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CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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claimants and Cross-Claimants in Intervention

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CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHINGLE SPRINGS RANCHERIA,

Plaintiff,

vs.

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

Defendants.

No. Civ. S-96-1414-DFL PAN

GRASSY RUN COMMUNITY SERVICES DISTRICT,
a public entity,

Counterclaimant and
Cross-Claimant,

vs.

SHINGLE SPRINGS RANCHERIA, et al.,

Counterdefendants and
Cross-Defendants.

DEFAULT JUDGMENT
[FRCivP 55(b)(2)]

GRASSY RUN HOMEOWNERS' ASSOCIATION and
P. A. LE DOUX, etc.,

Counterclaimants and
Cross-Claimants-in-Intervention,

vs.

SHINGLE SPRINGS RANCHERIA, et al.,

Counterdefendants and
Cross-Defendants-in-Intervention.

DATE: September 23, 1998
TIME: 10:00 a.m.
COURTROOM: Judge Nowinski

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1 Counterclaimant and cross-claimant Grassy Run Community Services
2 District (the "District"), and counterclaimants and cross-claimants in intervention
3 Grassy Run Homeowners' Association and P. A. Le Doux, individually and on
4 behalf of this persons similarly situated (collectively, "the Intervenor"), having
5 moved the Court for entry of a default judgment, pursuant to Rule 55(b)(2),
6 Federal Rules of Civil Procedure ("FRCivP"), on the District's first amended
7 counterclaim and cross-claim, and on the Intervenor's counterclaim and cross-
8 claim in intervention, against cross-defendants and cross-defendants in
9 intervention ALL PERSONS CLAIMING ANY LEGAL OR EQUITABLE RIGHT,
10 TITLE, ESTATE, LIEN, OR INTEREST IN OR OVER THE GRASSY RUN ROADS
11 ADVERSE TO THE RIGHT, TITLE, ESTATE, LIEN OR INTEREST OF THE
12 OWNERS OF PARCELS OF PROPERTY LOCATED WITHIN THE BOUNDARIES
13 OF THE GRASSY RUN COMMUNITY SERVICES DISTRICT (hereinafter,
14 collectively, "cross-defendants All Persons"),

15 And the Court having read and considered the motion and supporting
16 documents, the opposition thereto filed by plaintiff and cross-defendant Shingle
17 Springs Band of Miwok Indians (the "Band"), and the reply memorandum filed by
18 the District and the Intervenor (collectively, "the Grassy Run parties") in support
19 thereof,

20 And the Court having scheduled and conducted a hearing on the motion
21 on September 23, 1998, at which Robert H. Johnson, Esq., of Johnson, Schachter &
22 Collins appeared and presented oral argument as counsel for the moving parties,
23 and at which Thomas W. Birmingham, Esq., of Kronick, Moskovitz, Tiedemann &
24 Girard appeared and presented oral argument as counsel for the Band,

25 And no other appearances or objections having been made in opposition to
26 the motion,

27 NOW, THEREFORE, the Court now finds the following facts to be true:

28 ///

1 a. On December 2, 1997, the District filed its First Amended and
2 Supplemental Counterclaim and Cross-Claim in this action. Cross-defendants All
3 Persons were newly named as parties therein. On that same day, the Intervenor
4 filed their application for leave to intervene in the action. On February 2, 1998,
5 the Court granted that application. On February 13, 1998, the Intervenor filed
6 their Counterclaim and Cross-Claim in Intervention in the action. A Notice of Lis
7 Pendens referring to those pleadings was filed and recorded on March 5, 1998, as
8 Document No. 98-0011373, in the Office of the County Recorder for the County of
9 El Dorado, State of California.

10 b. On March 12, 1998, the Court made and entered its Order authorizing
11 service of process upon cross-defendants All Persons by publication of summons
12 in the Placerville Mountain-Democrat, a newspaper of general circulation
13 published and circulated in El Dorado County, California. That publication
14 occurred on March 20, March 27, April 3 and April 10, 1998. No answer, claim,
15 motion or other response was filed with the Court, or served upon counsel for the
16 District and the Intervenor, and no other appearance was made, by cross-
17 defendants All Persons, in response to that publication of summons, either within
18 the time permitted by law or otherwise.

19 c. Pursuant to application therefor by the Grassy Run parties, filed with
20 the Court and served on the Band on May 28, 1998, the default of cross-defendants
21 All Persons was entered, pursuant to Rule 55(a), FRCivP, on June 8, 1998.

22 NOW THEREFORE, Good Cause Appearing,

23 IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS TO CROSS-
24 DEFENDANTS ALL PERSONS CLAIMING ANY LEGAL OR EQUITABLE RIGHT,
25 TITLE, ESTATE, LIEN, OR INTEREST IN OR OVER THE GRASSY RUN ROADS
26 ADVERSE TO THE RIGHT, TITLE, ESTATE, LIEN OR INTEREST OF THE
27 OWNERS OF PARCELS OF PROPERTY LOCATED WITHIN THE BOUNDARIES
28 OF THE GRASSY RUN COMMUNITY SERVICES DISTRICT, AS FOLLOWS:

1 1. The Grassy Run roads are private roads, and no person or entity
2 claiming any legal or equitable right, title, estate, lien, or interest in or over the
3 Grassy Run roads adverse to the right, title, estate, lien or interest of the owners of
4 parcels of property located within the boundaries of Grassy Run has any right to
5 travel upon those roads to obtain access to the Shingle Springs Rancheria for any
6 purpose.

7 2. The Grassy Run Homeowners' Association, and/or the Grassy Run
8 residents and parcel owners, and/or the Grassy Run Community Services District,
9 have the right, power and authority to regulate the use of the Grassy Run roads.

10 3. All persons claiming any legal or equitable right, title, estate, lien, or
11 interest in or over the Grassy Run roads adverse to the right, title, estate, lien or
12 interest of the owners of parcels of property located within the boundaries of
13 Grassy Run, are hereby permanently restrained and enjoined from acting in any
14 manner contrary to the rights of the District and of Intervenor as determined and
15 declared by the Court pursuant to paragraph 1 hereinabove.

16 4. Notwithstanding the provisions of paragraphs 1 and 3 hereinabove,
17 pending the entry by the Court of a final appealable judgment in this action, those
18 persons (and only those persons) among cross-defendants All Persons (a) who
19 were enrolled members of the Band on September 22, 1998, or who thereafter
20 become enrolled members of the Band pursuant to the criteria existing on
21 September 22, 1998,¹ for status as an enrolled member of the Band ("the individual
22 members") or the spouse of any such person, or (b) who were residents of the

23
24 1 The criteria for status as an enrolled member of the Band is as follows:
25 Those persons who file applications for membership and are found qualified
26 under one of the following categories:

27 (a) Persons whose names appear on the 1916 Census Roll of the
28 Indians at and near Verona in Sutter County, California; also 15 living in
Sacramento; and

 (b) Persons who are lineal descendants of individuals eligible for
membership under (a) above, regardless of whether the ancestor through whom
eligibility is claimed is living or dead.

1 Rancheria ("the individual residents" or "residents of the Rancheria") on
2 September 22, 1998, shall have the following rights:²

3 a. The individual residents, only, shall be permitted to exercise a
4 right of access to the Rancheria over those portions (and only those portions) of
5 the Grassy Run roads extending from the "cul-de-sac entrance" at Grassy Run
6 Court, to Grassy Run Road, to Rolling Rock Road, to Reservation Road, to the
7 Rancheria (hereinafter, "the Rancheria corridor") solely for residential, non-
8 commercial use only;

9 b. The individual residents, only, shall also be permitted to allow
10 their residential guests, public utilities providers and entities delivering goods and
11 services to the individual residents for their personal use only, to obtain access to
12 the Rancheria over the Rancheria corridor, solely for non-commercial purposes;
13 and

14 c. The individual residents of the Rancheria and the individual
15 members, shall be permitted to exercise a right of access to the Rancheria over the
16 Rancheria corridor solely for occasional non-profit educational or cultural
17 programs or for periodic meetings of Band officials for bona fide tribal
18 governmental programs.

19 5. The Court retains continuing jurisdiction, in accordance with Local
20 Rule 72-302(c)(19), to modify, interpret, limit and enforce the terms and provisions
21 of this Default Judgment; provided however, that in the absence of a reversal of
22 the Court's Order of April 25, 1997, no modification or interpretation of this
23 Default Judgment shall provide greater rights to any cross-defendant All Person,
24 whether an individual member, individual resident, spouse or minor child of
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27 ² Nothing in Paragraph 4 (or any of its subparagraphs) is intended to
28 adjudicate the scope or effect of that certain document dated and recorded June 1,
1981, by the then President of the Grassy Run Homeowners' Association, John W.
Collens.

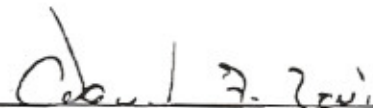
1 either, or otherwise, than are provided in this Default Judgment as it currently
2 reads.

3 6. The real property over which the Grassy Run roads run, and which is
4 the subject of this Judgment, is described as follows:

5 All that certain property commonly referred to as "Grassy Run,"
6 located within the County of El Dorado, State of California, and more
specifically described as follows:

7 PARCELS 1, 2, 3 and 4, as said Parcels are shown on that certain Parcel
8 Map entitled "Portions of the Northeast quarter of Section 29 and
9 Northwest quarter of Section 28 and the South half Section 20,
10 Township 10 North, Range 10 East, M.D.M.", filed May 29, 1974 in the
Office of the County Recorder of El Dorado County, California, at
Book 5, page 160, as said Parcels have been subsequently divided.

11 DATED: December 3, 1998

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14 DAVID F. LEVI
15 United States District Judge
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