

1 Denise Turner Walsh, SBN 254434  
2 Attorney General, Rincon Band of Luiseno Indians  
3 P.O. Box 1425  
4 Pauma Valley, CA 92061  
5 Telephone: (760) 681-6086  
6 Fax: (760) 740-5144

7 Scott Crowell *Pro Hac Vice*  
8 Crowell Law Office – Tribal Advocacy Group LLP  
9 1487 W. State Route 89A, Ste. 8  
10 Sedona, Arizona 86336  
11 Telephone: (425) 802-5369  
12 Fax: (509) 235-5017

13 Attorneys for Special Appearing Defendants  
14 BO MAZZETTI, JOHN CURRIER, VERNON WRIGHT,  
15 GILBERT PARADA, STEPHANIE SPENCER,  
16 CHARLIE KOLB and DICK WATENPAUGH

17 UNITED STATES DISTRICT COURT  
18 SOUTHERN DISTRICT OF CALIFORNIA

19 RINCON MUSHROOM CORPORATION OF ) Civil No. 09-CV-2330 WQH POR  
20 AMERICA, a California Corporation, )  
21 ) Date: July 24, 2017  
22 Plaintiff, )  
23 v. ) NO ORAL ARGUMENT UNLESS  
24 ) REQUESTED BY THE COURT  
25 BO MAZZETTI; JOHN CURRIER; VERNON )  
26 WRIGHT; GILBERT PARADA; STEPHANIE ) Judge: Hon. William Q. Hayes  
27 SPENCER; CHARLIE KOLB; DICK ) Location: Courtroom 14B  
28 WATENPAUGH; DOE CO.; and DOE I and ) Suite 1480  
DOE II, ) 333 West Broadway  
Defendants. ) San Diego, CA 92101

---

29 **RESPONSE IN OPPOSITION TO SECOND MOTION TO RE-OPEN CASE**

1 Defendants Bo Mazzetti, John Currier, Vernon Wright, Gilbert Parada, Stephanie  
 2 Spencer, Charlie Kolb, Dick Watenpugh, Doe Co., and Doe I and Doe II (hereinafter  
 3 collectively referred to as “Rincon” or the “Rincon Band”) file this Response in Opposition to  
 4 Plaintiff Rincon Mushroom Corporation of America’s (“RMCA”)<sup>1</sup> Second Motion to Reopen  
 5 Case (Docs. 92, 92-1, 92-2 and 92-3) as both parties proceed to resolution of the matter pending  
 6 before the Rincon Tribal Court of the Intertribal Court of Southern California, ICSC (the “Tribal  
 7 Court”).  
 8

### 9 I. INTRODUCTION

10 The Second Motion to Reopen Case comes on the heels of a May 18, 2017 Opinion  
 11 issued by the Tribal Court on the threshold question of whether the Rincon Band has established  
 12 jurisdiction over the activities that occur on the Subject Property<sup>2</sup> under the Rincon  
 13 Environmental Enforcement Ordinance, which Ordinance only provides for such jurisdiction  
 14 when the conditions required by *Montana v. United States*, 450 U.S. 544 (1981) (“*Montana*”)  
 15 and its progeny<sup>3</sup>, are established. After ten court days, with thousands of pages of exhibits, with  
 16 full due process being afforded the zealous prosecution and defense of RMCA, the Tribal Court  
 17 issued a thorough and well-reasoned opinion that the Rincon Band has established such  
 18 jurisdiction (“May 18, 2017 Opinion,” attached to Doc. 92-2 as Exhibit 19). Trial came after  
 19 completion of comprehensive discovery including written discovery and oral depositions of 12  
 20 witnesses, including three expert witnesses, over 14 days. The parties in the Tribal Court action,  
 21  
 22  
 23

24 <sup>1</sup> The Second Motion to Reopen appears to be on behalf of both RMCA and Marvin Donius, but  
 25 Marvin Donius is not a party to this case and he failed to prosecute the appeal of this Court’s  
 26 dismissal of his separate lawsuit against the same Defendants. The Rincon Band would oppose  
 27 any motion for Donius to be added to the instant litigation.

28 <sup>2</sup> The “Subject Property” is generally used to refer to that land located within the external  
 boundaries of the Rincon Reservation, owned in fee simple by Donius and/or RMCA. Donius is  
 a non-Indian and RMCA is a California corporation.

<sup>3</sup> The progeny was very recently reaffirmed and extended by the Ninth Circuit in *Window Rock  
 School District v. Nez*, 2017 WL 2784165 (9th Cir. June 28, 2017).

1 including RMCA, all stipulated to bifurcate the trial to first address the threshold jurisdictional  
2 question and then proceed. The Tribal Court's May 18, 2017 Opinion embraces the parties'  
3 stipulation that they now proceed to a second phase of the Tribal Court litigation to resolve  
4 remaining issues, namely the issue of remedies.

5 RMCA has options at this juncture regarding its exhaustion of tribal remedies, but the  
6 premature effort embraced by the Second Motion to Reopen Case is not among them. RMCA  
7 may proceed with stage two of the bifurcated trial and attempt to establish that the decision(s) of  
8 the Rincon Environmental Department are arbitrary or capricious. RMCA may also stipulate to  
9 judgment preserving the threshold jurisdictional question for appeal to the Tribal Court of  
10 Appeals. Regardless of which option RMCA elects to pursue, RMCA is required to exhaust its  
11 tribal remedies. Instead, RMCA abuses the limited resources of this Court and the parties by  
12 repeatedly seeking interlocutory pleas to this Court and portraying litigation setbacks and losses  
13 as some tragic injustice to RMCA, when the reality is that RMCA has been afforded full due  
14 process, and its losses on the merits are based on the facts and the law.

15 Rincon noted in its Opposition (Doc. 84) to the (first) Motion to Reopen Case (Doc. 83)  
16 that RMCA's claim that it has exhausted tribal remedies lacks any merit whatsoever, and is  
17 directly contradicted by RMCA's own actions in the Tribal Court. There, RMCA took the  
18 reasonable interlocutory decisions made by the Tribal Court with respect to preliminary  
19 injunctive relief, and with respect to RMCA's (and Donius') motions for summary judgment,  
20 attempted to distort those decisions to meet the specific exceptions to the requirement that a  
21 party exhaust tribal remedies. The fact that the Tribal Court proceeded with ten days of trial,  
22 allowing for complete exhaustion of questioning 12 witnesses (including three expert witnesses)  
23 and the submission of 205 exhibits establishes that RMCA's specious speculation was false. The  
24  
25  
26  
27  
28

1 reasons asserted in the Second Motion to Reopen Case are equally unavailing. Two of those  
2 “reasons” asserted in the (first) Motion to Reopen Case, the Tribal Court’s reaffirming of the  
3 preliminary injunction issued in this case, and the applicability of the Ninth Circuit’s case in  
4 *Evans v. Shoshone-Bannock Land Use Policy Com’n*, 736 F.3d 1298 (9th Cir. 2013) were  
5 thoroughly addressed in the Rincon Band’s Opposition to (first) Motion to Reopen Case (Doc.  
6 84). Rather than repeat that opposition here, the Rincon Band refers this Court to the Rincon  
7 Band’s prior pleading, and devotes this Opposition to addressing the new arguments raised in the  
8 Second Motion to Reopen Case.  
9

## 10 **II. ARGUMENT: RMCA HAS NOT EXHAUSTED TRIBAL REMEDIES**

### 11 **A. The Status of Tribal Court Proceedings:**

12  
13 The parties, including RMCA, stipulated to bifurcate the Tribal Court proceedings to first  
14 address the threshold jurisdictional issue, and then proceed with remaining matters, namely  
15 remedies, in a second phase. The trial for the first phase included nine days of testimony between  
16 January 31, 2017 and March 9, 2017, and a tenth day of closing arguments on April 5, 2017. On  
17 May 18, 2017, the Tribal Court issued its Opinion and Order concluding that the Rincon Band  
18 has established jurisdiction under *Montana* and its progeny.  
19

20 On August 1, 2012, this Court spread the mandate per direction of the Ninth Circuit and  
21 stayed this action pending RMCA’s exhaustion of tribal remedies (Doc. 66). On June 25, 2015,  
22 this Court noted RMCA’s efforts to pursue tribal remedies, and closed the case subject to  
23 motions that the case be reopened after RMCA’s exhaustion of tribal remedies (Doc. 82).  
24

25 On August 25, 2015, RMCA (together with Marvin Donius) filed a new action in Tribal  
26 Court (while reserving the objection regarding *Montana* jurisdiction), challenging the decision of  
27 the Rincon Environmental Department (hereinafter referred to as “RED”) to deny a request for a  
28

1 determination that a proposal by Marvin Donius for activities on the Subject Property did not  
2 trigger tribal jurisdiction under *Montana*, and seeking a Declaratory Judgment that the Rincon  
3 Band lacks jurisdiction under *Montana*. The Rincon Band, with RMCA's consent, moved to  
4 consolidate this action with the older lawsuit, *Rincon Band v. Donius, et al.*, Rincon – 02972009,  
5 which litigation has been pending since 2009. The Rincon Band also counter-claimed, seeking to  
6 enforce the then-most recent Notice of Violation, issued September 23, 2015, regarding activities  
7 occurring on the Subject Property.  
8

9 RMCA may now proceed with stage two before the Tribal Court and attempt to establish  
10 that the decision(s) of the RED are arbitrary or capricious. Alternatively, RMCA may stipulate to  
11 judgment while preserving the threshold jurisdictional question for appeal to the Tribal Court of  
12 Appeals.  
13

#### 14 **B. Tribal Court of Appeals.**

15 Once RMCA advances the Tribal Court matter to a final judgment, it may appeal the final  
16 judgment to the Tribal Court of Appeals:  
17

18 The jurisdiction of the Court of Appeals shall extend to all appeals from final  
19 orders and judgments of the ICSC Trial Court. The Court of Appeals shall review  
20 all determinations of the ICSC Trial Court on matters of law, but shall not set  
21 aside any factual determinations of the Trial Court if such determinations are  
22 supported by substantial evidence.

23 Intergovernmental Agreement, Intertribal Court of Southern California<sup>4</sup>, § 202.  
24

25 Any party aggrieved by a final order or judgment of the ICSC Trial Court may  
26 file a petition requesting the ICSC Court of Appeals review the order or judgment.  
27

28 *Id.*, § 205(A).

RMCA's current motion is premature. The United States Supreme Court stated in clear  
terms: “[A]t a minimum, the requirement of exhaustion of tribal **remedies means that tribal**

<sup>4</sup> The Intergovernmental Agreement is available along with Court rules, on the official website of the Intertribal Court of Southern California, [sciljc.org](http://sciljc.org).

1 **appellate courts must have the opportunity to review lower tribal court determinations.”**

2 *Iowa Mut. Ins. Co. v. LaPlante*, 480 U.S. 9, 17 (1987)(emphasis added). The requirement that  
3 tribal appeals be exhausted has since been frequently acknowledged and embraced by the Ninth  
4 Circuit. *Alvarez v. Tracy*, 773 F.3d 1011, 1017 (9th Cir. 2014); *Water Wheel Camp Recreational*  
5 *Area, Inc. v. LaRance*, 642 F.3d 802, 808 (9th Cir. 2011); *Elliott v. White Mountain Apache*  
6 *Tribal Court*, 566 F.3d 842, 846 (9th Cir. 2009); *Boozer v. Wilder*, 381 F.3d 931, 935 (9th Cir.  
7 2004); *Selam v. Warm Springs Tribal Corr. Facility*, 134 F.3d. 948, 953 (9th Cir. 1998). The  
8 Ninth Circuit has further explained in *Selam*:

9  
10 The Supreme Court's policy of nurturing tribal self-government strongly  
11 discourages federal courts from assuming jurisdiction over unexhausted  
12 claims. Additionally, “[a] federal court's exercise of jurisdiction over matters  
13 relating to reservation affairs can ... impair the authority of tribal courts.”  
14 Considerations of comity, along with the desire to avoid procedural nightmares,  
15 have prompted the Supreme Court to insist that “the federal court stay[ ] its hand  
16 until after the Tribal Court has had a full opportunity ... to rectify any errors it  
17 may have made.” The Supreme Court specifically has instructed us to require  
18 exhaustion of tribal appellate court remedies in situations like this one because  
19 “[t]he federal policy of promoting tribal self-government encompasses the  
20 development of the entire tribal court system, including appellate courts.”

21 *Id.* at 953 (internal citations omitted). *See also Knighton v. Cedarville Rancheria of Northern*  
22 *Paiute Indians*, 2017 WL 616465 at \*6 (E.D. Cal. 2017); *Cantrell v. Jackson*, 2016 WL 4537942  
23 (D. Mont. 2016); *Takeda Pharmaceuticals America Inc. v. Connelly*, 2015 WL 10985374 at \*2  
24 (D. Mont. 2015); *French v. Starr*, 2015 WL 12592104 at \*3 (D. Ariz. 2015); *Jones v. Lummi*  
25 *Tribal Court*, 2012 WL 6149666 at \*5 (W.D. Wash. 2012); *Wilber v. Makah Tribal Court*, 2012  
26 WL 4795667 (W.D. Wash. 2012); *Fred v. Washoe Tribe of Nevada*, 2011 WL 23649553 at \*6  
27 (E.D. Cal. 2011); *Lanphere v. Wright*, 2009 WL 3617752 at \*2 (W.D. Wash. 2009); *Eaton v.*  
28 *Mail*, 2008 WL 4534367 at \*4 (W.D. Wash. 2008); *Fry v. Colville Tribal Court*, 2007 WL

1 2405002 at \*2 (E.D. Wash. 2007); *Ford Motor Co. v. Todecheene*, 221 F. Supp. 2d 1070, 1079  
2 (D. Ariz. 2002).

3 RMCA argues that the May 18, 2017 Opinion and the preliminary injunction are  
4 interlocutory and not appealable. No position is taken by the Rincon Band at this juncture  
5 regarding the viability of an interlocutory appeal to the Tribal Court of Appeals, other than to  
6 note that RMCA has not sought such interlocutory appellate review. *See Smith v. Salish Kootenai*  
7 *College*, 2003 WL 24868920 at \*1 (D. Mont. 2003) (*National Farmers* appeal only allowed  
8 because Tribal Appellate Court had issued interlocutory ruling on *Montana* jurisdictional issue).  
9 The interlocutory nature of the May 18, 2017 Opinion is based in large part on RMCA's  
10 stipulation to conduct the litigation in two phases—and now RMCA seeks to avoid its own  
11 stipulation. RMCA is fully capable, as has been demonstrated by its zealous counsel in this  
12 matter, to reduce the May 18, 2017 Opinion to final judgment, preserving its objections to the  
13 finding on *Montana* jurisdiction, and pursuing its appeal to the Tribal Court of Appeals. Appeals  
14 have not been initiated, much less exhausted. Accordingly, the Second Motion to Reopen Case  
15 should be denied.  
16  
17  
18

19 **III. RMCA'S NEW ANALYSIS THAT TRIBAL REMEDIES HAVE BEEN**  
20 **EXHAUSTED IS WHOLLY WITHOUT MERIT.**

21 It appears that RMCA is arguing that the May 18, 2017 Opinion demonstrates that the  
22 Tribal Court is a sham such that further exhaustion of tribal remedies is futile. The spread of the  
23 mandate in this matter does not provide for pleas to the exceptions for requiring exhaustion of  
24 tribal remedies. Rather, it requires exhaustion, which has not occurred. That point alone should  
25 result in denial of the Second Motion to Reopen Case.  
26  
27  
28

1 RMCA does not address whether the spread of the mandate allows for a *National*  
2 *Farmers*<sup>5</sup> appeal without exhaustion of tribal remedies, and instead asserts:

3 The entire trial was an exercise in futility, since the Tribal Court was predisposed  
4 to rule in favor of the Tribe, even if the Tribe had no evidence to meet its burden  
5 under *Montana*

(Doc. 92-1 at 5);

6 (Rincon) relied completely on the Tribal Court’s deep-seated bias toward the  
7 Tribe, as demonstrated by the history of the litigation between the parties”

8 (Doc. 92-1 at 6). Of course, RMCA provides no evidence of bias on the part of the Tribal Court  
9 other than the fact that after ten full days of presenting all the evidence RMCA sought to present,  
10 and providing live testimony from all the witnesses RMCA sought to call, the Tribal Court ruled  
11 against RMCA on the threshold jurisdictional question. There is no evidence proffered to suggest  
12 any “predisposition,” “bias,” or “sham.” The Rincon Band is exercising restraint at this juncture  
13 not to delve into a full defense of the correctness of the May 18, 2017 Opinion. That analysis,  
14 however, should properly first be heard by the Tribal Court of Appeals, and in the event RMCA  
15 is not satisfied with the decision of the Tribal Court of Appeals, RMCA may then seek to reopen  
16 this case under *National Farmers*.  
17  
18

19 The Rincon Band does take this opportunity, however, to briefly discuss RMCA’s  
20 challenges to the correctness of the May 18, 2017 Opinion, in order to further reveal that  
21 RMCA’s accusations are disingenuous<sup>6</sup>. Both RMCA’s characterization of the Tribal Court’s  
22 legal analysis and of the facts presented are incomplete and spurious.  
23  
24

25 <sup>5</sup> *National Farmers Union Insurance Cos. v. Crow Tribe of Indians*, 471 U.S. 845 (1985),

26 <sup>6</sup> The Second Motion to Reopen Case is full of other misstatements and misrepresentations, such  
27 as the misrepresentation that RMCA co-owns the Subject Property with Mr. Donius. Both  
28 RMCA and Donius testified in open court that only Donius has owned the Subject Property, to  
the exclusion of RMCA, since 1999, or the misrepresentation that this Court ordered that RMCA  
could reopen the case if it is “not happy” with the result in the Tribal Court. Those misstatements  
and misrepresentations are not germane to the instant Motion, but further demonstrate a pattern



1 RMCA, throughout its Second Motion to Reopen Case asserts that the May 18, 2017  
2 Opinion does not address *Montana* jurisdiction, but rather addresses whether RMCA and Donius  
3 treated the Subject Property as an “unlawful enclave”. RMCA has asserted throughout this  
4 litigation that neither San Diego County nor the federal government have jurisdiction over the  
5 property, and then claim without evidence that the Rincon Band argues that it should have  
6 jurisdiction “by default” solely because San Diego County and the federal government do not  
7 exercise jurisdiction (Doc. 92-1 at 11). The Rincon Band makes no such argument. The May 18,  
8 2017 Opinion (and the entire trial) is entirely devoted to the establishment of *Montana*  
9 jurisdiction. The May 18, 2017 Opinion notes the significance of *Montana* at page 2, and cites to  
10 *Montana* thirteen times in its ten-page opinion. The “unlawful enclave”<sup>7</sup> term employed is a  
11 reference to the fact established at trial that RMCA cannot identify any governmental jurisdiction  
12 with authority to govern the activities on the Subject Property, and that Mr. Donius makes  
13 decisions regarding activities on the Subject Property at his sole and absolute discretion, subject  
14 to no law or regulation of any governmental jurisdiction, except the United States Environmental  
15 Protection Agency in very limited circumstances. The term is also used to reference that San  
16 Diego County does not assert any civil/regulatory jurisdiction over the Subject Property. The  
17 Rincon Band did establish these facts at trial, and the terms “lawless enclave” and “bad  
18 stewards” were used by the Rincon Band to describe such facts, but those facts were presented to  
19 the Tribal Court and addressed in the May 18, 2017 Opinion as evidence contributing to the  
20 totality of circumstances the Court examined in determining that *Montana* jurisdiction exists.  
21  
22  
23  
24

---

25 in this litigation that is better addressed in a motion for sanctions if not corrected by RMCA or its  
26 legal counsel after service, rather than in opposition to the Second Motion to Reopen Case.

27 <sup>7</sup> To give proper credit, the term was first used to describe the Subject Property in  
28 correspondence, submitted into evidence before the Tribal Court of David Robbins, an inspector  
of United States Department of Health and Human Services, after his onsite inspection of the  
property.

1 The Tribal Court did not find jurisdiction “despite” *Montana*. To the contrary, the Tribal Court  
2 found jurisdiction because of *Montana*.

3 RMCA engages in an attack of the evidence submitted over the nine days of trial by  
4 suggesting that the only evidence to be properly considered was its own proffer that there are no  
5 risks of catastrophic consequences to the Rincon Band’s interests. RMCA devotes five pages to a  
6 section regarding “Material Facts” that is nothing but a self-serving, one-sided summary of the  
7 testimony provided at trial, ignoring the Rincon Band’s proffer of uncontroverted expert  
8 testimony and expert report as to catastrophic fire hazards, and expert testimony and reports  
9 regarding potential catastrophic consequences to water quality. That testimony and those reports  
10 took direct issue with the analysis and conclusions of RMCA’s proffered water quality expert.  
11 Further, the Rincon Band, utilizing the live testimony of Mr. Donius as well as RMCA’s only  
12 corporate officer, established that decisions regarding activities on the Subject Property which  
13 lead to the pollution of the water table and contributed to the damage caused by a horrendous  
14 wildfire, were made without any consideration or regard to the interests of the Rincon Band.  
15 Moreover, the testimony presented at trial revealed that RMCA would simply defer to Mr.  
16 Donius on future decisions regarding activities on the Subject Property, and that the only activity  
17 on the Subject Property that Mr. Donius would absolutely rule out was a nuclear waste facility.  
18 The May 18, 2017 Opinion acknowledges the testimony presented by both the Rincon Band and  
19 RMCA. Nothing in the Second Motion to Reopen Case identifies error regarding the Tribal  
20 Court’s consideration of the facts, and the Tribal Court’s conclusion that in the “totality of the  
21 circumstances” *Montana* jurisdiction exists.  
22  
23  
24  
25

26 The record at the Tribal Court, including complete transcription of the Tribal Court  
27 proceedings and all evidence submitted by all parties is preserved at the Tribal Court. The  
28

1 proceedings regarding any future phase two of the matter before the Tribal Court, and any appeal  
2 to the Tribal Court of Appeals, will also be preserved. At the proper juncture of a ripe *National*  
3 *Farmer's* appeal, this Court will be expected to review the record and determine whether comity  
4 should be afforded the decision of the Tribal Court, but such a determination would not be  
5 appropriate at this juncture.

#### 6 **IV. CONCLUSION**

7  
8 The latest Second Motion to Reopen Case lacks credulity. The material change in  
9 circumstances from the spread of the mandate and since the (first) Motion to Reopen Case is that  
10 the after being afforded full due process regarding extensive discovery, after ten days of trial, 12  
11 witnesses (including three expert witnesses) and 205 exhibits, the Tribal Court ruled on the  
12 threshold question on *Montana* jurisdiction. The exhaustion of remedies is not complete. Per  
13 RMCA's own stipulation, further proceedings at the trial court may now be pursued to obtain  
14 final judgment, and an appeal may be pursued before the Tribal Court of Appeals. RMCA can  
15 only establish that it is unhappy and dissatisfied that the Tribal Court ruled against RMCA,  
16 which ruling occurred and thorough legal briefing and legal argument. Such dissatisfaction is not  
17 sufficient to remove this case from the Tribal Court before exhaustion of the second phase of  
18 trial, and an appropriate appeal to the Tribal Court of Appeals. The Second Motion to Reopen  
19 Case should be denied.

20  
21  
22 Respectfully submitted this 10<sup>th</sup> day of July, 2017.

23  
24 *s/ Scott Crowell*  
25 SCOTT CROWELL (*pro hac vice*)  
26 Crowell Law Office – Tribal  
27 Advocacy Group LLP  
28 1487 W. State Route 89A, Ste. 8  
Sedona, Arizona 86336  
Telephone: (425) 802-5369  
Fax: (509) 235-5017

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Denise Turner Walsh, SBN 254434  
Attorney General  
Rincon Band of Luiseno Indians  
P.O. Box 1425  
Pauma Valley, CA 92061  
Telephone: (760) 681-6086  
Fax: (760) 740-5144

Attorneys for Special Appearing Defendants  
BO MAZZETTI, JOHN CURRIER, VERNON WRIGHT, GILBERT PARADA, STEPHANIE  
SPENCER, CHARLIE KOLB and DICK WATENPAUGH

**CERTIFICATE OF SERVICE**

1  
2 I, Scott Crowell, hereby certify that the RESPONSE IN OPPOSITION TO  
3 PLAINTIFF’S SECOND MOTION TO REOPEN CASE was filed through the ECF System and  
4 therefore copies will be sent electronically to the registered participants as identified on the  
5 Notice of Electronic Filing (NEF):

6 [mannycorrales@yahoo.com](mailto:mannycorrales@yahoo.com)

7 [dwalsh@rincontribe.org](mailto:dwalsh@rincontribe.org)

8 [scottcrowell@hotmail.com](mailto:scottcrowell@hotmail.com)

9  
10 As of today there are no non-registered participants identified on the Notice of  
11 Electronic Filing (NEF) Manual Mailing Notice List requiring paper copies to be  
12 mailed.  
13

14  
15 Dated: July 10, 2017

16 *s/ Scott Crowell*  
17 SCOTT CROWELL  
18 Email: [scottcrowell@hotmail.com](mailto:scottcrowell@hotmail.com)