

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.

ATTEST: JACK L. WAGNER

Clerk, U. S. District Court  
Eastern District of California

By [Signature] Deputy Clerk

Dated 12/10/97

FILED

DEC - 9 1997

CLERK  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature] DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHINGLE SPRINGS RANCHERIA,

Plaintiff,

v.

GRASSY RUN COMMUNITY SERVICES  
DISTRICT, a public entity; et  
al.,

Defendants.

Civ. S-96-1414-DFL-JFM

PRELIMINARY INJUNCTION

The court by memorandum of opinion and order dated April 25, 1997, granted defendants' motion for partial summary judgment and denied plaintiff's motion for partial summary judgment.

Defendants now submit a supplemental application for preliminary injunctive relief. The motion is granted.

In accordance with the April 25, 1997, order, the court finds that the roads, roadways and bridges located within Grassy Run Community Services District ("District") are private roads, roadways and bridges owned by the respective parcel owners within

1 Grassy Run and are not subject to any right of, or claim of  
2 entitlement to, public use or access to the property of, or  
3 structures or facilities located on, the Shingle Springs  
4 Rancheria. The court finds that the defendants are likely to  
5 prevail on the merits of this action and that the balance of  
6 hardships tips sharply in their favor.

7 Accordingly, IT IS ORDERED THAT, until further order of  
8 court, plaintiff and counter-defendant Shingle Springs Rancheria,  
9 and cross-defendant Shingle Springs Band of Miwok Indians  
10 (hereinafter collectively, "plaintiffs"), and each of their  
11 respective members, officers, agents, servants, employees,  
12 representatives, contractors, invitees, licensees, guests, and  
13 all persons acting in aid of, in concert with, or participating  
14 with each or any of them, and all persons claiming or asserting  
15 rights through or in conjunction with each of any of them, be,  
16 and they are, preliminarily enjoined and restrained, during the  
17 pendency of this action, from engaging in, committing, or  
18 performing, directly or indirectly, by any means, any of the  
19 following acts:

20 1. Using, traveling upon, driving upon, riding upon, or  
21 going upon (collectively, "use" or "using"), or causing,  
22 inducing, encouraging, requesting or inviting any other person or  
23 entity to use, the roads, or any road, roadway or bridge located  
24 within the presently existing boundaries of the District for any  
25 purpose, without the prior express written consent and permission  
26 of the President of the District or her/his authorized designee;

1        2. Conducting any activity of any kind at any place which  
2 is designed to, or which could foreseeably, cause, induce,  
3 encourage, request or invite any person to use the roads or  
4 bridges located within the boundaries of the District without the  
5 prior express written consent and permission of the President of  
6 the District or her/his authorized designee; and,

7        3. Using or causing others to use the roads or bridges of  
8 the District to patronize or in aid of any of the activities of,  
9 any casino, any commercial facility, or any other non-  
10 residential/non-governmental facility on the Rancheria.

11        This preliminary injunction shall not affect:

12        (1) the existing right of access previously given to  
13 residents of the Rancheria over those portions of the District  
14 roads extending from the "cul-de-sac entrance" at Grassy Run  
15 Court, to Grassy Run Road, to Rolling Rock Road, to Reservation  
16 Road, to the Rancheria ("Rancheria corridor") for residential,  
17 non-commercial use;

18        (2) the access of non-residents of the Rancheria who may  
19 enter the Rancheria over the Rancheria corridor, upon invitation  
20 by Rancheria residents, for non-commercial purposes only;

21        (3) the access of the following persons who may use the  
22 Rancheria corridor to enter the Rancheria without express  
23 permission of the District: representatives of the United  
24 States government on government business concerning the  
25 Rancheria, public utilities providers, courier services, entities  
26 delivering goods and services to Rancheria residents for their



1 personal and non-commercial use only, representatives of El  
2 Dorado County or other local governmental entities, including law  
3 enforcement, fire departments, and similar service providers;  
4 and,

5 (4) the access of non-residents who use the Rancheria  
6 corridor to enter the Rancheria for occasional non-profit  
7 educational or cultural programs or for periodic meetings of  
8 Rancheria officials for bona fide tribal governmental purposes.

9 The access permitted above is subject to the following  
10 conditions:

11 (1) Any use of District roads by residents of the Rancheria  
12 or others identified above shall be confined to paved portions of  
13 the District roads;

14 (2) No commercial vehicle transporting goods, supplies,  
15 materials, equipment, structures or facilities, or providing  
16 services, to or from the Rancheria shall be permitted to use the  
17 District roads except between the hours of 9:00 a.m. and 2:30  
18 p.m. on Monday through Friday;

19 (3) The plaintiffs shall be responsible for any damage to  
20 District roads caused by its invited use of the roads, and,

21 (4) No motor vehicle, including trailers, of a combined  
22 size exceeding twelve feet in width or sixty feet in length,  
23 transporting persons, goods, supplies, materials, equipment,  
24 structures, facilities or services to the Rancheria shall be  
25 permitted upon the District roads at any time, without a written  
26 permit issued by the President of the District or her/his

1 authorized designee.

2 The court further finds that no bond shall be required of  
3 defendants in connection with this preliminary injunction.

4 IT IS SO ORDERED.

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6 Dated: 9 December 1997.

David F. Levi  
DAVID F. LEVI  
United States District Judge

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