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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TILLIE HARDWICK, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. C-79-1710-JF

**MEMORANDUM OF POINTS AND
AUTHORITIES IN REPLY TO
OPPOSITIONS TO PLAINTIFFS'
MOTION FOR ENFORCEMENT OF
JUDGMENT**

Date: October 16, 2012
Time: 1:00 p.m.
Ctrm: 3
Judge: The Hon. Jeremy Fogel

{DMC/00021741.4 }

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1 **I. INTRODUCTION**

2 The Oppositions filed by the United States of America (“Federal Government”) and the
3 “Specially-Appearing Defendant the Picayune Rancheria of the Chukchansi Indians” (the “Tribal
4 Council”) constitute an inappropriate attempt to convert Mona Bragdon and Anthony Ramirez’s
5 (hereafter collectively referred to as “Ramirez Plaintiffs” or “Ramirez family”) motion into
6 something it is not. Despite allegations to the contrary, the purpose of this motion is to enforce
7 the plain meaning of the Stipulations for Entry of Judgment entered in the action by the above-
8 entitled Court on August 2, 1983, and June 16, 1987 (“1983 Stipulated Judgment” and “1987
9 Stipulated Judgment,” respectively). By way of their motion, the Ramirez family is not seeking
10 to undo 29 years of history or unwind decades’ worth of tribal governance. Rather, the Ramirez
11 Plaintiffs seek judicial confirmation that Maryan Ramirez and her descendants – not the Wyatt
12 family – were the sole class members from the Picayune Rancheria and the only intended
13 beneficiaries of the 1983 Stipulated Judgment. Because Maryan Ramirez was the only class
14 member from the Picayune Rancheria and her children were the intended beneficiaries of the
15 1983 Stipulated Judgment, it follows that the Ramirez family members were the only individuals
16 authorized to form the Tribe and establish Tribal leadership.

17 The Oppositions fail to demonstrate that any members of the Wyatt family were class
18 members in the *Tillie Hardwick* action or were the intended beneficiaries of the 1983 Stipulated
19 Judgment. Instead, they raise untenable defenses that fail to address the critical issue – whether
20 Maryan Ramirez and her descendants were the sole class members from the Picayune Rancheria
21 and the only intended beneficiaries of the 1983 Stipulated Judgment.

22 This Court’s jurisdiction is proper because the 1983 Stipulated Judgment authorizes this
23 Court to exercise jurisdiction over disputes arising from implementation of the Court’s order, and
24 Ms. Bragdon and Mr. Ramirez have standing to bring the motion in light of their status as
25 intended beneficiaries of the Stipulated Judgment. Moreover, the effort of the Tribal Council and
26 Federal Government to characterize this motion as untimely is without merit because any
27 applicable statute of limitations was contractually extended by the continuing jurisdiction
28 provision, and the doctrine of laches does not apply in actions to enforce a judgment.

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1 **II. ARGUMENT**

2 **A. Under a Plain Reading of the 1983 Stipulated Judgment, Maryan Ramirez**
 3 **and Her Descendants Were the Only Individuals With Authority to Form the**
 4 **Tribe and Establish the Tribal Government After *Tillie Hardwick***

5 Contrary to the Tribal Council and Federal Government's attempt to complicate the
 6 simple purpose of this motion, the central issue presented is whether the Ramirez family was the
 7 only class of individuals authorized to form the Tribe and establish the Tribal government. In
 8 pertinent part, the 1983 Stipulated Judgment, Paragraph 2, provides:

9 “The Court shall certify a class consisting of all **those persons who**
 10 **received any of the assets of the Rancherias listed and described**
 11 **in paragraph 1** pursuant to the California Rancheria Act[] and **any**
 12 **Indian heirs, legatees or successors in interest of such persons**
 13 **with respect to any real property they received as a result of the**
 14 **implementation of the California Rancheria Act.”** (Emphasis
 15 added.)

16 The above provision properly defines *Tillie Hardwick* class members as those individuals
 17 in possession of Rancheria property at the time of its execution. It segregates those class
 18 members into (1) those who received assets pursuant to the California Rancheria Act, and
 19 (2) those “Indian heirs, legatees or successors in interest of such persons with respect to any real
 20 property they received.” As to the first set of class members, Maryan Ramirez was the only
 21 person alive at the time of the Stipulation who received Picayune Rancheria land pursuant to the
 22 California Rancheria Act. Accordingly, Maryan Ramirez undoubtedly was a class member in the
 23 *Tillie Hardwick* litigation. Because Gordon Wyatt was not alive at the time of the 1983
 24 Stipulated Judgment, he could not have been a class member. Neither the Federal Government
 25 nor the Tribal Council dispute these facts.

26 With this in mind, the question then turns to whether the children of Gordon Wyatt qualify
 27 under the second set of class members. Because any Rancheria property originally distributed to
 28 Gordon Wyatt under the California Rancheria Act was sold to Maryan Ramirez and non-Indians
 prior to the initiation of the *Tillie Hardwick* litigation and execution of the 1983 Stipulated
 Judgment, descendants of Gordon Wyatt do not qualify as heirs, legatees or successors in interest
 under the Stipulated Judgment. These terms necessarily relate to ownership of property and

1 confirm the requirement that in order to be a class member under *Tillie Hardwick* one had to be in
2 possession of Indian land at the time of the 1983 Stipulated Judgment.

3 This conclusion is supported by the Certificate of Counsel Re: Hearing on Approval of
4 Settlement of Class Action (“Certificate of Counsel”) and the Mailing List of Class Members and
5 Interested Persons (“Mailing List”). These documents, filed in this matter, clearly establish that
6 Maryan Ramirez was the only class member from the Picayune Rancheria. The Federal
7 Government suggests that these documents do not set forth the “definitive and all-inclusive list of
8 class members” and, without citing any supporting evidence, alleges that notification to class
9 members was also given through publication in newspapers and post offices. This
10 unsubstantiated assertion that class membership was broader than that described in the Stipulated
11 Judgment is puzzling in light of the fact that Fed. R. Civ. P. 23 requires that class membership be
12 clearly set forth so it is evident who is bound by the judgment. In practical effect, the Certificate
13 of Counsel and Mailing List serve to confirm the class membership already defined in
14 Paragraph 2 of the Stipulated Judgment.

15 For these reasons, under the plain meaning of the Stipulated Judgment, Maryan Ramirez
16 and her descendants – the Ramirez Plaintiffs – were the sole class members from the Picayune
17 Rancheria and only intended beneficiaries of the 1983 Stipulated Judgment. Therefore, this
18 Motion for Enforcement of Judgment should be granted.

19 **B. The Court Has Jurisdiction to Decide the Instant Motion**

20 This Court has jurisdiction to decide the motion under the express language of the 1983
21 Stipulated Judgment. The arguments of the Tribal Council and Federal Government against
22 jurisdiction manifest a misreading of not only the 1983 Stipulated Judgment, but the very purpose
23 of this motion. The express language of the 1983 Stipulated Judgment and the pertinent facts of
24 this motion convincingly demonstrate that Ms. Bragdon and Mr. Ramirez have standing to bring
25 the instant motion and that the enforcement they seek is properly within the purview of this Court
26 to provide.

1 **1. The 1983 Stipulated Judgment Expressly Authorizes This Court to**
 2 **Exercise Continuing Jurisdiction Over Disputes Arising From**
 3 **Implementation of the Judgment**

4 By way of the 1983 Stipulated Judgment, this Court expressly retained jurisdiction to
 5 resolve disputes like the one at hand. Paragraph 12 of the 1983 Stipulated Judgment provides:

6 “For the purpose of **resolving any disputes which arise among**
 7 **the parties in the course of implementing the judgment** to be
 8 entered pursuant to this stipulation, or for extending the time within
 9 which any act may or must be performed under this Stipulation, the
 10 Court shall retain jurisdiction over this matter for a period of
 11 two (2) years from entry of judgment, **or for such longer time as**
 12 **may be shown to be necessary on a duly-noticed motion by any**
 13 **party.”** (Emphasis added.)

14 Exercise of the Court’s jurisdiction in this matter is necessary and appropriate under
 15 Paragraph 12 of the 1983 Stipulated Judgment because a dispute has arisen regarding proper
 16 implementation of the judgment that goes to its very purpose, to restore and confirm Indian status
 17 to the class of individuals specified in the Stipulated Judgment. On one hand, as the descendants
 18 of the sole *Tillie Hardwick* class member from the Picayune Rancheria – Maryan Ramirez – Ms.
 19 Bragdon and Mr. Ramirez assert that they, their mother, and their siblings were the only
 20 individuals authorized to form the Tribe and establish Tribal leadership. The Tribal Council, on
 21 the other hand, asserts that although members of the Wyatt family were not class members in
 22 *Tillie Hardwick* or the intended beneficiaries of the 1983 Stipulated Judgment, they were
 23 nevertheless authorized to form the Tribe and establish Tribal leadership. To bring finality to this
 24 decades-long dispute, it is necessary for this Court to exercise its jurisdiction to enforce the plain
 25 meaning of the 1983 Stipulated Judgment.

26 **2. Ms. Bragdon and Mr. Ramirez Have Standing to Bring the Instant**
 27 **Motion Because They Are the Intended Beneficiaries of the Stipulated**
 28 **Judgment**

As descendants of Maryan Ramirez, Ms. Bragdon and Mr. Ramirez rightfully have
 standing to bring the present motion. The 1983 Stipulated Judgment is a consent decree. “A
 consent decree ‘embodies an agreement of the parties’ and is also ‘an agreement that the parties
 desire and expect will be reflected in, and be enforceable as, a judicial decree that is subject to the
 rules generally applicable to other judgments and decrees.’” *Frew ex rel. Frew v. Hawkins*,

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1 540 U.S. 431, 437 (2004). The enforcement of consent decrees, like the Stipulated Judgment
 2 here, is governed by the contract principle that non-parties, as intended third-party beneficiaries,
 3 are authorized to enforce an agreement. *Hook v. State of Ariz., Dept. of Corrections*, 972 F.2d
 4 1012, 1014 (1992).

5 The Tribal Council extraneously alleges that Ms. Bragdon and Mr. Ramirez lack standing
 6 to bring the motion on the basis that individual tribal members cannot bring an action on behalf of
 7 a tribe. (Memorandum of Points and Authorities in Support of Defendant's Opposition to
 8 Plaintiff's Motion ("Tribal Council MPAs"), Docket 350, at 10:6-23¹.) While the assertion that
 9 individual tribal members cannot bring an action on behalf of a tribe may be true, the argument is
 10 irrelevant. Ms. Bragdon and Mr. Ramirez do not purport to bring this motion on behalf of the
 11 Tribal Council. They bring this motion in their capacity as intended beneficiaries of the 1983
 12 Stipulated Judgment. Their intended beneficiary status arises from the fact that they are
 13 descendants of Maryan Ramirez, the sole class member in *Tillie Hardwick* from the Picayune
 14 Rancheria.

15 Unlike members of the Wyatt family, Ms. Bragdon and Mr. Ramirez qualify as "Indian
 16 heirs, legatees or successors in interest" under Paragraph 2 of the 1983 Stipulated Judgment with
 17 regard to real property distributed under the California Rancheria Act. By virtue of this
 18 qualification, Ms. Bragdon and Mr. Ramirez are properly recognized as intended beneficiaries of
 19 the Stipulated Judgment. Accordingly, Ms. Bragdon and Mr. Ramirez have standing to bring this
 20 motion.

21 **3. The Instant Motion Does Not Seek Resolution of an Intra-Tribal** 22 **Dispute**

23 The Tribal Council and Federal Government seek to avoid jurisdiction by inappropriately
 24 characterizing this motion as an effort to have this Court become involved in an intra-tribal
 25 dispute regarding tribal governance. (Tribal Council MPAs at 13:25-15:12.5 and Opposition to
 26 Plaintiffs' Motion for Enforcement of Judgment ("Federal Government MPAs"), Docket 347, at

27 ¹ As the Tribal Council MPAs are missing actual page numbers, cites to portions of this
 28 brief are to the document page number (in this case, page 10 of 16 total document pages) and line
 number.

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12:9-11.) Ms. Bragdon and Mr. Ramirez do not dispute the well-established principle that internal tribal disputes are within the province of tribes to resolve. *See United States v. Wheeler*, 435 U.S. 313, 323-336 (1978). This principle simply does not apply here because this motion transcends a simple internal squabble between tribal members. Rather, it concerns a dispute regarding the proper interpretation of the 1983 Stipulated Judgment and necessary enforcement thereof, over which this Court maintains exclusive jurisdiction.

Indeed, the effort to characterize this motion, and consequently the *Tillie Hardwick* matter, as an internal tribal dispute runs afoul of the case's history. The purpose of *Tillie Hardwick* was to restore Indian status and the right to reestablish tribes to the identified class members. Because *Tillie Hardwick*, and consequently this motion, concerns the proper formation of the Chukchansi Tribe (as opposed to an internal governance dispute), jurisdiction is proper.

4. **The APA Is Not Applicable Because the Ramirez Plaintiffs Seek Enforcement of a Stipulated Judgment and Are Not Challenging an "Agency Action"**

When carefully examined, the Federal Government's contention that Ms. Bragdon and Mr. Ramirez were obligated to bring an action under the Administrative Procedure Act ("APA") prior to filing this motion is patently incorrect. In an action based on the violation of a court order, the proper method for seeking relief is a motion to enforce that order. *Cloverdale Rancheria of Pomo Indians of California v. Salazar*, 2011 WL 1883196 *5 (2011) ("*Cloverdale*"). A claim under APA §§ 702-706 must be based on an agency action, either as an action complained of or an action to be compelled. *Norton v. Southern Utah Wilderness Alliance*, 542 U.S. 55, 62 (2004) ("*SUWA*"); *see Lujan v. National Wildlife Federation*, 497 U.S. 871, 891 (1990) ("*Lujan*"). Agency action is defined as "the whole or a part of an agency rule, order, license, sanction, relief or the equivalent or denial thereof, or failure to act...." 5 U.S.C. § 551, subd. (13).

In *Cloverdale*, this Court held that in an action brought under the APA to enforce a Stipulated Judgment, the proper remedy was to dismiss the action due to lack of subject matter jurisdiction on the grounds that the APA was not the appropriate method through which to enforce a Stipulated Judgment. *Cloverdale*, WL 1883196 *5. The Court stated, "Plaintiffs

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1 provide no authority to support their contention that an agency's failure to comply with a
 2 Stipulated Judgment can give rise to an action *under the APA*." *Id.*, emphasis in original.
 3 Similarly, in the instant case, the Federal Government has failed to provide any authority to
 4 support its assertion that the APA applies to its failure to comply with the express terms of the
 5 Stipulated Judgment entered by this Court. Consistent with the holding in *Cloverdale*, the instant
 6 motion is the proper method for the Ramirez Plaintiffs to enforce the Stipulated Judgment.

7 Actions under the APA must be based upon a specific agency action as defined in APA
 8 § 551, subd. (13). *See SUWA*, 542 U.S. at 62-64; 5 U.S.C. § 551, subd. (13). "Under the terms of
 9 the APA, [a party] must direct its attack against some particular 'agency action' that causes
 10 harm." *SUWA*, 542 U.S. at 64-65, quoting *Lujan*, 497 U.S. at 891. In both *SUWA* and *Lujan*, the
 11 United States Supreme Court determined that the actions or programs challenged were not
 12 discrete enough to be compelled under the APA. *SUWA*, 542 U.S. at 71; *Lujan*, 497 U.S. at 899.
 13 Similarly, in the instant case, the Defendants have failed to identify any discrete agency action
 14 that would make the APA applicable.

15 The impropriety of the Federal Government's proposition is evident not only by carefully
 16 examining the above-stated substantive law, but also by noting the tortuous and speculative
 17 factual underpinnings that serve as the basis for the argument. The Federal Government begins
 18 its discussion of the issue by referencing and relying upon the Ramirez Plaintiffs' purported
 19 "unspoken but inherent" goals. (Federal Government MPAs at 12:19-20.) The Federal
 20 Government then attempts to convert this motion into an action that challenges the BIA's actions
 21 since the 1983 Stipulated Judgment. (*Id.* at 12:22-24.) The Defendants fail to realize that the
 22 Ramirez Plaintiffs are not challenging any specific BIA action, but rather are seeking
 23 enforcement of the plain meaning of the 1983 Stipulated Judgment.

24 Contrary to the Federal Government's arguments, enforcement of a court-approved
 25 Stipulated Judgment is not an "agency action" on the merits as specified in the APA. 5 U.S.C.
 26 § 551, subd. (13). Because the Federal Government has failed to demonstrate why the APA
 27 should apply, as well as failed to identify a discrete agency action being challenged that is subject
 28 to the APA, this Court's jurisdiction is proper and the motion for enforcement of judgment is

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appropriate pursuant to this Court's ruling in *Cloverdale*, WL 1883196 *5.

For all of the above reasons, this Court has jurisdiction to decide the instant motion, and the motion should be granted.

C. This Motion is Timely Because the *Tillie Hardwick* Parties Expressly Extended Any Applicable Statute of Limitations, and the Doctrine of Laches Does Not Apply

Contrary to the claims of the Tribal Council and Federal Government, the present motion is timely because any applicable statute of limitations was contractually extended by the express terms of the agreed-upon Stipulated Judgment. (1983 Stipulated Judgment at ¶ 12.) It also is timely because the doctrine of laches cannot be applied to bar an action at law to enforce a judgment. *Wylar Summit P'ship v. Turner Broad. Sys., Inc.*, 235 F.3d 1184, 1193 (2000) ("*Wylar*"); *Barkley v. City of Blue Lake*, 47 Cal. App. 4th 309, 315 (1996) ("*Barkley*"); *Pratali v. Gates*, 4 Cal. App. 4th 632, 645 (1992) ("*Pratali*"); *United States Capital Corp. v. Nickelberry*, 120 Cal. App. 3d 864, 867 (1981) ("*Nickelberry*").

1. Any Applicable Statute of Limitations Was Expressly Extended by the Stipulated Judgment

Paragraph 12 of the 1983 Stipulated Judgment authorizes its beneficiaries to seek enforcement pursuant to this Court's continuing jurisdiction over disputes arising from implementation for so long as is necessary to properly effectuate the Judgment. It is well settled that parties may shorten or extend the applicable statute of limitations by contract. *Hambrecht & Quist Venture Partners v. American Medical Internat., Inc.*, 38 Cal. App. 4th 1532, 1547-48 (1995). Therefore, any applicable statute of limitations is extended by the 1983 Stipulated Judgment, pursuant to the parties' express agreement set forth in Paragraph 12.

The Federal Government's assertion that this motion could have been brought independent of the *Tillie Hardwick* case is a mere strawman argument, intended to divert this Court's attention from the express language of the Stipulated Judgment. The fact of the matter is that this motion was not brought independent of *Tillie Hardwick*. It was brought under the *Tillie Hardwick* matter because the Stipulated Judgment authorizes the motion, and the central issue of the motion concerns the proper interpretation of the plain meaning of the Stipulated Judgment.

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Moreover, had the Ramirez Plaintiffs sought relief independent of the *Tillie Hardwick* case, as the Federal Government suggests, they would have run afoul of this Court's ruling in *Cloverdale* that such relief must be sought through a motion to enforce the order. *Cloverdale*, WL 1883196 *5. Therefore, the motion is proper and timely.

2. The Doctrine of Laches Does Not Apply in An Action to Enforce a Judgment

The Tribal Council and Federal Government erroneously allege that this motion is barred by the doctrine of laches. (Tribal Council MPAs at 11:24.5-12:9.5; Federal Government MPAs at 10:26.5-12:8.) It is well established that the doctrine of laches is not an available defense in an action at law to enforce a judgment or contract. *Wylar*, 235 F.3d at 1193; *Barkley*, 47 Cal. App. 4th at 315; *Pratali*, 4 Cal. App. 4th at 645; *Nickelberry*, 120 Cal. App. 3d at 867.

Here, Ms. Bragdon and Mr. Ramirez bring this motion to *enforce* this Court's 1983 Stipulated Judgment. The motion does not constitute an effort to have the Court weigh new evidence or allegations. Because this motion seeks to enforce an existing Judgment, the doctrine of laches is inapplicable and cannot be applied to deny the Ramirez Plaintiffs relief. It necessarily follows that because the doctrine of laches does not apply, this Court is not required to evaluate the reasonableness of any delay in bringing suit or any potential prejudice against the defendants in providing the requested relief.

3. Even if Laches Were an Available Defense Here, Which It Is Not, the Tribal Council and Federal Government Would Be Estopped From Asserting Laches Because of Its Conduct

Laches cannot be asserted in an action at law to enforce a judgment or contract, as explained herein above. *Wylar*, 235 F.3d at 1193; *Barkley*, 47 Cal. App. 4th at 315; *Pratali*, 4 Cal. App. 4th at 645; *Nickelberry*, 120 Cal. App. 3d at 867. However, even if laches could be asserted, the Tribal Council and Federal Government would be estopped from doing so because they induced any delay in bringing the motion by their conduct. The laches defense is unavailable in those situations where the delay in commencing an action has been induced by the conduct of the defendant. *Mashon v. Haddock*, 190 Cal. App. 2d 151, 174 (1961). Moreover, a plaintiff's financial inability to file suit at an earlier date that is caused, at least in part, by the

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defendant militates in favor of finding that the doctrine of laches should not apply. *See Forker v. Board of Trustees*, 160 Cal. App. 3d 13, 20 (1984); *Change v. City of Palos Verdes Estates*, 98 Cal. App. 3d 557, 562-563 (1979). The Ramirez family had every intention to resolve the issues addressed in this motion informally, without litigation. However, when it became clear that the Tribal Council would continue to ignore the plain reading of the Stipulated Judgment, the Ramirez Plaintiffs were forced to bring the instant motion.

For more than 20 years, the Tribal Council has intentionally undertaken efforts to marginalize the Ramirez family and prevent them from seeking the relief they request by way of this motion. In 1990, in an effort to dilute any political power the Ramirez family had and maximize the power of the wrongfully established tribal leadership, the Tribal Council approved 600 applications for membership. An additional 700 applications were approved shortly thereafter. It was later discovered that a vast number of the approved applicants were ineligible for membership, but that discovery did not occur before the votes of the newly enrolled members were used to secure the Wyatts' control and marginalize the Ramirez family. Then, in 1992, the Wyatt-led Tribal Council disenrolled the Ramirez family members. Members of the Ramirez family remained disenrolled for over a decade. Many of the Ramirez family members were re-enrolled in 2003, but over the course of the decade leading up to this motion, the Tribal Council has failed to properly enroll *all* members of the Ramirez family despite promising that it would do so.

The intended and actual effect of the above-described actions was to marginalize the Ramirez family, both politically and financially, and prevent them from asserting their rights until now. By drastically increasing enrollment and thereafter disenrolling the Ramirez family members, income from the Tribal Council to the Ramirez family members was substantially reduced or entirely eliminated. This financial burden, coupled with political ostracization, left the Ramirez family powerless to assert their rights. Furthermore, for years, the Tribal Council and Federal Government falsely led the Ramirez family to believe that they did not have the rights expressly set forth in the Stipulated Judgment. Indeed, this motion represents years of tireless effort by the Ramirez family to gather the political and financial wherewithal to bring the instant

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1 motion. Because the Tribal Council and Federal Government induced the alleged delay in
 2 bringing this motion through their actions, they would be estopped from asserting laches as a
 3 defense even were such a defense available here, which it is not. Thus, the Motion for
 4 Enforcement of Judgment should be granted.

5 **III. CONCLUSION**

6 A plain reading of the Stipulated Judgment incontrovertibly reveals that Maryan Ramirez
 7 and her descendants were the only individuals authorized to formally organize the Tribe and
 8 establish tribal leadership after *Tillie Hardwick*. Contrary to the arguments of the Tribal Council
 9 and Federal Government, this Court has jurisdiction to enforce its own judgment. As the efforts
 10 of the Tribal Council and Federal Government to circumvent the express language of the
 11 Stipulated Judgment are without merit, the Motion for Enforcement of Judgment should be
 12 granted.

13
 14
 15 Dated: September 28, 2012

COTA COLE LLP

17 By: /s/ Dennis M. Cota

18 Dennis M. Cota
 19 Sean D. De Burgh
 Attorneys for Plaintiffs MONA
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CERTIFICATE OF SERVICE

I, Rena Wade, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action. My business address is Cota Cole LLP, 2261 Lava Ridge Court, Roseville, Placer County, California 95661. On September 28, 2012, I served the within document(s):

**MEMORANDUM OF POINTS AND AUTHORITIES IN REPLY TO
OPPOSITIONS TO PLAINTIFFS' MOTION FOR ENFORCEMENT
OF JUDGMENT**



By Mail: by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Roseville, California, addressed as set forth below.

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by Federal Court Email: by the electronic service procedures of the United States District Court, Northern District of California, on all parties not served by mail.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 28, 2012, at Roseville, California.

/s/ Rena Wade

Rena Wade

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