011**, I served the following document(s) described as **LETTER TO SYLVIA BURLEY, C/O CALIFORNIA VALLEY MIWOK TRIBE, JANUARY 6, 2011**, on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

See Attached Service List

BY CERTIFIED MAIL: I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 6, 2011, at San Francisco, California.



Kathryn Campion

SERVICE LIST

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Larry Echo Hawk, Assistant Secretary –
Indian Affairs
Department of the Interior
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Michael Black
Director
Bureau of Indian Affairs
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Folsom, CA 95630

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