



NOTICE OF CLAIM
AGAINST THE COUNTY OF MENDOCINO
(Government Code Section 910 et seq.)

By Hand-Delivery

To:
Mendocino County Board of Supervisors
Attn: Clerk of the Board
501 Low Gap Road, Room 1010
Ukiah, CA 95482

March 4, 2016
Date Received by BOS

1. Claimants' Names and contact information is as follows:
 - a. Pinoleville Pomo Nation
Pinoleville Pomo Nation Tribal Office, (707) 463-1454
500 B. Pinoleville Rd.
Ukiah, CA 95482
 - b. Pinoleville Pomo Nation Tribal Council
Pinoleville Pomo Nation Tribal Office, (707) 463-1454
500 B. Pinoleville Rd.
Ukiah, CA 95482
 - c. All arms, departments, agents, officials, appointees, and employees of the
Pinoleville Pomo Nation
c/o Pinoleville Pomo Nation Tribal Office, (707) 463-1454
500 B. Pinoleville Rd.
Ukiah, CA 95482
2. Notice regarding Communications: All notices or other communications with regard to this claim should be sent to the Pinoleville Pomo Nation Tribal Council at the address provided above, at 1.a., and counsel for the Pinoleville Pomo Nation Tribal Council and other Tribal entities, Padraic McCoy and Carrie Doyle, Tilden McCoy + Dilweg LLP, 2500 30th Street, Suite 207, Boulder, CO 80301; (303) 323-1922; pmccoy@tildenmccoy.com; ccdoyle@tildenmccoy.com.
3. Dates of Loss: September 22-24, 2015.
4. Time of Loss: During pendency of the execution of a search warrant originally dated September 21, 2015, though "21" was crossed out by hand and "22" was handwritten in. The search and seizure operations conducted by the County, its officers, agents, and employees took place throughout the daytime hours of September 22, 23, and 24, 2015.

c: CoCo, Risk, RM, RA w/ attachments 3-4-16

5. Location of Loss: The buildings and property located within the Pinoleville Pomo Nation Rancheria, an Indian reservation under federal law, including the buildings, homes, Tribal Office, and property at 650 Pinoleville Dr. and 2150 N. State St.¹
6. Description of Incident Which Caused You to Make this Claim: Execution of search warrant identified as Case Number 15-026, Superior Court of California, County of Mendocino, dated September 22, 2015, at 7:52 (am/pm not identified); which resulted in a three-day raid and seizure operations carried out by Mendocino County officials, agents, and employees on September 22-24, 2015.²
7. What Specific Injury, Damages or Other Losses Did You Incur? Unlawful seizure and/or destruction of entire, nearly-mature crop of approximately 400 medicinal-grade cannabis plants growing on the Reservation property at 650 Pinoleville Dr.; damage to agricultural infrastructure and materials; cost of labor and materials to grow the plants (and as otherwise explained in paragraph 8, below).

These injuries meet the definition of “injury.” Government Code § 810.8 (defining injury as “death, injury to a person, damage to or loss of property, or any other injury that a person may suffer to his person, reputation, character, feelings or estate, of such nature that it would be actionable if inflicted by a private person.”); Government Code § 911.2 (regarding submission of “[a] claim relating to a cause of action for death or for injury to person or to personal property or growing crops”); and other violation of legal rights including the following: Injunctive Relief under P.L. 280 to enjoin County and its officials, agents, and employees from further actions exceeding the limits of P.L. 280; Declaratory Relief that the Sheriff’s actions detailed herein were unlawful; Injury and/or damage to persons or property warranting recovery under the Government Claims Act.

¹ The Pinoleville Pomo Nation is a federally-recognized Indian tribe entitled to powers of self-government. *Indian Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs*, 81 Fed. Reg. 5019, 5022 (Jan. 29, 2016). The Nation and its Reservation were restored to federal recognition, along with 16 other similarly-situated California Rancherias, as part of the settlement of the *Tillie Hardwick* litigation in the 1980s. *See, e.g., Governing Council of Pinoleville Indian Community v. Mendocino County*, 684 F. Supp. 1042, 1046 (N.D. Cal. 1988) (citing *Tillie Hardwick v. United States*, Stipulation for Entry of Judgement, filed May 22, 1985). The Nation indisputably possesses and exercises jurisdiction over all lands within the exterior boundaries of its Reservation, regardless of whether the land is held in trust or fee status. *Id.* Both of the parcels that were subject to the September 22-24, 2015 seizure are within the exterior boundaries of the Pinoleville Reservation.

² *Santa Rosa Band of Indians v. Kings County*, 532 F.2d 655, 663 (1975) (Pub. L. 280, 67 Stat. 588, as amended, 18 U.S.C. § 1162, 28 U.S.C. § 1360 (“P.L. 280”) did not, and Congress has never, authorized the application of county land use and other local ordinances to Indian lands); *California v. Cabazon Band of Mission Indians*, 480 U.S. 202 (1987) (explaining that Congress created in P.L. 280 a distinction between state laws that are “criminal” or prohibitory in nature because the conduct is generally prohibited state-wide (which laws may be enforced on Indian lands), and state laws that are “civil” or regulatory in nature because they regulate certain conduct (which laws may not be enforced on Indian lands)); *City of Garden Grove v. Superior Court* (Cal. Ct. App. 2007) 157 Cal. App. 4th 355, 380 (enforcing federal law is not within the Sheriff’s statutory authorization); *e.g., City of Riverside v. Inland Empire Patients Health & Wellness Center, Inc.* (Cal. 2013) 56 Cal. 4th 729, 737 (explaining that California state law has made “collective[] or cooperative[] ...cultiva[tion]” of medical marijuana exempt from prosecution or abatement under criminal laws).

Government Code Sections 810 et seq.; Unreasonable search and seizure in violation of the Fourth Amendments to the United States Constitution. 42 U.S.C. 1983; Violation of Claimants' due process rights as guaranteed by the Fourteenth Amendment to the United States Constitution, 42 U.S.C. 1983; Unreasonable search and seizure in violation of California Constitution, Art. 1, Sec. 13; Violation of Claimants' due process in violation of California Constitution, Art. 1, Sec. 7; Violation of Ca. Civil Code § 52.1; Conversion under California law; Claim and delivery under California law; Trespass under California law; Petition for an order for restitution for the removed, confiscated, and/or destroyed property identified in this Claim from Mendocino County, or its officials, agents, or employees as bailee, *Minsky/Holt* rule; Attorney fees and costs.

8. What amount of money are you seeking to recover?

The amount claimed is more than \$2,000. Enter the amount claimed here:

The amount claimed is in excess of \$10,000, as it involves a damages amount subject to proof of damages at trial that includes, without limitation, damages associated with property removed/confiscated/destroyed from the Pinoleville Indian Reservation at 650 Pinoleville Dr. including, but not limited to: the cost of the plants; costs associated with damage to the agricultural infrastructure and materials; labor costs associated with the seized plants; expectation damages related to the medical-grade cannabis to be derived from the plants; and receipts and paperwork related to the operation.

Pursuant to Government Code § 910(f), because the claim is for an amount exceeding \$10,000, the amount sought is not to be specified herein. Additionally, the amount of money and damages to be recovered on this claim exceed \$25,000 and, therefore, this will not be a limited civil case.

A Mendocino County Sheriff's Office C.O.M.M.E.T. receipt regarding the property damaged and/or confiscated from 650 Pinoleville Dr. was not provided to the Tribe. All other receipts related to the Tribe's marijuana operation were confiscated during the raid and have not been returned to the Tribe.

9. What are the Name(s) of the County Employee(s) Whom You Allege Caused Your Injury, Damage or Loss, If Known? Mendocino County, Mendocino County Board of Supervisors, Mendocino County District Attorney David Eyster, Mendocino County Sheriff Thomas Allman, Mendocino Police Sergeant Bruce Smith, Mendocino Sheriff Captain Greg Van Patten, all other agents, officers, and employees of Mendocino County who were present at and/or performed work related to the September 22-24, 2015 raid and seizure.

I/WE, the undersigned, declare under penalty of perjury that I/WE have read the foregoing claim for damages and know the contents thereof; that the same is true of my/our knowledge and belief, save and except to those matters wherein stated on information and belief, and as to them, I/WE believe to be true.

Leona L. Williams
Claimant Printed Name

Leona L. Williams
Claimant Signature

3/4/16
Date signed

Tribal Chairperson Leona L. Williams,
On behalf of the Pinoleville Pomo Nation, a federally-recognized Indian tribe