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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PICAYUNE RANCHERIA OF THE
CHUKCHANSI INDIANS, a federally-
recognized Indian tribe, and the
CHUKCHANSI ECONOMIC
DEVELOPMENT AUTHORITY, a wholly-
owned Tribal enterprise,

Plaintiffs,

vs.

GIFFEN TAN, an individual; **JOYCE**
MARKLE; an individual; **LARRY KING**,
an individual; **TED ATKINS**, an individual;
JOHN AND JANE DOES 1-20; **XYZ**
CORPORATIONS 1-20,

Defendants.

Case No.:

PLAINTIFFS' NOTICE OF AND
EX PARTE EMERGENCY
APPLICATION AND MOTION
FOR TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION;

Date:
Time:
Dept:

1 Plaintiffs, the Picayune Rancheria of the Chukchansi Indians (“Tribe”), a federally
2 recognized Indian tribe, and its wholly owned economic arm, the Chukchansi Economic
3 Development Authority (“CEDA”), acting through and on the authority of the Tribal Council
4 recognized by the United States on February 11, 2014, hereby apply ex parte for a Temporary
5 Restraining Order and Order to Show Cause Regarding a Preliminary Injunction to enjoin
6 Defendants, Giffen Tan (“Tan”), an individual serving as the Interim General Manager of the
7 Chukchansi Gold Resort and Casino (“Casino”), Joyce Markle (“Markle”), an individual serving
8 as the Interim Casino General Accounting Manager, Larry King (“King”), an individual serving
9 as the Interim Chief Financial Officer for the Casino, Ted Atkins (“Atkins”), an individual
10 serving as the Director of Security for the Casino, and certain unidentified individuals and entities
11 who will be identified through discovery and their agents, assigns, and attorneys (collectively
12 referred to herein as “Defendants”) from making any and all Tribal governmental distributions of
13 Casino revenue, in the form of “Excluded Assets”¹ or any other form, to any person or group that
14 is not recognized by the United States as the Tribe pending final resolution and identification of
15 the properly authorized Tribal government.

16 Upon Plaintiffs’ information and belief, Defendants have already willfully and purposely
17 attempted to make (and likely successfully made) illegal distributions of Casino revenues in
18 various forms, including the form of “Excluded Assets,” and may make further illegal
19 distributions of Casino revenues to persons or entities that are not recognized by the United States
20 Government as the Tribe. This is in violation of the Indian Gaming Regulatory Act, 25 U.S.C. §
21 2701 et seq. (“IGRA”), the Tribe’s Gaming Compact with the State of California (the “Tribal-
22 State Compact”) and the Tribe’s Gaming Ordinance. Unless the relief sought is hereby granted,
23 great and irreparable injury will result to CEDA, the Tribe, and its approximately 900 members.

24 ...

25 ...

27 ¹ See the Memorandum of Points and Authorities filed herewith for a description of what
28 constitutes “Excluded Assets” and the origin of this term.

1 This ex parte emergency application is based on Plaintiffs' Complaint filed herein, the
2 Affidavit of Robert Rosette, the Affidavit of Reginald Lewis and upon the Memorandum of
3 Points and Authorities set forth in the papers filed herewith.

4 Respectfully submitted,

5 ROSETTE, LLP
6 ATTORNEYS AT LAW

7 Dated: February 19, 2014

8 By: /s/ Robert A. Rosette
9 Robert A. Rosette
10 Geoffrey Hash
11 Attorneys for Plaintiffs

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