

JAMS

CASE No. 1100083303

**North Fork Rancheria of
Mono Indians of California**

Plaintiff

v.

State of California

Defendant

**Mediator's Selection of a Compact Pursuant
to the Indian Gaming Regulatory Act**

On January 25, 2016, Senior District Judge Anthony W. Ishii signed an Order selecting the undersigned as Mediator pursuant to 25 U.S.C. section 2710(d)(7)(B)(iv). Thereafter, as required by the statute, each party submitted a document including proposed language that represents their last best offer for a compact.

After reviewing Judge Ishii's Orders of November 13, 2015, and January 25, 2016, and after reviewing the Indian Gaming Regulatory Act (IGRA), the background documentation submitted by the parties and their counsel in preparation for mediation, and after meeting with counsel and party representatives on February 8, 2016, in the San Francisco offices of JAMS, I carefully

reviewed the two proposed compacts in order to select the one which best comports with the terms of the IGRA, other applicable Federal law, and the findings and orders of the court. I note that the only section of the proposed Tribal-State Compact about which the parties have a disagreement is Section 14.1 EFFECTIVE DATE AND TERM OF COMPACT.

Pursuant to section 2710(d)(7)(B)(v), I hereby submit the selected compact to the Indian Tribe and the State. I believe that the language of Section 14.1 submitted by the Tribe best comports with the law and the orders of the court. That language follows:

Sec. 14.1. Effective Date; Consent.

This Compact shall not be effective unless and until both of the following have occurred:

- (a) The State consents to this Compact during the sixty (60)-day period beginning on the date on which this Compact is submitted by the mediator to the State pursuant to 25 U.S.C. section 2710(d)(7)(B)(vi); and
- (b) Notice of approval is published in the Federal Register as provided in 25 U.S.C. section 2710(d)(3)(B).

For purposes of this section 14.1, “consent” refers to approval that is final and binding on the State within the sixty (60)-day period specified herein, and any purported consent that does not become final and binding on the State within the sixty (60)-day period will result in this Compact being submitted to the Secretary pursuant to 25 U.S.C. section 2710(d)(7)(B)(vii). For purposes of this section 14.1, “mediator” refers to the individual appointed by the court in *North Fork Rancheria of Mono Indians of California v. State of California*, 1:15-cv-00419-AWI-SAB (E.D. Cal. Filed Mar. 17, 2015) pursuant to 25 U.S.C. section 2710(d)(7)(B)(v).

Dated: February 11, 2016

A handwritten signature in black ink that reads "Zela G. Claiborne". The signature is written in a cursive, flowing style.

Zela G. Claiborne, Mediator