

## BRIEF NARRATIVE HISTORY OF GRASSY RUN LITIGATION WITH THE TRIBE

The Shingle Springs Band of Indians sued the Grassy Run Community Services District and its officers and directors in the United States District Court, Eastern District of California (Sacramento), alleging violation of its constitutional rights and of its protected access rights to the Shingle Springs Rancheria over the Grassy Run roads. The Grassy Run Homeowners' Association intervened in the lawsuit. Grassy Run filed a cross-action against the Tribe and the County, asserting among other things that the Grassy Run roads were private and had not been dedicated to public use. In April 1997, United States District Judge David F. Levi issued a partial summary judgment determining and declaring that the roads were and are private and had not been dedicated to public use. He requested that the parties attempt to settle their remaining disputes within the framework of that ruling.

Settlement discussions ensued between the Tribal Chairman and his representatives and the CSD and her representatives, resulting in a proposed Settlement Agreement, subject to confirmation by the CSD, the GRHA and the Tribal Council. The CSD and the GRHA confirmed the agreement, but the Tribal Council rejected it. Grassy Run thereupon applied for a court order enjoining the use of the Grassy Run roads to the Rancheria by the Tribe or anyone else for purposes other than residential, none-commercial access. Ultimately, in December 1997, such a Preliminary Injunction was issued (It was slightly modified in April 1999), limiting such access to specified time periods and to specified vehicle sizes, and requiring the permission of the President of GRHA or her agent. Exceptions to the permission requirement were made for Rancheria residents and residential invitees, residential service providers, governmental officials, periodic tribal government meetings, and periodic educational and cultural events.

The Tribe appealed that ruling to the Ninth Circuit Court of Appeals. That appeal, however, as well as all other aspects of the litigation, was put on the "back burner" pending the possibility of settlement that arose as a result of an Interchange to be constructed on Highway 50, which would afford direct access to the Rancheria. That Interchange was the subject of litigation between the County of El Dorado and the California Department of Transportation (CalTrans) in Sacramento Superior Court and the State Court of Appeal for the Third Appellate District. That litigation was ultimately settled in September 2006, with the County and the Tribe entering into a Memorandum of Understanding.

In the interim, subsequent to Judge Levi's ruling of April 1997, the CSD adopted a policy that none of its assets were to be used thereafter on or for maintenance or improvement of the Grassy Run roads. And in December 1998, a Default Judgment was entered in favor of Grassy Run and against All Persons claiming an interest in the Grassy Run roads, other than the Tribe and its members.

With the settlement of the County's litigation, settlement negotiations between Grassy Run and the Tribe were reactivated. In February 2008, Grassy Run and the Tribe entered into an Agreement for Resolution of Litigation. That Agreement, which contemplated the entry of a stipulated Judgment in the litigation, was approved by the Bureau of Indian Affairs in May 2008. The Tribe then dismissed its pending Ninth Circuit appeal, and the stipulated Judgment was entered in the District Court in August 2008.

In March 2012, the CSD was formally dissolved.