

1 KAMALA D. HARRIS
 Attorney General of California
 2 SARA J. DRAKE, State Bar No. 102565
 Senior Assistant Attorney General
 3 WILLIAM P. TORNGREN, State Bar No. 58493
 Deputy Attorney General
 4 1300 I Street, Suite 125
 P.O. Box 944255
 5 Sacramento, CA 94244-2550
 Telephone: (916) 323-3033
 6 Fax: (916) 323-2319
 E-mail: William.Torngren@doj.ca.gov
 7 *Attorneys for Plaintiff State of California*

8
 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
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13 **STATE OF CALIFORNIA,**
 14
 Plaintiff,
 15
 v.
 16 **IIPAY NATION OF SANTA**
YSABEL, also known as SANTA
 17 **YSABEL BAND OF DIEGUENO**
MISSION INDIANS, a federally-
 18 **recognized Indian Tribe, SANTA**
YSABEL INTERACTIVE, a tribal
 19 **economic development entity, SANTA**
YSABEL GAMING COMMISSION,
 20 **DAVID CHELETTE, DAVID**
VIALPANDO, ANTHONY
 21 **BUCARO, MICHELLE MAXCY,**
VIRGIL PEREZ, and BRANDIE
 22 **TAYLOR,**
 23
 Defendants.

Case No. 3:14-cv-02724-AJB/NLS

**DECLARATION OF JOGINDER
 DHILLON IN SUPPORT OF THE
 STATE OF CALIFORNIA'S
 MOTION FOR TEMPORARY
 RESTRAINING ORDER**

Date: December 4, 2014
 Time: 2:00 p.m.
 Courtroom: 3B
 Judge: Honorable Anthony J. Battaglia
 Trial Date:
 Action Filed: November 18, 2014

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 25 I, Joginder Dhillon, declare:

26 1. I am the Senior Advisor for Tribal Negotiations to the Governor of the
 27 State of California (State). If called and sworn, I could testify competently to the
 28 following from my personal knowledge.

1 2. In my capacity as a senior advisor to the Governor, I advise, and consult
2 with, the Governor and other members of his staff with respect to matters
3 involving, among other things, tribal gaming, tribal-state gaming compacts, and
4 gambling in the State. I also am involved with, and contacted by, legislators and
5 their staff, Indian tribes, and others who are interested in gambling in the State.
6 Before assuming my present duties, I was the Chief Counsel for the California
7 Gambling Control Commission.

8 3. The State and the Iipay Nation of Santa Ysabel, also known as Santa
9 Ysabel Band of Diegueno Mission Indians (Tribe), entered into a tribal-state class
10 III gaming compact, dated September 8, 2003 (Compact). A true copy of the
11 Compact is Exhibit 1 to the State's complaint.

12 4. On November 3, 2014, I became aware of a press release purportedly
13 issued by Great Luck LLC (Great Luck) that announced that the Tribe and Great
14 Luck had launched Internet gambling in the State. That press release stated that the
15 Internet gambling would be accessible to users in California "from any web
16 browser on any computer, mobile device or tablet" and that California residents
17 "can purchase bingo cards in U.S. currency to be eligible to win cash prizes." The
18 press release further stated that "[a]t no time is live bingo game action performed
19 by the user." Exhibit A to this declaration is a true copy of that press release.

20 5. Since November 3, 2014, numerous articles have appeared in the
21 gambling press and blogs regarding the Tribe's Internet gambling. Additionally,
22 since the Tribe launched its Internet gambling, I have received inquiries from the
23 staffs of both state and federal legislators regarding what action the State was going
24 to take and whether the State was going to allow that gambling to continue. I also
25 have received inquiries from other Indian tribes' representatives regarding what
26 action the State was going to take with respect to the Tribe's Internet gambling, and
27 whether the State was going to allow the gambling to continue.

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1 6. Earlier, in July 2014, I became aware of information contained in a
2 gambling blog and elsewhere in the gambling press that the Tribe intended to offer
3 Internet gambling in the form of real money online poker. I concluded that the
4 proposed Internet gambling would constitute a material breach of the Compact and
5 violate the Indian Gaming Regulatory Act (IGRA), California's gambling laws, and
6 the federal Unlawful Internet Gambling Enforcement Act (UIGEA). Pursuant to
7 the Compact's dispute resolution provisions, I requested by letter, dated July 14,
8 2014, that the Tribe meet and confer to discuss the issues (meet and confer letter).
9 The meet and confer letter referred to Internet bingo in addition to online poker.
10 Exhibit B to this declaration is a true copy of the meet and confer letter.

11 7. On July 17, 2014, the Tribe responded to the meet and confer letter. The
12 Tribe advised that it had no intention of discussing any federal statutes, including
13 IGRA and the UIGEA. The Tribe refused to meet and confer under the Compact's
14 terms. Exhibit C to this declaration is a true copy of the Tribe's letter refusing to
15 meet and confer.

16 8. Compact section 4.1(c) allows the Tribe to operate "any devices or games
17 that are authorized under state law to the California State Lottery, provided that the
18 [Tribe] will not offer such games through use of the Internet unless others in the
19 state are permitted to do so under state and federal law." The California State
20 Lottery has offered games that have bingo as a theme. No one, and the Tribe in
21 particular, presently is permitted to offer any California State Lottery game through
22 the Internet.

23 9. Compact section 9.4(a)(2) does not allow for a claim of monetary
24 damages by either the State or the Tribe in disputes arising under the Compact. The
25 State desires to enforce the Compact to ensure that the Tribe complies with its
26 provisions. Accordingly, the State seeks an injunction, which is a remedy allowed
27 under the Compact. Additionally, the Tribe's Internet gambling targets California
28 residents age eighteen and older irrespective of whether they are located on the

1 Tribe's lands. This impacts the State's interest with respect to gambling as set forth
2 in its Constitution and the California Penal Code. Moreover, I know that the Tribe
3 was not the first Indian tribe within California that Great Luck LLC approached to
4 offer the Internet gambling. Based on my conversations with many interested and
5 knowledgeable persons, including representatives of other Indian tribes, I believe
6 that in the absence of an order enjoining the Tribe's Internet gambling, other tribes
7 may begin to offer online gambling that similarly will be available to California
8 residents, who are not located on Indian lands, without regard to whether federal or
9 state law authorizes that gambling.

10 I declare under penalty of perjury that the foregoing is true and correct. This
11 declaration is executed on November 17, 2014.

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15 JOGINDER DHILLON
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