

April 21, 2020

Via Email

Arturo Gonzalez
Morrison & Foerster LLP
425 Market Street, 32nd Floor
San Francisco, CA 94105

Re: The Guidiville Rancheria of California, et al. v. United States of America, et al.
USDC Case No. CV 12-1326 YGR

Dear Arturo:

This letter is written to the City of Richmond (“the City”) on behalf of both Guidiville Rancheria of California (“the Tribe”) and Upstream Point Molate LLC (“Upstream”) in response to the City’s request for an extension of the deadline applicable to Discretionary City Approvals.

Pursuant to Paragraph 16 of the November 21, 2019, Amended Judgment in Case No. CV 12-1326 YGR, the City shall consider Discretionary City Approvals within 6 months of the Amended Judgment's Effective Date, or by May 21, 2020.

The Tribe and Upstream acknowledge that with the unprecedented and unexpected arrival of the COVID-19 pandemic, the City and the entire Bay Area have been in lockdown since March 16, 2020, and the Tribe and Upstream are informed that much of the City’s staff began transitioning to remote work starting March 16.

The Tribe and Upstream understand these significantly changed circumstances have impacted the City’s ability to conduct its business (including to timely make ordinary agency decisions, to hold interdepartmental meetings in person, to hold its regular public meetings or hearings in person), placed significant strain on the City's available resources, and slowed many processes necessary to meeting the May 21 deadline set by the Amended Judgment. While the City could seek relief from the Courts to extend the deadline in light of the present COVID-19 public health emergency, the Tribe and Upstream do not believe such an expenditure of public funds and the Court’s time is necessary. Instead, in light of (1) the COVID-19 public health emergency, (2) the City’s efforts to date to comply with the Amended Judgment, and (3) the Tribe and Upstream’s desire to reasonably

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cooperate with the City, the Tribe and Upstream, hereby agree that they will forbear exercising any rights they may have under Paragraph 16 of the Amended Judgment until September 30, 2020.

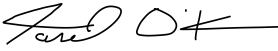
Stated differently, in light of the circumstances, the Tribe and Upstream in effect agree to extend until September 30, 2020, the City's obligations to consider discretionary City Approvals under Paragraph 16 of the Amended Judgment.

The Tribe and Upstream understand the City will rely on this representation and agreement, and on that basis, the City will forgo its right to seek modification of the Amended Judgment from the Court.

By this forbearance, the Tribe and Upstream are not agreeing to extend any other deadline set forth in the Amended Judgment, including the City Sale Deadline set forth in Paragraph 25.

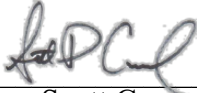
Sincerely,

O'KEEFE & O'KEEFE LLP

By: 

Garet D. O'Keefe
Attorneys for Plaintiff
Upstream Point Molate LLC

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