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INDEX NO. 652140/2013 RECEIVED NYSCEF: 07/03/2013

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PONCE,INFRA	J			
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POWELL, MELISSA J PRADO,ROSA PRADO-PONCE, JOSE J PRATT, ROBERT T PRESS, KIMBER LEE PRUDENTE, ERIKA PRUDENTE, VANESSA A PUEBLA ALBINA PUTMAN, TOM L QUINTANAR, MIRIAM QUINTERO GONZALO V QUITENO GARCIA, ARMANDO RABADAN, ROSALIA RABBON, DOLORES RACKI, SILVIA RAMIREZ, BRANDIE RAMIREZ, DEANNA À RAMIREZ, EULALIA RAMIREZ, FRANCISCA P RAMIREZ, JESUS RAMIREZ, JOHANNA RAMIREZ.JOSE L RAMIREZ, NATALIE RAMIREZ, RAMON H RAMON, RUBEN L RAMOS MEJIA, DIEGO RAMOS,ERIKA RAMOS, JR, LEOBARDO RAMOS, MARIA M RAMOS, ROBERT C REED, CRAIG B REEVES, JOHNNY D REID, JR, MORRIS L REID, LUCAS W REID, MARIE L RENDON, DAVID A REYES, ABEL A REYES, ADRIANA P REYES, CARMEN REYES, ELISA REYES, GEORGE P REYES, IRENE REYES, JOAQUIN N REVES, SOCORRO M RHOAN, ANDREA S RHOAN, NATALLE RICE, JENNIFER C

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VENDOR	
VENDOR	BALANCE
2069 IGT	a na manana mananana a danah darah mananananan a da dara a
62 CA GAMBLING	1,126,800.61
981 MADERA CO TREASURER	551,250.00
283 PG&E	316,186.01
37 BALLY GAMING	276,924.02
7101 IPFs Corp	239,745.81
1412 Bank of America	163,508.11
919 WMS GAMING	156,812.41
	150,997.92
25 ARISTOCRAT	134,122.24
846 KONAM IGAMING INC	127,520.09
687 ARAMARK UNIFORM SERVICES	126,819.22
2695 SYSCO FOOD SERVICES	122,076.09
7037 AMV PRODUCTIONS	85,000.00
7034 RPM ADVERTISING INC	74,427.11
6746 CHUKCHANSI LINEN	70,909.19
895 SHFLENTERTAINMENT	68,723.42
466 US FOOD SERVICE	61,851.26
464 CLEAR CHANNEL - IN-TER-SPACE SERVICES	60,614.25
145 FERRELLGAS	55,943.90
1043 WILLIAM MORRIS AGENCY INC	52,500.00
5195 OVATIONS FOOD SERVICES	50,137.36
868 NATIONAL INDIAN GAMING	49,478.76
2101 CLEAR CHANNEL BROADCASTING INC	48,875.00
2120 UNIVISION TELEVISION GROUP INC	45,993.50
6108 DEQ SYSTEMS CORP	43,352,28
1516 US POSTMASTER	43,108.51
2231 SPIELO INTERNATIONAL USA	41,424.28
1232 CONTROLCO	40,044.00
6978 KGPE-TV	39,129.75
6245 DIRECT SYSTEMS SUPPORT	37,346.00
4590 KSEE TELEVISION INC	35,943.10
6501 FOI	29,989.10
6797 ERNST & YOUNG U.S. LLP	28,000.00
154 Fresno Bee	25,736.43
6956 COMCAST SPOTLIGHT	25,659.55
6002 FARMER BROS CO	25,281.04
503 SOUTHERN WINE & SPIRITS	24,442.71
6968 TELEMUNDO 51 KNSO TV	24,260.70
6300 ZONES	23,978.50
6946 CBS OUTDOOR	23,453.04
6094 WESTERN TECHNICAL SERVICES	22,900.00
6313 FAKOURI ELECTRICAL ENGINEERING	22,685.00
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1566 ORANGE BELT STAGES	20,950.00
2315 AFFINITY INSURANCE SERVICES	19,786.48
1006 GILCHRISTS & SOAMES	19,493.08
5759 1ST QUALITY PRODUCE	16,910.80
2755 MOUNTAIN MILK & CREAM	16,851.59
6971 RICHARD NOROYAN	16,666.68
1792 BSR DISTRIBUTING	16,638.03
5230 CENTRAL FISH CO	16,312.38
6494 SYNECO SYSTEMS INC	15,920.00
6594 Pureflow Filtration Div of Ca	15,867.50
1227 HERITAGE FOOD SERVICE EQUIP	15,664.42
497 EARTHGRAINS BAKING CO INC	15,199.41
6976 KFSN-TV LLC	14,951.50
6768 PEAK BROADCASTING	14,942.91
631 PICAYUNE RANCHERIA TRIBAL	14,918.45
501 PEPSI BOTTLING GROUP	14,853.31
6903 BIG TRAY	14,682.89
2528 MADERA COUNTY SHERIFF'S DEPT	14,452.32
570 AMERICAN HOTEL REGISTER	14,335.85
1521 CENTRAL CREDIT 5647 Patricia J. Carlson	13,797.38
4775 Steve's Chevrolet - Chowchilla	13,628.00
	13,550.00
5814 HD Supply Facilities Maint 6982 WILKS BROADCASTING	13,462.41
5991 U SBANK OFFICE OF FINANCE SVCS	13,349.25
	13,107.16
4841 B 3 Management inc 5084 RUSH ADVERTTISING SPECIALTIES	13,070.00
2497 PROVIDENT LIFE & ACCIDENT	13,061.27
6979 LOTUS FRESNO CORP	12,008.01
134 EMADCO DISPOSAL	11,970.55
6987 RADIO MERCED	11,581.01
6350 ARUZE GAMING AMERICA	11,344.10
2391 GLOBAL CASH	11,332.13
370 UNITED RENTAL	10,935.91
2437 COOKS COMMUNICATION	10,431.34
2050 GAMING PARTNERS INTERNATIONAL	10,364.26
7076 MERCURY PUBLIC AFFAIRS	10,349.94
6580 CHATEAU CLEANERS	10,000.00
220 MADERA COUNTY	9,801.50
1357 STORER COACHWAYS	9,585.59
1378 INSIGHT EMPLOYEE ASSISTANCE	9,472.50
487 ALENA FOODS	9,450.00
1596 FOCUS PACKAGING & SUPPLY	9,409.23
896 Sierra Ambulance Services Inc	9,315.95
106 CUMMINSALL	9,166.67
505 Young's Market Co	9,151.60
857 LODGENET ENTERTAINMENT CORP	8,486.54
	8,302.65

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7066 UNIMAS TELEVISION GROUP **377 VERIZONWIR** 7032 McClatchy Newspaper Inc 872 ORKIN EXTERMINATING INC 7015 THE MERCURY NEWS 2162 BOOT WORLD 6819 WILDFIRE INTERACTIVE 7056 COCOLA BROADCASTING COMPANIES 6980 MARIPOSA GAZETTE 6140 SABRE INC DBA SYNXIS 4267 ROBB ROSS FOOODS INC 5182 KRONOS INC 1277 HOME DEPOT CREDIT SERVICES 7027 MOMENTUM BROADCASTING 738 AMERICAN HOTEL & LODGING 1840 INAG INC. 728 MASQUE PUBLISHING INC 1872 NRT TECHNOLOGY CORP 2430 BOB DESNOYERS ELEVATOR 2349 DOVAL ELECTRIC 2411 Coarsegold Kwik Serv 504 DONAGHY SALES LLC 6981 ADVANTAGE 4382 NEW ENGLAND SHEET METAL WORKS 4558 FRANCHISE TAX BOARD 6175 C2 GAMING 1474 SAN JOSE CHARTERS INC **1524 ASCAP** 2036 PITNEY BOWES PURCHASE POWER 502 VALLEY WIDE BEVERAGE CO 5982 MAXIMUS MEDIA INC. 7094 Mahlmann Media 713 MY OFFICE PRODUCTS 4251 Merced Sun Star 6959 RUSSELL OUTDOOR ADVERTISING 760 METRO MAILING SERVICES INC 6851 BRIAN GIFFOD & ASSOCIATES LLC 5388 Scott Wilson 298 QWEST COMMUNICATIONS 1257 BEST TOURS & TRAVEL 7090 CBT Nuggets 1794 DEPT OF ALCOHOLIC BEVERAGE 471 JW MYERS INC 337 SIERRA TELE 6286 PEROT SYSTEMS TRAVEL AGENCY 1159 HOBART 2800 Agilysys NV LLC

8,047.94 7,800.00 7,682.40 7,661.00 7,608.13 7,500.00 7,361.00 7,220,00 6,881.62 6,765.40 6,615.00 6,593.77 6,244.10 6,223.18 6,200.00 6,165.00 6,000.00 6,000.00 5,984.00 5,900.95 5,897.65 5,874.35 5,775.40 5,664.53 5,611.65 5,610.00 5,553.67 5,459.90 5,353.00 5,131.89 5,100.00 5,059.48 4,850.00 4,845.00 4,804.31 4,729.00 4,675.00 4,620.25 4,570.00 4,497.00 4,492.00 4,347.90 4,318.70 4,271.77 4,218.62 4,130.51

8,099.65

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6942 DONALD PRITCHARD	4,000.00
1374 CORE MARK INTERNATIONAL	3,967.45
2459 PACIFIC TRADING	3,891.76
4769 MV SPORT	3,882.07
7014 BAKERSFIELD CALIFORNIAN	3,762.28
6485 Simplex Grinnell	3,750.00
6952 LAMAR ADVERTISING	3,724.48
1042 CAPITOL PIPE & SUPPLY	3,623.30
1505 KBIF RADIO	3,485.00
939 MCMASTER-CARR SUPPLY CO	3,423.56
1999 PROFESSIONAL PRINT AND MAIL	3,377.00
5375 TELESCREEN INC	3,200.00
6623 WILLOW GLEN SMOKE SHOP	3,198.00
4702 CONTRA COSTA ELECTRIC INC	3,150.38
5561 METRO ROOTER	3,051.00
1070 HYDRO DYNAMICS	3,050.00
652 DISH NET WORK	3,048.00
2112 Big Oak Septic Service	3,046.80
5291 DALE HARDWARE INC	3,000.00
6941 ARLEEN ATAMIAN	3,000.00
6943 DANIEL TEIXEIRA	3,000.00
7088 Bastrire Edwards	3,000.00
1095 Hatchers Upholstery	2,994.32
5082 COSCO FIRE PROTECTION	2,795.40
1421 XPRESS YOURSELF	2,785.00
4456 ECMC	2,717.10
6948 Clovis Roundup	2,610.00
5857 MOORE TWINING ASSOCIATES	2,520.00
5678 BRAINSTORM LOGISTICS LLC	2,511.33
6125 WOOD GUTMAN & BOGART INS	2,500.00
6729 EVENT LIGHTING LLC	2,450.00
6027 J&D FOODSERVICE	2,439.72
5492 TIFCO INDUSTRIES	2,425.79
1003 Hardcat Pty. Ltd	2,400.00
5879 LOWE'S	2,373.59
733 STATE BOARD OF EQUALIZATION	2,365.00
6997 RAM GURNANI	2,340.00
1407 TOUR DESIGN CREATIVE SERVICES	2,330.00
993 OTIS ELEVATOR CO	2,227.45
6484 DMX	2,184.00
2840 FRANCHISE TAX BOARD	2,179.87
7078 VMC TRAVEL & TOURS	2,175.00
1615 FRESNO OXYGEN/BARNES WELDING	2,140.88
599 Western Lightsource	2,131.88
7024 OAKHURST CEANERS & LAUNDRY	2,111.91
7095 Richwell Group/Maxfield Seafood	2,091.75
924 YOUNG ELECTRIC SIGN CO	2,084.57
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2606 GREATER FRESNO AREA 499 SIERRA SEAFOOD SPECIALTIES LLC 7068 BRISEA PROMOTIONS 5733 MADERA COUNTY FARM BUREAU 485 PRECISION PLASTICS 7039 Hmong TV Network **1787 ALL VALLEY ENVIRONMENTAL INC** 1398 RSD 2544 CASINO TECH/LANDRY HOLDINGS 6097 SKINCEUTICALS 6334 Pacific Fresh Seafood Co 4891 CACTUS FASHION INC 5696 Room Service Amenities 1843 WHEELER MANUFACTURING CO 6829 U.S. Tint/Shadow Enterprises 6685 SUPERIOR FILTRATION PRODUCTS 7010 CBX TECHNOLOGIES 6966 EAGLE DISPLAY SERVICES 7012 LAW OFFICE OF RICHARD G MCGEE 7096 SLO New Times 5168 United Site Services of CA Inc 648 LIMO FOR YOU 479 TDN MONEY SYSTEMS INC 2729 QUINN POWER SYSTEMS 469 PETES SPORT SHOP INC 2779 QUEST DIAGNOSTICS **1004 STEFANELLI DISTRIBUTING** 1315 FUTURE FORD/KIA OF CLOVIS 2629 LESLIE'S POOLMART INC 2353 R.S. COVENANT 2879 WESTLAND GIFTWARE INC 7055 TRUCKEE MEADOWS COMM COLLEGE 7038 Mid-Valley Publishing 5365 UNIVERSAL COMPCANIES 7013 Lee Central Ca Newspapers 6167 B&L SALES 4565 1099 PRO INC 4987 Silver State Coach Inc 465 LBLIGHTS WEST, INC 6951 BILLBOARD ADVERTISING NETWORK 974 ECOLAB 7061 LARRY KING 1409 JCM AMERICAN 2092 ALLIED ELECTRIC MOTOR SERVICE 1965 MOUNTAIN CORP 6045 GREEN BOX RENTALS INC 1733 Cigars Ltd.

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· 641- 448 - 4- 886 - 6	1,266.50
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L	1,245.00

	23 STERICYCLE	1,204.23
	15 John McBride	1,200.00
	2 White Conveyors, Inc	1,200.00
	37 FERGUSON	1,191.74
	21 VISALIA NEWWPAPERS	1,190.36
	PITNEY BOWES	1,190.34
	93 FILIPINO CASINO TOURS	1,180.00
	22 D M MERCHANDISING INC	1,179.41
	63 PARKSON CORP	1,164.48
	97 DIGITAL PAPER SOURCE 72 AMERICAN GAMING & ELECTRONICS	1,153.92
	02 SHAR-CRAFT Inc	1,135.79
	1 COARSEGOLD FLOWER SHOP	1,127.31
	74 Above the Fog Marketing	1,125.00
	94 SPARITUAL	1,125.00
	89 SALINAS VALLEY CHAMBER	1,110.45
	51 Sanijet	1,100.00
	50 ULINE SHIPPING SUPPLY	1,098.00
	65 ENFORCIVE	1,067.82
	41 MEDINA TOURS & CHARTERS INC	1,051.75
	30 NIELSEN COMPANY LLC	1,050.00
	08 AT&T MOBILITY	1,040.00
	59 INTERNAL REVENUE SERVICE	1,025.70
	75 KMPH	1,024.36
	5 TECH ART MANUFACTURING INC	1,024.25
	2 EDWARD GUZMAN	1,021.52
	39 ATEL COMPANY INC	1,000.00
	10 PATRICIA PETERSRN/SINISTERBL	1,000.00
	5 Protzman Enterprises	1,000.00
	51 US DEPT OF EDUCATION	1,000.00
	58 FARMLOAD DISTRIBUTORS	999.90
	85 Culinary Classics	990.00
	58 B &B TOURS	973.05
	ЭЗ ІЅТОСКРНОТО	970.00
	18 WEST COAST BEAUTY SYSTEMS	967.00
	JACK FROST ICE SERVICE INC	964.51
	34 NATIONAL RESTAURANT ASSN SOLUTION	932.00
	52 HUGO	920.32
701	16 THE MONTEREY COUNTY HERALD	907.32
	19 Art Rout Signs	900.00
	39 RACKSPACE MANAGED HOSTING	900.00
	D7 KZPO-FM	898.00
700	09 DONALD ORMSBEE	892.50
	10 HUCKLEBERRY PEOPLE	891.00
	D1 LEANIN' TREE	889.44
	14 ARCHIE & ASSOCIATES	874.08
	L4 Sullivan's Tire Pros	867.00
		856.50

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6120 JUNE JACOBS LABS	840.56
850 KUCKENBECKER TRACTOR CO	833.15
2150 SHIELDS AGRICULTURAL SERVICES	825.00
1130 CENTRAL SANITARY SUPPLY	819.50
5819 3WIRE PACIFIC COAST PARTS	818.54
408 WILLIAM SCOTSMAN	816.07
4455 DELTA MANAGEMENT ASSOCIATES	804.68
6652 Mark Ahrens	800.00
2317 Robers Media Co	800.00
952 DEPARTMENT OF MOTOR VEHICLES	798.00
6809 MARTIGNONI GLASS	792.17
5951 GENERAL REVNUE CORPORATION	754.73
6795 BALLOONS ARE EVERYWHERE	750.51
7072 SIOUX POTTERY	745.31
144 FEDEX	743.76
6157 BANK SUPPLIES INC	· · · · · · · · · · · · · · · · · · ·
6041 GREATER MERCED CHAMBER OF COMMERCE	730.11
1180 GEMINI DISTRIBUTING CO	725.00
4330 ASHLAND SPECIALTY CHEMICAL	720.12
1128 COMMERCIAL NEON INC	720.00
1327 IMAGINE THIS	712.10
4790 OLIVER COMMUNICATIONS	711.42
1245 INDUSTRIAL CASTER & WHEEL CO	695.77
5032 PACIFIC SILVER INC	693.93
7080 TV Musica	681.42
5869 J.B. & ASSOCIATES	680.00
6006 ARANA TOUR LINE	668.27
7063 DIMENSION 9 LLC	640.00
349 SIERRA TELE	635.58
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2675 WELLS FARGO	600.00
5588 VISALIA CHAMBER OF COMMERCE	600.00
169 GRAINGER	597.00
700 MATRX MEDICAL	589.96
640 CENTRAL VALLEY GOLF	585.80
5065 Love Bracelets	583.00
5259 COYNE'S & CO	575.56
2692 DALTILE	569.07
6010 Carson Home Accents	568.24
6454 PLATT ELECTRIC SUPPLY	561.08
6525 THE PACKAGING SOURCE	557.09
6973 KIMBERLEY TURNER/WOWPOW	552.00
1361 OAKHURST ROCKS	527.11
6727 ASB SOUND / ANDREW S BORDER	500.00
6853 RANDY WOODWARD	500.00
7044 PORTERVILLE RECORDER	500.00
6722 CEDAR MESA PRODUCTS	487.96
4012 SUNSHINE TRAVEL	485.00

4091 CHEVRON TEXACO	483.48
546 CONAIR CORP	481.80
5121 Kaeser Compressors Inc	473.82
912 UNIVAR USA INC	460.00
6035 TNG WORLDWIDE	454.99
91 CONCENTRA MEDICAL	438.50
540 AT WORK UNIFORMS	438.24
1081 Touch of Class Limousines	423.49
699 ALERT-O-LITE	420.88
5847 WOODSTOCK PERCUSSION INC	420.88
2049 WESTERN WOODS INC	412.80
6440 GOLDENVALE	411.76
1690 TREASURE CHEST BOOKS	406.52
7102 Carlos Ornelas Jr	400.00
6886 MCCORMICK MOBILE MEDIA	396.00
1220 MADERA COUNTY DEPT OF PUBLIC	390.00
2451 GRAYBAR ELECTRIC CO INC	388.86
6830 KINGSBURY UNIFORMS INC	386.70
6662 GHX INDUSTRIAL LLC	384.88
481 WHITE CAP COSTRUCTION SUPPLY	380,93
6147 CHARLES MCMMURRAY CO	379.32
826 H & L Lumber Co	366.24
166 Gold country Water	364.00
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2259 UMPQUA INDIAN FOODS	356.00
6001 MOBILE MINI INC	342.78
1199 GRAVOGRAPH-NEW NERMES	327.16
2012 MADERA RADIO DISPATCH	320.54
4209 STEVE COLLINS	300.00
6431 TERENCE SEAN MCGEE M.D.	300.00
6407 David Henderson	300.00
4115 EXCEL SIGN CO	300.00
6994 CARBON'S GOLDEN MALTED	292.00
4423 DELL BUSINESS CREDIT	285.00
5613 CA REDING CO	284.51
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1707 BISHOP CUSTOM PRODUCTS	279.34
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5580 NORMED	274.07
7046 REIN DESIGNS INC	273,44
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1678 KANEN TOURS	250.00
6411 LUCY MILLA	250.00
5718 Peranza Printing	250.00
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6565 UNITED STUDENT AID FUNDS INC	245.42
1340 SUNBELT RENTALS	240.00
4109 NUCO2	230.79

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Exhibit B

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193 BLUE RAVINE ROAD. SUITE 255, FOLSOM, CALIFORNIA 95630 TELEPHONE (916) 353-1084 - FACSIMILE (916) 353-1085 www.rosettelaw.com

April 22, 2013

VIA U.S. MAIL

Bally Gaming 6601 S. Bermuda Road

Las Vegas, NV 89119

Re: Cease and Desist Aiding and Abetting the Ayala Faction at the Chukchansi Gold Resort and Casino

To Whom It May Concern:

This written notice is being delivered to **Bally Gaming** (in such capacity, the "VENDOR") to inform you of the legal implications under applicable Tribal and federal law of your current position to recognize, coordinate and conspire with the Ayala Faction.¹³ This letter also hereby demands that you cease and desist from further facilitation, coordination, and conspiring actions with the Ayala Faction. As you may or may not know, on February 21, 2013, Nancy Ayala attempted to overthrow the Picayune Indian Rancheria by disenrolling 860 Tribal Members, remove the entire Tribal Council (except for herself), and take over the Tribal Administration Buildings and Casino with her security force. Only after her plan failed did she reach out to formerly suspended Tribal Council Members to broker deals with them in an effort to put together a patch-work Tribal Council and hold itself out as the governing body of the Tribe.

The Casino's depository bank, however, recognized this sham and did not provide the Ayala Faction access to the Casino's bank accounts. This is the very reason that the Ayala Faction now pays with Casino cage cash and not bona fide checks from the bank. To make matters worse, the depository banks are now alleging that over \$100,000 of fraud and theft has occurred at the Casino cage through these cash transactions. (See attached e-mail from Rabobank as Exhibit 1). We understand that you continue to work with the Ayala Faction and that you are currently attempting to be paid by the Ayala Faction. Please cease and desist from these activities or risk becoming implicated in the criminal activities through an aiding and abetting legal theory.

¹³ The Ayala Faction, led by Nancy Ayala, is comprised of various individuals including, but not limited to Karen Wynn, Charles Sargosa, Tracey Brechbuehl, Dyann Eckstein, Michael Wynn, Ted Atkins, Giffen Tan, Sheila Olson, Carla Simpson, Tricia Attard, and/or Joyce Markle

Bally Gaming April 22, 2013 Page 2 of 15 (including Exhibits)

To be clear, the Picayune Rancheria of Chukchansi Indians ("Tribe") fully intends to seek resolution of its pending governance issues either through a State or Federal Court, or through the Interior Board of Indian Appeals as well as the Department of Interior in the issuance of a final agency action recognizing the legitimate Tribal Council, as the legal governing body of the Tribe. The Tribe is highly confident that the governance issues will be decided in its favor, consistent with well-established Tribal and federal law. When this inevitably occurs and a favorable final agency action is issued, such decision will not only recognize the legitimacy of the Tribal Council, but will also recognize all Tribal Court Orders issued under the Tribal Council's authority to be legitimate, thereby allowing for appropriate enforcement of any such orders in Federal Court. Consequently, we recommend that you do not take this notice and demand lightly.

As if the above information is not enough for VENDOR to discontinue working with the Ayala Faction, then please review the profound statement made by the General Council of the Tribe regarding the Tribe's self-governance and leadership via a recent referendum coordinated by Indian Dispute Resolution Services ("IDRS"). This referendum is entitled REFERENDUM OF THE GENERAL COUNCIL TO AFFIRM BY RESOLUTION THE COMPOSITION OF THE TRIBES' CURRENT GOVERNING BODY AND THE RECENT EFFORTS TO RESTORE AN EFFECTIVE TRIBAL GOVERNMENT ("Referendum"). A true and correct copy of an unsigned petition containing this Referendum is attached as Exhibit A to the Resolution (defined below) attached hereto as Exhibit 2. Through this Referendum, the General Council of the Tribe has conducted Tribal business pursuant to Article XI - Referendum of the Tribe's Constitution. In summary, it is Rosette, LLP's opinion that this Referendum and the related Resolution (defined below) represent a legitimate and clear expression of the will of the Tribe's membership on several fundamental points regarding the current leadership dispute. As both a practical and legal matter, the direction provided by the Tribe's membership through this Constitutional referendum process creates a significant launch point for restoring order to the Tribe.

Significantly, as of April 18, 2014, IDRS confirmed receipt of <u>334</u> petitions signed by qualified voters of the Tribe, <u>far exceeding the 225 qualified voter signatures required for a referendum to be effective.</u>¹⁴ A true and correct copy of the April 18, 2013 letter from IDRS to the Tribal Council confirming receipt of 334 signed petitions is attached as Exhibit B to the Resolution (defined below) attached hereto as Exhibit 2. In summary, General Council Members voted to pass the Referendum, effectively approving:

¹⁴ Pursuant to Article XI of the Tribe's Constitution, "[u]pon presentation to the Tribal Council of a petition signed by 30% of the qualified voters, the Tribal Council shall either: (1) adopt the provisions of the petition by ordinance resolution; or (2) call an election at which the issue(s) presented by the petition may be voted on within 60 days by secret ballot." There are currently 750 qualified voters in the Tribe. Thus at least 225 qualified voter signatures were required in order to reach the 30% threshold required for a referendum.

- 1. The forfeiture of all rights as a Tribal Council member by Charles Sargosa for having "absented himself from three successive meetings without being excused for cause";
- 2. The appointment of Irene Waltz as the next highest vote-receiver in the December 1, 2012 Tribal Council Election, to fill the Mr. Sargosa's forfeited position;
- The current composition of the Tribal Council as: (i) Reggie Lewis, Acting Chairman (active member); (ii) Chance Alberta, Acting Secretary/Treasurer (active member); (iii) Carl "Buzz" Bushman, Member-at-Large (active member); (iv) Irene Waltz, Member-at-Large (active member); (v) Karen Wynn (suspended member); (vi) Tracey Brechbuehl (suspended member); (vii) Nancy Ayala (suspended member).

On April 18, 2013, the Tribal Council adopted Resolution 2013-63, entitled ADOPTING THE REFERENDUM OF THE GENERAL COUNCIL TO AFFIRM BY RESOLUTION THE COMPOSITION OF THE TRIBE'S CURRENT GOVERNING BODY AND THE RECENT EFFORTS TO RESORT AN EFFECTIVE TRIBAL GOVERNMENT ("Resolution").¹⁵ Significantly, the Tribal Council has the authority to conduct Tribal business when a quorum, or four members, of the Tribal Council is present pursuant to Article VI – Meetings, Section 2. See also Article IV – Governing Body, Section 2. Such power includes the authority to establish and enforce Tribal laws through resolution adopted by a quorum of the Tribal Council. See Article V – Powers of the Governing Body, subparagraphs (a), (b), (c), and (x). Accordingly, adoption of this Resolution by a quorum of the Tribal Council effectively implemented the Referendum in its entirety as Tribal law, pursuant to the democratic vote of all qualified Tribal voters.

The recent action of the General Council definitively demonstrates the will of the Tribal community and is consistent with well-established Tribal and Federal law, as articulated in previous meetings with various agencies and entities including the Bureau of Indian Affairs ("BIA"), the National Indian Gaming Commission ("NIGC"), and the California Gambling Control Commission ("CGCC"). The Tribe's laws expressly provide that the existing members of the Tribal Council shall continue to serve until their successors are properly seated. See Constitution, Article VII, Section 1; Election Ordinance, Article X, Section 4; Article IX - Vacancies. Federal policy and precedent is to recognize the last undisputed Tribal governing body during an election dispute, and to deter to tribal self-governance for the resolution of internal tribal disputes and interpretation of tribal law. This Federal policy and precedent is consistent with Tribal law and the General Council's determination.

With this definitive direction from the General Council, the Tribe is eager to move beyond the contentiousness and divisiveness that has damaged the welfare of the Tribal community and jeopardized the stability of Tribal governmental operations. We understand that you have continued to provide services and/or products to Tribal entities during this time of struggle, though you may not have been compensated for the same as of this date. A large part

¹⁵ A true and correct copy of this Resolution is attached hereto as Exhibit 2, including Exhibits A and B referenced therein and above.

of the problem lies in the fact that the rogue faction, led by Nancy Ayala, misdirected funds that were supposed to be deposited into very specific bank accounts so that the Tribe and its enterprises could continue financial operations, including issuance of payment to various vendors and service providers such as yourself. Such misdirection even included directives to issue cash payments to vendors. However, rest assured, the Tribe is committed to honoring its commitments and will do so as soon as practically possible.

We also understand that you may have received conflicting direction from the legitimate Tribal Leadership and the rogue faction led by Ayala. However, in light of this Referendum, one thing should be very clear to you: the legitimate Tribal Council is that as defined above and in the attached Referendum. If you have any lingering question about who comprises the legitimate leadership body of the Tribe (i.e., the exclusive authority that you should be taking direction from in connection with any Tribal-related business), contact me immediately. <u>Otherwise, the</u> <u>Tribe will conclude that you understand and accept this directive</u>.

Accordingly, the Tribe requires that you immediately recognize and adhere to the resounding determination of the General Council regarding the legally valid Tribal Council governing body. To do so, you must immediately cease and desist from taking any direction from, having any discussions with, and entertaining any contentions by those individuals and entities that chose to violate Tribal laws (including those individuals and entities that aided and conspired in the violation of Tribal laws) rather than participate in a civil and legal manner in the Tribe's democratic process. This includes any and all such contact with Nancy Ayala, Charles Sargosa, Tracey Brechbuehl, Karen Wynn, Dyann Eckstein, Michael Wynn, Ted Atkins, Giffen Tan, Sheila Olson, Carla Simpson, Tricia Attard, and/or Joyce Markle.

<u>Those entities that choose to disregard the Referendum and the Tribe's laws will be</u> <u>pursued to the fullest extent possible, under all theories possible (e.g., conspiracy, fraud,</u> <u>aiding and abetting), and in all forums possible, including but not limited to the Picayune</u> <u>Rancheria Tribal Gaming Commission (the licensing authority) and the Picayune</u> <u>Rancheria of Chukchansi Indians Tribal Court.</u> Moreover, the Picayune Rancheria <u>Tribal Gaming Commission will report to the appropriate authorities (e.g., CGCC, NIGC,</u> <u>etc.) any all licensing actions taken by it based upon a failure to heed this directive.</u> We greatly appreciate your anticipated decision to respect the Tribe's sovereignty and selfgovernance. As you can see, the Tribe has proven that it can – and will – resolve its internal issues through its own Tribal laws and dispute resolution process. Your decision to exercise patience and discernment is much appreciated by the Tribe as it works through this process.

Finally, you should note two significant facts that flow directly from this Referendum. First, all actions taken by Nancy Ayala and her supporters are *void ab initio*. This includes, but is not limited to the kangaroo tribal court she established following the events of February 21, 2013, as well as all actions taken therein. This also includes, but is not limited to, the creation of the sham gaming commission and all of its actions. Second, and more significantly, all actions taken by the Tribal Council led by Acting Chairman Reggie Lewis, including but not limited to the actions initiated and taken in the Tribal Court for the Picayune Rancheria of the Chukchansi Indians (created long before the events of February 21, 2013) as well as all actions taken by the Bally Gaming April 22, 2013 Page 5 of 15 (including Exhibits)

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legitimate Picayune Rancheria Tribal Gaming Commission are valid and remain in full force and effect under Tribal and other applicable law.

Please do not hesitate to contact me with any questions regarding these most recent and most significant developments.

Sincerely,

ROSETTE, LLP

B Robert A. Rosette

Encl.: Exhibits 1 and 2 (and Exhibits A and B attached thereto)

Tribal Council, Picayune Rancheria of Chukchansi Indians Picayune Rancheria Tribal Gaming Commission Chukchansi Economic Development Authority Board of Directors, Chukchansi, Inc.

EXHIBIT 1

Rob Rosette

From:	McGensy, C (Chester) < Chester.McGensy@rabobank.com >
Sent:	Wednesday, April 03, 2013 8:01 PM
To:	Rob Rosette; 'Les Marston'
Subject:	Chukchansi- Bank Fraud Investigation
Attachments:	1116-9592715114.pdf; 1116-9592715114.pdf; 1-9592715114.pdf; 2-9592715114.pdf;
	3-9592715114.pdf; 4-9592715114.pdf; 5-9592715114.pdf; 6-9592715114.pdf;
	7-9592715114.pdf; 1116-9592715114.pdf; 1116-9592715114.pdf; 9592715114.pdf;
	9592715114-1.pdf; 9592715114-2.pdf; 1116-9592715114.pdf; 1116-9592715114 (1).pdf;
	Gary Montana Bounced Check.pdf; USB Letter to Tribal Council- March 7, 2013.pdf

Importance:

High

It has recently come to the bank's attention that Ms. Ayala and Mr. Saragosa may be engaging in activity which might be in violation of California Penal Code section 476a- among other statues. The bank is currently investigating this matter. The activity which is most concerning is the issuance of checks by Mr. Saragosa and Ms. Ayala from the Tribe's United Security Bank ("USB") account (Acct # 9592715114)("Account"). Rabobank understands that the Account was frozen on or about March 7, 2013; and no checks should have been written against the Account, by the Ayala faction, unless they were previously vetted by USB and the Lewis faction.

On March 14, 2013, Mr. Jones, attorney for USB, issued a letter to the attorneys representing both factions (see attached USB Letter to Tribai Council) in his letter, Mr. Jones in no uncertain terms made it clear to both parties that <u>no</u> payments would be honored by USB unless the payments went through the pre-screening-process prior to the checks being presented. Nevertheless, members of the Ayala faction, Ms. Ayala and Mr. Saragossa, continued to issue checks from the Account without going through he pre-screening-process. It is the bank' understanding that the Casino management is only recognizing the authority of the Ayala faction, and as such- under the direction of the Ayala faction, the attached checks were then cashed at the Casino and then deposited into the Tribe's Rabobank account. This has results in well over \$100,000.00 worth of bad checks being deposited into the Rabobank account- which have been returned by USB as "Refer to Maker" (see attached).

Ms. Ayala and Mr. Saragosa had full knowledge that the Account has been frozen since early March. Nevertheless, they have written checks out of that Account as recently as March 28, 2013- which have been deposited into the Tribe's Rabobank account. Knowingly depositing bad checks into Rabobank for credit, that the customer knew will not be honored by USB, appears on its face to be fraud. Not only are both banks being harmed by this activity, but the Casino is also being defrauded out of thousands of dollars by forcing Casino employees to cash bad checks which the owners know will not be honored.

The bank demands that this activity cease immediately. If this activity continues, the bank will be forced to no longer provide remote deposit capture services to the Casino. The bank wants to work with all parties to ensure the continued operations of the Casino. However, continued activity, such as this, may force the bank to cease providing any services to the Casino pending a resolution of all outstanding Tribal disputes.

Chet

Chet McGensy Vice President / Counsel

Rabobank, N.A Legal Department



Picayune Rancheria of the

CHUKCHANSI INDIANS

8080 N. Palme Fresno, CA 93711 • (559) 370-4141 • (866) 838-9393.

RESOLUTION # 2013- 63

ADOPTING THE REFERENDUM OF THE GENERAL COUNCIL TO AFFIRM BY RESOLUTION THE COMPOSITION OF THE TRIBE'S CURRENT GOVERNING BODY AND THE RECENT EFFORTS TO RESTORE AN EFFECTIVE TRIBAL GOVERNMENT

WHEREAS, the Picayune Rancheria of Chukchansi Indians (the "Tribe") is a sovereign, federally recognized Indian Tribe organized under the Constitution of the Tribe which was ratified on October 22, 1988; and

- WHEREAS, the Tribal Council of the Tribe (the "Tribal Council") is authorized pursuant to Article IV, Section 2 of the Tribe's Constitution (the "Constitution") to exercise governmental authority on behalf of the Tribe; and
- WHEREAS, pursuant to Article XI of the Constitution, [u]pon presentation to the Tribal Council of a petition signed by 30% of the qualified voters, the Tribal Council shall either: (1) adopt the provision(s) of the petition by ordinance resolution, or (2) call an election at which the issue(s) presented by the petition may be voted on within 60 days by secret ballot;" and,
- WHEREAS, in light of the political unrest that has existed amongst the Tribe as of February 21, 2013, a referendum was initiated by petition titled "Referendum Of The General Council to Affirm By Resolution The Composition Of The Tribe's Current Governing Body And The Recent Efforts To Restore An Effective Tribal Government" pursuant to Article XI of the Constitution (sample petition attached hereto as Exhibit A); and
- WHEREAS, the referendum process was overseen and monitored by the Indian Dispute Resolution Services ("IDRS"), an Indian owned non-profit entity specializing in these matters; and,
- WHEREAS, since April 2, 2013, IDRS has tabulated the results of the referendum and the number of petitions signed by qualified voters, pursuant to the Constitution; and,
- WHEREAS, on April 18, 2013, IDRS submitted a letter to the Tribal Council (attached hereto as Exhibit B), informing them that as of the date of the letter, IDRS confirmed receipt of 334 signed petitions by qualified voters of the Tribe, which exceeded the 225 signatures of qualified voters required for a referendum to be effective under Article XI of the Constitution; and,

WHEREAS, having been presented with a valid referendum, meeting the requirements of the Constitution, the Tribal Council finds it is in the best interests of the tribe and its membership to adopt the referendum in its entirety, by resolution, pursuant to the specific mandate contained in Article XI of the Constitution; and

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council hereby adopts, in its entirety, the "Referendum Of The General Council to Affirm By Resolution The Composition Of The Tribe's Current Governing Body And The Recent Efforts To Restore An Effective Tribal Government;" and,

BE IT FURTHER RESOLVED, that the Tribal Council hereby affirms the removal of Councilman Charles Sargosa for having "absented himself from three successive meetings without being excused for cause," which is a violation under Article X, Section 3 of the Constitution; and

BE IT FURTHER RESOLVED, that the Tribal Council hereby affirms the appointment of Irene Waltz, the next highest vote-receiver in the December 1, 2012 Tribal Council Election, to fill the forfeited position of Mr. Sargosa, in accordance with Article IX of the Constitution; and

BE IN FURTHER RESOLVED, that the Tribal Council hereby affirms that the members listed below, all duly elected (appointed) and installed, members, make up the Tribe's current Tribal Council:

- 1. Reggie Lewis, Acting Chairman (active member);
- 2. Chance Alberta, Acting Secretary/Treasurer (active member);
- 3. Cari "Buzz" Bushman, Member-at-Large (active member);
- 4. Irene Waltz, Member-at-Large (active member);
- 5. Karen Wynn (suspended member);
- 6. Tracey Brechbuchl (suspended member);
- 7. Nancy Ayala (suspended member).

CERTIFICATION

The Tribal Council of the Picayune Rancheria of the Chukchansi Indians does hereby certify that all members of the Board participated in a duly called poll vote, noticed and convened on the 18 day of April, 2013, and do hereby certify that the foregoing resolution was adopted by the Picayune Rancheria of the Chukchansi Indians Tribal Council by a vote of $\frac{1}{2}$ for, <u>O</u> against, <u>O</u> abstained, <u>O</u> not voting, and Resolution absent.

2

Reggie Lewis, Acting Chairperson

ATTEST:

Chance Alberta, Mentber at Large

Carl Bushman, Member at Large

Irene Waltz, Member at Large

 $\frac{4/8/3}{\text{Date}}$

REFERENDUM OF THE GENERAL COUNCIL TO AFFIRM BY RESOLUTION THE COMPOSITION OF THE TRIBE'S CURRENT GOVERNING BOBY AND THE RECENT EFFORTS TO RESTORE AN EFFECTIVE TRIBAL GOVERNMENT

Under the authority of the Tribe's Constitution, ARTICLE XI-REFERENDUM, Paragraph (1), tribal members have requested that the Tribal Council of the Picayune Rancheria of the Chukchansi Indians assist in initiating this Referendum. It is intended to give our members an opportunity to endorse the composition of the Tribe's current governing body and the following recent efforts to restore order and reestablish a functioning tribal government:

- 1. Affirm the removal of Councilman Charles Sargosa for having "absented himself from three successive meetings without being excused for cause" which is a violation under our Constitution, ARTCLE X-REMOVAL, RECALL, PORFEITURE, SECTION 3.
- Affirm the appointment of Irene Waltz, the next highest vote-receiver in the December 1, 2012 Tribal Council Election, to fill the forfeited position of Mr. Sargosa, in accordance with our Constitution, ARTICLE IX-VACANCIES.
- 3. Affirm that the members listed below, all duly elected (appointed) and installed, members, make up our current Tribal Council:
 - 1. Reggie Lewis, Acting Chairman (active member);
 - 2. Chance Alberta, Acting Sec./Treasurer (active member);
 - 3. Carl "Buzz" Bushman, Member-at-Large (active member);
 - 4. Irene Waltz, Member-at-Large (active member);
 - 5. Karen Wynn (suspended member);
 - 6. Tracey Brechbuehl (suspended member); and
 - 7. Nancy Ayala (suspended member).

I HERBBY AFFIRM THE ABOVE.

TRIBAL MEMBER NAME

SIGNATURE of TRIBAL MEMBER

DATE SIGNED

Please Note: We have contracted with Indian Dispute Resolution Services (IDRS), an Indian organization that administers elections. It has agreed to implement this Referendum and take all necessary steps to ensure that this process will protect confidentiality. The signed petitions will be kept under lock and key in its Sacramento Office. The names of people signing the petition will not be disclosed. IDRS will count and report the final number of signatures without sharing specific names of the participants, and provide the official certification of the results.

Instructions: Please sign the Petition, place it in the enclosed preaddressed stamped envelope, and send it to Indian Dispute Resolution Service, 1325 Howe Ave., Suite 201, Sacramento, CA 95825. IDRS would like to receive your Petition within the next two weeks, by April 16, 2013.



INDIAN + DISPUTE + RESOLUTION + SERVICES + INC.

1325 Howe Aver, Quile 201 Secretarian(o, CA 95825 Phone: (918) 482-5800 / Fac (816) 482-6808 Email: Info@hdlandispute.com Website: were informispute.com

BOARD OF DIRECTORS

Charles Sens (Cocepet/Cayuse/Yenkton) Chalipetson Indiae Country Conservation

Gerald Shermah (Oglala Lakota) Vice-Chalipaison Indian Land Capital Company

Therete Cannody (Sensor) Member Al-Carge Intertribel Tenticolas Recovery Institute

Carmella Icay Johnson (Pomo) Member Al-Large Tiburde Vasquez Heath Center

Roman G. Orona (Yaqui/Apache) Member Al-Lerge Native American Singer and Parlonner

STAFF

Sleven J. Heberhid, Ph. D. Executive Director

Mark Thompson, JD. Business Manager

4/18/2013

Reggie Lewis Tribal Chairman Picayuno Rancheria of the Chukchansi Indians 8080 N. Palm, Suite 106 Fresno, CA 93711

Dear Chairman Lewis & Other Tribal Council Members,

I am writing to inform you that as of April 18, 2013 IDRS has received 334 signed petitions for the "Referendum Of The General Council To Affirm By Resolution The Composition Of The Tribe's Current Governing Body And The Recent Efforts To Restore An Effective Tribal Government" initiated on April 2, 2013. This exceeds the 30% requirement of petitions signed by the qualified voters as stated in Article XI - REFERENDUM of the Constitution of the Picayune Reservation.

Regards, ł, Mark Thompson Elections Secretary