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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

Pauma Band of Luiseno Mission  
Indians of the Pauma & Yuima  
Reservation, a/k/a Pauma Luiseno  
Band of Mission Indians  
a/k/a  
Pauma Band of Mission Indians,

Plaintiff,

vs.

State of California, et al.,

Defendants.

CASE NO. 09cv1955-CAB (MDD)

**ORDER ON THE AMOUNT  
OF SPECIFIC PERFORMANCE  
and  
DIRECTING THE CLERK OF  
COURT TO ENTER JUDGMENT**

On March 18, 2013, the Court issued its order resolving the parties' dispositive cross-motions. [Doc. No. 227.] In its March 18 order, the Court found that Pauma is entitled to complete rescission of the 2004 Amendment based on Defendants' misrepresentations concerning the number of machines that all compacted tribes in the aggregate could license under the 1999 Compact. Then, on June 11, 2013 after a hearing and supplemental briefing regarding other remedies sought by Pauma, the Court determined that specific performance of the 1999 Compact's payment terms was the most appropriate way to reinstate the 1999 Compact contractual relationship between the parties.<sup>1</sup> [Doc. No. 238.] The Court declined to award prejudgment interest.

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<sup>1</sup> The Court did not award restitution, despite its use of the term in orders and argument leading to its June 11 order.

1           Having considered the supplemental submissions of the parties regarding the  
2 appropriate specific performance award, [Doc. Nos. 239, 241, 244], the Court  
3 concludes that judgment shall issue in favor of Pauma and against Defendants in the  
4 amount of \$36,235,147.01. Further, for the reasons stated in the Court's March 18  
5 order, [Doc. No. 227], judgment shall also issue in favor of Pauma and against  
6 Defendants on Claim 10 for misrepresentation.

7           The State shall satisfy the \$36,235,147.01 judgment within 180 days of the  
8 Clerk's entry of the judgment.


9           IT IS SO ORDERED.

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11 DATED: December 2, 2013

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**CATHY ANN BENCIVENGO**  
United States District Judge

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