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August 8, 2011

THIS SETTLEMENT COMMUNICATION IS INADMISSIBLE PURSUANT TO EVIDENCE CODE §1152 ET SEQ.

Via Overnight Delivery and Priority U.S. Mail

Soboba Band of Luiseno Mission Indians
c/o George Forman, Esq.
Forman & Associates
4340 Redwood Highway, Suite E-352
San Rafael, California 94903

Tribal Chairperson
Soboba Band of Mission Indians
P.O. Box 487
23904 Soboba Road
San Jacinto, California 92581

Re: Wrongful Death of Mike Wayne Morgan / Request for Evidentiary Hearing

Dear Mr. Forman,

On March 17, 2011, Mike Morgan was tragically killed by Thomas Durnin, Jr. ("Durnin") a member of the Soboba Band of Luiseno Mission Indians ("Tribe"). The vehicle Mike was driving was hit, head on, by a truck driven by Durnin, who had crossed over into the opposite lane of traffic while fleeing law enforcement. As will be explained, the Tribe, through its greedy and reckless acts and omissions, is responsible for this devastating loss. Rosemary Morgan, Mike's wife, and Michelle Luna, Mike's daughter (collectively the "Morgan Family") demand payment of the \$5,000,000.00 policy limits as compensation for this preventable and foreseeable loss.

For ease of reference, this claim is divided into four sections: Section 1 lays out the relevant provisions of the Tort Claims Ordinance ("Ordinance"); Section 2 discusses the Tribe's negligence per the Ordinance and resulting damages to the Morgan Family caused by the Tribe; Section 3 sets forth the claim pursuant to Section X(A) of the Tort Claims Ordinance; and Section 4 is the conclusion.

SECTION 1
RELEVANT PROVISIONS OF THE TORT CLAIMS ORDINANCE

Section II, Subdivision B, of the Ordinance provides:

The Tribe desires that patrons of the Tribe's gaming enterprise feel safe and secure when on the premises of that enterprise. To that end, the Tribe wants patrons to know that recourse is available to persons who suffer injuries while on the premises of the Tribe's gaming enterprise.

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Section II, Subdivision C, provides:

The Tribe endeavors to take all reasonable precautions to protect the health, safety and welfare of Reservation visitors and patrons of tribal business enterprises, but despite these efforts, accidents occasionally occur. (Emphasis added.)

Section II, Subdivision D, provides:

The Tribe desires to create a remedy by which any person who is injured at or in connection with the operation of a tribal gaming facility on the Soboba Indian Reservation as a result of the negligent act or omission of any officer, employee, or agent of the Tribe who was acting within the scope of his or her office, employment, or agency, may be made whole...

Section V, Subdivision A, provides:

This Ordinance creates both procedures and substantive rights or causes of action for redress of injuries to person or property proximately caused by the negligent or intentional act(s) or omission(s) by an officer, employee or agent of the Tribe on the premises of the Tribe's Gaming Facility or in connection with the operation of the Tribe's Gaming Operation. (Emphasis added.)

Section V, Subdivision B, provides:

Except as otherwise specifically provided herein, the Tribe shall be liable, with respect to tort claims arising under this Ordinance, in the same manner and to the same extent as the United States would be liable under like circumstances pursuant to 28 U.S.C. §2674 (the Federal Tort Claims Act)... In no event shall the Tribe be held liable for damages in excess of Five Million Dollars (\$5,000,000.00), and then only to the extent that such damages are covered by insurance required under the terms of the Tribe's compact.¹

Section V, Subdivision D, provides:

The Tribe may be determined to be liable for injury caused by a dangerous condition of its property only if the claimant establishes that the Tribal property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the condition, that the dangerous condition created a reasonably foreseeable risk of the

¹ Notably, the compact requires the Tribe to maintain \$5,000,000.00 in coverage. (See Section 10.2(D) 33, Exhibit A.)

kind of injury that was incurred, and that either:

- (1) *a negligent or wrongful act or omission of an officer, employee, or agent within the scope of his or her office, employment, or agency created the dangerous condition; or*
- (2) *the tribe had actual knowledge or constructive notice of the dangerous condition and sufficient time prior to the injury to have taken measures to remedy or protect against the dangerous condition....*

The Tribe shall not be liable for injury or damage caused by a condition of its property if it establishes that the act or omission that created the condition was reasonable, based on weighing the probability and gravity of the potential injury against the practicability and cost of taking alternative action to prevent or protect against the risk of injury, or if the Claimant knew or reasonably should have been aware of the condition prior to sustaining the injury upon which the Claim is based.

In order for a claim to be certified, it must meet the requirements set forth in Section XI, Certification or Rejection of Claims, which are:

- (1) *the Claim was received by the Tribal Council within one hundred eighty (180) calendar days of the alleged incident or occurrence;*
- (2) *the Claim as presented substantially complies with the above-described content requirements and is signed under penalty of perjury;*
- (3) *the incident or occurrence alleged by the Claim occurred on the premises of the Tribe's Gaming Facility or in connection with the operation of the Tribe's Gaming Enterprise;*
- (4) *the alleged injury or damage may have been the proximate result of a negligent or wrongful act or omissions of any officer, employee, or agent of the Tribe, or that such act or omission may have been a contributing cause of the alleged injury or damage; and*
- (5) *the claim seeks a remedy created by and available under this Ordinance.*
(Emphasis added.)

SECTION 2

THE ACTS AND OMISSIONS OF THE TRIBE AND TRIBAL COUNCIL CAUSED DAMAGES TO THE MORGAN FAMILY

I. BACKGROUND

The Tribe is a Native American Tribe with approximately 3,000 acres of land. The Soboba Casino,

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established around 1999, generates the majority of the income for the Tribe. The Soboba Casino and Reservation are located at the foothills of the San Jacinto Mountains in Riverside County. So that it could maintain control of the ingress/egress to the Soboba Casino, in 2005, the Tribe was granted control of the portion of Soboba Road where the incident occurred. This portion of Soboba Road is a two-lane (one way each way) road with a minimal shoulder on each side. It is the only way in or out of the Soboba Casino for patrons of the casino, Tribe members living on the Reservation, and local peace officers. A copy of the dedication of Soboba Road to the Tribe is enclosed at Exhibit B.

There is overwhelming evidence that in the years leading up to Mike Morgan's death the Tribe and Tribal Council compromised public safety in favor of monetary gain. Not only is the Tribe the most violent tribe in California, its members believe they are above the law. They flaunt money, drugs and automatic weapons, and even threaten and attempt to kill others who demand compliance with the law. The Tribe and Tribal Council have turned a blind eye and a deaf ear to these violent and illegal activities, which includes a history of riots, drive-by shootings, methamphetamine manufacture and shoot-outs with local peace officers. In so doing they have facilitated and sanctioned an environment on and around the Reservation where the tragic death of Mike Morgan's life was foreseeable and expected.

A. Violence At The Reservation.

Around early 2000, one Tribe member of the Resvaloso family was brutally murdered. He was shot 17 to 20 times in the face by a member of the Rhodes family. This murder sparked several family feuds which continue through the present day.

Tribe members have shot and sometimes killed other Tribe members on the roadways near the casino. These roads are well-traveled by patrons of the casino, i.e. Lake Park and Soboba Road (near where the subject incident occurred).

In addition to family battles and shootings over drugs and weapons, innocent members of the Tribe consistently report and seek assistance from Tribal Enforcement for violent acts, sexual abuse and assault. As discussed in Section I(C) below, the vast restrictions placed on Tribal Enforcement make prevention and responding a difficult task.²

The violent activities of Tribe members have permeated Soboba Casino, where gambling patrons have been the victims of violent crime, while offending Tribe members are not punished because there is no means to punish them.

² These acts of violence and illegal activity took place on the reservation, where Tribal Security officers are not permitted to enforce any law and can only observe and report.

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B. Corruption Within The Tribe.

The Tribal Council is the governing body of the Tribe. The long history of corruption within Tribal Council involves everything from nepotism, drug use and embezzlement, to tax fraud, accepting bribes and participation in the production and sale of methamphetamine.

On October 5, 2010, the former chairman of the Tribe, Robert Salgado Sr. ("Salgado") pled guilty to federal charges for accepting nearly \$875,000.00 in bribes. In addition, Salgado was convicted of filing a fraudulent tax return. Salgado took the fall to protect other Tribal Council members, and he is currently serving forty-one (41) months in federal prison. Copies of articles regarding the details of the conviction are attached hereto as Exhibit C.

Tribal Council and Tribe members steal money from the casino. For example, when only 10 cases of liquor are delivered, the liquor distributor invoices for 20 and those "on the take" pocket the difference between the amount charged and the amount paid. Skimming off the top is a regular occurrence, and the local Gaming Commission is in on it. The Commission wants to be able to control and manage information, so they suppress bad information about the crime in the area.

Tribal Council members' drug, alcohol and/or gambling problems contribute to their inability/unwillingness to make sound decisions. Rose Salgado, council member (sister of imprisoned Salgado) is known to use cocaine. Tribal Administrator, LeeAnn Tallbear, has a gambling problem. Scott Kozar, the current Chairman of the Tribe, is an alcoholic. These are the people in charge of the Tribe.

Most members of the Tribe are related, including Tribal Council members who are directly related to the many troublemakers in the Tribe. These relationships facilitate and encourage crime throughout the reservation. Drug manufacturing, drug use, violence and corruption are overlooked simply because of family and tribal ties. This internal corruption has snowballed into an uncontrollable force which has wreaked havoc on the general public.

C. Tribal Police And Local Law Enforcement.

In or about 2006, despite numerous incidents of crime on and nearby the Reservation, the Tribe decided to cancel its contracts with local law enforcement. These contracts had permitted law enforcement to police the Reservation. Shortly after the cancellation of these contracts, a security gate was erected in order to steer unwanted personnel (peace officers) away. This gate cost \$3,000,000.00, and has six closed circuit TV cameras to approve or record what comes in and what goes out.

Of course, the Tribe did not want local peace officers disrupting the lucrative criminal enterprises on the Reservation. The Tribe preferred free reign and corruption. Since 2006, the gate prevents, or at the

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very least delays, intervention, as local law enforcement must check in before entering the Reservation. This has led to high speed chases by law enforcement in pursuit of Tribe members fleeing to the Reservation in order to obtain immunity.³ A copy of an article about one of many chases near the Soboba Casino is attached as Exhibit D.

In February 2010, Charles Chase was hired as Director of Tribal Enforcement. Mr. Chase is a retired Marine Lt. Colonel. Mr. Chase is the former Director of Operations at the Marine Corp Base at Camp Pendleton. In 2006, Mr. Chase began work for the Marine Corp Logistics Base Barstow as the Chief of Police. During his time at Barstow Mr. Chase built a police force that started with no officers and grew to 88 officers. After a career in Barstow, Mr. Chase was hired by American Guard Services, and managed a 45-officer account. Mr. Chase then was hired by the Tribe to re-organize and manage the Tribal Enforcement team. When he took the job, he hoped to make a difference. He was naïve. He quickly found out that "Tribal Enforcement had less authority than a school crossing guard," further explaining:

So, everything we were projecting to the public, meaning the tribal members and the casino, was that we were law enforcement. In fact, our very title was misleading – enforcement? The question and the joke was enforce what?...There were no tribal ordinances, there were no tribal laws, there was... it was so common for people to drive up to our access gate....And per guidance and direction of the Council we were required to ask for their identification.... But yet we would be met with – on the low end, absolute refusal, and at the high end, they'd stick a gun in our face. And those were the guys that took the time to assault us. There's others that just couldn't be bothered with Tribal Enforcement and simply drove around us.

When Mr. Chase took over, Tribal Enforcement was comprised of approximately 14 (otherwise unemployable) security guards. All of those incompetent officers were fired because they did not have adequate qualifications. Mr. Chase then hired qualified personnel. Graduation from the police academy became a prerequisite and many of the officers also had military experience. From February 2010 to March 2011 Mr. Chase revamped many procedures and attempted to enforce professional policies. By March 2011 Tribal Enforcement had over 30 professionally trained and qualified officers.

However, Mr. Chase could not overcome several hurdles, including the inability of Enforcement

³The Tribe's ongoing decision to police itself and maintain control of Soboba Road near the entrance to the casino **stifles and stymies the efforts** of various law enforcement agencies, i.e., the Riverside County Sheriff, CHP and local police departments.

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personnel to charge Tribe members with crimes; the inability of Tribal Enforcement to punish criminal offenders; and the inability of Tribal Enforcement officers to carry firearms. Tribe members carry weapons, their favorites being illegal assault weapons and sawed off shotguns, which effectively reduce Tribal Enforcement to little more than easily intimidated observers. This David and Goliath dynamic between Tribal Enforcement and numerous rogue Tribe members has rendered Tribal Enforcement ineffective in all confrontations. In fact, several Tribe members routinely pointed guns in the faces of Tribal Enforcement officers, without punishment.

Beginning in the Spring of 2010 and continuing thru March 2011 numerous Tribal members were engaged in an on-going feud that resulted in several shootings, assaults and drive-by shootings. In or about April-May of 2010 Tribal members, while attending a "Fiesta" on the reservation engaged in several acts of violence and assault using their fists and feet to pummel each other (including minors) in full view of minor children and invited guests. Tribal Enforcement officers attempted to intervene but were also verbally, and in one instance, physically assaulted while attempting to restore order. During this melee several tribal members were injured, paramedics and law enforcement were summoned. Yet, no direct action was taken against the tribal members involved. Shortly thereafter a second riot ensued involving members of both sides of the Rhodes and Resvaloso family members as well as members of the Morongo Tribe (aligned with the Resvaloso family). Again un-armed Tribal Enforcement officers attempted to intervene only to be overwhelmed by the violence and numbers of tribal members involved. In June of 2010 a tribal member of the Rhodes family was found shot to death in his vehicle less than 300 yards from the Soboba Tribal School. Due to tribal interference with the resulting response and investigation by the Riverside Sheriff's Department a significant number of heavily armed deputies and officers responded to restore the order. This murder was believed to be in direct response to the previous incidents, all duly reported by Tribal Enforcement to the Tribal Council.

During the period June-August 2010 several other shootings were reported and investigated. Tribal Enforcement and the Riverside County Sheriff's Department worked together to identify those involved and head off any further violence. Despite at least two more shootings in which tribal members were either shot on the reservation, or in one incident at the intersection of Soboba and Lake Park, the Tribal Council took no effective or direct action against those it knew or had reason to believe were involved.

In 2010, Tribal Enforcement officers heard shots fired around the Reservation and established a position to observe the activity. Once members of the Tribe suspected interference by the officers, Tribe members immediately opened fire with illegal assault weapons, in the direction of Tribal Enforcement officers and then continued to drive thru the reservation committing two drive-by shootings of inhabited residences.

~~These are just a few examples of incidents of Tribe members' reckless disregard for authority,~~
enforcement and public safety. All of these incidents were reported to the Tribal Council who took no

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action to prevent ongoing occurrences of violent crime. Not more than a few weeks ago, unidentified Tribe members shot at Tribal Enforcement officers again. Assault against authority is a common practice among the Soboba. Violence on the reservation is still prevalent and shows no signs of slowing.

D. Public Safety Concerns.

In 2008, violent crime in the area rose and continued to rise to three times higher than in surrounding cities. An article on this topic is attached as Exhibit E. Sometime in 2009 the Riverside County Sheriff requested the casino be shut down to the public because of the safety hazard created by the Tribe. This is the only time in the history of California gaming that a local law enforcement agency requested that a casino be shut down because of public safety concerns. The casino was not closed, despite local residents' request to Governor Schwarzenegger and the State of California that something be done to address the adverse effect of the Tribe's criminal activity on public safety. A copy of a letter to Governor Schwarzenegger is attached as Exhibit F.

"There is imminent danger to the thousands of people that flow in and out of that casino" he said and to the people who live in communities around the reservation."

The New York Times article dated September 2, 2008, is attached hereto as Exhibit G.

Copies of additional articles demonstrating the Tribe's history of violence and criminal behavior, as well as the public's and local law enforcement's pleas that something be done to eradicate the risks posed by the known criminal activity of Tribe members, are enclosed as Exhibit H. Public safety remains a grave concern today. A copy of a June 27, 2011, letter to Governor Jerry Brown is enclosed as Exhibit I.

E. During The Year Preceding The Incident, Crime On The Reservation Was Out of Control.

Even under Mr. Chase's revamped Tribal Enforcement program, crime continued to spiral out of control:

(i) Riots.

The 2000 brutal murder of a Resvaloso family member sparked escalating hatred between the Rhodes and Resvaloso families, which in 2010 culminated in a riot between the families at a party on the Reservation. During the riot several Tribe members were injured. This was only the first of more riots

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to come.

In May 2010 a subsequent riot between the two families escalated the animosity further. One of the families drew on members from the Morongo Reservation to gain additional support. With around 50 Tribe members involved in the riot the participants used rocks, baseball bats and golf clubs to injure each other. Tribal Enforcement attempted to intervene but could not get the crowd under control. During the riot several Tribe members were injured. One council member, Rose Murillo, was assaulted. A third violent riot occurred shortly after the first two. Riots and violence continue as the two families continue to act out based on their hatred for each other.

(ii) **Drug Production.**

The Tribal Council has known that drug use and production is prevalent on the Reservation. In 2010, Tribal Enforcement conducted surveillance on at least two residences and suspected that drug manufacturing was ongoing. Tribal Enforcement officers reported a cab with no passengers making regular visits to the same residences on the Reservation, coming and going with no passengers, was likely being used to transport money and drugs. The business of manufacturing and selling drugs is a seven figure operation on the Reservation. Tribal Council is aware of it but ignores it and even profits from it.

(iii) **Thomas Durnin, Jr.**

21 years-old Durnin is a member of the Tribe and the Rhodes family. At the time of the incident, he was a convicted felon. His criminal activity includes, without limitation:

CALIFORNIA

<u>DATE:</u>	<u>CHARGE:</u>	<u>DESCRIPTION:</u>
3/17/2011	PC 187(A)	MURDER
3/17/2011	VC 2800.2	DISREGARD FOR SAFETY
3/17/2011	PC 12280B	POSSESSION ASSAULT WEAPON
3/17/2011	PC 12020(A)(1)	MANUFACTURE/IMPORT/SALE/ POSSESSES UNDETECTABLE FIREARM
1/18/2011	HS 11550(A)	UNDER INFLUENCE/ CONTROLLED SUBSTANCE
9/13/2008	PC 212.5(A)	ROBBERY FIRST DEGREE
9/13/2008	PC 459	BURGLARY
9/13/2008	PC 422	CRIMINAL THREATS

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9/13/2008	PC 136.1(C)(1)	PREVENT/DISSUADE WITNESS/ VICTIM
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ARIZONA

<u>DATE:</u>	<u>CHARGE:</u>	<u>DESCRIPTION:</u>
12/11/2009	28-1383(F4)	AGGRAVATED DUI
12/11/2009	28-1383A3(F6)	AGGRAVATED DUI/PASSENGER UNDER 15
2/20/2008	13-1201(F6)	ENDANGERMENT

Prior to this incident, the Tribe knew, or should have known, about Durnin's Arizona history, which included a police chase that ended in a car crash. Yet, the Tribe continued to pay and support Durnin and his criminal activities over the three years leading up to Mike Morgan's death.

Documents evidencing his criminal history, which included violent crimes, are enclosed as Exhibit J.

(iv) Mr. Chase's Plea For Help.

On a weekly basis, if any incident happened on the reservation that affected the peace on the Reservation, Tribal Enforcement reported it to the Tribal Council. Just prior to the March 17, 2011 incident, Mr. Chase expressed his concerns about continued crime and violence on and near the Reservation. In a detailed memorandum to the Tribal Council and Administrator, he laid out the specifics of crime on the Reservation. He focused on the threat Durnin was creating on public safety. This memorandum included a history of the family disputes and the continued threat of violence on the reservation. Mr. Chase directly addressed the threat to public safety caused by Durnin's criminal enterprises, and he requested that local law enforcement be contacted to intervene. *His memorandum specifically stated that an innocent person would be killed if Tribal Council did not do anything to prevent Durnin's criminal behavior.* On several occasions Mr. Chase requested local law enforcement get involved to get Durnin and his cohorts under control. In response, Tribal Administrator Leann Tallbear, warned Mr. Chase not to investigate or report on Durnin's or others' criminal activity. Mr. Chase was fired shortly after confronting the Tribe and just 15 days before his fear that Durnin would kill someone became a reality.

II. INCIDENT

On March 17, 2011 at approximately 11:25 a.m., Mike Morgan, who at the time was leaving the Soboba Casino in his Cadillac, was hit and killed by a truck driven by Durnin. He had taken a break from gambling to visit a local flea market, leaving his wife Rosemary at the casino.

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Meanwhile, Durnin, who had been engaged in a protracted high speed chase was weaving in and out of traffic on Soboba Road, desperately seeking the immunity from law enforcement provided by the Reservation. Durnin hit Mike's car head-on at a high rate of speed. At that time Durnin and two of his associates were engaged in illegal and suspicious activity, as evidenced by the guns thrown out the window during the chase as well as the ski masks and other suspicious items later found in the truck. Durnin is currently in jail on \$3,000,000.00 bond, awaiting trial for the murder and other charges against him.

This incident occurred on a stretch of Soboba Road controlled by the Tribe and on the Reservation, two miles from the Soboba Casino and the gate to the Reservation. A copy of the police report and photographs of the murder scene are enclosed as Exhibit K. Articles regarding the incident are enclosed as Exhibit L.

The only reason Mike and Rosemary visited the casino on this day was to use the "Free Play" vouchers Soboba Casino had sent them in the mail. "Free Play" vouchers could be used on Mondays and Thursdays. This incident occurred on a Thursday. Soboba Casino sent patrons these as an incentive to visit the casino. These vouchers create a higher volume of traffic on Soboba Road on "Free Play" days. Despite the increased number of patrons over the years, the Tribe failed to take measures to control traffic flow, regulate speed, and maintain a road that can contain the increased traffic.

III. LIABILITY

For any one of the following reasons (and all of them collectively), the Tribe is liable for this incident and the damages to the Morgan Family.

A. The Tribe Controlled The Road Where Mike Was Killed.

At the Tribe's request, the Tribe took complete control of the roadway where Mike was killed in 2005. Despite increases in traffic into and out of the Soboba Casino over the years, the Tribe opted to maintain the two lane (one each way) roadway in its original condition, with very little shoulder on both sides.

B. The Incident Is Connected To The Gaming Operation.

It is indisputable that Mike was killed as he was leaving the casino. Several dispatch recordings (from various peace officers and rescue personnel) confirm the incident occurred as Mike was leaving the Soboba Casino. Video footage at the Soboba Casino confirms he was a patron just a few minutes prior to this incident. Further, at least three cameras on the Reservation prove the same.

Section II, Subdivision D, and Section V, Subdivision A, of the Ordinance specifically provide a

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remedy for the injury or death of a person who is injured in connection with the operation of the Soboba Casino. The connection between this incident and the gaming operation is crystal clear. Examples include, but are not limited to:

- (1) The Tribe had complete control over Soboba Road where the incident occurred;
- (2) This stretch of road provided the only stretch of road in or out of the Soboba Casino;
- (3) The incident took place on the Reservation;
- (4) Mike had just left the Soboba Casino, where he was a patron of the casino; and
- (5) The Tribe made several poor decisions regarding the public safety of patrons, canceling contracts with peace officers, financially supporting Tribe members with violent propensities and histories of police chases, failing to remedy the public safety concerns relating to crime near the Soboba Casino, etc.

The Tribe and Tribal Council, through its acts, omissions and abuse of power, caused Mike's death.

C. The Tribe Knew Durnin Posed A Threat To The Community And Failed To Act.

Mr. Chase predicted this incident would occur. His verbal and written warnings were ignored. Mr. Chase's concerns hindered the Tribe's hunger for money. There was no place for his righteousness, so he was fired. Aside from the direct warning from Chase that a tragedy was imminent, the Tribe was well aware of the dangers presented by Durnin and like-minded Tribe members. Examples include, but are not limited to:

- (1) The Tribe and Tribal Council knew about the propensities of its Tribe members to commit crimes on the Reservation, yet failed to do anything about it;
- (2) The Tribe and Tribal Council knew about a history of police chases on this road;
- (3) The Tribe and Tribal Council knew of Durnin's criminal history, yet continued to support and enable him; and
- (4) The Tribe and Tribal Council knew Durnin was convicted of crimes involving a prior police chase, yet let him run rampant on the Reservation and outlying streets.

Discovery is continuing. The Morgan Family reserves the right to amend this claim when additional facts are discovered.

IV. DAMAGES

A. Economic Damages

Economic damages are itemized at Exhibit M.

<u>Exh</u>	<u>Item</u>	<u>Description</u>	<u>Amount</u>
M1	Disability	Mike's disability payments (\$1,738.50/mo commencing April 2011 x 12 months x 21 years life expectancy)	\$ 438,102.00 ⁴
M2	Medical Expenses: Decedent	Treatment to try to save Mike's life	\$5,290.00
M3	Past Medical Expenses: Rosemary Morgan	Treatment for anxiety and depression	\$176.47
M4	Future Med. Expenses - Rosemary Morgan	Future doctor visits/prescription medication (approx.)	\$4,000.00
M5	Mortuary and Funeral	Burial Expenses	\$13,143.31
M6	Headstone	Headstone	\$1,440.93
M7	Burial Clothes/Food/ Refreshments/Miscella.	JC Penney, Staples/Grocery (approx)	\$1,000.00
M8	Obituary	Union Tribune	\$414.75
M9	Outstanding Family Obligations	Past and Future Debts	\$404,339.46
		Total⁵	\$867,906.92

Financially, Rosemary relied entirely on Mike for all living expenses. Not only did he pay all of the bills, he also paid for the little things that increased the quality of the lives of the entire family. For example, Mike used to contribute to his grandchildren's savings accounts for birthdays, holidays and accomplishment. With the loss of Mike's support, Rosemary is no longer able to do this. With such a big family, she is constantly reminded of the family's loss.

B. Non-Economic Damages

Family was the most important thing to Mike. Mike, who was 57 years-old at the time he was killed, had three children, Michelle Luna, Paul Perez and Roman Perez.⁶ Michelle Luna is married to Oscar Luna. Roman Perez is married to Monica Perez. Paul Perez is married to Carmen Perez. Mike had seven grandchildren.

Mike built his life and family in National City (a suburb of San Diego). He married Rosemary on June

⁴ Rosemary and Mike lived off of these disability payments.

⁵ The Morgan Family reserves the right to amend this claim to incur additional expenses, if discovered.

⁶ Mike is the only father Paul and Roman knew, even though they were not blood sons.

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26, 1985, was baptized into the Catholic Church, and had daughter Michelle Luna, in December, 1985. Michelle was a welcome addition to the family, which at the time, consisted of Mike, Rosemary, Paul and Roman.

Mike loyally served the community as a custodian at John A. Otis School for 35 years before his early retirement in 2002. He was committed to his job, which he loved. Before Mike and Rosemary moved to Hemet to retire, the Morgan Family, including all three children and seven grandchildren, lived within minutes of each other, and at times, their children and grandchildren lived with them.⁷

The Morgan Family is a close and happy family. Mike with his optimistic outlook and easy-going nature, was the glue that held the family together. He valued quality time and closeness with his family. Mike signed all documents with a smiley face, including insurance documents and checks for payment of bills. Every year, Mike dressed up as Santa Claus at Christmas time to entertain the children. In addition to spending time with his family, he enjoyed traveling and checking out local flea markets and casinos.

The loss to the Morgan family is nearly indescribable. Rosemary, the children, and grandchildren continue to suffer emotional pain as if the accident happened just yesterday. Mike treated Michelle's husband, Oscar, and Roman's wife, Monica, as if they were his own children. Mike's love for life was contagious to his entire family. Not being able to share more memories and love with him is one of the hardest things for the family. Monica recounted the gap that was left by Mike's passing. Mike was the closest thing that Monica had to a father and his passing has left a permanent scar. With the death of Mike a little piece of the entire family died.

A letter written by Monica is attached hereto as Exhibit N. She recounts the many times that Mike went out of his way, took any measure and spared no expense to make sure his family was safe and healthy. Teaching all of his children "true unconditional love" was Mike's purpose. Each day has been a struggle for the Morgan Family to get by without the presence of Mike.

Attached hereto as Exhibit O, are several tributes and letters written to the family extending deepest sympathies and emotions. Several photographs are attached hereto as Exhibit P. These documents display the memories the Morgan family shared and the caring spirit of Mike. Rosemary expressed, in one of the tributes, the impact of Mike's death.

"Since you have been gone, my life has changed completely. There is not a day that goes by I don't think of you and miss you." (Exhibit O)

⁷ Paul moved to Las Vegas in 2003 for work.

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The loss of Mike has wreaked havoc on the entire family's physical and emotional well-being.⁸ Not being able to share in the endless laughter and love that her relationship with Mike offered is a constant reminder of his passing. Each day is just as hard as the last to maintain a daily routine without the happiness and joy that Mike always provided.

SECTION 3
CLAIM REQUIREMENTS

I. NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF CLAIMANTS

The claimants must be contacted through counsel.

II. DATE, LOCATION AND ACCOUNT OF THE INCIDENT GIVING RISE TO CLAIM

The incident occurred on March 17, 2011, on Soboba Road near the Soboba Casino. Further facts relating to the incident are discussed in Section 2, above.

Discovery is continuing. The Morgan Family reserves the right to amend this claim when additional facts are discovered.

III. THE IDENTITY OR DESCRIPTION OF ALL PERSONS INVOLVED IN THE INCIDENT OR GIVING RISE TO THE CLAIM

⁸ Rosemary has incurred medical expenses for treatment of anxiety and depression. (See Exhibit M(3).)

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There are numerous persons who contributed to this incident. As discussed above, members of the Tribal Council (past and present) and agents of the Tribe created the conditions causing the incident. The list of individuals includes, but is not limited to: Rose Salgado, Scott Cozart, Geneva Mojado, Edward Soza, Rosemary Murillo and LeAnne Tallbear. Examples of acts and omissions by the Tribal Council and its agents are discussed in Section 2, above.

Their exact contact information is unknown, but their interests are represented by attorneys Jane Long and George Forman. Discovery is continuing. The Morgan Family reserves the right to amend this claim when the identity of additional witnesses is discovered.

IV. THE IDENTITY OR DESCRIPTION OF ALL WITNESSES TO THE INCIDENT OR OCCURRENCE THAT GAVE RISE TO THE CLAIM

See police report attached hereto as Exhibit K. Discovery is continuing. The Morgan Family reserves the right to amend this claim when additional facts are discovered.

V. THE ALLEGED DAMAGE OR INJURY SUFFERED, AND THE COMPENSATION REQUESTED

The Morgan Family seeks policy limits of \$5,000,000.00. Damages are discussed, in detail, in Section 2, IV, above. Discovery is continuing. The Morgan Family reserves the right to amend this claim when additional facts are discovered.

VI. ALL SUPPORTING DOCUMENTARY EVIDENCE AND WRITTEN WITNESS STATEMENTS THE CLAIMANT INTENDS TO RELY ON

Evidence of liability and damages is attached. Discovery is continuing. The Morgan Family reserves the right to amend this claim when additional facts are discovered.

**SECTION 4
CONCLUSION**

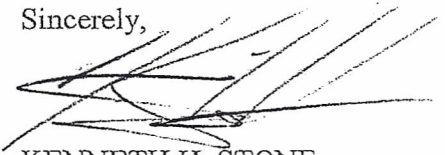
The Tribe's creation and perpetuation of a criminal environment where seeking immunity from law enforcement takes precedence over public safety and human life cost Mike his life. The Morgan Family is beyond devastated, and demands the five million dollar policy limits to compensate for this loss. My clients also request that a memorial be erected at the site of the incident in memory of Mike Morgan. We also demand that the Tribe makes substantial improvements to its current policies

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regarding public safety.

If this claim is denied, we will request an evidentiary hearing be conducted. If the claim is again denied, we will appeal to the Indian Gaming Board. If that does not accomplish resolution of our claim, we will take our case to the Governor, our State and Federal Senators, Congressmen and to the media. I look forward to hearing from you within thirty (30) days, as required by Section XI, Subdivision A, of the Ordinance.

Sincerely,

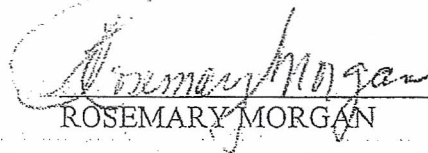


KENNETH H. STONE
Attorney at Law

KHS/mjr

cc: Rosemary Morgan
Michelle Luna

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct to the best of my knowledge and belief. Executed this 10 day of August, 2011 at Hemet, California.


ROSEMARY MORGAN

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct to the best of my knowledge and belief. Executed this 09 day of August, 2011 at San Diego, California.


MICHELLE LUNA