

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

CALIFORNIA VALLEY MIWOK TRIBE,
formally the Sheep Ranch
Rancheria of Me-Wuk Indians of
California (a Federally
Recognized Indian Tribe),

YAMIKA DIXIE (as
Chief/Puntative Member),

Plaintiffs,

v.

SILVIA BURLEY (as possessor of
Tribal records), TROY BURDICK,
Superintendent, Bureau of
Indian Affairs, United States
of America (as trustee),
ONEWEST BANK (as property
owner),

Defendants.

Case No. 2:09-cv-01900-JAM-GGH

ORDER GRANTING DEFENDANTS'
MOTION FOR SANCTIONS

This matter is before the Court on Defendant Silvia
Burley's motion for sanctions against Plaintiffs' counsel

1 pursuant to Federal Rule of Civil Procedure 11(b).¹ Doc. # 11.

2 Plaintiffs did not file an opposition to this motion.

3 On August 12, 2009 the Court held a hearing in this action
4 regarding Plaintiffs' motion for a preliminary injunction and
5 Defendants' motions to dismiss. The Court denied Plaintiffs'
6 motion for a preliminary injunction and granted Defendants'
7 motions to dismiss for all the reasons stated at the hearing and
8 in the Court's August 31, 2009 written Order. Doc. # 23.
9

10 Having considered the briefing on the instant motion, and
11 all pleadings and records filed in this action, the Court finds
12 that a reasonable pre-filing inquiry into the merits of this
13 action would have clearly revealed that (1) Plaintiffs lacked
14 the necessary Article III standing to bring this suit; (2) the
15 Court lacked subject matter jurisdiction over the action; and
16 (3) Plaintiffs initiated the action prior to exhausting their
17 administrative remedies. As such, the Court concludes that
18 Plaintiffs' attorney did not make a reasonable investigation
19 into the merits of the case prior to filing the action with this
20 Court. As a result, Plaintiffs filed a frivolous lawsuit that
21 resulted in a waste of judicial resources and unnecessary costs
22 to Defendants.
23
24
25
26

27
28 ¹ Because oral argument will not be of material assistance,
the Court orders this matter submitted on the briefs. E.D. Cal.
L.R. 78-230(h).

1 For the reasons set forth above, the Court GRANTS Defendant
2 Silvia Burley's Motion for Sanctions, imposing sanctions on
3 Plaintiffs' counsel Thomas Wolfrum in the amount of \$3750.00 to
4 be paid to Defendants for the reasonable attorneys' fees
5 incurred in this matter.
6

7 IT IS SO ORDERED.

8 Dated: October 22, 2009


9 JOHN A. MENDEZ,
10 UNITED STATES DISTRICT JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28