

1 BENJAMIN B. WAGNER  
United States Attorney  
2 SYLVIA QUAST  
Assistant United States Attorney  
3 501 I Street, Suite 10-100  
Sacramento, California 95814  
4 Telephone: (916) 554-2740

5 Attorneys for Federal Defendants

6  
7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA  
9

10 ALTURAS INDIAN RANCHERIA, )  
11 Plaintiff, )  
12 v. )  
13 KENNETH SALAZAR, et al., )  
14 Defendants. )  
15 )  
16 )  
17 )  
18 )

No. 2:10-CV-01997-LKK-EFB

**SETTLEMENT AGREEMENT AND  
STIPULATION FOR ENTRY OF  
JUDGMENT AND ORDER**

19 Subject to approval by the Court as provided below, Plaintiff and Intervenor Alturas  
20 Indian Rancheria ("Tribe") and Defendants Kenneth L. Salazar, Secretary of the Interior; Larry  
21 Echo Hawk, Assistant Secretary of the Interior for Indian Affairs; Michael S. Black, Director of  
22 the Bureau of Indian Affairs ("BIA"); Amy Dutschke, Regional Director of the BIA's Pacific  
23 Regional Office; Virgil Akins, Superintendent of the BIA's Northern California Agency; and the  
24 United States Department of the Interior (collectively referred to herein as the "Federal  
25 Defendants"), by and through their respective undersigned counsel, recognizing the uncertainty  
26 of litigation, and desiring to reach a full and final settlement of all causes of action and claims  
27 raised, or which could have been raised, in this case, hereby stipulate and respectfully request  
28 that the Court enter judgment in accordance with the following terms:

1           1.       The Federal Defendants shall issue a letter to counsel for the State Defendants  
2 (consisting of the State of California; Edmund G. Brown Jr., Governor of the State of California;  
3 the California Gambling Control Commission; and Tina M. Littleton, Executive Director of the  
4 California Gambling Control Commission) in this case, with a copy to counsel for the Tribe,  
5 stating that the BIA has recognized the Tribe's Business Committee, consisting of Phillip Del  
6 Rosa, Wendy Del Rosa, and Darren Rose (collectively "Business Committee"), as the duly-  
7 constituted body of the Tribe for purposes of carrying out the government-to-government  
8 relationship between the Tribe and the United States, and that this recognition is now final  
9 pursuant to 25 C.F.R. § 2.6 for the Department of the Interior.

10           2.       The BIA has approved the Tribe's self-determination contract requests for the  
11 fiscal years 2009, 2010, 2011, and 2012, and shall transfer the amounts provided in those  
12 requests to the Tribe's bank account maintained with the Plumas Bank located at 510 North  
13 Street, Alturas, California 96101, Account No. 171011841, Routing No. 121138288, in  
14 accordance with the terms contained in the contract award documents.

15           3.       The Tribe hereby releases all causes of action and claims raised, or which could  
16 have been raised, against the Federal Defendants or the United States in this case. The Tribe  
17 shall also file a Notice of Dismissal with prejudice pursuant to FRCP 41(a)(1)(A)(i) in *Alturas*  
18 *Indian Rancheria v. U.S. Department of the Interior, et al.*, D.C.D.C. Case No.  
19 1:11-cv-01867-RMC.

20           4.       In both this case and the District of Columbia case mentioned in the previous  
21 paragraph, the parties shall bear their own costs and attorneys' fees.

22  
23  
24 Dated: January 11, 2012

Respectfully submitted,

BENJAMIN B. WAGNER  
UNITED STATES ATTORNEY

25 By:                        /s/ Sylvia Quast  
26                                \_\_\_\_\_  
27 SYLVIA QUAST  
28 Assistant United States Attorney  
  
Attorneys for Federal Defendants

1 Dated: January 11, 2012

RAPPORT AND MARSTON

2 /s/ Lester J. Marston


3 LESTER JOHN MARSTON

4 Attorney for Plaintiff and Intervenor Alturas  
5 Indian Rancheria

6  
7 **ORDER**

8 Having read the foregoing Stipulation of the parties and good cause appearing therefore, IT IS  
9 HEREBY ORDERED, that the parties carry out the terms and conditions of the foregoing  
10 stipulation.

11  
12 Dated: January 12, 2012.

13  
14   
15 LAWRENCE K. KARLTON  
16 SENIOR JUDGE  
17 UNITED STATES DISTRICT COURT  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28