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26 Chukchansi Indians, a federally recognized Indian
27 tribe, as represented by the 2010, 2011-2012, and 2013
28 Tribal Councils and the 2014 Unification Council

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

(FRESNO DIVISION)

STATE OF CALIFORNIA,

Plaintiff,

vs.

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

Defendant.

Case No.: 1:14-CV-01593 LJO SAB

**JOINT REQUEST TO RESCHEDULE
MANDATORY SCHEDULING
CONFERENCE TO MAY 28, 2015**

**Date: February 27, 2015
Time: 2:30 pm
Courtroom Nine – 6th Floor
Before the Honorable Stanley A. Boone
Magistrate Judge of the United States
District Court**

1 The State of California (“State”) and the Picayune Rancheria of the Chukchansi Indians, a
2 federally recognized Indian tribe, as represented by the 2010 Tribal Council, the 2011-2012
3 Tribal Council, the 2013 Tribal Council and the 2014 Unification Council (“Tribe”) (collectively,
4 the State and Tribe are referred to herein as the “Parties”) – request that this Court reschedule the
5 Mandatory Scheduling Conference, and concomitant deadlines, from February 27, 2015 to May
6 28, 2015.

7 This action arises out of events on October 9, 2014, when the armed security forces of one
8 group in an intra-tribal dispute confronted the armed security forces of another group at the
9 Chukchansi Gold Resort & Casino (“Casino”). Among other things, fire arms were drawn, and
10 tasers were fired. On October 10, 2014, the State filed this action, and Judge O’Neill issued a
11 temporary restraining order. On the same day, the National Indian Gaming Commission
12 (“NIGC”) issued a Notice of Violation and Temporary Closure Order (“NIGC Order”) in
13 response to the events. Judge O’Neill later issued a preliminary injunction, which remains in
14 effect.

15 The Parties base this request on the recent actions of the United States Department of the
16 Interior, Office of Hearings and Appeals, Interior Board of Indian Appeals (“IBIA”).
17 Specifically, on February 9, 2015, the IBIA issued an Order Making Decision Effective
18 Immediately (“Immediate Recognition Order”), which is a final agency action and immediately
19 recognizes the 2010 Tribal Council as the lone group authorized to act on behalf of the Tribe, on
20 an interim basis, for the purpose of restoring government-to-government relations. A true and
21 correct copy of the Immediate Recognition Order is attached as **Exhibit A** to the Declaration of
22 Geoffrey M. Hash In Support of the Joint Request to Reschedule Mandatory Scheduling
23 Conference to May 28, 2015. In light of the Immediate Recognition Order and its significance in
24 resolving the underlying intra-tribal dispute, the Parties intend to focus their efforts on reopening
25 the Casino as expeditiously as possible so as to minimize the impact of any continued closure on
26 the larger community, without jeopardizing the public health, safety, and welfare. Finally, the
27 NIGC Order and this Court’s preliminary injunction remain in place to protect the public health,
28 safety, and welfare, which is the State’s interest in this matter.

1 Therefore, the Parties respectfully request that the Court reschedule the Mandatory
2 Scheduling Conference for May 28, 2015.

3 Respectfully submitted,
4 KAMALA D. HARRIS
5 Attorney General of California
6 SARA J. DRAKE
7 Senior Assistant Attorney General
8 WILLIAM L. WILLIAMS, JR.
9 Deputy Attorney General

10 Dated: February 10, 2015

11 /s/ William P. Torngren
12 By: _____
13 WILLIAM P. TORNGREN
14 Deputy Attorney General
15 *Attorneys for Plaintiff State of California*

16 Respectfully submitted,
17 ROSETTE, LLP

18 Dated: February 10, 2015

19 By: /s/Geoffrey M. Hash
20 Geoffrey M. Hash
21 *Attorneys for Defendant the Picayune*
22 *Rancheria of the Chukchansi Indians,*
23 *a federally recognized Indian tribe,*
24 *as represented by the 2010, 2011-*
25 *2012, and 2013 Tribal Councils and*
26 *the 2014 Unification Council*