

FILED

DEC 14 2006

D.W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THE PICAYUNE RANCHERIA OF THE
CHUKCHANSI INDIANS,

Plaintiff,

v.

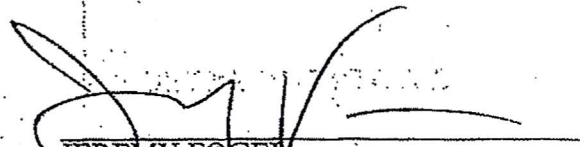
COUNTY OF MADERA, et al.,

Defendants.

Case Number C 06-7613 RMW (PVT)
ORDER RELATING CASE

Plaintiff filed the instant action on December 13, 2006. The undersigned having determined that the instant action is related to earlier-filed case number C 79-1710 JF (PVT), IT IS HEREBY ORDERED that the instant action be RELATED to the earlier-filed case number and reassigned to the undersigned. In the future, all filings in the instant case shall bear the case number "C 06-7613 JF (PVT)."

DATED: 12/13/06


JEREMY FOGEL
United States District Judge

1 Copies of Order served on:

2

3 Counsel for Plaintiff:

4 John M. Peebles
5 Michael A. Robinson
6 Patricia R. Lenzi
7 Darcie L. Houck
8 Monteau & Peebles LLP
9 1001 Second Street
10 Sacramento, CA 95814

11 Counsel for Defendants:

12 Dennis M. Cota
13 Steven M. Ingram
14 Samuel L. Emerson
15 Best Best & Krieger LLP
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17 Sacramento, CA 95814

18 David A. Prentice
19 County Counsel
20 County Counsel of Madera
21 333 West Olive Avenue
22 Madera, CA 93637

23

24

25

26

27

28

EXHIBIT I

*efiled 3/2/07

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 DEREK P. COLE, Bar No. 204250
 2 COTA DUNCAN & COLE
 2241 Douglas Boulevard, Suite 250
 3 Roseville, California 95661
 Telephone: (916) 780-9009
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5 Attorneys for Defendants
 The County of Madera, The Board of Supervisors of
 6 the County of Madera, Thomas P. Kidwell, Tracy
 Desmond Kennedy, Rayburn Beach, and The County
 7 of Madera Planning Department

8
 9 UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11
 12 The PICAYUNE RANCHERIA OF
 13 CHUKCHANSI INDIANS, a federally
 recognized Indian Tribe,

14 Plaintiff,

15 v.

16 The COUNTY OF MADERA, a political
 subdivision of the State of California; The
 17 BOARD OF SUPERVISORS OF THE
 COUNTY OF MADERA; THOMAS P.
 18 KIDWELL, County of Madera Tax Assessor;
 TRACY DESMOND KENNEDY, County of
 19 Madera Treasurer/Collector; RAYBURN
 BEACH, County of Madera Planning Director;
 20 The COUNTY OF MADERA PLANNING
 DEPARTMENT,

21 Defendants.
22

Case No. 06-CV-07613 JF PVT

STIPULATION RE SETTLEMENT
 AND REQUEST FOR CONTINUING
 JURISDICTION, FOR ENFORCEMENT
 OF SETTLEMENT AGREEMENT;
~~PROPOSED~~ ORDER

1 Exhibit B and incorporated by reference. The parties stipulate and agree that the limited waiver
2 of sovereign immunity by the Tribe and CEDA shall extend to actions for legal proceedings
3 regarding the application, interpretation, and enforcement of the 2007 MOU described herein.

4 IT IS SO STIPULATED.

5 Dated: February 27, 2007

COTA DUNCAN & COLE

7 By: /s/ Dennis M. Cota

8 Dennis M. Cota
9 Attorneys for Defendants
10 The County of Madera, The Board of
11 Supervisors of the County of Madera,
12 Thomas P. Kidwell, Tracy Desmond
13 Kennedy, Rayburn Beach, and The
14 County of Madera Planning Department

12 Dated: February 28, 2007

TRAINOR FAIRBROOK

14 By: /s/ Gary M. Funamura

15 Gary M. Funamura
16 Attorneys for Defendant
17 McCarthy Building Companies, Inc.

16 Dated: February 28, 2007

MONTEAU & PEEBLES LLP

18 By: /s/ John M. Peebles

19 John M. Peebles
20 Attorneys for Plaintiff
21 The Picayune Rancheria of Chukchansi
22 Indians

21 AGREED AND ACCEPTED:

23 Dated: February 27, 2007

DEGOEDE DUNNE & MARTIN

25 By: /s/ Raymond W. Dunne

26 Raymond W. Dunne
27 Attorneys for Yosemite Unified School
28 District

1 Dated: February 28, 2007

MONTEAU & PEEBLES LLP

2
3 By: /s/ John M. Peebles
4 John M. Peebles
5 Attorneys for Chukchansi Economic
6 Development Agency

7
8 **ORDER**

9 IT IS ORDERED that the above-entitled action shall be deemed settled pursuant to the
10 terms of the Agreement attached hereto as Exhibit A. IT IS FURTHER ORDERED that this
11 Court shall retain jurisdiction for purposes of any action or proceeding regarding the application,
12 interpretation, and enforcement of either the Agreement attached hereto as Exhibit A, or the
13 Memorandum of Understanding executed concurrently and attached hereto as Exhibit B. For
14 purposes of any such proceedings or action regarding the application, interpretation, and
15 enforcement of either the Agreement or the MOU, the Tribe and CEDA have waived sovereign
16 immunity and stipulated to the jurisdiction and authority of this Court for purposes of such
17 proceedings.

18 IT IS SO ORDERED.

19 Dated: 3/2/07

20 
21 Jeremy Fogel
22 United States District Court Judge