

Murphy & Buchal LLP

3425 SE Yamhill Street, Suite 100  
Portland, Oregon 97214

**James L. Buchal**

telephone: 503-227-1011  
fax: 503-573-1939  
e-mail: jbuchal@mbllp.com

May 18, 2015

**BY FEDERAL EXPRESS AND E-MAIL**

Hon. Gilbert G. Ochoa  
San Bernardino Superior Court  
247 W. Third Street, Dept. S36  
San Bernardino, CA 92415

Re: *Suction Dredge Mining Cases*, JCPDS4720

Dear Judge Ochoa:

On April 30, 2015, this Court granted the Department's ex parte application for relief "barring plaintiff from filing a new action in Siskiyou County which would be duplicative of the coordinated Siskiyou case that is currently before the Court". (Dep't Application, April 29, 2015, at 2.) As set forth below, the lawful scope of an order embodying the Court's ruling would extend to "plaintiffs," meaning either The New 49'ers, Inc. or all JCPDS4720 plaintiffs.

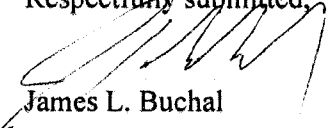
Instead, Mr. Solomon has now proposed an order "barring Mr. Buchal and his clients, including any and all members of the The New 49'ers, Inc., from filing a suction dredge complaint in Siskiyou County during the pendency of the coordinated matter." The Department presented no evidence that the Siskiyou County miners, who were and are suffering independent injuries, were in any sense agents or in privity with the party The New 49'ers, Inc. To the contrary, as explained in the Declaration of Richard Krimm, filed herewith, such members are merely those who hold a license to mine from The New 49'ers. This Court does not have jurisdiction over such members and cannot lawfully enjoin them.

This Court does have jurisdiction over me (and The New 49'ers, Inc.), but it is quite extraordinary relief to single out and stigmatize an individual attorney and unspecified present and future clients to bar the courthouse doors. Such a ruling implicates important constitutional rights to petition the government for a redress of grievances. No predicate of abusive litigation exists to support such extraordinary relief, and this Court should not be interfering with clients' rights to select their attorneys, or altering the ordinary professional relationship through direct relief against an attorney, absent extraordinary grounds.

May 18, 2015

In short, a lawful order consistent with this Court's ruling would simply strike ~~"Mr. Buchal and his clients, including any and all members of the The New 49'ers Inc."~~ and substitute "plaintiffs". We have every reason to hope that this Court's June 23rd injunction ruling will avoid a multiplicity of further suits, both those of the sort the Department is initiating all over the State, and those threatened by other miners.

Respectfully submitted,



James L. Buchal

Copies to All Counsel