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**Superior Court of California, County of Alameda
Hayward Hall of Justice**

Karuk Tribe of California

Plaintiff/Petitioner(s)

VS.

California Department of Fish a

Defendant/Respondent(s)
(Abbreviated Title)

No. RG05211597

Order

Motion to Intervene
Granted

The Motion to Intervene was set for hearing on 02/09/2006 at 09:00 AM in Department 512 before the Honorable Bonnie Lewman Sabraw. The Tentative Ruling was published and has not been contested.

IT IS HEREBY ORDERED THAT:

The tentative ruling is affirmed as follows:

The Motion of The New 49er's Inc. and Raymond W. Koons (jointly "Miners") for Leave to Intervene is GRANTED, pursuant to Code of Civil Procedure Section 387(a). The intervention is limited to the issues raised in the original complaint in this action. The proposed Verified Complaint in Intervention is to be filed by February 16, 2006.

The Miners' Request for Judicial Notice is DENIED. The documents showing changes in regulations regarding fishing are not relevant to Miners' motion to intervene in this action.

In light of the entry of the Miners to the lawsuit pursuant to this Order, and the extensive objections the Miners have filed to the parties' Joint Stipulation of Entry of Judgment, the Court's entry of judgment on an ex parte basis is inappropriate. Either Plaintiffs or Defendants, or both, may file a noticed motion asking the Court to enter judgment pursuant to the terms of the stipulation, pursuant to Code of Civil Procedure section 664.6. The Court notes that a stipulated judgment is not simply a contract between the parties, but a Court judgment. Here, it appears that the judgment the Plaintiffs and Defendants seek is in the form of a permanent injunction precluding suction dredge mining altogether in certain areas and during certain periods in others-not merely an interim measure. The moving party has the burden of showing that the stipulated judgment is a just one, is not contrary to public policy, and does not incorporate an erroneous rule of law. See Plaza Hollister Limited Partnership v. County of San Benito (1999) 72 Cal.App.4th, 1, 12; Cal. State Auto Ass'n. v. Superior Court (1990) 50 Cal.3d 658.

The parties, should they choose, may submit their motion for entry of judgment, and any opposition thereto, on all or some of the papers already submitted in support of and opposing the ex parte request for entry of stipulated judgment. There is especially no need to re-file factual declarations or documents already submitted, so long as the such documents relied on are clearly identified in the new papers filed.

Dated: 02/09/2006

 facsimile

Order