

1 2011, the former having been signed by Plaintiff, WILLIAM ROUSER, and Defendants,
2 Secretary of Department of Corrections MATTHEW CATE, Director of Adult Institutions
3 TERRI MCDONALD, and Warden BRENDA CASH, Intervener, SPOTTED EAGLE CIRCLE
4 (hereinafter "CIRCLE"), while not a signatory of the Joint Settlement Agreement, has no
5 opposition to the form or content of the Joint Settlement Agreement or Joint Notice and Motion
6 for Order Approving Settlement and Transferring Venue.

7 Intervener's Statement of Non-Opposition is conditioned upon the understanding that the
8 terms of the Agreement in no way infringes on or entitle Plaintiff access to the outdoor space at
9 Lancaster Prison used by the CIRCLE for sweat lodge and other Native American religious
10 ceremonies. The CIRCLE wishes to preserve its rights to the outdoor space made available to it
11 for religious ceremonies while making this understanding part of the official record of this
12 matter. While the Joint Settlement Agreement does not explicitly name the outdoor space at
13 Lancaster Prison used by the CIRCLE for religious ceremonies, Intervener did not wish to delay
14 settlement of this protracted litigation by insisting on amending the language of the Agreement.

15 Finally, in order to preserve its rights and make the record complete for all parties,
16 counsel for Intervener respectfully requests permission to appear telephonically at the hearing set
17 for October 24, 2011.

18 DATED: October 14, 2011

/s/ Mark A. Vezzola

Mark A. Radoff (SBN 119311)

Mark A. Vezzola (SBN 243441)

Attorneys for Spotted Eagle Circle

Intervener

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**INTERVENER'S STATEMENT OF NON OPPOSITION TO JOINT SETTLEMENT AGREEMENT AND
JOINT NOTICE AND MOTION FOR ORDER APPROVING SETTLEMENT AND TRANSFERRING
VENUE AND REQUEST TO APPEAR TELEPHONICALLY**