

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

STATE OF CALIFORNIA

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

See Attached

DEFENDANTS

PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS OF CALIFORNIA, A FEDERALLY RECOGNIZED INDIAN TRIBE

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FOREFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
25 U.S.C. section 2710

Brief description of cause:
Breach of Class III Tribal-State Compact

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
10/10/2014

SIGNATURE OF ATTORNEY OF RECORD
/s/ WILLIAM L. WILLIAMS, JR.

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. **Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Civil Case Cover Sheet – Cont'd

State of California v Picayune Rancheria of Chukchansi Indians
U.S. Eastern District Court, Fresno Division

I.(c) Plaintiffs Attorneys

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8 *Attorneys for Plaintiff*

9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
12 (FRESNO DIVISION)
13

14 **STATE OF CALIFORNIA,**

15 Plaintiff,

**COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF**

16 v.

17 **PICAYUNE RANCHERIA OF
18 CHUKCHANSI INDIANS OF
19 CALIFORNIA, A FEDERALLY
RECOGNIZED INDIAN TRIBE,**

20 Defendant.

21 The State of California (State) alleges:

22 **STATEMENT OF THE CASE**

23 1. This action seeks emergency and other appropriate injunctive relief to prevent an
24 imminent threat to the public health and safety. Opposing tribal groups of the Picayune
25 Rancheria of Chukchansi Indians of California (Chukchansi) claim to constitute the tribal
26 government and have the right to control the Chukchansi Gold Resort and Casino (Casino)
27 located in Madera County, California. Even though the State gives deference to Chukchansi's
28 sovereignty to resolve its intra-tribal dispute, public health, safety, and welfare have become

1 threatened. Supported by armed security forces, the groups have taken actions to occupy, control,
2 or forcibly enter facilities in, adjacent to, and near the Casino located in Coarsegold, California.
3 This is an imminent threat to the public health and safety of Chukchansi's members, the Casino's
4 patrons and employees, and the State's residents. Therefore, this Court should issue orders to
5 protect the public, including temporarily restraining, and permanently enjoining, attempts to take
6 control, or possession, of the Casino and related or nearby facilities, deploying armed personnel at
7 or near the Casino, and carrying firearms at the Casino and related tribal properties; and, further
8 prohibiting operation of the Casino unless and until it is established before this Court that the
9 public health and safety of Casino patrons, employees, and tribal members can be adequately
10 protected from the violent confrontations and threats of violent confrontation among the tribal
11 factions disputing leadership of the Tribe and control of the Casino.

12 JURISDICTION AND VENUE

13 2. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 because the State's claim
14 arises under federal statutes and the federal common law. This Court also has jurisdiction
15 pursuant to 25 U.S.C. § 2710(d)(7)(A)(ii) because this action is initiated by the State to enjoin
16 conduct related to Chukchansi's class III gaming activity that violates its compact with the State.

17 3. Venue is proper in this District because all of the claims arise from conduct
18 occurring, and the underlying tribal-state compact was entered into and is to be performed, in the
19 Eastern District of California.

20 FACTUAL BACKGROUND

21 The Compact and Waiver of Sovereign Immunity

22 4. The State and Chukchansi entered into a tribal-state class III gaming compact on
23 September 10, 1999 (Compact). A true copy of the Compact is Exhibit A to this Complaint and
24 incorporated by reference. Pursuant to the Compact, Chukchansi owns and operates a class III
25 gaming casino in Coarsegold, Madera County, California.

26 5. Pursuant to section 2.21 of the Compact, the term "Tribe" is defined to include
27 Chukchansi, as well as its authorized officials and agencies. Based upon information obtained
28

1 from the Bureau of Indian Affairs, the State is informed and believes and, therefore, alleges that
2 each individual defendant is an official of Chukchansi.

3 6. Pursuant to section 8.1.2 of the Compact, Chukchansi agreed to “[e]nsuring the
4 physical safety of Gaming Operation patrons and employees, and any other person while in the
5 Gaming Facility.”

6 7. Section 10.1 of the Compact provides: “The Tribe will not conduct Class III gaming
7 in a manner that endangers the public health, safety, or welfare”

8 8. Section 9.1 of the Compact provides that, in the case of imminent threat to the public
9 health or safety, the parties may resort to judicial process.

10 9. Section 9.4 of the Compact provides for a limited waiver of sovereign immunity as
11 follows:

12 (a) In the event that a dispute is to be resolved in federal
13 court . . . as provided in this Section 9, the State and the Tribe
14 expressly consent to be sued therein and waive any immunity
therefrom that they may have provided that:

15 (1) The dispute is limited solely to issues
16 arising under this Gaming Compact;

17 (2) Neither side makes any claim for
18 monetary damages (that is, only injunctive, specific
performance, . . . or declaratory relief is sought); and

19 (3) No person or entity other than the Tribe
20 and the State is party to the action

21 **The Intra-Tribal Dispute**

22 10. An intra-tribal dispute exists among Chukchansi’s members. Three groups claim
23 leadership rights and the right to the Casino’s possession and control, as well as other buildings
24 and improvements near the Casino. The intra-tribal dispute involves armed factions and thus
25 poses a threat to the public health, safety, and welfare.

26 11. The three factions are currently vying for control of the Tribe are the Lewis/Ayala
27 faction, the Tex MacDonald Faction, and the Reid faction. A true copy of a recent order from the
28

1 United States District Court for the Northern District recounting some of the factional strife is
2 attached as Exhibit B to this Complaint

3 **The Threat to Public Health and Safety**

4 12. At about 6:00 p.m. October 9, 2014, the Tex McDonald faction by Tex McDonald
5 along with his head security person (John Olivera) and about 8-9 additional security personnel
6 executed a takeover of the Casino. This was apparently done with the use of firearms and Tasers.
7 Security personnel for different factions were held at gun point and/ or tased during the takeover.
8 As the incident unfolded, some of the casino security, not a part of the McDonald faction, were
9 able to maintain control of the surveillance room and are still there. They issued an emergency
10 evacuation of the casino, had the cage secured and contacted Madera SO. The Madera County
11 Sheriff's responded with assistance from CHP and secured the casino and surrounding property /
12 roads.

13 13. According to the attorney for the Sheriff of Madera County, the attorney for the

14 14. The facts present a volatile situation involving armed tribal groups that threatens the
15 public health and safety and endangers Chukchansi's members, the Casino's employees and
16 patrons, and the State's citizens and residents, including law enforcement agents. The situation
17 remains volatile as of this Complaint's filing.

18 **CLAIM FOR RELIEF**

19 **(Breach of Compact)**

20 15. Under the Compact, Chukchansi agreed to ensure the physical safety of patrons and
21 employees. Chukchansi further agreed not to conduct class III gaming in a manner that
22 endangers the public health, safety, or welfare.

23 16. By the actions alleged in this Complaint, Chukchansi materially breached, and
24 continues to breach, the Compact.

25 17. The facts alleged in this Complaint demonstrate that emergency relief is required to
26 maintain the public health and safety. The facts alleged in this Complaint further demonstrate
27 that the State is entitled to injunctive relief to prevent any endangerment or threat to the public
28 health and safety.

PRAYER AND RELIEF REQUESTED

WHEREFORE, the State prays that:

1. This Court enter a temporary restraining order, and preliminary and permanent injunctions, prohibiting any Chukchansi tribal group, including officers, agents, servants, employees and persons acting under Chukchansi's direction and control, from attempting to use force or other means to disturb, modify, or otherwise change the circumstances currently in effect with respect to the operation of or control over the Casino.

2. This Court enter a temporary restraining order, and preliminary and permanent injunctions, prohibiting Chukchansi, including officers, agents, servants, employees and persons acting under Chukchansi's direction and control, from deploying armed personnel of any nature within 100 yards from the Casino, the property on which the Casino is located, and tribal properties surrounding the Casino including the nearby government offices, buildings, and compounds (collectively, Tribal Properties).

3. The Court enter a temporary restraining order, and preliminary and permanent injunctions, prohibiting Chukchansi, including officers, agents, servants, employees and persons acting under Chukchansi's direction and control, from possessing, carrying, displaying, or otherwise having firearms on the Tribal Properties.

4. The Court enter a temporary restraining order, and preliminary and permanent injunctions, prohibiting Chukchansi, including officers, agents, servants, employees and persons acting under Chukchansi's direction and control, from endangering the safety of the Casino's visitors, patrons, and employees.

5. The Court enter a temporary restraining order, and preliminary and permanent injunctions, prohibiting operation of the Casino unless and until it is established before this Court that the public health and safety of Casino patrons, employees, and tribal members can be adequately protected from the violent confrontations and threats of violent confrontation among the tribal factions disputing leadership of the Tribe and control of the Casino.

1 6. This Court declare that Chukchansi has materially breached the Compact and that the
2 State may exercise all rights, powers, and privileges accorded it with respect thereto including,
3 without limitation, the right to terminate the Compact.

4 7. This Court enter such further orders and judgments as it deems appropriate.

5
6 Dated: October 10, 2014

Respectfully submitted,

7 KAMALA D. HARRIS
8 Attorney General of California
9 SARA J. DRAKE
10 Senior Assistant Attorney General
11 WILLIAM P. TORNGREN
12 Deputy Attorney General

13 /s/ WILLIAM L. WILLIAMS, JR.

14 WILLIAM L. WILLIAMS, JR.
15 Deputy Attorney General
16 Attorneys for Plaintiff

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