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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF MADERA

12 STAND UP FOR CALIFORNIA!,  
13 a California non-profit public benefit  
14 corporation; BARBARA LEACH,  
an individual,

15 Plaintiffs,

16 v.

17 EDMUND G. BROWN JR., in his official  
18 capacity as Governor of the State of  
California; and DOES 1-50 inclusive,

19 Defendants.

Case No. MCV062850

Dept: 4  
Judge: Michael J. Jurkovich

**Request for Judicial Notice in Support  
of Supplemental Brief; Memorandum of  
Points and Authorities; and Declaration  
of Brian Daluiso**

Complaint filed: March 27, 2013

20  
21 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE that pursuant to California Evidence Code sections  
23 452(c), 452(h), and 453, California Rules of Court 3.1306 and 3.1113(l), plaintiffs Stand  
24 Up for California! and Barbara Leach (“plaintiffs”) request that this Court take judicial  
25 notice of the following documents in support of plaintiffs’ Supplemental Brief in  
26 Opposition to Demurrer:

27 **Exhibit 1:** Transcript of June 27, 2013, California Senate floor discussion before  
28 the vote on Assembly Bill No. 277 (AB 277).

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**Exhibit 2:** Letter from Senator Kevin De Leon, Chair of the Senate Appropriations Committee, to Governor Brown dated July 29, 2013.


**Exhibit 3:** News Release from California Secretary of State Debra Bowen announcing Referendum of AB 277.

**Exhibit 4:** Cover pages, pages 99-102, and Reporter's Certificate of Reporter's Official Transcript of Motion Hearing Before the Honorable Beryl A. Howell United States District Judge, Case No: CV 12-2039 (January 25, 2013).

This request for judicial notice is based upon the attached Memorandum of Points and Authorities, the concurrently filed Declaration of Brian Daluiso, the exhibits attached to this motion, the papers and pleadings on file in this action, and such other argument and evidence as the Court may properly receive.

Dated: September 6, 2013

SNELL & WILMER L.L.P.

By:   
Sean M. Sherlock  
Harsh P. Parikh  
Brian A. Daluiso  
Attorneys for Plaintiffs  
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Pursuant to Evidence Code sections 452(c), 452(h), and 453 and Rules 3.1113(l)  
4 and 3.1306 of the California Rules of Court, plaintiffs request the Court to take judicial  
5 notice of the attached documents contained in Exhibits 1 through 4. The documents are  
6 attached hereto in support of plaintiffs' Supplemental Brief in Opposition to Demurrer.

7 **II. THE COURT MAY TAKE JUDICIAL NOTICE OF EXHIBITS 1-4**  
8 **BECAUSE THEY ARE OFFICIAL ACTS AND NOT SUBJECT TO**  
9 **DISPUTE**

10 Judicial notice may be taken of “[o]fficial acts of the legislative, executive and  
11 judicial departments of the United States and of any state of the United States.” Evid.  
12 Code § 452, subd. (c). Moreover, judicial notice can also be taken of “[f]acts and  
13 propositions that are not reasonably subject to dispute and are capable of immediate and  
14 accurate determination by resort to sources of reasonably indisputable accuracy.” Evid.  
15 Code § 452, subd. (h). Finally, judicial notice is also appropriate for matters that are of  
16 public record. *See, e.g., Lee v. City of Los Angeles* (9th Cir. 2001) 250 F.3d 668, 689-90  
17 (court may judicially notice matters of public record).

18 **A. Exhibit 1: Transcript of Senate Floor Discussion**

19 A transcript from a legislative hearing is the proper subject of judicial notice under  
20 section 452(c) and 452(h). *Thurman v. Bayshore Transit Mgmt., Inc.* (2012) 203 Cal. App.  
21 4th 1112, 1141, *review denied* (June 13, 2012) (judicial notice properly granted for  
22 Assembly Appropriations Committee hearing on an assembly bill); *Post v. Prati* (1979)  
23 90 Cal. App. 3d 626, 634 (affirming trial court’s grant of judicial notice for excerpts from  
24 testimony at legislative hearings as proper under section 452(c)).

25 Exhibit 1 is relevant to show that the vote in favor of AB 277 was not a vote to  
26 ratify the Governor’s concurrence but rather a vote to ratify the compact only – a vote to  
27 choose class III gaming over class II gaming at the Madera Site. Exhibit 1 is also relevant  
28 to show that the decision to allow gaming at the Madera Site had been made unilaterally

1 by the Governor such that the Legislature was powerless to undo it. Therefore, it is proper  
2 for this Court to take judicial notice of Exhibit 1.

3 **B. Exhibit 2: Letter from Senator De Leon to Governor Brown**

4 A letter from the California State Senate to the Governor of California is the proper  
5 subject of judicial notice under Evidence Code section 452(h). *Tosi v. County of Fresno*  
6 (2008) 161 Cal. App. 4th 799,806 (judicial notice taken under section 452(h) of letter  
7 from Senator to Governor requesting the Governor to sign a recently passed bill); *City of*  
8 *Brentwood v. Cent. Valley Reg'l Water Quality Control Bd.* (2004) 123 Cal. App. 4th 714,  
9 728 (appellate court upheld judicial notice under section 452(h) of letter sent by  
10 legislators to State Water Resources Control Board to protest Board's interpretation of a  
11 statute because it exhibited the context in which the Legislature enacted a definition  
12 within the statute). While "[l]etters expressing the opinions of individual legislators often  
13 are irrelevant to an issue of statutory construction, which depends on the intent of the  
14 entire legislature, not of individual legislatures," judicial notice is proper where the letter  
15 "illuminates the context in which the legislature acted . . ." *Ibid.*; see also *California*  
16 *Teachers Assn. v. San Diego Community College Dist.* (1981) 28 Cal.3d 692, ("A  
17 legislator's statement is entitled to consideration . . . when it is a reiteration of legislative  
18 discussion and events leading to adoption of proposed amendments rather than merely an  
19 expression of personal opinion").

20 Exhibit 2 is relevant to show that the ratification of AB 277 was not a ratification  
21 of the Governor's concurrence. The letter is also relevant to show that the Legislature  
22 lacked the opportunity or ability to exercise its full legislative powers in voting on AB 277  
23 and that California lacks any policy regarding off-reservation tribal gaming. The letter  
24 does not merely represent the opinion of a single legislator. To the contrary, the letter  
25 officially informs the Governor that the Senate, as a whole, is creating a working group to  
26 prevent such conflicts and confusion in the future. Therefore, it is proper for this Court to  
27 take judicial notice of Exhibit 2.



1           **C.    Exhibit 3: News Release from California Secretary of State Debra**  
2                           **Bowen Announcing Referendum of AB 277.**

3           An official action by the California Secretary of State is a proper subject of judicial  
4 notice under Evidence Code sections 452(c) and 452(h). *People v. Haugh* (1963) 216 Cal.  
5 App. 2d 603, 606 (“The courts also take judicial notice of the acts and records of the  
6 Secretary of State.”).

7           Exhibit 3 is relevant to show that if proponents of the referendum are successful in  
8 getting the referendum on the ballot, the effective date of AB 277 will be stayed under the  
9 day after the November, 2014, election. *Assembly of State of Cal. v. Deukmejian* (1982)  
10 30 Cal. 3d 638, 656-57.

11           **D.    Exhibit 4: Reporter’s Official Transcript of Motion Hearing Before the**  
12                           **Honorable Beryl A. Howell United States District Judge, Case No: CV**  
13                           **12-2039 (January 25, 2013)**

14           Exhibit 4 is a proper subject for judicial notice under Evidence Code section 452(c)  
15 as an “official act of . . . the judicial department of the United States . . . .” It is relevant to  
16 the issue of whether section 4.5(f) of the North Fork Compact is applicable.

17           **III.   CONCLUSION**

18           For the foregoing reasons, plaintiffs respectfully requests that the Court take  
19 judicial notice of Exhibits 1 through 4 herein.

20           Dated: September 6, 2013

SNELL & WILMER L.L.P.

21           By: 

22                           Sean M. Sherlock  
23                           Harsh P. Parikh  
24                           Brian A. Daluiso  
25                           Attorneys for Plaintiffs  
26                           STAND UP FOR CALIFORNIA! and  
27                           BARBARA LEACH  
28

Declaration of Brian Daluiso

I, Brian Daluiso, declare as follows:

1. I am an attorney and member in good standing of the State Bar of California. I am an associate in the law firm of Snell & Wilmer L.L.P., counsel of record in this action for plaintiffs Stand Up for California! and Barbara Leach (“Plaintiffs”). I make this declaration in support of plaintiffs’ Third Request for Judicial Notice in Opposition to Demurrer in the above-captioned action. Except where noted to be otherwise, I state the following of my own knowledge and, if called upon to do so, could and would testify competently to the following.

2. Attached as **Exhibit 1** is an accurate transcript of the hearing on the Senate floor related to AB 277. My office was able to review and transcribe the June 27, 2013, hearing using the archived videos on demand on the California Channel, <http://www.calchannel.com/video-on-demand/> (last visited July 14, 2013).

3. Attached as **Exhibit 2** is a copy a Letter from Senator Kevin De Leon, Chair of the Senate Appropriations Committee, to Governor Edmund G. Brown dated July 29, 2013. I am informed and believe that this is a true and correct copy of the letter. The letter can be found online at: <http://www.calba.org/news/letter-from-senator-deleon-to-governor-brown-calling-for-comprehensive-off-reservation-plan> (last visited September 3, 2013).

4. Attached as **Exhibit 3** is a true and correct copy of the News Release from California Secretary of State Debra Bowen announcing Referendum of AB 277 that is part of the public record at the website for the California Secretary of State, <http://www.sos.ca.gov/elections/ballot-measures/attorney-general-information.htm> (last visited September 4, 2013).

5. Attached as **Exhibit 4** is a true and correct copy of the cover pages, pages 99-102, and the Reporter’s Certificate of the Reporter’s Official Transcript of Motion Hearing Before the Honorable Beryl A. Howell United States District Judge, Case No: CV 12-2039 (January 25, 2013).

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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 this 6th day of September, 2013, at Costa Mesa, California.



Brian Daluiso

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**Exhibit 1**

SB 277  
Item #92

President:	Mr. Secretary, please read.
Secretary:	Assembly bill 277, by assembly member Hall, an act relating to tribal gaming.
President:	Senator Wright.
Senator Wright:	<p>Thank you, members. AB 77 is a ratification of a compact for the North Fork Indian Tribe and there's been a lot of discussion and I've got a bunch of notes, and I won't read them all, but let me point out a couple of things that I think are important in this compact. We have an opportunity with this compact to do something that is very important in this region, which is to take a tribe of people who right now are in poverty working with a gaming operation. They will build a casino in the Madera County area. This casino will provide jobs to a number of people who live in this region who wouldn't otherwise have the opportunity to do that because one of the ways that many of our Indian constituents are able to achieve economic parity is through gaming. This compact does a couple of things that I think are also important. The Wiyot Tribe which is all the way over in Humboldt, California, they have agreed to partner with the North Fork Tribe by forgoing their right to build in Humboldt Bay. And members, again, let me say that the Wiyot Tribe can build in Humboldt Bay right now. They already have the licensure to do that so they can do that. They are going to, by this compact, forgo their right to build because they will take a revenue sharing agreement with North Fork. That's a benefit that we pick up. One of the other benefits that we pick up is that the North Fork Tribe has agreed to a revenue sharing agreement that allows the county to have some benefit in terms of fire, public works, police protection and other things that benefit the county. Those issues have been negotiated with the locals so that there's a benefit from this that goes to the community, which is why the supervisors and the city councils in this area – not unanimously, I don't want to imply that – but the majority of the local officials in this area are supportive of this compact because there's a benefit to them. One of the other things that this tribe has done, members, is that they've gone through the effort to secure project labor agreements with the local labor unions so that they are going to pay prevailing wages, both as they operate the casino and as the casino is built – they've agreed to take on that responsibility. They've also agreed to pay money into the Special Distribution Fund. The Special Distribution Fund is a fund that gaming tribes pay into, that gives money on a pro rata basis to many of the non-gaming tribes and many of those tribes were in poverty. They are going to pay into the Special Distribution Fund, so that's another benefit that comes to the state and it comes to other Indian tribes who are not gaming tribes, so they will get a portion of that revenue. One of the other elements in this compact as it is currently written – and this is still being worked on as we</p>

	<p>speak – but there are number of tribes who are in the area within about a 100-mile radius – two in particular, Table Mountain and Chukchansi. Chukchansi is actually closer. There is a revenue sharing agreement in this compact with the Chukchansi tribe. That revenue sharing agreement means that the North Fork Tribe will share some of their revenue with Chukchansi. My understanding – and I was not a part of that discussion – is that North Fork and Chukchansi have agreed to further revenue sharing agreements, and there might well be some overlapping of the management of the facility, so that you could well end up with Chukchansi and North Fork working together. I do not have all the details of that, and let me be clear that that’s not in the compact that we are voting on today, but those discussions and negotiations are ongoing between North Fork and Chukchansi. Taking it all in, members, let me remind you of something else. When there is a land-in-trust issue, as this is, it means that the tribe can do Class II without having to do any of the other things that I described. Class II gaming – pretty much because of the electronic way that you can now do slot machines – you could do machines, you could do table games, you would not be able to do a Class III, but I submit to you that there are a number of tribes in California that currently do Class II and they do quite well. So, it’s not a question of whether there is going to be gaming on the site. That is a definite. Let me say that again. This vote today is not a vote to say “will there or will there not be gaming on the site that North Fork has.” There will be gaming. The only thing that you’re voting on today is whether or not the state gets any benefit from the gaming that takes place. You are voting as to whether or not the Wiyot Tribe is able to share and not build at North Fork. You are voting on whether or not the jobs that are created pay a prevailing wage. There will be gaming on the site. The question is just a matter of under what circumstance does it occur. For those and many other reasons, Madam President and members, I would ask for an “aye” vote on AB277.</p>
President:	Thank you, Senator Wright. Senator Nelson.
Senator Nelson:	<p>Madam President and ladies and gentlemen of the Senate, this compact would establish a dangerous precedent and take gaming in California, a term that long ago was confirmed to the people of the State of California to be such that this would not happen. Casinos would be located on aboriginal lands, one connected to the tribes. This reservation shopping was not be part of the deal. Many tribes – tribes that I represent – would be much better suited had they not located on their ancestral lands, if they had shopped about for more convenient locations. In this case, some 30 miles away, and in the case of Enterprise that’s coming up, some 100 miles away. For those in urban areas, if you’re interested in having this gaming come close to you, this is an opportunity for that to happen, and San Pablo a few years ago was one such opportunity that concerned a lot of tribes, again, that I have represented. These tribes abided by the old</p>

	<p>rules, and now new rules are being concocted. The existing reservation lands, ladies and gentlemen, are where the casinos should go. Far distant tribes now can shop, and just as one-sided, now we have a new interesting nuance. Agreements between tribes far, far distant, way in the north boundary of California to down in the Central Valley making deals to forgo development of something that they could in an area they have rights to, and they are making a deal across California, and there is going to be compensation. Now how _____ can this withstand? That should be of great concern to you, that should not be a boon that we are protecting Humboldt Bay for the sake of making a trade down in the Central Valley by Madera. I happen to know this area very well. I farmed for a number of years not very far from this location. The Indian Regulatory Act allows the _____ to confer this historic status, but under limited circumstances, one of which includes the surrounding community would not be detrimentally affected. Now I know there's been support noted down in the Madera area, I understand that. But there is also an awful lot of opposition. Up in Yuba County, the voters of that county actually voted "no." I think that's a strong message that that community is not happy with this or feels compromised by it. There is some kind of side agreement that's flowing along with this. That ought to concern us a little bit. Those kinds of things have ways of getting very public and very problematic over time. And there might well be some concern about something that just came out today, the last report, headlined "Chukchansi Corruption Probe Alleges Millions Missing, Federal Gun Law Violations, Massive Financial Losses." Now that's just a headline, and the word that's operative is "alleges," but my point is side agreements, which we have no control over and know nothing about but which we ratify by our vote, can come back, ladies and gentlemen, to haunt. This is not within those historic lands. This opens the door. And our tribes can become as real estate investors seeking the best location to locate their mall, and our tribes will do the same thing. And I will argue that any given tribe such as North Fork or such as Enterprise, when they put up their glitzy new casino, it might be beneficial for the short time as people pour in there, but they are going to be pouring in there from other casinos, which will be hurt. And the proliferation of casinos is going to harm gaming, period, in the State of California. And keep in mind that these side agreements that are going on, there is still a huge legal dispute in that tribe as to who's on first. The disparity of that ensures massive litigation. We, the California State Legislature, should not be giving credence nor support to that, nor establishing a very dangerous precedent. I urge a "no" vote.</p>
President:	Senator Evans, followed by Senator DeLeon and Senator Yee.
Senator Evans:	Thank you, Madam President. I rise in support of this compact, and I'll tell you why. I know there are competing concerns for a lot of the members of this house in deciding whether or not to support the compact.

	<p>The compact, as was earlier discussed, does include one of the tribes that lives in Humboldt, which I represent in my Senate district, the Wiyot Tribe. This is a tribe that has a long history in the north coast, and it has had a very challenging history in the north coast. But what I want to talk about today is what their rights are and what will not happen if we today approve this compact. The Wiyot Tribe currently has the legal right to develop a Class III casino on the shores of Humboldt Bay. Now to many people, Humboldt Bay is way up north. It is in one of the most beautiful parts of our state, if I do say so myself. Humboldt Bay has had a lengthy history full of environmental challenges. This is, if you've ever been up there, a beautiful, now relatively environmentally pristine place. But it has not always been that way. Humboldt Bay was the site of a slaughter of member of the Wiyot Tribe many, many years ago on a small island out in the Bay. Humboldt Bay was also the site of the slaughter of the redwood trees up there, and for many, many years, when I was growing up, up through my teenage years, was ringed by lumber mills and actually was the place where the trees were taken and the logs would be out there in the water. You couldn't fish there. Animals couldn't live there. It was full of redwood trees and it was ringed by smokestacks spewing smoke up into the air of Eureka and _____ County. Humboldt Bay is also the site of a nuclear power plant. A nuclear power plant located on the shore of Humboldt Bay, which has since been decommissioned. The lumber mills are now long gone. The smokestacks are now long gone, and the air is again clear and the water is again swimmable, if you can stand the cold, and the fish have come back, and there is now a national wildlife refuge right there. And that is the precise location where the Wiyot Tribe has the right to build a Class III casino – on that Bay adjacent to that national wildlife refuge. Now many of us are concerned about the environment and many of us defend the environment. Many are looking at this compact as having some other competing concerns, but I will make a plea here to consider the environmental impacts on Humboldt Bay if this compact is not approved, and for those reasons I ask for an "aye" vote.</p>
President:	Thank you. Senator DeLeon.
Senator DeLeon:	<p>Thank you, Madam President, as well as members, for the opportunity to speak on this compact, AB277. I will say that this compact is a lot better than its original form when it came over from the Assembly. Tremendously better. When this compact came to the Senate, I was in opposition to this compact, unquestionably, because of the lack of mitigation, with another tribe – Chukchansi specifically – and the potential cannibalization of good union paying jobs. And after consulting with the pro tem as well as others, and having the ability to bring the parties together, two sovereign governments, North Fork as well as Chukchansi, to see if there is a third way, a third way to find common ground. A third way where you can find a win-win situation,</p>



	<p>where you can create jobs, economic growth, where you don't cannibalize one casino over another, and I think we found that way. Now I know there will be individuals – and I respect their decision – that oppose any type of gaming expansion, whether it's a tribal casino or whether it's a card club, whether it's lottery or whether it's internet poker. I am profoundly respectful of their opposition to any type of gaming. But the fact remains that the vast majority of all the tribes in California have moved from opposition to neutral. A vast majority of all the tribes are now neutral on this compact. There is a handful – one or two – and one more specifically that is passionately in opposition to this compact. And unless we as lawmakers try to find the best compromise so we can mitigate potential damage, whether it's fiscal or whether it's environmental, and I think we have that in this measure today, in this compact. I want to thank our pro tem for his leadership and the other colleagues here who have contributed to finding a third way, finding a middle ground, so we can find a win-win situation. And I am going to be supportive of this compact today. So I've moved 180 degrees, from "no" to support of this compact. And I also want to say that part of the dilemma that we find ourselves in as lawmakers – whether you are a Democrat or a Republican – whether you are agnostic to gaming or not – is a lack of a coherent policy that currently exists in the State of California when it comes to off-site reservation gambling. And whether it's the feds – specifically, the Department of Interior and the Bureau of Indian Affairs – or whether it's the governor, we need to work collectively together. We cannot piecemeal our way continuously and be caught in the cross-hairs of so many interests when it comes to gaming. And that's why I also want to state here on the floor that we'll find out what the result will be, the final result of this compact, but whatever the result may be, that I plan on calling together a working group of members of the Senate, bipartisan, with all the stakeholders, as well as members of the Assembly, and all of the stakeholders that are impacted directly or indirectly, the environmental community, the labor community, the gaming community – whether tribal gaming or card clubs. Because we need to work out specifically a coherent vision for California, so we are not continuously piecemealing our way through this process, so we are not continually putting individuals in the cross-hairs, because again, a lack of a coherent policy on this measure. With that, Madam President as well as members, I do rise to support this compact.</p>
President:	Thank you. Senator Yee.
Senator Yee:	Thank you very much, Madam President. Over the course of my tenure here in Sacramento, I have approved or was part of the effort to approve a number of tribal compacts for gaming. Part of the reason why I did that was because it is extremely important to respect the sovereignty of nations. But in addition to that, given the fact that many of these tribes and their gaming operations were really far away from urban centers, I

felt that that was a good compromise in terms of the concerns that I have about gaming and its impact, particularly on Asian-American communities. Right now, we have a pretty good arrangement. The arrangement is that many of the tribes and their gaming operations are outside of urban areas, and they are outside of major transit areas, transportation areas. And then we have – or we used to have – tracks, and then we have a rather robust series of card clubs close to urban areas. And I think that that was sort of a good arrangement. It allows the tribes to do what they want to do on their own land, and then yes, to have the card clubs and the tracks as a buffer from tribes that would bring some of their gaming into urban areas. This particular compact begins or is in a long series of changes in how we have these kinds of gaming operations. This gaming operation is going to close to the 99 corridor. It is in Madera. And many individuals may not know where Madera is and may not know its surrounding area, but I am well familiar with that particular area, and Madera is a short distance from Fresno, one of the largest counties in the State of California. It is a poor county. It is a rural county. It is an agricultural county. And in that particular county sits a lot of Chinese-Americans, sits a lot of Vietnamese, Laotians, and other individuals, and for whatever reasons those individuals tend to gamble. And unfortunately in the discussion thus far we have heard about sovereignty, we have heard about the importance of jobs, we have heard about the importance our economy, on and on and on. But what we don't hear about are the ill effects of gaming. And I've seen that in my community time and time again. In the Bay Area, in Southern California, up here, and now out in the Central Valley, in an area of the Central Valley where individuals don't have a whole lot of means. What we are going to be doing is to set up this particular casino in a major transportation corridor – 99 – a stone's throw from Fresno, and what you're going to find are going to be all kinds of different attractions that are going to move some of those individuals in Fresno and other areas into that particular site. If you don't have a whole lot of money, you know, there is nobody that stands in front of that casino and says, well how much money do you have? Come one, come all, and spend your money, and if you don't have enough, then maybe you're going to get into some difficulties with your partners and with your children, and take more money that you don't have and you can't afford, and then waste it even more. And what are we going to do for those individuals? There are no discussions about how we are going to help some of these individuals from getting into that situation of gambling and not able to afford gambling. I'm not talking about counseling services for those individuals who are addicted to gambling, I am trying to figure out how you can prevent individuals from gambling if in fact they don't have the means to do that. When you are talking about counseling services for gamblers, you are a little too late, you've already beaten up your wife, you probably have taken away family dollars that should be used for



	<p>school, clothes and food, and that's not the time to talk about counseling. It's a little too late. And the thing that is really problematic and troubling for me is, as my colleague Senator DeLeon said, we don't have, some way and somehow, a coherent policy to deal with some of these kinds of horrendous situations whereby we set up casinos and yet we're not looking at some of the surrounding areas and how that impacts those surrounding areas and particularly the people around them. Now part of the difficulty that I have with this particular bill in terms of opposing it totally is the fact that there is another persuasive argument about somehow looking at ways that we can in fact support it. And one of the major arguments is the fact that out in that area, the joblessness, the unemployment rate is pretty high, much higher than in the Bay Area. And so when you chair the Human Services Committee, as I do, a couple of days ago I heard the testimony of a young lady who, because of the economic problems that she and her husband were facing, they lost their home, there are no jobs, and now she is in a public program, with two kids by herself. And she cries out for help in terms of how am I going to take care of my two kids by myself and how do I find a way to pay the bills, put clothes on myself and my children, and get them to school. And so that is also rather persuasive to me. So at the end of the day, where I fall is that let's go ahead and support this particular compact. But I think, moving forward, we cannot do that anymore unless we come up with some kind of understanding as to where can the legislature weigh in about where some of these tribes are going to locate their particular casinos and what input can we have in moderating that particular siting, so that all issues – not just simply sovereignty – not only economic development – and not only because of jobs, but more importantly its negative impact on the population surrounding it and maybe outlying populations, that goes to those particular places and how do we at least ensure that our communities and our families are still protected. With that, I will be voting "aye" on this particular matter. Thank you.</p>
President:	Thank you, Senator Yee. Senator Lara.
Senator Lara:	<p>Thank you, Madam Speaker and members. I also want to echo the words of Senator DeLeon and Senator Yee. I, too, am concerned about the process or lack of process and policy parameters that have put us all in this place, to support or oppose a compact that may be great for one tribe but disadvantages others. When North Fork and the allies came to see me about the compact and urge my support, I initially did not have any objections to it. It made sense at the time. However, after meeting with my constituents and business folks in my district, there was a big concern of who was next. Where are we going to place the next casino? And absent a clear policy and policy parameter that discusses the need to address off-reservation gambling and gaming, you know, these are serious concerns that we have. And I am pleased to join in the working group with Senator DeLeon to finally address this important issue. We</p>

	<p>cannot be jammed like this again, and we have to set a clear parameter when it comes to these important issues of off-reservation gaming. And so with the working group in play and hopefully with this being an avenue where we can find a critical solution to this, I am going to be supporting this compact today, but know that we have to get to the point where we reach some sort of policy consensus where we address this important issue to make sure we don't get jammed like this again, and ensure that we protect all of our interests in California, especially those industries that are currently providing jobs and currently maintaining jobs in critical parts of our state.</p>
President:	Thank you. Senator Berryhill.
Senator Berryhill:	<p>Thank you, Madam President and members. I rise in support of this compact today. I think that Senator Wright got it right, and that when he says that no matter what, there's going to be gaming in Madera. Whether it's going to be Class II or Class III remains to be seen, but if it's Class II, nobody is going to get anything out of this thing. There are a number of other reasons why I am going to be supporting this measure. One of them is a deal made is a deal kept. And over six years ago, when they were going through the first parts of trying to get recognized, they came to a number of us and we sat down and told them, listen, you've got to go through the process, you've got to go through the feds, and if you go through the process and get recognized, then we're all going to be with you. Well, what's happened since then is that they have done everything they said they were going to do. They've gone through over 8½ years of the federal process to get this thing here today, and they've done everything by the book, members. They have operated transparently and collaborately with county, state and federal officials. The land has been taken into trust, and that was an important part of this measure. It is now part of the reservation, and they've got their sovereign rights. That fact cannot be changed here today. This is a good compact. It ensures the state and local communities will benefit from the gaming enterprise, and that is important certainly to the county's bottom line. It is supported by all levels of government, nearby cities and counties, the state assembly, the governor and the U.S. Bureau of Indian Affairs, four out of the five supervisors in Madera have backed this measure, and again, folks, this is a major jobs issue for Madera. Unemployment is in the double digit figures. It is one of the most economically depressed regions in the entire country. The revenue this compact will generate, as well as more than 3,000 jobs – 3,000 jobs in a 15+% unemployment area is huge, and it's something that certainly I can't ignore, and I am going to be voting for this compact today. Thank you.</p>
President:	Thank you. Senator Steinberg.
Senator Steinberg:	Thank you very much, Madam President. Real briefly, I just want to thank the membership here. I want to thank Senator DeLeon for agreeing to chair this working group to deal with the underlying policy of off-site



	<p>gaming. I only want to add one other comment, because it's important, I think, that the public understand sort of the philosophical underpinnings of my "yes" vote here, or at least my constituency. For years, I have participated in debate and taken the very strong position that when it comes to balancing the sacred sites of Native Americans versus other important interests such as land use, that we ought to err on the side of allowing tribes to define their sacred sites. And it doesn't always work out perfectly, but when it comes to major legislation that provides more protection to sacred sites, that's always where I've stood and where I think we all should stand. And so I know there is controversy over the off-site aspects of this, but I am compelled by reading the Department of Interior findings where they speak of the history of the North Fork Band of Indians. And they speak about how this tribe was forcibly removed from their ancestral lands in the Sierras and brought to the site in question, not necessarily as their permanent home, but as a place where during periods of their history they had to live in order to survive. Now some of the opponents argue that, well, those aren't their lands. If we're going to be consistent here, and err on the side of allowing Native Americans – California Indians – to essentially decide and we to respect their history, I think we have to say that that Interior decision that says that they have a connection to this land in question, that that is respected. And that's why I vote "yes." And I look forward to the results of the working group. I think that will help guide us in future decisions. I think this is a fair compromise. We took the time, by the way – we didn't take this up several months ago – we took the time. The Chukchansi issues are not done yet, but they are progressing with good faith, and I think that this is a fair compromise and we ought to vote "aye."</p>
President:	Thank you. All debate having ceased, Senator Wright, you may close.
Senator Wright:	<p>I think, Madam President, most of what needs to be said has been done, but I want to remind people of a couple of things. An issue was raised about problem gambling. Because we are doing a compact, some of the revenue that is going to come from this deal will go into the Problem Gambling Program. The North Fork Tribe will be paying into the Special Distribution Fund, part of which funds the Problem Gambling Program in California. That's a plus side of having a compact. In Madera County, four of the five supervisors in that county are in support. I mentioned it wasn't unanimous, but four out of five is a pretty good number to have. Finally, members, there are two things that I hope that we keep in mind. We are not voting today to determine whether or not there will or won't be gambling on the site. That decision was made by the Department of the Interior, and there is nothing that we are able to do about that. The decision that we are making today is whether or not there is a compact that allows us to partake of the revenues, so that Madera County, so that the Chukchansi, so that all of the other benefits that will accrue from the compact take place. Finally, we are voting today to</p>

	support the Wiyot Tribe, who made a decision to cast their lot with North Fork so that the Humboldt Bay Sanctuary would be maintained. So for the Wiyot Tribe, for the Gambling Fund, for the SDF Fund. There is also gaming already taking place in Fresno County and in Madera County, so this isn't going to be a news flash. So members, you can vote "no" and then there's no revenue for you and no benefit, because they will go Class II and walk away, or you can vote "aye" and the state and the community as a whole can benefit from a gaming exercise that will take place. I ask for an "aye" vote.
President:	All debates having ceased, Mr. Secretary, please call the roll.
Secretary:	Anderson.
Senator Anderson:	Aye.
Secretary:	Aye. Beall.
Senator Beall:	Aye.
Secretary:	Aye. Berryhill.
Senator Berryhill:	Aye.
Secretary:	Aye. Block.
Senator Block:	Aye.
Secretary:	Aye. Calderon. [No response] Cannella.
Senator Cannella:	Aye.
Secretary:	Aye. Corbett.
Senator Corbett:	Aye.
Secretary:	Aye. Correa.
Senator Correa:	Aye.
Secretary:	Aye. DeLeon
Senator DeLeon:	Aye.
Secretary:	Aye. DeSaulnier.
Senator DeSaulnier:	No.
Secretary:	No. Emmerson.
Senator Emerson:	Aye.
Secretary:	Aye. Evans.
Senator Evans:	Aye.
Secretary:	Aye. Fuller.
Senator Fuller:	No.

Secretary:	No. Gaines.
Senator Gaines:	No.
Secretary:	No. Galgiani.
Senator Galgiani:	No.
Secretary:	No. Hancock.
Senator Hancock:	No.
Secretary:	No. Hernandez.
Senator Hernandez:	Aye.
Secretary:	Aye. Hill.
Senator Hill:	Aye.
Secretary:	Aye. Hueso.
Senator Hueso:	Aye.
Secretary:	Aye. Huff.
Senator Huff:	No.
Secretary:	No. Jackson.
Senator Jackson:	No.
Secretary:	No. Knight.
Senator Knight:	No.
Secretary:	No. Lara.
Senator Lara:	Aye.
Secretary:	Aye. Leno.
Senator Leno:	Aye.
Secretary:	Aye. Ted Lieu. [No response] Carol Liu. [No response] Monning. [No response] Nielsen.
Senator Nielsen:	No.
Secretary:	No. Padilla. [No response] Pavley. [No response] Price.
Senator Price:	Aye.
Secretary:	Aye. Roth.
Senator Roth:	No.
Secretary:	No. Steinberg.
Senator Steinberg:	Aye.
Secretary:	Aye. Torres. [No response] Walters.

Senator Walters:	No.
Secretary:	No. Wolk.
Senator Wolk:	Aye. Wright.
Senator Wright:	Aye.
Secretary:	Aye. Wyland.
Senator Wyland:	Aye.
Secretary:	Aye. Yee.
Senator Yee:	Aye.
Secretary:	Yee, aye.
President:	Please call the absent members.
Secretary:	Calderon. [No response] Ted Lieu. [No response] Carol Liu. [No response] Monning. [No response] Padilla. [No response] Pavley.
Senator Pavley:	Aye.
Secretary:	Aye. Torres. [No response]
President:	Ayes, 22. Nos, 11. The measure passes.



# Exhibit 2

CAPITOL OFFICE  
STATE CAPITOL, ROOM 5108  
SACRAMENTO, CA 95814  
TEL (916) 651-4022  
FAX (916) 327-8817

DISTRICT OFFICE  
1808 W. SUNSET BLVD  
LOS ANGELES, CA 90026  
TEL (213) 483-9300  
FAX (213) 483-9305

# California State Senate

SENATOR  
KEVIN DE LEÓN  
CHAIR

SENATE APPROPRIATIONS COMMITTEE  
TWENTY-SECOND SENATE DISTRICT

COMMITTEES  
APPROPRIATIONS  
ENERGY, UTILITIES &  
COMMUNICATIONS  
GOVERNMENTAL  
ORGANIZATION  
HEALTH  
PUBLIC SAFETY

JOINT COMMITTEE  
LEGISLATIVE BUDGET

July 29, 2013



The Honorable Edmund G. Brown, Jr.  
Governor, State of California  
State Capitol, Suite 1173  
Sacramento, CA 95814

## Re: Off-Reservation Indian Gaming Compacts

Dear Governor Brown:

I am writing to inform you that the Senate is creating a working group to examine policy and procedural implications associated with off-reservation gaming agreements in light of the concerns raised during the June 27<sup>th</sup> Senate vote on AB 277 (Hall), the North Fork Rancheria Compact, a first of its kind agreement allowing for Indian gaming off reservation property in California. Out of respect for the efforts of the working group, I urge your commitment to not approve, nor submit for ratification, any off-reservation gaming agreements until the working group has completed its examination and California has adopted a clear and coherent policy on off-reservation gaming.

The agreement between your Administration and the North Fork Rancheria of Mono Indians, embodied in AB 277 (Hall), represents a significant policy departure from previous agreements in California by allowing the North Fork tribe to build a casino off reservation property, near Highway 99 in Madera County, over 30 miles from their federally recognized and casino-eligible tribal land. As such the State Senate vote for the North Fork Compact was particularly contentious since all seventy of California's previous Indian gaming agreements have allowed Indian gaming strictly on reservation property. As we learned in the legislative debate over the North Fork Compact, there are many important issues to the State of California that arise from off-reservation gaming, including: issues related to the fairness to other tribes who have restricted their gaming activities on reservation property, impacts and interests of local and nearby communities, impacts to existing gaming interests and their workforce, the need to adequately address labor and environmental issues, maintaining the commitment to the voters from approved propositions addressing Indian gaming, among others.

The vote for the North Fork Compact was especially difficult for members of the Senate due to the lack of consistent, objective and clear policy criteria for approving off-reservation gaming agreements. While the federal approval process allows for off-reservation Indian gaming via a two-part determination established in Section 20 of the Indian Gaming Regulatory Act of 1988,

Governor Brown -- *Off-Reservation Indian Gaming Compacts*

July 18, 2013

Page 2 of 2

however, as exemplified in the case of the North Fork Compact, it is evident there are many issues of interest to California that need to be adequately addressed. As I mentioned during my comments on the Senate floor regarding the vote for the ratification of the North Fork agreement, I am deeply concerned by the current ad hoc process of approving off-reservation gaming projects which does not sufficiently protect state interests and our residents. Although the Senate ultimately approved AB 277, it was not without concern on the part of myself and many of my colleagues about how off-reservation gaming compacts ought to be handled in the future.

In collaboration with Senate Pro Tem Steinberg, I plan to lead a Senate effort to convene a working group with the goal to establish a coherent policy with clear and objective criteria for approving any future off-reservation gaming agreements. The working group will be convened in the coming weeks with the expectation it will complete its work by January 31, 2014. The working group will engage the participation of all relevant stakeholders in their effort. In addition to inviting members of the Assembly to join me, I specifically request the participation of your senior adviser, Jacob Appelsmith, director of the California Department of Alcoholic Beverage Control to represent the views of your Administration in this endeavor, along with any other staff you deem appropriate.

I look forward to working with your Administration. Please don't hesitate to contact my office should you like to discuss this matter further.

Sincerely,



**KEVIN DE LEÓN**

**Twenty-Second Senate District**

cc: The Honorable Darrell Steinberg, Senate President Pro Tem  
The Honorable Rod Wright, Chair, Senate Governmental Organization Committee  
Jacob Appelsmith, Director of the California Department of Alcoholic Beverage Control

# Exhibit 3



# DEBRA BOWEN

**CALIFORNIA SECRETARY OF STATE**

NEWS RELEASE

DB13:023

FOR IMMEDIATE RELEASE

July 19, 2013

CONTACT: Shannan Velayas

(916) 653-6575

## Tribal Gaming Compact Referendum Enters Circulation

### *Referendum to Overturn Indian Gaming Compacts*

**SACRAMENTO** – Secretary of State Debra Bowen announced today that the proponent of a proposed referendum may begin collecting signatures for her measure.

The Attorney General prepares the legal title and summary that is required to appear on referendum petitions. When the official language is complete, the Attorney General forwards it to the proponent and to the Secretary of State, and the referendum may be circulated for signatures. The Secretary of State then provides calendar deadlines to the proponent and to county elections officials.

The Attorney General's official title and summary for the measure is as follows:

**REFERENDUM TO OVERTURN INDIAN GAMING COMPACTS.** If signed by the required number of registered voters and timely filed with the Secretary of State, this petition will place on the statewide ballot a challenge to a state law previously approved by the Legislature and the Governor. The law must then be approved by a majority of voters at the next statewide election to go into effect. The law ratifies two gaming compacts (with the North Fork Rancheria of Mono Indians, and the Wiyot Tribe); and it exempts execution of the compacts, certain projects, and intergovernmental agreements from the California Environmental Quality Act. (13-0007.)

The Secretary of State's tracking number for this measure is 1596 and the Attorney General's tracking number is 13-0007.

The proponent for this measure, Cheryl Schmit, must collect signatures of 504,760 registered voters – the number equal to five percent of the total votes cast for governor in the 2010 gubernatorial election – in order to qualify it for the next statewide ballot. The proponent has 90 days from the date the bill is chaptered to request and receive a title and summary from the Attorney General, and circulate petitions for a referendum. AB 277 (Chapter 51, Statutes of 2013) was chaptered on July 3, 2013. The proponent has until October 1, 2013, to submit petition signatures to county election officials.

The referendum proponent can be reached at (916) 663-3207.

To sign up for regular ballot measure updates via email, RSS feed or Twitter, go to [www.sos.ca.gov/multimedia](http://www.sos.ca.gov/multimedia).

###

Exhibit 4

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

STAND UP FOR CALIFORNIA!, :  
et al., :  
 :  
Plaintiffs, : Docket No.: CV 12-2039  
 :  
vs. : Washington, DC  
 : 2:00 p.m., Friday  
UNITED STATES DEPARTMENT : January 25, 2013  
OF THE INTERIOR, et al., :  
 :  
Defendants. :

REPORTER'S OFFICIAL TRANSCRIPT OF MOTION HEARING  
BEFORE THE HONORABLE BERYL A. HOWELL  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiffs: SEAN M. SHERLOCK, ESQ.  
Snell & Wilmer, L.L.P.  
600 Anton Boulevard, Suite 1400  
Costa Mesa, California 92626  
(714) 427-7000

BENJAMIN S. SHARP, ESQ.  
TYLER WELTI, ESQ.  
JENA A. MacLEAN, ESQ.  
PERKINS COIE, LLP  
700 13th Street, NW  
Suite 600  
Washington, DC 20005  
(202) 434-1615

For the Plaintiff  
Picayune Rancheria: MERRILL C. GODFREY, ESQ.  
JAMES E. SHERRY, ESQ.  
JESSICA FITTS, ESQ.  
AKIN, GUMP, STRAUSS, HAUER &  
FELD  
1333 New Hampshire Avenue, NW  
Suite 400  
Washington, DC 20036  
(202) 887-4195

The Court Reporter: CHANTAL M. GENEUS, RPR, CRR  
Certified Realtime Reporter  
Registered Professional Reporter  
United States District Court  
333 Constitution Avenue, NW  
Washington, DC 20001

## A P P E A R A N C E S (Continued)

1  
2 For the Department GINA L. ALLERY, ESQ.  
3 of the Interior: NATHANIEL WATSON, ESQ.  
4 U.S. Department of Justice  
5 P.O. Box 663  
6 Washington, DC 20044  
7 (202) 305-0475

8 For the Intervenor SETH P. WAXMAN, ESQ.  
9 North Fork CHRISTOPHER E. BABBITT, ESQ.  
10 Rancheria: EDWARD C. DuMONT, ESQ.  
11 Wilmer Cutler Pickering Hale  
12 and Dorr LLP  
13 1875 Pennsylvania Avenue, NW  
14 Washington, DC 20006  
15 (202) 663-6800

16 JOHN MICHAEL SCHULTZ, ESQ.  
17 ATER WYNNE LLP  
18 1331 NW Lovejoy Street  
19 Suite 900  
20 Portland, OR 97209  
21 (503) 226-8647  
22  
23  
24  
25



1           Our citation to the 1936 opinions was not to  
2 suggest it controlled, but Section 16 employs the word  
3 "tribe," and that opinion says reorganization was  
4 given to nontribes. Section 18 doesn't even use the  
5 word "tribe." So to read it in there, that Section 18  
6 only applies to tribes -- if you had a Section 18  
7 election, you were a tribe -- would make a tribe of a  
8 handful of Cowlitz Indians living in the middle of a  
9 Quinault reservation, or Quinault reservation, which,  
10 frankly, makes no sense.

11           Ms. Allery also said the Indian Land  
12 Consolidation Act seems to, in her eyes, trump the  
13 *Carcieri* interpretation. It cannot be that the court  
14 in *Carcieri* said, you had to be a recognized tribe  
15 under federal jurisdiction, and at the same time, a  
16 group that had a Section 18 election to reject it were  
17 suddenly not -- not have to satisfy a recognized tribe  
18 under federal jurisdiction. I don't think that's what  
19 that Indian Land Consolidation Act means or Justice  
20 Thomas's reference to it means. It cannot trump  
21 *Carcieri* for tribes that rejected the IRA.

22           That's all I have. Thank you.

23           THE COURT: Thank you.

24           Mr. Waxman, could you refresh my  
25 recollection, was there a mitigation effort made for

1 the Picayune Tribe?

2 MR. WAXMAN: Yes. There was a condition  
3 of -- there were two compacts signed. There was an  
4 original compact with Governor Schwarzenegger, which,  
5 I believe, did not have this in it and authorized  
6 2,500 machines for the casino. And then there was the  
7 most recent compact, which is the operative compact,  
8 which is the compact that was presented to the  
9 Secretary and reviewed by the Secretary.

10 That does several things. One thing it does  
11 is it says every single thing in the federal  
12 Environmental Impact Statement, and there's dozens of  
13 pages of, you know, mitigation -- we suggest this,  
14 that, and the other thing -- with respect to  
15 competitive harms in others -- the compact actually  
16 makes all of those a condition of compacted gaming.

17 And it also provides -- it also requires the  
18 tribe to mit- -- it has a section called "Mitigation  
19 to Chukchansi Indian Tribe." And it provides that,  
20 for a period of years we will make all of their  
21 payments, not to exceed, I think, \$3 million a year  
22 into the Tribal Gaming Revenue Sharing Fund, and we  
23 will also pay between two and a half percent and three  
24 and a half percent of our net revenues through the  
25 state gaming agency to them.

1           But it also does -- and many, many other  
2 provisions. It's on Pages 15 through 17 -- 15 through  
3 18 of the compact with Governor Brown. But it also  
4 provides, as we pointed out in our brief, that if  
5 the -- it says that "the tribe's and the State Gaming  
6 Agency's obligation shall terminate on June 30th,  
7 2020, provided, however, that the state shall  
8 terminate the tribe's and the state's obligations  
9 under this section sooner if the Chukchansi Indian  
10 Tribe, one, pursues in any way or finances, in whole,  
11 or in part, directly or indirectly, any lobbying,  
12 administrative, legal, judicial, or other challenge to  
13 the Secretary's decision to accept the 305 acre parcel  
14 in trust for the tribe, the California legislature's  
15 ratification of this compact or the Secretary's  
16 approval of this compact."

17           And then it goes on and on and on and on.  
18 This was all very well known. There was a huge carrot  
19 that the financial experts estimated would yield  
20 directly to the Chukchansi's benefit something like  
21 30- to \$35 million in money that they --

22           **THE COURT:** But all conditioned on  
23 whether -- if they forbore from suing the North Fork  
24 Tribe. So is the participation of the Picayune in  
25 this lawsuit violative of that condition?

1                   MR. WAXMAN: I think it is. I mean,  
2 ultimately, the governor has to decide, but, you know,  
3 we said in our footnote that the state may terminate  
4 it. I think the language in this speaks for itself.  
5 But in any event, it's not --

6                   THE COURT: It's not before me.

7                   MR. WAXMAN: -- it's not before you.

8                   I will say, with respect to this point  
9 about --

10                  THE COURT: But the only reason I have paid  
11 some attention to this is it showed consideration of  
12 this anti -- you know, this competitive adverse impact  
13 beyond what -- you know, the total ignoring of it  
14 that, I guess, the Picayune Tribe had suggested in its  
15 papers.

16                  MR. WAXMAN: I just want to make one point  
17 about the total ignoring of it in showing you how far  
18 from a likelihood of success on the merits there is  
19 here.

20                  At the time -- they are not within  
21 twenty-five miles. The Secretary -- there is a  
22 rebuttable presumption. It was not rebutted in this  
23 case. That's what the Secretary said. But the  
24 Secretary said over and over again that nonetheless,  
25 he provided them all the consultation materials, and

REPORTER'S CERTIFICATE

1  
2  
3 I, Chantal M. Geneus, a Certified Realtime  
4 Reporter and Registered Professional Reporter of the  
5 United States District Court for the District of  
6 Columbia, do hereby certify that I stenographically  
7 reported the proceedings in the matter of CV 12-2039,  
8 *Stand up California!, et al., versus U.S. Department*  
9 *of the Interior, et al.*, on Friday, January 25, 2013,  
10 in the United States District Court for the District  
11 of Columbia, before the Honorable Beryl A. Howell,  
12 United States District Judge.

13 I further certify that the Page Numbers 1 through  
14 107 constitute the official transcript of the  
15 proceedings as transcribed by me from my stenographic  
16 notes to the within typewritten matter.

17 In witness whereof, I have affixed my signature  
18 on February 8, 2013.

19  
20  
21 /s/ Chantal M. Geneus  
22 Chantal M. Geneus, RPR, CRR  
23 Official Court Reporter  
24  
25



1 *Stand Up for California!, etc, et al. vs. Edmund G. Brown, Jr., etc., et al.*  
2 *Madera Superior Court, Case No. MCV062850*

3 **PROOF OF SERVICE**

4 I am employed in the County of Orange, State of California. I am over the age of  
5 18 and not a party to the within action; my business address is 600 Anton Boulevard,  
Suite 1400, Costa Mesa, CA 92626-7689.


6 On September 6, 2013, I served, in the manner indicated below, the foregoing  
7 document described as **Request for Judicial Notice in Support of Supplemental Brief;**  
8 **Memorandum of Points and Authorities; and Declaration of Brian Daluiso** on the  
interested parties in this action by placing true copies thereof, enclosed in sealed  
envelopes, at Costa Mesa, addressed as follows:

9 *See the attached Service List*

- 10
- 11  BY REGULAR MAIL: I caused such envelopes to be deposited in the United  
States mail at Costa Mesa, California, with postage thereon fully prepaid. I am  
12 readily familiar with the firm's practice of collection and processing  
correspondence for mailing. It is deposited with the United States Postal Service  
13 each day and that practice was followed in the ordinary course of business for  
the service herein attested to (C.C.P. § 1013(a)).
- 14
- 15  BY FACSIMILE: (C.C.P. § 1013(e)(f)).
- 16  BY ELECTRONIC MAIL: My office caused such document(s) to be delivered  
electronically to the email address(es) on the attached service list.
- 17
- 18  BY OVERNIGHT DELIVERY: I caused such envelope to be delivered by air  
courier, with next day service, to the offices of the addressees.  
19 (C.C.P. § 1013(c)(d)).
- 20  BY PERSONAL SERVICE: I caused such envelopes to be delivered by hand to  
the offices of the addressees. (C.C.P. § 1011(a)(b)).
- 21

22 I declare under penalty of perjury under the laws of the State of California that the  
above is true and correct.

23 Executed on September 6, 2013, at Costa Mesa, California.

24  
25  
26   
Rosemary McKay

1 **SERVICE LIST**  
2 *Stand Up for California!, etc, al. vs. Edmund G. Brown, Jr., etc., et al.*  
3 *Madera Superior Court, Case No. MCV062850*

4 Kamala D. Harris  
5 Attorney General of California  
6 Sara J. Drake  
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