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and its individually named officials*

**THE INTERTRIBAL COURT OF SOUTHERN CALIFORNIA  
RINCON BAND OF LUISENO INDIANS**

RINCON BAND OF LUISENO INDIANS,

Plaintiff,

v.

MARVIN DONTUS, an individual,  
MUSHROOM EXPRESS INC., a California  
Corporation, and RINCON MUSHROOM  
CORPORATION OF AMERICA, Inc., a  
California Corporation,

Defendants.

**Rincon - 02972009**

MARVIN DONTUS, an individual, and  
RINCON MUSHROOM CORPORATION OF  
AMERICA, a California Corporation,

Plaintiff/Counter-Defendants,

**Case No. CV-1508-15**

v.

Judge: Honorable Anthony Brandenburg

RINCON BAND OF LUISENO INDIANS, a  
federally—recognized Indian tribe; MELISSA

ESTES, in her official capacity as Director of Rincon Environmental Department; BO MAZZETTI, Tribal Chairman; STEPHANIE SPENCER, Vice-Chairwoman; STEVE STALLINGS, Council Member; LAURIE E. GONZALEZ, Council member; ALFONSO KOLB SR. Council Member; and DOES 1—50, inclusive,

Defendants/Counter-Plaintiffs.

**ORDER RE CIVIL CONTEMPT**

Upon review of the Motion for Civil Contempt submitted by RINCON BAND OF LUISENO INDIANS, a federally-recognized Indian tribe, a named Defendant in CV-1508-15 and a named Plaintiff in Rincon - 02972009, together with MELISSA ESTES, in her official capacity as Director of the Rincon Environmental Department (“RED”); BO MAZZETTI, Tribal Chairman; STEPHANIE SPENCER, Vice-Chairwoman; STEVE STALLINGS, Council Member; LAURIE E. GONZALEZ, Council Member; and ALFONSO KOLB SR., Council Member, all named Defendants in action CV-1508-15 (hereafter collectively referred to as “Rincon Band,” “Band,” or “Tribe”), and the supporting materials thereto, and review of the response of RINCON MUSHROOM CORPORATION OF AMERICA and MARVIN DONIUS (collectively referred to as “RMCA/Donius”), and the supporting materials thereto, and the arguments and facts presented at the Order to Show Cause hearing held by this Court on October 14, 2019, this Court orders as follows:

1. RMCA/Donius are in civil contempt of this Court’s Orders, and this Court is authorized to take such remedial action as is necessary to ensure or compel RMCA/Donius’ compliance with this Court’s Orders.
2. RMCA/Donius have until October 25, 2019 to post a One Million Dollar (\$1,000,000.00) surety bond with this Court, in a form satisfactory to this Court. The proceeds of the bond only will be issued to the Tribe if, and only if, this Court and any higher court(s) of competent jurisdiction, including federal courts if a federal action is pursued by any party, sustain the jurisdiction of this Court to issue the April 22, 2019 Judgment in this matter from which such appeal(s) are taken, and the effect of such Judgment (i) over RMCA/Donius because of their legal relationship to the real property which is the subject of this litigation (the “Subject Property”); or (ii) over the Subject Property; or (iii)

over RMCA/Donius" conduct on the Subject Property as restrained or prohibited by the Judgment.

3. If, and only if, the above-mentioned bond is timely posted, RMCA/Donius may avoid further remedial action regarding their civil contempt in this matter pending appeal(s), subject to the following conditions:

(A) During the pendency of the appeal, RMCA/Donius shall not conduct any additional kinds or types of uses of the Subject Property, except as necessary in the ordinary course of business to maintain the status quo ante;

(B) RMCA/Donius shall provide access, upon not less than twenty-four (24) hours prior notice to RMCA/Donius, to the three inspectors previously appointed by the Rincon Court of Appeals to enter the Subject Property and to visually inspect the Subject Property, and to document the activities being conducted upon and the uses of the Subject Property, and the extent of those activities and uses. The inspectors shall file their report(s) with this Court as part of the record in these proceedings;

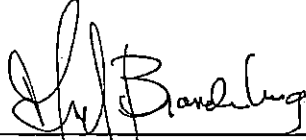
(C) The inspectors shall also file with this Court a report based on their prior inspections of the Subject Property, and the activities conducted upon and the uses of the Subject Property documented by those prior inspections shall serve as the baseline against which any increased activities or additional uses of the Subject Property during the stay issued in this litigation will be compared for purposes of maintaining the status quo;

(D) The inspectors shall conduct follow-up inspections of the Subject

Property and provide written status reports to this Court no less frequently than monthly.

4. Unless the Tribe has received formal communication from RMCA/Donius on or before October 25, 2019 that the above-stated surety bond in a form satisfactory to this Court has been properly posted to this Court, the Tribe is hereby authorized to enter the Subject Property, at its discretion, commencing at 12:01 a.m. Pacific Daylight time on October 26, 2019, or at any time thereafter unless otherwise directed by this Court, for the purpose of constructing, installing and otherwise establishing a roadblock that prevents ingress to, and monitors egress from, the Subject Property, and the Tribe is also hereby authorized to remain upon or reenter the Subject Property, at its discretion and at any time, unless otherwise directed by this Court, to maintain the roadblock.
5. RMCA/Donius shall immediately provide written notice by certified U.S. mail, return receipt requested, to any and all persons or entities who or which have an ownership and/or possessory interest in personal or business property located upon the Subject Property, of the issuance of this Order, which written notice shall also inform any and all such persons or entities that ingress to the Subject Property is and shall remain, unless otherwise directed by this Court, strictly prohibited except for the sole and limited purpose of removing such personal or business property from the Subject Property.
6. This Court will retain jurisdiction over the implementation and enforcement of this Order to ensure compliance with this Court's April 22, 2019 Judgment and this Order.

IT IS SO ORDERED

A handwritten signature in black ink, appearing to read "Anthony J. Brandenburg". The signature is written in a cursive style with a large initial "A".

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Hon. Anthony J. Brandenburg

Dated this 25th day of October, 2019