



COLORADO RIVER INDIAN TRIBES

Colorado River Indian Reservation

26600 MOHAVE ROAD
PARKER, ARIZONA 85344
TELEPHONE (928) 669-1220
FAX (928) 669-1216

June 30, 2010

Roger French, President
West Bank Homeowners Association
P.O. Box 970
Blythe, California 92226

Re: Your Letter of June 18, 2010

Dear Mr. French:

We have received your June 18, 2010 letter, "Re: Clarifications," requesting a meeting with the Colorado River Indian Tribes ("Tribe") to discuss the Tribe's ongoing efforts to ensure that everyone who uses and occupies the Tribe's land has the Tribe's permission to do so. This is the second such letter received by CRIT in the last two weeks. These letters follow a recent telephone call from your organization's attorney to the Tribe's Attorney General and a letter from you to the Acting Director of the Bureau of Indian Affairs (BIA), all seeking the same thing. In short, we are well aware of your desire to meet with the Tribe. We are also well aware of your organization's position regarding the extent of the Tribe's Reservation and jurisdiction. As we have consistently and repeatedly informed you, the Tribe is not willing to meet with your organization.

There are numerous reasons for the Tribe's decision. To the extent you wish to discuss the Tribe's issuance of trespass notices to certain individuals, we do not believe your organization could be of any assistance in resolving what are essentially individual landlord-tenant disputes. Given the fact-specific nature of these disputes, there can be no overarching resolution of them. Rather, each case must be handled on its own terms, given the facts at hand, by the Tribe and each individual tenant or trespasser.

More generally, the numerous, blatant misrepresentations of fact in your letters indicate that your organization would not be a reasonable partner in any dispute resolution process. For example, your letter states that the tenants at Red Rooster Resort were evicted "with no due process or judicial review." To the contrary, the Red Rooster eviction followed a series of federal district court orders directing William Booth to vacate the Tribe's property and pay damages for back rent to the Tribe (see attached). If you do not even recognize the existence or validity of federal court orders, it is difficult to imagine how we could engage in any rational dialog that would, as you propose, "bridge the wide divide between us."

Although we will not be meeting with the West Bank Homeowners Association, the Tribe is more than willing to meet with any individual members of the Association—including you, Mr. French—

Roger French, President

June 30, 2010

Page 2

who occupy tribal lands. The Tribe welcomes communications, through its Office of the Attorney General, from any and all individual residents or occupants who wish to establish a positive working relationship with the Tribe regarding their particular lease, permit, or land use interests.

We believe that this letter, together with our previous correspondence, clearly states the Tribe's position on this matter. Please do not misinterpret our willingness to provide you with a rationale for our decision as an opportunity to negotiate. The Tribe's sovereignty and jurisdiction are not open to negotiation. Nor is the location of the Reservation boundary. If any of your members would like to discuss their individual lease, permit, use or occupancy concerns with the Tribe, please advise them to contact the Tribe's Attorney General, Eric Shepard, at (928) 669-1271.

Sincerely,

COLORADO RIVER INDIAN TRIBES

A handwritten signature in black ink, appearing to read "Eldred Enas", written in a cursive style.

Eldred Enas
Tribal Council Chairman

cc: Tribal Council

Enc

1
2 UNITED STATES DISTRICT COURT
3 FOR THE CENTRAL DISTRICT OF CALIFORNIA

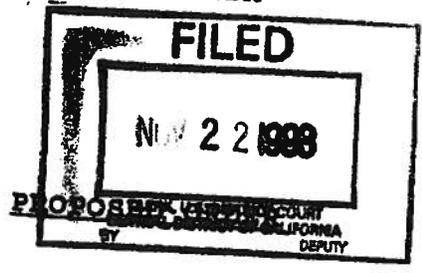
4 UNITED STATES OF AMERICA, On Its)
5 Own Behalf and On Behalf of The)
6 COLORADO RIVER INDIAN TRIBES OF)
7 ARIZONA,)

8 Plaintiff,)

9 v.)

10 STANLEY K. BURSON, WILLIAM B.)
11 BOOTH and EVELYN D. BOOTH)

12 Defendants.)



13 Upon the Joint Motion for Entry of Order by the
14 plaintiff, the United States of America, and the defendant,
15 William B. Booth, the following is hereby ORDERED:

- 16 1. Judgment is directed to be entered for the United States
17 and against the defendant, William B. Booth, in the amount of
18 \$15,000.00, paid to the United States as trustee for the Colorado
19 River Indian Tribes.
- 20 2. The defendant, William B. Booth is directed to vacate
21 the Red Rooster Resort Trailer Park on or before December 31,
22 1993.
- 23 3. Payment of the judgment shall be made in five annual
24 installments beginning December 31, 1993, and running through
25 December 31, 1998.
- 26 4. Interest on the judgment shall be calculated according
to 28 U.S.C. 1961(a).
5. Each party is bear his own costs in this matter.

ROBERT M. TAKASUGI
United States District Judge

- Priority
- Send
- Clsd
- Enter
- JS-5/JS-9
- JS-2/JS-3

FILED
 CLERK U.S. DISTRICT COURT
 SEP 18 2000
 CENTRAL DISTRICT OF CALIFORNIA
 BY _____ DEPUTY

FILED
 U.S. DISTRICT COURT
 SEP 20 2000
 CENTRAL DISTRICT OF CALIFORNIA
 BY _____ DEPUTY

UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, On Its Own
 Behalf and On Behalf Of The COLORADO
 RIVER INDIAN TRIBES OF ARIZONA,

Plaintiff,

vs.

STANLEY K. BURSON, WILLIAM B. BOOTH
 and EVELYN D. BOOTH,

Defendants.

CASE NO. CV91-2410-RMT (Ex)

ORDER RE CONTEMPT AND ADOPTION
 OF REMEDIAL AND COERCIVE
 SANCTIONS

- Docketed
- Copies / NTC Sent
- JS - 5 / JS - 6
- JS - 2 / JS - 3
- CLSQ

This matter comes before the court on a motion by Plaintiff UNITED STATES OF AMERICA, On Its Own Behalf and On Behalf Of The COLORADO RIVER INDIAN TRIBES OF ARIZONA, for a finding of contempt against Defendant WILLIAM B. BOOTH ("Booth") and the adoption of remedial and coercive sanctions. On March 29, 2000, the court issued an Order to Show Cause ("OSC") regarding contempt and coercive sanctions against Booth for his violation of prior orders of this court. Booth replied to the OSC by writing the court a letter referring the court to his opposition to Plaintiff's Motion for Order to Show Cause, filed on December 2, 1999. Having considered the pleadings and other documents filed herein, the court now makes the following determinations.

SEP 20 2000 THIS CONSTITUTES NOTICE OF ENTRY
 AS REQUIRED BY FRCP, RULE 77(d)

1 On November 22, 1993, William B. Booth ("Booth") entered into a consent judgment in
2 which he was ordered to (1) pay trespass damages in the amount of \$15,000, to the U.S. as
3 trustee for the Colorado River Indian Tribe in five annual installments beginning from December
4 31, 1993, to December 31, 1998, and (2) vacate Red Rooster Trailer Park. See U.S. Motion for
5 OSC, Exh. 2 (November 22, 1993 Consent Judgment). When Booth failed to comply with these
6 requirements, the United States moved for, and the court entered, an Order to Show Cause
7 (OSC). On June 19, 1995, Booth made a partial payment towards the November 1993 judgment
8 in the amount of \$3,000, directly to the Colorado River Indian Tribes instead of the U.S.
9 Nevertheless, the court found that Booth failed to comply with the 1993 judgment. See *id.*, Exh.
10 1, ¶3, Exh. 6 (October 17, 1995 Contempt Order).

11 On October 17, 1995, the court held Booth in contempt for failure to comply with the 1993
12 judgment. The court ordered Booth to make payments to the United States on the remaining
13 balance of the 1993 judgment (\$12,000.00), vacate Red Rooster within thirty days of the order,
14 and provide plaintiff USA with an accounting of all rents and profits collected for the operation
15 of any business by Booth while occupying Red Rooster Trailer Park from January 1, 1995 to
16 present, and imposed a coercive sanction of fifty dollars per day for failure to comply. See *id.*,
17 Exh. 1 (October 17, 1995 Contempt Order).

18 The United States now seeks sanctions against Booth for his failure to comply with the
19 1993 judgment and the subsequent 1995 Contempt Order. Specifically, Booth failed to pay the
20 remaining balance of the 1993 judgment, and failed to vacate Red Rooster. The United States,
21 therefore, seeks to recover both compensatory damages and coercive sanctions. The U.S.
22 seeks an Order from the court requiring Booth to do the following: (1) immediately surrender
23 possession and vacate the lands known as Red Rooster Resort Trailer Park; (2) immediately
24 remove all personal possessions—including any trailers, canoes, automobiles, aircraft and the
25 like—from Red Rooster; (3) immediately pay to the United States for the benefit of the Colorado
26 River Indian Tribes the amount of \$180.00, the reasonable rental value of Lot 43 at Red Rooster,
27 for each month since October 17, 1995; (4) immediately pay to the Court the amount of \$50.00
28 for each day from October 17, 1995, to the present, as the coercive sanction provided for in the

1 Court's 1995 Contempt Order, (5) immediately pay to the United States the remaining debt on
 2 this Court's November 22, 1993 judgment totaling \$12,000.00 plus interest from October 17,
 3 1995; and (6) immediately provide the United States with an account of all rents and profits
 4 during Booth's unauthorized occupation of Red Rooster to be paid to the United States for the
 5 benefit of the Colorado River Indian Tribes within thirty days. See id., 4. Each of the remedies
 6 the United States seeks shall be analyzed in turn.

7 1. Vacating Red Rooster and Removing all Personal Possessions Therefrom.

8 The 1993 judgment and the Court's 1995 Contempt Order directed Booth to "vacate the
 9 lands known as Red Rooster." Booth failed to comply with both the 1993 judgment and October
 10 1995 Order and continues to live at Red Rooster, Lot 43. See Affidavits of Leroy Barnes, Jr. and
 11 Dennis Carter, attached as Exhibits 3 and 4 to Plaintiff's Motion for OSC. Incident to Booth's
 12 occupation of Red Rooster, Booth stores personal possessions thereon, including, but not
 13 limited to, trailers, canoes, automobiles, and aircraft. Consequently, this court finds Booth in
 14 contempt of the 1993 judgment and 1995 Contempt Order for his failure to surrender possession
 15 and vacate the land known as Red Rooster.

16 2. Payment of Fair Rental Value for Red Rooster from October, 1995 to Present.

17 As a result of Booth's willful noncompliance with the Court's 1995 Contempt Order, the
 18 Colorado River Indian Tribe has suffered actual damages in the form of lost rent since October
 19 1995. The U.S., on behalf of the Colorado River Indian Tribe, is entitled to a compensatory
 20 award in the amount of \$10,440.00, representing total monthly rent from October 1995 to
 21 August, 2000.¹ See Gompers v. Bucks Stove & Range Co., 221 U.S. 418, 448-49 (1911)
 22 (holding that sanctions for civil contempt are appropriate to compensate the contemnor's
 23 adversary for injuries resulting from the contemnor's noncompliance)

24 Booth claims he is unable to move out of Red Rooster because he has "virtually nowhere
 25 else to go..." Defendant's Opp. to Motion for OSC, 4. Booth asserts that he should not be
 26

27 ¹Booth does not dispute that he previously paid \$180 per month for rent while
 28 living at Red Rooster. October, 1995 to August, 2000 totals 58 months (\$180 x 58 =
 \$10,440.00).

1 rendered "homeless and destitute..." *Id.* Booth, however, claims that he would be willing to pay
 2 a reasonable rent for living at Red Rooster. See Booth Declaration at ¶3. Before October 1995,
 3 Booth paid \$180.00 per month for rent. This court finds that Booth can pay at least \$180.00 per
 4 month for residence elsewhere and, therefore, will not be rendered "homeless and destitute."

5 3. Coercive Sanction.

6 This court's 1995 Contempt Order imposed a "coercive sanction to be paid to the Court
 7 which shall accumulate daily at a rate of \$50.00 per day until compliance." "Until compliance"
 8 meant that the daily fine shall be imposed until Booth vacates Red Rooster, provides an
 9 accounting to the Plaintiff and pays the balance of the \$15,000 monetary award.

10 The proper means to secure compliance with a money judgment is to seek a writ of
 11 execution, not to obtain a fine of contempt for the period of non-payment. Shuffler v. Heritage
 12 Bank, 720 F.2d 1141, 1147 (9th Cir. 1983). To the extent the sanction was intended to coerce
 13 payment of the money award contained in the 1993 judgment, the sanction can not stand
 14 because it was an inappropriate enforcement of the money judgment through the coercive
 15 sanction, rather than through a writ of execution. Since the 1995 order did not indicate what, if
 16 any, portion of the \$50 daily fine would be attributable to Booth's failure to pay the balance
 17 remaining on the monetary award (as opposed to Booth's failure to vacate Red Rooster or
 18 provide an accounting), the entire fine is stricken *ab initio*.

19 4. Payment of \$12,000 Balance of Monetary Award in 1993 Judgment.

20 As stated above, the proper means to enforce a money judgment is to seek a writ of
 21 execution. See Shuffler v. Heritage Bank, *supra*, 720 F.2d at 1147. Consequently, this court
 22 will not find Booth in contempt of the 1993 judgment or the 1995 Contempt Order for failure to
 23 pay the balance on the monetary award because to do so would be an improper means to
 24 coerce payment of the monetary award in the 1993 judgment.

25 5. Accounting of all rents and profits during Booth's unauthorized occupation of Red
 26 Rooster.

27 Booth has engaged in business activities for profit during his unauthorized occupation of
 28 Red Rooster. See Affidavits of Leroy Barnes, Jr. and Dennis Carter, attached as Exhibits 3 and

1 4 to Plaintiff's Motion for OSC. Specifically, Booth is storing trailers, renting canoes and leasing
 2 campsites at Red Rooster in violation of the 1993 judgment and the 1995 Contempt Order.
 3 Therefore, an accounting is necessary to determine the compensation to which the United
 4 States is entitled for the injury resulting from Booth's violation of the 1993 judgment and 1995
 5 Contempt Order. Accordingly,

6 **IT IS ORDERED that Booth:**

- 7 1. Immediately surrender possession and vacate the lands known as Red Rooster
 8 Resort Trailer Park;
- 9 2. Immediately remove all personal possessions from Red Rooster, including, but not
 10 limited to, any trailers, canoes, automobiles, aircraft and the like;
- 11 3. Pay to the United States, for the benefit of the Colorado River Indian Tribes, the
 12 amount of \$10,440.00, which represents a rental amount of \$180.00 per month
 13 from October 17, 1995 to the present;
- 14 4. Provide the United States with an accounting of all rents and profits during Booth's
 15 unauthorized occupation of Red Rooster Trailer Park within thirty (30) days hereof.

16 **IT IS FURTHER ORDERED** that failure to comply with items 1, 2 and 4 in the instant
 17 order shall result in the imposition of coercive sanctions to be paid to the court which shall
 18 accumulate daily at a rate of \$50.00 per day beginning thirty (30) days from entry of this order
 19 until full compliance with items 1, 2 and 4.

20 **IT IS FURTHER ORDERED** that the United States shall file a declaration thirty (30) days
 21 from the date of entry of the instant order indicating whether or not Booth has fully complied with
 22 the instant order. If the declaration indicates that Booth has not fully complied, Booth shall have
 23 fifteen (15) days from the filing of the United States' declaration to file a response. If, upon the
 24 submissions, the court finds that Booth is still in violation of the instant order, the coercive fine
 25 shall be imposed in accordance with the immediately preceding paragraph.

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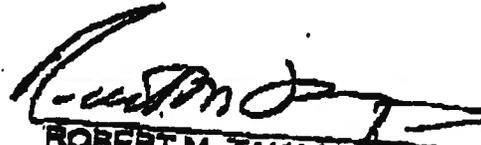
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28 ///

1 IT IS FURTHER ORDERED that the monies due under item 3 are due and payable within
 2 thirty (30) days of entry of this order, prior to which Booth may request a delay or payment by
 3 installments by filing the appropriate application with the court.

4 DATED:

9/18/00



ROBERT M. TAKASUGI
United States District Judge

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