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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
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14 **STATE OF CALIFORNIA,**

15 Plaintiff,

**COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF**

16 v.

17 **PASKENTA BAND OF NOMLAKI
INDIANS, A FEDERALLY RECOGNIZED
18 INDIAN TRIBE,**

19 Defendant.
20

21 The State of California (State) alleges:

22 **STATEMENT OF THE CASE**

23 1. This action seeks emergency and other appropriate injunctive relief to prevent an
24 imminent threat to the public health and safety. Opposing tribal factions of the Paskenta Band of
25 Nomlaki Indians (Paskenta) claim the right to control the Rolling Hills Casino (Casino). Even
26 though the State gives deference to Paskenta's sovereignty to resolve its intra-tribal dispute,
27 public health, safety, and welfare have become threatened. One faction in the intra-tribal dispute
28 advises that "by and through its Tribal Police, [it] intends to very soon physically repossess and

1 close” the Casino located in Corning, California. This is an imminent threat to the public health
2 and safety of Paskenta’s members, the Casino’s patrons and employees, and the State’s residents.
3 Therefore, this Court should issue orders to protect the public, including temporarily restraining,
4 and permanently enjoining, attempts to take control of, or repossess, the Casino, deploying tribal
5 police or other armed personnel at or near the Casino, and carrying firearms at the Casino and
6 related tribal properties.

7 **JURISDICTION AND VENUE**

8 2. This Court has jurisdiction pursuant to section 1331 of title 28 of the United States Code
9 because the State’s claim arises under federal statutes and the federal common law. This Court
10 also has jurisdiction pursuant to section 2710(d)(7)(A)(ii) of title 25 of the United States Code
11 because this action is initiated by the State to enjoin conduct related to Paskenta’s class III
12 gaming activity that violates its compact with the State.

13 3. Venue is proper in this District because all of the claims arise from conduct occurring,
14 and the underlying tribal-state compact was entered into and is to be performed, in the Eastern
15 District of California.

16 **FACTUAL BACKGROUND**

17 **The Compact and Waiver of Sovereign Immunity**

18 4. The State and Paskenta entered into a tribal-state class III gaming compact on September
19 10, 1999 (Compact). Pursuant to the Compact, Paskenta owns and operates a class III gaming
20 casino in Corning, Tehama County, California.

21 5. Pursuant to section 8.1.2 of the Compact, Paskenta agreed to “[e]nsuring the physical
22 safety of Gaming Operation patrons and employees, and any other person while in the Gaming
23 Facility.”

24 6. Section 10.1 of the Compact provides: “The Tribe will not conduct Class III gaming in
25 a manner that endangers the public health, safety, or welfare”

26 7. Section 9.1 of the Compact provides that, in the case of imminent threat to the public
27 health or safety, the parties may resort to judicial process.

28

1 12. The June 10, 2014 email stated, among other things:

2 a. “[A]ll actions taken by the Tribal Council, including the
3 deputization of Tribal Police and formation of a Tribal Court, are in
4 full force and effect. Please act, or react, accordingly.”

5 b. “As the Tehama County Sheriff has been fully apprised,
6 the Tribal Council, by and through its Tribal Police, intends to very
7 soon physically repossess and close Rolling Hills Casino.”

8 c. “Requests for mutual aid are forthcoming, to each and
9 every one of your and to your sister agencies in local, state and
10 federal government. Please stand by for those requests.”

11 13. The Galanda email also included the text of an earlier email dated June 9, 2014, from
12 Galanda. The June 9, 2014 email stated, among other things:

13 a. “Please be advised as to an unfolding situation at Rolling
14 Hills Casino that we fear could erupt in violence.”

15 b. The situation is “what we understand to be an as of yet
16 peaceful, but volatile, standoff.”

17 c. “Others from Zak Security [the other faction’s agents] are
18 bearing masks with rifles, and possess extended magazines and a
19 canine.”

20 14. The June 9 and 10, 2014 emails paint the picture of a volatile situation involving armed
21 tribal factions that threatens the public health and safety and endangers Paskenta’s members, the
22 Casino’s employees and patrons, and the State’s citizens and residents, including law
23 enforcement agents. The situation remains volatile as of this Complaint’s filing.

24 **CLAIM FOR RELIEF**

25 **(Breach of Compact)**

26 15. Under the Compact, Paskenta agreed to ensure the physical safety of patrons and
27 employees. Paskenta further agreed not to conduct class III gaming in a manner that endangers
28 the public health, safety, or welfare.

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5. This Court enter such further orders and judgments as it deems appropriate.

Dated: June 17, 2014

Respectfully submitted,

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