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16 *Attorney for Plaintiffs The New 49'ers Inc. et al.*

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
18 FOR THE COUNTY OF SAN BERNARDINO

19 Coordination Proceeding  
20 Special Title (Rule 1550(b))

Judicial Council Proceeding No. JCPDS 4720

21 **SUCTION DREDGE MINING CASES**

**DECLARATION OF JAMES L. BUCHAL  
IN SUPPORT OF MINERS' JOINT  
MOTION FOR INJUNCTION AGAINST  
DEFENDANTS**

Judge: Hon. Gilbert G. Ochoa  
Dept.: S36  
Date: June 23, 2015  
Time: 8:30 a.m.

22 **Related Actions:**

23 *Karuk Tribe of California, et al. v. California*  
24 *Department of Fish and Game*

RG 05211597 – Alameda County

25 *Hillman, et al. v. California Department of*  
26 *Fish and Game*

RG 09434444 – Alameda County

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*Karuk Tribe of California, et al. v. California Department of Fish and Game*

RG 1263796 – Alameda County

*Kimble, et al. v. Kamala Harris, Attorney General of California, et al.*

CIVDS 1012922 – San Bernardino County

*Public Lands for the People, et al. v. California Department of Fish & Game, et al.*

CIVDS 1203849 – San Bernardino County

*The New 49er's, et al. v. State of California; California Department of Fish and Game, et al.*

SCCVCV 120048 – Siskiyou County

*Foley, et al. v. State of California; California Department of Fish and Wildlife, et al.*

SCSCCV 13-00804 – Siskiyou County

*Walker v. Harris, et al.*

34-2013-80001439 – Sacramento County

1 James L Buchal states:

2 1. I am the attorney for plaintiffs *The New 49er's et al. v. California Department of*  
3 *Fish and Wildlife, et al.* (SCCVCV1200482, Siskiyou County) and the Western Mining  
4 Association and Eric Maksymyk in *Public Lands for the People, et al. v. California Department*  
5 *of Fish & Game, et al.* (CIVDS 1203849, San Bernardino County). I make this Declaration in  
6 support of the Miner's Joint Motion for Injunctive Relief.

7 **Facts Concerning Irreparable Injury.**

8 2. I am also counsel to several miners in Siskiyou County: Derek Eimer, Dan  
9 Parkin, Barton Riedel, and Dyton Gilliland. Attached as Exhibits 1 through 4 are sworn  
10 statements from these miners that I had intended to utilize in an action to be brought in Siskiyou  
11 County; this Court provided *ex parte* relief barring that suit on April 30, 2015, so it is appropriate  
12 to present these Declarations here. After these Declarations were prepared, Mr. Gilliland was  
13 arrested again on Thursday, May 7, 2015, and jailed. I prepared and served on the local District  
14 Attorney motion to have him released for want of probable cause at the 48 hour hearing. For  
15 reasons that are not entirely clear to me, Mr. Gilliland was released, but he has received no  
16 document extinguishing the threat of criminal liability with regard to this or any other citation,  
17 and I have been in contact with the District Attorney who confirms that Mr. Gilliland remains  
18 subject to potential criminal liability.

19 3. I have received information that other miners besides my clients have been cited  
20 for suction dredging and are subject to criminal prosecution in at least two other counties in  
21 California. Attached as Exhibits 5 through 7 are Declarations from two additional miners and  
22 their expert witness in ongoing criminal proceedings in Fresno County, California. Attached as  
23 Exhibit 8 is a copy of a citation another miner has received in Butte County, California. I have  
24 made no attempt to solicit these documents; they were sent to me unsolicited, and for this reason  
25 I would imagine that the universe of citations for dredging without a permit is substantially  
26 larger.  
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**Miscellany**

7. Mr. Keith Walker has provided me with a Declaration which he has asked be considered in connection with this Court's evaluation of the request for injunctive relief. A true copy of Mr. Walker's Declaration is attached hereto as Exhibit 13.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 18, 2015.



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James L. Buchal  
MURPHY & BUCHAL LLP  
*Attorney for Plaintiffs The New 49'ers, Inc. et al.*

1 PROOF OF SERVICE

2 I, Carole Caldwell, hereby declare under penalty of perjury under the laws of the State of  
3 California that the following facts are true and correct:

4 I am a citizen of the United States, over the age of 18 years, and not a party to or  
5 interested in the within entitled cause. I am an employee of Murphy & Buchal, LLP and my  
6 business address is 3425 SE Yamhill Street, Suite 100, Portland, Oregon 97214.

7 On May 18, 2015, I caused the following document to be served:

8 DECLARATION OF JAMES L. BUCHAL IN SUPPORT OF MINERS' JOINT MOTION FOR  
9 INJUNCTION AGAINST DEFENDANTS

10 by transmitting a true copy in the following manner on the parties listed below:

11 Honorable Gilbert Ochoa  
12 Superior Court of California  
13 County of San Bernardino  
14 San Bernardino Justice Center  
15 247 West 3<sup>rd</sup> Street  
16 San Bernardino, CA 92415-0210  
17 *Via U.S. Mail*

Chair, Judicial Council of California  
Administrative Office of the Courts  
Attn: Court Programs and Services Division  
(Civil Case Coordination)  
455 Golden Gate Avenue  
San Francisco, CA 94102  
*Via U.S. Mail*

18 Bradley Solomon  
19 Deputy Attorney General  
20 455 Golden Gate Avenue, Suite 11000  
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22 E-mail: Bradley.Solomon@doj.ca.gov  
23 *Via E-mail*

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26 1416 Ninth Street, 12<sup>th</sup> Floor  
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*Via U.S. Mail*

  
Carole Caldwell  
Declarant