

1 DAVID B. DEHNERT (CA BAR NO. 214243)  
DEHNERT LAW, PC  
2 475 WASHINGTON BLVD.  
MARINA DEL REY, CALIFORNIA 90292  
3 TELEPHONE: 310.822.3222  
FACSIMILE: 310.577.5277  
4 EMAIL: DAVID@DEHNERTLAW.COM

5 LESTER J. MARSTON (CA BAR No. 081030 )  
LAW OFFICE OF LESTER J. MARSTON  
6 405 WEST PERKINS STREET  
UKIAH, CALIFORNIA 95482  
7 TELEPHONE: 707-462-6846  
EMAIL: LJMARSTON@RMLAWOFFICE.NET

8 *ATTORNEYS FOR PLAINTIFFS*  
9 *APRIL JAMES, EUNICE SWEARINGER, STEVE BRITTON*  
10 *AND ROUND VALLEY INDIAN TRIBES*

11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

13  
14 ROUND VALLEY INDIAN TRIBES, et al.,

15 Plaintiffs,

16 v.

17 MATT KENDALL, et al.,

18 Defendants.  
19  
20  
21  
22

Case No. 1:25-cv-03736-RMI

PLAINTIFFS APRIL JAMES, EUNICE  
SWEARINGER, STEVE BRITTON AND  
ROUND VALLEY INDIAN TRIBES’  
NOTICE OF MOTION AND MOTION  
FOR ENTRY OF FINAL JUDGMENT  
ON THEIR FIRST AND SECOND  
CLAIMS UNDER FEDERAL RULE OF  
CIVIL PROCEDURE 54(b)

Date: March 17, 2026  
Time: 11:00 a.m.  
Courtroom: 1  
Before: Hon. Robert Illman

23 PLEASE TAKE NOTICE that on March 17, 2026 at 11:00 a.m., in the United States District  
24 Court for the Northern District of California, Eureka Division, Plaintiffs April James, Eunice  
25 Swearingen, Steve Britton, and Round Valley Indian Tribes (collectively “Plaintiffs”) will and  
26 hereby do move the Court to enter final judgment pursuant to Federal Rule of Civil Procedure 54(b)  
27 on its dismissal of Plaintiffs’ First and Second Claims in favor of Defendants Mendocino County  
28 and Sheriff Matthew Kendall (in his official capacity) (collectively, “Defendants”).

1 This motion seeks entry of final judgment on the Court’s dismissal with prejudice of  
2 Plaintiffs’ First and Second Claims, as set forth in the Court’s January 29, 2026, Order  
3 (“Order”). ECF No. 64. Those claims present pure questions of law concerning the Defendants’  
4 “unlawful assertion of jurisdiction under Public Law 280” and “unlawful interference with  
5 Plaintiff Tribe’s sovereignty.” Order at 5. The Court’s dismissal fully and finally resolves those  
6 claims as to all parties, leaving nothing further for the Court to adjudicate with respect to them.

7 There is no just reason for delay. The dismissed claims present controlling questions of  
8 federal law concerning Public Law 280 and the Tribe’s sovereign authority to regulate cannabis  
9 on its own lands—issues that are entirely separable from the remaining Fourth Amendment and  
10 damages claims. Immediate appellate review is particularly warranted because the Sheriff  
11 continues to assert state civil/regulatory cannabis jurisdiction over the Reservation, creating  
12 ongoing conflict with the Tribe’s duly enacted cannabis ordinance and federally protected right  
13 of self-governance. Entry of partial final judgment will allow the Ninth Circuit to resolve these  
14 dispositive jurisdictional questions now, while the surviving claims proceed as the Court deems  
15 appropriate.

16 This motion is based on this Notice of Motion and Motion, the Memorandum of Points  
17 and Authorities below, the pleadings and records on file in this action, and any argument the  
18 Court may permit. Plaintiffs notified Defendants of this motion by email on February 5, 2026 at  
19 4:30 p.m. As of the time of filing, Defendants have not indicated whether they intend to oppose.

20 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF**  
21 **MOTION FOR ENTRY OF FINAL JUDGMENT UNDER RULE 54(b)**

22 **INTRODUCTION**

23 Plaintiffs respectfully move for entry of partial final judgment under Federal Rule of  
24 Civil Procedure 54(b) as to the Court’s dismissal with prejudice of the First and Second Claims  
25 of the First Amended Complaint. ECF No. 64. Those claims present discrete and controlling  
26 questions of federal law concerning the Defendants’ assertion of jurisdiction under Public Law  
27 280 and the scope of tribal sovereignty and self-governance. They are purely legal issues, fully  
28 resolved by the Court’s order, and entirely separable from the fact-intensive Fourth Amendment

1 and damages claims that remain. Because the Court’s order finally adjudicates these  
2 jurisdictional claims, and because immediate appellate review will materially advance the  
3 resolution of this case, there is no just reason for delay.

4 Immediate appellate review is necessary because the dismissal of the First and Second  
5 Claims substantially narrows the case, eliminates core theories of relief, and will shape the  
6 litigation going forward. The Public Law 280 ruling also affects the viability, scope and structure  
7 of the remaining constitutional and § 1983 claims, which now proceed under a materially altered  
8 jurisdictional landscape. Rule 54(b) certification is therefore appropriate to avoid piecemeal  
9 litigation, prevent duplicative proceedings, and ensure that the Ninth Circuit can review the  
10 controlling jurisdictional question before the case proceeds further.

11 Immediate appellate review is warranted because the dismissal of the First and Second  
12 Claims eliminates the core jurisdictional theories in this case and fundamentally reshapes the  
13 legal framework governing the remaining claims. The Court’s Public Law 280 ruling now  
14 governs the Sheriff’s ongoing assertion of state cannabis jurisdiction on the Reservation, creating  
15 continuing uncertainty for the Tribe’s exercise of its sovereign regulatory authority and the de  
16 facto nullification of its Compassionate Use Ordinance, which affects every Tribal member  
17 cultivating cannabis in compliance with the lawfully enacted Ordinance. Recent developments  
18 underscore the need for immediate review. Courts applying *Cabazon* to state cannabis laws are  
19 now reaching divergent conclusions about whether such laws are criminal/prohibitory or  
20 civil/regulatory under Public Law 280. This emerging divergence confirms that the Public Law  
21 280 issue presented here is a controlling and unsettled question of federal law whose resolution  
22 will materially affect the trajectory of this case and others. Rule 54(b) exists precisely to permit  
23 immediate appellate review of such dispositive legal issues.

#### 24 **LEGAL STANDARD**

25 Rule 54(b) permits entry of final judgment as to fewer than all claims where: (1) the  
26 judgment is final as to those claims, and (2) there is no just reason for delay. *Curtiss-Wright*  
27 *Corp. v. Gen. Elec. Co.*, 446 U.S. 1, 7-8 (1980). A judgment is “final” when it constitutes “an  
28 ultimate disposition of an individual claim entered in the course of a multiple-claims action.” *Id.*

1 at 7 (quotation omitted).

2 Once finality is established, the Court must determine whether there is any just reason for  
3 delay. *Id.* at 8. That determination is committed to the Court’s “sound judicial discretion,”  
4 exercised “in the interest of sound judicial administration.” *Id.* The inquiry requires consideration  
5 of both “judicial administrative interests” and “the equities involved,” including whether the  
6 resolved claims are separable from the remaining claims and whether delaying appeal risks  
7 inefficiency or hardship. *Id.*

8 The Ninth Circuit applies a “pragmatic approach” to Rule 54(b), recognizing that claims  
9 may be separate even if they share some overlapping facts. *Wood v. GCC Bend, LLC*, 422 F.3d  
10 873, 880-82 (9th Cir. 2005). Relevant considerations include whether the adjudicated claims are  
11 legally distinct, whether future developments might moot the issues on appeal, whether an  
12 appellate court would be required to decide the same issue more than once, and whether  
13 immediate review would advance the litigation. *Id.* at 778 n.2. These factors guide, but do not  
14 rigidly constrain, the Court’s discretion. *Id.*

## 15 ARGUMENT

### 16 **I. THE DISMISSAL OF THE FIRST AND SECOND CLAIMS IS A FINAL** 17 **JUDGMENT**

18 The Court dismissed the First and Second Claims with prejudice, resolving all issues  
19 relating to Public Law 280 jurisdiction and the Tribe’s sovereign authority to regulate cannabis  
20 activity on the Reservation. Nothing remains for the Court to adjudicate on those claims. They  
21 are therefore “final” for purposes of Rule 54(b). *Id.* at 878.

22 The First and Second Claims turn on pure questions of federal law: (1) whether  
23 Defendants may enforce California’s cannabis laws, including certain provisions of the Health &  
24 Safety Code and Business & Professions Code, against Indians on tribal land under Public Law  
25 280, in direct conflict with the Compassionate Use Ordinance; and (2) whether that assertion of  
26 jurisdiction unlawfully interferes with the Tribe’s sovereign right to enact its own laws and be  
27 ruled by them. Order at 5. These legal questions are analytically distinct from the fact intensive  
28 Fourth Amendment, *Monell*, and damages claims that remain. *See Denholm v. Houghton Mifflin*

1 Co., 912 F.2d 357 (9th Cir. 1990) (applying the “separate and distinct” test). As the Ninth Circuit  
2 has long held, Rule 54(b) focuses on whether the dismissed claims arise from a different set of  
3 facts or require different proof, not whether some background facts overlap. *CMAX, Inc. v.*  
4 *Drewry Photocolor Corp.*, 295 F.2d 695, 697 (9th Cir. 1961).

5 In *Pakootas v. Teck Cominco Metals, Ltd.*, 905 F.3d 565 (9th Cir. 2018), the Ninth  
6 Circuit reaffirmed that the term “claim” in Rule 54(b) is not rigidly defined and that courts must  
7 take a “pragmatic approach” to determining separability. *Id.* at 575. The court emphasized that  
8 the Supreme Court has declined to define “claim” rigidly and that the Ninth Circuit avoids  
9 “jurisprudential quagmires” by focusing on practical separability, not formalistic overlap. *Id.* at  
10 574-75. The Court concluded further that claims may be separate even if they arise from the  
11 same transaction or share some common facts, and that the key question is whether each claim  
12 requires proof of different facts or resolves different legal rights. *Id.* at 575 (citations omitted).

13 The Ninth Circuit has consistently treated questions of state and county jurisdiction under  
14 Public Law 280 and tribal sovereign authority as pure questions of law, analytically distinct from  
15 fact-intensive constitutional tort claims. See *California v. Cabazon Band of Mission Indians*, 480  
16 U.S. 202 (1987); *Quechan Tribe v. McMullen*, 984 F.2d 304 (9th Cir. 1993); *Confederated*  
17 *Tribes of the Colville Reservation v. Washington*, 938 F.2d 146 (9th Cir. 1991); see also *Ute*  
18 *Indian Tribe v. Utah*, 790 F.3d 1000, 1013 (10th Cir. 2015) (held that repeated enforcement of  
19 state laws against tribal members on the reservation constituted a serious and ongoing  
20 infringement on tribal sovereignty). *Santa Rosa Band of Indians v. Kings County*, 532 F.2d 655,  
21 659 (9th Cir. 1976) (PL 280 did not grant counties the authority to enforce their local county laws  
22 against Indians on their reservations). The Court’s rulings on these claims do not overlap  
23 factually or legally with the remaining claims, and its resolution on appeal will not require  
24 revisiting any factual determinations in the ongoing litigation. Notably, in *Cabazon Band of*  
25 *Mission Indians v. Riverside County*, 783 F.2d 900 (9th Cir. 1986), the district court entered final  
26 judgment under Rule 54(b) on a PL 280 jurisdictional ruling while retaining jurisdiction over  
27 remaining damages issues. The Ninth Circuit accepted that certification and reached the merits.  
28 The procedural posture in *Cabazon* mirrors this case: the PL 280 claims present a pure question

1 of law, fully resolved by the Court’s dismissal, and are separable from the fact-intensive claims  
2 that remain.

3 The presence of overlapping facts does not preclude Rule 54(b) certification. The Ninth  
4 Circuit has made clear that claims may be separate even where they arise from the same events.  
5 *Wood*, 422 F.3d at 881 (“claims with overlapping facts are [not] foreclosed from being  
6 separate”). Certification is particularly appropriate where, as here, the case is complex and the  
7 dismissed claims involve a controlling legal issue that “cuts across (and cuts out or at least  
8 curtails) a number of claims.” *Id.* The Public Law 280 and tribal sovereignty rulings are such  
9 issues: they determine the scope of state and county authority on tribal land and shape the  
10 remaining Fourth Amendment, *Monell*, and § 1983 claims. *See also id.* at 881 n.5 (approving  
11 certification in complex cases even where claims arise from the same transaction).

## 12 **II. THERE IS NO JUST REASON FOR DELAY**

13 Rule 54(b) requires the Court to determine that there is “no just reason for delay” before  
14 entering partial final judgment. *Curtiss-Wright Corp.*, 446 U.S. at 8. In making that  
15 determination, the Court must consider both “judicial administrative interests” and “the equities  
16 involved.” *Id.* In applying a pragmatic approach, the Court should recognize that immediate  
17 review is appropriate here because it will materially advance the litigation, prevent unnecessary  
18 duplication, and permit the Ninth Circuit to resolve controlling legal questions that will shape the  
19 remainder of the case. *Pakootas*, 905 F.3d at 575-76; *Wood*, 422 F.3d at 878-82. These  
20 considerations strongly favor certification here.

### 21 **A. The P.L. 280 Ruling Will Materially Affect the Remaining Claims**

22 The Court’s dismissal of the First and Second Claims eliminates Plaintiffs’ core theory  
23 that the searches and seizures were unlawful because the Defendants lacked jurisdiction under  
24 Public Law 280 and violated the Tribe’s sovereignty and right of self-governance. That ruling  
25 now shapes the scope and viability of the Fourth Amendment claims, the viability of the *Monell*  
26 claims, the availability of injunctive relief, and the legal framework governing the remaining §  
27 1983 claims.

28 Proceeding without appellate review risks litigating the remainder of the case under a  
Notice of Motion and Motion for Entry of Final Judgment Under Rule 54(b) [Case No. 1:25-cv-03736-RMI]

1 legal framework that may later be reversed. The Ninth Circuit has repeatedly emphasized that  
2 when a controlling legal issue affects the trajectory of the remaining claims, immediate review  
3 promotes efficiency and fairness. *See Continental Airlines, Inc. v. Goodyear Tire & Rubber Co.*,  
4 819 F.2d 1519, 1525 (9th Cir. 1987) (approving Rule 54(b) certification where partial judgment  
5 “narrowed the issues,” “shortened any subsequent trial by months,” and “efficiently separated the  
6 legal from the factual questions”); *Texaco, Inc. v. Ponsoldt*, 939 F.2d 794, 798 (9th Cir. 1991)  
7 (Rule 54(b) certification appropriate where immediate review “will streamline the ensuing  
8 litigation”).

9 Here, the Public Law 280 and tribal sovereignty rulings are not merely two issues among  
10 many, they are the foundation for the County’s asserted authority to enter the Reservation,  
11 conduct searches, seize property, and initiate enforcement actions. Its correctness will determine  
12 the scope of discovery, the viability of defenses, and the structure of trial involving multiple  
13 parties. Immediate review will materially affect how the case proceeds.

14 **B. Immediate Review Will Prevent Duplicative Litigation and Promote Judicial**  
15 **Economy**

16 Rule 54(b) exists to prevent parties and courts from expending resources on proceedings  
17 that may later prove unnecessary. The Ninth Circuit has repeatedly upheld certification where  
18 resolving a controlling legal issue now will avoid duplicative litigation later, even when factual  
19 development on other claims continues. *See id.*

20 If the Ninth Circuit later reverses the Public Law 280 and tribal sovereignty rulings, the  
21 parties and the Court will be required to revisit discovery, re-brief dispositive motions, and  
22 potentially retry claims already litigated. That is precisely the type of duplication Rule 54(b) is  
23 designed to avoid. *See Texaco*, 939 F.2d at 798 (approving certification even where remaining  
24 claims required proof of the same facts, because resolving the legal issues first would prevent  
25 unnecessary proceedings).

26 Here, the Public Law 280 and tribal sovereignty rulings are threshold legal  
27 determinations that govern the Defendants’ authority to take any enforcement action on the  
28 Tribe’s Reservation. If that ruling is incorrect, the entire factual record developed under it will

1 need to be revisited. Immediate review therefore promotes judicial economy by ensuring that the  
2 parties do not litigate for months or years under a potentially erroneous jurisdictional framework.

3 Certification now avoids the risk of duplicative effort and conserves judicial and party  
4 resources.

5 **C. The Public Law 280 and Tribal Sovereignty Issues Are Controlling**  
6 **Questions of Federal Law of Exceptional Importance**

7 The scope of state and county criminal jurisdiction in Indian Country is a foundational  
8 question with consequences far beyond this case. The Ninth Circuit has repeatedly emphasized  
9 the need for clarity in Public Law 280 jurisprudence and tribal sovereignty, particularly where  
10 state and local governments assert authority over internal tribal matters. The question  
11 presented—whether California’s cannabis licensing and regulatory scheme is  
12 criminal/prohibitory or civil/regulatory under *Cabazon*—is a pure question of federal law that  
13 governs the scope of state power on tribal land. Its resolution will have significant implications  
14 for tribal sovereignty, state–tribal relations, and the administration of justice in Indian Country.

15 Immediate review serves the interests of justice and the federal policy favoring tribal  
16 self-governance. *See Curtiss-Wright*, 446 U.S. at 8 (courts may consider “the interests of sound  
17 judicial administration” and “the equities involved”).

18 **D. This Is Precisely the Type of Case for Which Rule 54(B) Was Designed**

19 This case fits squarely within the narrow category of cases in which Rule 54(b)  
20 certification is not only appropriate but necessary to ensure sound judicial administration. The  
21 Supreme Court and Ninth Circuit have emphasized that Rule 54(b) exists to permit immediate  
22 review of discrete, controlling legal determinations whose resolution will materially affect the  
23 course of the litigation. *Curtiss-Wright Corp.*, 446 U.S. at 8; *Wood*, 422 F.3d at 880-82.

24 This is not an abstract proposition. In *Cabazon Band of Mission Indians v. County of*  
25 *Riverside*, the district court entered final judgment under Rule 54(b) on a Public Law 280  
26 jurisdictional ruling while retaining jurisdiction over remaining damages issues. 783 F.2d at 902.  
27 The Ninth Circuit accepted that certification without hesitation and proceeded to decide the  
28 merits of the Public Law 280 question. *Id.* That procedural posture mirrors this case: a

1 dispositive Public Law 280 ruling, fully resolved as a matter of law, while fact-intensive claims  
2 remain for later adjudication.

3 **E. Certification Will Not Prejudice Any Party But Delay Will Prejudice**  
4 **Plaintiffs**

5 Certification will not prejudice any party. The remaining Fourth Amendment, *Monell*,  
6 and damages claims are fact-intensive and can proceed independently of the purely legal Public  
7 Law 280 and tribal sovereignty issues. Whether the Court permits discovery to continue or stays  
8 proceedings for efficiency, Defendants face no prejudice from appellate review of a legal ruling  
9 they prevailed on. As the Ninth Circuit explains, the equitable component of the Rule 54(b)  
10 inquiry focuses on “traditional equitable principles such as prejudice and delay.” *Gregorian v.*  
11 *Izvestia*, 871 F.2d 1515, 1519 (9th Cir. 1989). And *Curtiss-Wright* makes clear that the Court  
12 must consider the equities once the judicial-administrative factors are satisfied. 446 U.S. at 8.  
13 Here, Defendants identify no harm that would result from immediate review of a discrete federal  
14 question requiring no factual development.

15 By contrast, delaying final judgment on Claims I and II will affirmatively prejudice  
16 Plaintiffs. Without Rule 54(b) certification, Plaintiffs’ right to appeal the dismissal of their  
17 Public Law 280 and tribal-sovereignty claims is deferred indefinitely until the Court enters final  
18 judgment on the remaining claims—after discovery, dispositive motions, trial, and post-trial  
19 proceedings. As *Downing v. Lowe’s* explains, when a court has already rendered an “ultimate  
20 disposition” on a set of claims, denying Rule 54(b) certification causes those claims to “merely  
21 ‘stagnate’” while unrelated claims proceed. 2023 U.S. Dist. LEXIS 132546, at \*5 (D. Ariz. July  
22 31, 2023). Even where the prejudice from delay is not unique, courts hold that the absence of any  
23 harm to the non-moving party outweighs the real risk of stagnation and prolonged uncertainty.  
24 *Id.* at 6-7.

25 The prejudice from delay is even more acute here. The County has publicly targeted  
26 “illegal” cultivation in and around Covelo, including on the Tribe’s Reservation. Without  
27 appellate review of the Court’s jurisdictional ruling, Plaintiffs and many Indians living on the  
28 Reservation remain subject to ongoing enforcement actions, property destruction, and searches

1 conducted under a legal framework whose correctness is disputed and unreviewed. The longer  
2 appellate review is postponed, the greater the risk of continued harm, uncertainty, and disruption  
3 to tribal members' lives and property.

4 In addition, the Sheriff's continued enforcement of state cannabis laws on the  
5 Reservation, in conflict with the Tribe's Cannabis Compassionate Use Ordinance, creates  
6 ongoing tension between state and tribal regulatory systems and undermines the Tribe's ability to  
7 govern its members under its own laws. These continuing jurisdictional conflicts underscore the  
8 need for prompt appellate review of the controlling legal questions resolved by the Court's order.

9 In short, certification will not burden Defendants or create inefficiency. It simply allows  
10 appellate review of a controlling legal question while the remainder of the case proceeds as the  
11 Court deems appropriate. The equities strongly favor immediate review: Defendants suffer no  
12 prejudice, while Plaintiffs face significant prejudice from delay. All parties—and the orderly  
13 administration of justice—are best served by entering final judgment on Claims I and II now.

14 **F. Emerging Divergence in Public Law 280 Cannabis Decisions Confirms the**  
15 **Need for Immediate Review**

16 On February 2, 2026, the Minnesota Court of Appeals decided a Public Law 280 case  
17 that highlights why immediate appellate review is necessary. In *State v. Thompson*, No. A25-  
18 0527, 2026 Minn. App. LEXIS 42 (Ct. App. Feb. 2, 2026), the court applied *Cabazon* in holding  
19 that Minnesota's cannabis-possession statutes are civil/regulatory, not criminal/prohibitory,  
20 because Minnesota generally permits adult possession of cannabis subject to quantity limits. *Id.*  
21 at \*11-15. The court emphasized that the proper focus of the *Cabazon* analysis is the **broad**  
22 conduct of cannabis possession, not the **narrow** conduct of possessing an unlawful amount, and  
23 concluded that possession of cannabis—even above statutory thresholds—does not implicate  
24 heightened public-policy concerns sufficient to render the conduct criminal under Public Law  
25 280. *Id.* at \*7-8. Minnesota's legislature has also expressly recognized tribal sovereignty over  
26 cannabis regulation and authorized tribal regulatory codes. *Id.* at 12-13. This reasoning stands in  
27 direct contrast to the ruling here, which treated California's cannabis laws as  
28 criminal/prohibitory despite California's broad comprehensive legalization and regulatory

1 framework. The fact that courts applying the same federal standard are now reaching divergent  
2 conclusions underscores that the Public Law 280 issue presented here is a controlling and  
3 unsettled question of federal law. Rule 54(b) exists precisely to permit immediate review of such  
4 dispositive legal issues rather than forcing the parties to litigate for years under a potentially  
5 incorrect jurisdictional framework.

6 **CONCLUSION**

7 The dismissed claims present controlling questions of federal law at the heart of the Tribe's  
8 sovereign authority to govern its own lands and citizens. Because those questions have been finally  
9 resolved, are entirely separable from the remaining claims, and will shape the legal framework  
10 under which this case proceeds, immediate appellate review is both appropriate and necessary.

11 For the foregoing reasons, Plaintiffs respectfully request that the Court enter partial final  
12 judgment under Rule 54(b) as to the dismissal with prejudice of the First and Second Claims for  
13 Relief, and direct entry of judgment on those claims so that Plaintiffs may seek immediate  
14 appellate review.

15 DATED: February 6, 2026

DEHNERT LAW, PC  
LAW OFFICE OF LESTER J. MARSTON

17 /s/David B. Dehnert

18 DAVID B. DEHNERT  
LESTER J. MARSTON  
Attorneys for Plaintiffs  
*April James, Eunice Swearinger, Steve  
Britton, and Round Valley Indian Tribes*

**CERTIFICATE OF SERVICE**

I am employed in the County of Mendocino, State of California. I am over the age of 18 years and not a party to the within action; my business address is that of Rapport & Marston, 405 West Perkins Street, Ukiah, California 95482.

I hereby certify that I electronically filed the foregoing:

**PLAINTIFFS APRIL JAMES, EUNICE SWEARINGER, STEVE BRITTON AND ROUND VALLEY INDIAN TRIBES' NOTICE OF MOTION AND MOTION FOR ENTRY OF FINAL JUDGMENT ON THEIR FIRST AND SECOND CLAIMS UNDER FEDERAL RULE OF CIVIL PROCEDURE 54(b)**

with the Clerk of the United States District Court for the Northern District of California by using the CM/ECF system on February 6, 2026, which generated and transmitted a notice of electronic filing to CM/ECF registrants.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct; executed on February 6, 2026, at Ukiah, California.

/s/ Ericka Duncan

ERICKA DUNCAN, Declarant