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9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 11 OAKLAND DIVISION

12 **BIG LAGOON RANCHERIA, a Federally**
 13 **Recognized Indian Tribe,**
 14 Plaintiff,
 15 v.
 16 **STATE OF CALIFORNIA,**
 17 Defendant.

CV 09-1471 CW (JCS)

**DECLARATION OF RANDALL A.
 PINAL IN SUPPORT OF DEFENDANT’S
 MOTION TO STAY PROCEEDINGS
 AND, ALTERNATIVELY, TO
 CONTINUE DISPOSITIVE MOTION
 FILING AND HEARING DATES**

Date: April 8, 2010
 Time: 2 p.m.
 Courtroom: 2, Fourth Floor
 Judge: The Honorable Claudia Wilken
 Trial Date: n/a
 Action Filed: April 3, 2009

21 I, Randall A. Pinal, declare:

22 1. I am an attorney at law duly admitted to practice before this Court and the courts of
 23 the State of California. I am a Deputy Attorney General employed by the California Attorney
 24 General’s Office, and I represent Defendant State of California (State) in the above-entitled
 25 matter. I make this declaration of my own personal knowledge, and, if called as a witness, I
 26 could and would testify competently thereto.

Exhibit A

1 Peter J. Engstrom, State Bar No. 121529
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 5 San Francisco, CA 94111-3802
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7 Attorneys for Plaintiff
 BIG LAGOON RANCHERIA

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 OAKLAND DIVISION

13 BIG LAGOON RANCHERIA, a Federally
 Recognized Indian Tribe,
 14
 Plaintiff,
 15
 v.
 16 STATE OF CALIFORNIA,
 17
 Defendant.

Case No. CV-09-1471-CW (JCS)

**PLAINTIFF BIG LAGOON
 RANCHERIA'S RESPONSE TO
 DEFENDANT STATE OF
 CALIFORNIA'S FIRST SET OF
 REQUESTS FOR ADMISSIONS**

1 PROPOUNDING PARTY: DEFENDANT STATE OF CALIFORNIA
2 RESPONDING PARTY: PLAINTIFF BIG LAGOON RANCHERIA
3 SET: ONE
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5 Pursuant to Federal Rule of Civil Procedure 36, plaintiff Big Lagoon Rancheria (“Plaintiff”
6 or “Big Lagoon”) hereby responds to defendant State of California’s (“Defendant” or “State of
7 California”) first set of requests for admissions (the “Requests”), served by Federal Express on
8 November 16, 2009, as follows:

9 **GENERAL OBJECTIONS**

10 Big Lagoon states the following general objections to Defendant’s Requests:

11 1. Big Lagoon objects to the Requests to the extent that they seek information protected
12 by the attorney-client privilege, attorney work-product doctrine, or any other applicable privilege on
13 the grounds that such information is not subject to discovery. Any inadvertent disclosure of
14 privileged information shall not constitute a waiver of any applicable privilege.

15 2. Big Lagoon objects to the Requests to the extent that they seek information already in
16 Defendant's possession, custody or control or information equally available to Defendant on the
17 grounds that such Requests are unduly burdensome, oppressive and harassing.

18 3. Big Lagoon objects to the Requests to the extent that they seek information which is
19 not relevant to the subject matter of this action, and is not reasonably calculated to lead to the
20 discovery of admissible evidence.

21 4. Big Lagoon’s responses are made with the caveat that it has not completed its
22 investigation of the facts underlying this action, or is discovery, or its trial preparation, and, as a
23 result, may discover additional information in the course of that investigation, discovery, and trial
24 preparation. Furthermore, although Big Lagoon has made a diligent search and reasonable inquiry to
25 locate responsive information, discovery, investigation and trial preparation are continuing, and Big
26 Lagoon reserves the right to use at trial information which are subsequently located.

RESPONSES TO REQUESTS FOR ADMISSIONS

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Subject to and without waiving the above General Objections, Big Lagoon responds to the Requests as follows:

REQUEST NO. 1:

Please admit or deny that no current member of the Big Lagoon Rancheria is a lineal descendant of the individual commonly known as Jim "Lagoon" Charley.

RESPONSE TO REQUEST NO. 1:

Subject to and without waiving its general objections, and with the further objection that this request is both vague and ambiguous, and legally inconsequential, Big Lagoon admits that no current member of the Tribe is known to be related to Jim "Lagoon" Charley other than by marriage.

Dated: January 19, 2010

Peter J. Engstrom
Bruce H. Jackson
Irene V. Gutierrez
BAKER & MCKENZIE LLP

By: 
Irene V. Gutierrez
Attorneys for Plaintiff
BIG LAGOON RANCHERIA

CERTIFICATE OF SERVICE

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I, Christine von Seeburg, declare as follows:

I am over the age of eighteen years and not a party to the case. I am employed in the County of San Francisco, State of California, where the mailing occurs; and my business address is **BAKER & McKENZIE LLP**, Two Embarcadero Center, 11th Floor, San Francisco, California 94111-3802; +1 415 576 3000. On January 19, 2010, I served a copy of the within document(s):

PLAINTIFF BIG LAGOON RANCHERIA'S RESPONSE TO DEFENDANT STATE OF CALIFORNIA'S FIRST SET OF REQUESTS FOR ADMISSIONS

on counsel for Defendant State of California in this action by placing said document enclosed in a sealed envelope addressed as follows:

Edmund G. Brown Jr.
Attorney General of California
Sara J. Drake
Supervising Deputy Attorney General
Randall A. Pinal
Deputy Attorney General
110 West A Street, Suite 1100
San Diego, CA 92186-5266

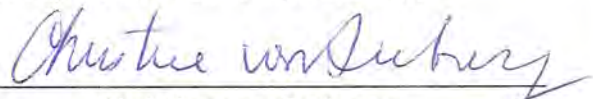
Attorneys for Defendant
STATE OF CALIFORNIA

Telephone: +1 619 645 3075
Facsimile: +1 619 645 2012

- (BY U.S. MAIL)** I placed such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at BAKER & McKENZIE LLP, San Francisco, California, following ordinary business practices. I am readily familiar with the practice of BAKER & McKENZIE LLP for collection and processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.
- (BY PERSONAL SERVICE)** I caused each such envelope to be delivered by hand to the addressee(s) noted above.
- (VIA OVERNIGHT COURIER - FEDEX)** I placed such sealed envelope, for collection, at BAKER & McKENZIE LLP, San Francisco, California. I am readily familiar with the practice of BAKER & McKENZIE LLP for collection and processing of overnight packages, said practice being that in the ordinary course of business, documents are deposited with the overnight courier the same day as they are placed for collection.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct. Executed on January 19, 2010, at San Francisco, California.


Christine von Seeburg

CERTIFICATE OF SERVICE

Case Name: **Big Lagoon Rancheria v. State
of California**

No. **CV 09-1471 CW (JCS)**

I hereby certify that on March 25, 2010, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

REPLY TO OPPOSITION TO DEFENDANT'S MOTION TO STAY PROCEEDINGS AND, ALTERNATIVELY, TO CONTINUE DISPOSITIVE MOTION FILING AND HEARING DATES;

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT'S MOTION TO STAY PROCEEDINGS AND, ALTERNATIVELY, TO CONTINUE DISPOSITIVE MOTION FILING AND HEARING DATES; AND

DECLARATION OF RANDALL A. PINAL IN SUPPORT OF DEFENDANT'S MOTION TO STAY PROCEEDINGS AND, ALTERNATIVELY, TO CONTINUE DISPOSITIVE MOTION FILING AND HEARING DATES

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 25, 2010, at San Diego, California.

Rosario Asensio

Declarant



Signature