

FILED

JAN 28 2010

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

John F. Hutchens, joint venturer, expert

T.W. Arman, owner, grantee, joint venturer,

1. P.O. Box 182, Canyon, Ca. 94516, 925-878-9167

2. P.O. Box 992867, Redding, CA 96099 530-275-4550

Arman & Hutchens, owner & operator, aka "Two Miners" *absence of delectus personae*.

Jardine Matheson Group, Iron Mountain Inv. Co., Stauffer, Aventis, AstraZeneca, Bayer Crop, &c.

UNITED STATES DISTRICT COURT EASTERN DISTRICT of CALIFORNIA

ADMINISTRATIVE INTERVENTION DECLARATORY & INJUNCTIVE RELIEF

ARREST OF JUDICIAL TAKING BEFORE JUDGMENT INTERLOCUTORY APPEAL

EMERGENCY CITIZEN SUIT INTERVENTION WITH PROBABLE CAUSE

IRON MOUNTAIN MINES, INC. &

) Civil No. 2:10-cv-0232 FCD JAM PS

T.W. ARMAN, DEFENDANTS

) HONORABLE JUDGE: JOHN A. MENDEZ

v.

) NOTICE: APPEARANCE DE BENE ESSE

UNITED STATES OF AMERICA

) COMPLAINT IN INTERVENTION & FOR

PLAINTIFFS

) LEAVE TO FILE QUO WARRANTO:

IRON MOUNTAIN MINES, INC. &

) QUANTUM DAMNIFICATUS; QUANTUM

T.W. ARMAN, DEFENDANTS

) MERUIT; QUANTUM VALEBAT, QUARE

v.

) IMPEDIT; NAME CLEARING HEARING!

CALIFORNIA

) FLAT CREEK MINING DISTRICT PRIOR

PLAINTIFFS

) RIGHT LAW OF THE APEX, THE ARMAN

JOINT AND SEVERAL TRESPASSERS!

) AND HUTCHENS CONSOLIDATED CLAIM,

VIOLATIONS: §§ 1983, 1985, 1986.

) i.e. IRON MOUNTAIN MINES, INC. ET AL

§ 241, § 242, § 245, § 3729. §§15 §1110b

) FREEHOLD ESTATE WRIT OF ENTRY,

CONSTITUTIONAL CIVIL RIGHTS §905

) WRIT OF RIGHT, WRIT OF POSSESSION.

CERTIORARIFIED MANDAMUS §1257

) INNOCENT LANDOWNER DEFENSES

NEGLIGENCE §803 FALSE CLAIMS

) TAKING REQUIRING COMPENSATION

§706 §2201 §2403 § 2409a §2410 §2680

) UNLAWFUL DETAINER, QUIET TITLE.

Complaint in Intervention. Writ of Right, Writ of Possession, leave to file: No. 2:91-cv-00768-JAM-JFM
QUO WARRANTO INCIDENTAL AND PEREMPTORY ADMINISTRATIVE MANDAMUS

I. INTRODUCTION

Intervener John F. Hutchens seeks to exercise his right under 42 U.S.C. § 9659(a) to intervene as defendant in the above-captioned matter on all questions of law and fact brought forth in these proceedings. This action was brought by the Plaintiffs under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601 et seq., petitioner exercises the right to intervene by 42 U.S.C. § 9659(a)(1), as well as of RCRA 7003.

II. PARTY

John F. Hutchens is joint venturer with T.W. Arman, owner of Iron Mountain Mines, Inc. (the named defendants in this action), to recycle wastes disposed by the EPA sludge treatment process at the Iron Mountain Mines, Inc. superfund site. These wastes, now in excess of 500 thousand tons, contain valuable quantities of recoverable base and precious metals including gold, silver, copper, aluminum, zinc, magnesium, cadmium, titanium, uranium, and other metals, in a mixture of calcium sulfate (gypsum) with iron sulfates and iron oxides and oxy-hydroxide nano-materials. Since the engagement in the joint venture, petitioner and defendants have expanded their relationship with vested and accrued rights and responsibilities including implementing the proper remedy project management and administration at Iron Mountain Mines, Inc, terminating the EPA's activities at Iron Mountain Mines, Inc., the restoration of the rights, privileges, and immunities of patent title, and the complete development of the Iron Mountain Mines, Inc. properties.

III. JURISDICTION AND VENUE

...bills to take testimony de bene esse, are sustainable only in aid of a suit already depending. 1 Sim. & Stu. 83. The latter may be brought by a person who is in possession, or out of possession; and whether he be plaintiff or defendant in the action at law. Story, Eq Pl. §307 and 303, note; Story on Eq. 1813, note 3. In many respects the rules which regulate the framing of bills to perpetuate testimony, are applicable to bills to take testimony ae bene esse.: **Bill - Chancery Practice**, * A complaint in writing addressed to the chancellor, containing the names of the parties to the suit, both complainant and defendant, a statement of the facts on which the complainant relies, and the allegations which he makes, with an averment that the acts complained of are contrary to equity , and a prayer for relief and proper process. Its office in a chancery suit, is the

1 same as a declaration in an action at law, a libel in a court of admiralty or an allegation in, the
2 spiritual courts. Certiorari and Intervention, See: Western Properties v. Shell Oil 358 F.3d 678
3 Because, in an appropriate case, the court might properly exercise its discretion under §
4 113(f)(1) to allocate a smaller portion or even no portion of the cleanup cost to a non-
5 polluting PRP landowner, there is no reason to read such authority into § 107(a) against
6 the limitations of the words of § 107(b)

7 **IV. ADMINISTRATIVE & FACTUAL ALLEGATIONS**

8 On January 26, 2010 I received an email link dated January 19, 2010 with a personal plea and
9 invitation from Administrator of the Environmental Protection Agency Lisa P. Jackson, the gist
10 of which is that from her "FIVE PRIORITIES FROM LAST YEAR, EPA... LISTENED TO
11 COLLEAGUES AND LEARNED FROM EXPERIENCES, AND HAS SEVEN PRIORITIES
12 FOR EPA'S FUTURE.

13
14 1. TAKING ACTION ON CLIMATE CHANGE, REDUCE DEPENDANCE ON FOREIGN
15 OIL THAT THREATENS OUR ECONOMY AND NATIONAL SECURITY....

16
17 2. AIR QUALITY, REDUCING HARMFUL TOXICS, STRONGER STANDARDS.....

18
19 3. FOCUS ON SAFETY OF CHEMICALS, SIGNIFICANT AND LONG OVERDUE
20 PROGRESS IN ADDRESSING CONCERNS OVER CHEMICALS IN OUR PRODUCTS, IN
21 OUR ENVIRONMENT, AND IN OUR BODIES, AND ACCELERATING EPA WORK ON
22 CHEMICALS OF CONCERN, INCREASING PUBLIC AWARENESS THROUGH THE
23 INTEGRATED RISK INFORMATION SYSTEM AND TOXICS RELEASE INVENTORY,
24 AND TOXIC RELEASE INVENTORY, AND SUPPORTING REFORM OF OUR NATIONS
25 CHEMICAL LAWS, SO THEY KEEP PACE WITH THE CHEMICAL INDUSTRY.

26
27 4. ANOTHER PRIORITY IS CLEANING UP OUR COMMUNITIES, USING ALL THE
28 TOOLS AT OUR DISPOSAL INCLUDING ENFORCEMENT AND COMPLIANCE

1 EFFORTS, WE WILL CONTINUE TO WORK TOWARDS SAFER HEALTHIER
2 COMMUNITIES, REVITALIZING COMMUNITY BASED PROGRAMS LIKE
3 SUPERFUND AND BROWNSVILLE CAN HELP GET TOXIC CONTAMINATION OUT
4 OF COMMUNITIES, AND HELP PUT NEW DREAMS OUT THERE, AND WE WILL
5 STEP UP AS NEEDED TO ASSIST LOCAL AREAS FACING EXCEPTIONAL
6 ENVIRONMENTAL CHALLENGES AND HEALTH THREATS.

7
8 5. WE WILL FOCUS ON PROTECTING AMERICAS WATER. WATER QUALITY CAN
9 HAVE PROFOUND HUMAN HEALTH IMPACTS, AND A RELIABLE SUPPLY OF
10 CLEAN WATER IS ABSOLUTELY CRITICAL TO THE ECONOMIC GROWTH OF OUR
11 COMMUNITIES. THE CHALLENGES AHEAD DEMAND TRADITIONAL MEASURES
12 AND INNOVATIVE STRATEGIES, WE HAVE A RANGE OF BOTH TO SET IN
13 MOTION, ADDRESSING POST CONSTRUCTION AGRICULTURAL AND STORM
14 WATER RUNOFF, TO BETTER PROTECTING DRINKING WATER SUPPLIES, AND WE
15 WILL ALSO REVAMP ENFORCEMENT STRATEGY, TO ACHIEVE GREATER
16 COMPLIANCE ACROSS THE BOARD.

17
18 6. WE WILL BE EXPANDING THE CONVERSATION ON ENVIRONMENTALISM AND
19 WORKING FOR ENVIRONMENTAL JUSTICE. WE ARE BUILDING AND
20 REBUILDING RELATIONSHIPS WITH TRIBES, COMMUNITIES OF COLOR, YOUNG
21 PEOPLE , AND ECONOMICALLY DISTRESSED CITIES, TOWNS, AND RURAL
22 AREAS, THESE VOICES NEED TO BE PART OF OUR CONVERSATION, AND HAVE A
23 PLACE AT THE DECISION MAKING TABLE, WE MUST AND WILL MAKE
24 ENVIRONMENTAL JUSTICE A CONSIDERATION IN ALL OF OUR ACTIONS, AND I
25 AM URGING YOU TO BRING VISION AND CREATIVITY TO THIS CHALLENGE.

26 7. LAST BUT CERTAINLY NOT LEAST, WE WILL CONTINUE BUILDING STRONG
27 STATE AND TRIBAL PARTNERSHIPS, FISCAL CHALLENGES ARE PRESSURING
28 STATE AGENCIES AND TRIBAL GOVERNMENTS TO DO MORE WITH LESS,

1 STRONG PARTNERSHIPS AND ACCOUNTABILITY ARE MORE ESSENTIAL THAN
2 EVER, EPA WILL DO ITS PART TO SUPPORT STATE AND TRIBAL CAPACITY, AND
3 THROUGH ITS STRENGTHENED OVERSIGHT, INSURE THAT PROGRAMS ARE
4 DELIVERED NATIONWIDE.

5 THESE ARE OUR SEVEN PRIORITIES FOR 2010 AND BEYOND. ESSENTIAL TO ALL
6 OF THEM IS A COMMITMENT TO WORK TOGETHER ACROSS PROGRAMS,
7 REGIONS, AND ISSUES, TO SERVE THE AMERICAN PEOPLE AS ONE EPA, WE
8 WANT A WORK PLACE THAT IS WORTHY OF OUR INCREDIBLE WORKFORCE.
9 AND WE WANT TO BUILD THE MOST DIVERSE AND INCLUSIVE EPA IN HISTORY.
10 SO THAT WE CAN MEET THE WIDE RANGE OF CHALLENGES AHEAD OF US. OUR
11 SUCCESS WILL DEPEND UPON INNOVATION AND CREATIVITY IN BOTH WHAT
12 WE DO AND HOW WE DO IT. I ENCOURAGE EVERYONE TO BE PART OF
13 CONSTRUCTIVELY IMPROVING OUR AGENCY, AND LOOK FORWARD TO
14 MEETING OUR CHALLENGES AS ONE EPA."

15 <http://www.youtube.com/watch?v=I56ZeHmoDYc>

16 You should recognize the actual emergency that exists, and protect the defendants and intervenor
17 with orders to commutate the insurance policies of Trust I and Trust II and immediately provide
18 the funds for acquisition of best available technologies You should restore regulatory authority to
19 the legislature of California, and law enforcement authority to Shasta County and the California
20 dept. of Mines and Geology. You should recognize us members of a class action under Yick Wo.

21 A. Intervention de benne esse on the issues of fact set forth by ~~Plaintiffs~~ *defendants*

22 B. Petitioners automatic right to intervene under CERCLA, RCRA, and FRCP 24.

23 C. *Sua Sponte* review of prior rulings.

24 D. SET A DATE FOR NAME CLEARING HEARING

25 **"Full relief and restore possession to the party entitled thereto" for absence of jurisdiction.**

26 **WRIT OF EQUITABLE ESTOPPEL! WRIT OF POSSESSION & EJECTMENT!**
27 **JUDGEMENT OF THE COURTS ENJOINED, VACATED, AND SET ASIDE**
28

1 Under California's civil procedure rules, trial courts have discretion to grant permissive interven-
2 tion when: 1) the moving party's interest is "direct and immediate;" 2) allowing intervention will
3 not "enlarge the issues in the litigation;" and 3) the balance of "reasons for the intervention out-
4 weigh any opposition by the parties presently in the action." These standards are comparable to
5 the analysis that federal courts engage in when determining whether to allow permissive interven-
6 tion under the Federal Rules of Civil Procedure. In exercising its discretion under the California
7 rules, a trial court has to determine "whether the original action between the existing parties
8 should be allowed to proceed undisturbed by an intervenor's claim; and the more indirect the
9 connection of that claim with the issues raised in the original action, the less likelihood there is of
10 the court permitting intervention." Petitioner meets all criteria of intervention and should be prop-
11 erly joined in this action. Defendants counsel should be retained.

12 Defendant's counsel has recommended that the court review Ninth Circuit precedent in light of
13 Burlington. Petitioner also recommends review based upon Carson Harbor, (cited by plaintiffs in
14 their memorandum in support of the consent decree and for entry of summary judgment.

15 Under *Carson Harbor*, the definition of what constitutes "disposal" has been limited. The hold-
16 ing also provides strong support for a defense to CERCLA liability where contamination has only
17 passively migrated during the time of site ownership/operation, either within the confines of a site
18 or from off-site sources.

19 You should review the case and reverse the findings as not supported by the evidence.

20 You should void and vacate the consent decree; you should void and strike the liens.

21 You should investigate the charges of malice, fraud upon the court, and negligent endangerment.

22 You should designate the petitioner PROJECT MANAGER QUO WARRANTO.

23 ***QUO WARRANTO INCIDENTAL AND PEREMPTORY ADMINISTRATIVE MANDAMUS***

24 **"One Co-tenant may recover the whole estate in ejectment against strangers."**

25 **King Solomon Co. v. Mary Verna Co. 22 Cal. App. 528, 127 P 129, 130**

26 "The owner is not liable for pollution of stream incidental to placer mining, or to washing iron
27 ore. It is classed among non-actionable injuries. Nor will such use of the stream be enjoined even
28

1 if an action lies, except in willful or extreme cases. Clifton Co. v. Pye 87 Ala. 468 6So 192. Hill
2 v. King 4 M.R. 533. 8 Cal. 337, Atchison v. Peterson 1 M.R. 583 20 Wall 501.

3 California Statute Sec. 1426 7/1/09

4 In the absence of clearly expressed legislative intent, retrospective operation will not be given to
5 statutes, nor, in absence of such intent, will a statute be construed as impairing rights relied upon
6 in past conduct when other legislation was in force. *Union Pacific R. Co. v. Laramie Stock Yards*,
7 *ante*, p. 231 U. S. 190.

8 The objective of the public trust is always evolving so that a trustee is not burdened with out-
9 moded classifications favoring the original and traditional triad of commerce, navigation and fish-
10 eries over those uses encompassing changing public needs. *National Audubon Society v. Superior*
11 *Court, supra*, at p. 434.

12 Section 5937 "is a legislative expression of the public trust doctrine." California Trout, Inc. v.
13 State Water Resources Control Board, 255 Cal. Rptr. 184,209,212 (Cal. Ct. App. 1989». The pub-
14 lic trust doctrine and section 5937 overlap, addressing the fisheries at different levels of general-
15 ity. The public trust doctrine has long protected fisheries used by commercial and recreational
16 fishers, and more recent case law has expanded the doctrine to include the general public's right to
17 preserve fisheries and their related habitat for their intrinsic environmental value as ecological
18 units. Marks v. Whitney, 6 Cal. 3d 251, 259,491 P.2d 374, 380 (1971) (establishing that the doc-
19 trine changes in tandem with changing public values and
20 scientific understanding) and National Audubon Soc'y v. Superior Court of Alpine Cty, 33 Cal.3d
21 419,435,658 P.2d 709 (Cal. 1983), cert denied, 464 U.S. 977 (1983).

22 (administrative agencies are not required to, nor should they, regulate the present and future
23 within the inflexible limits of yesterday); Michigan v. Thomas, 805 F.2d 176 (6th Cir.1986) (En-
24 vironmental Protection Agency could apply its definition of "reasonably available control tech-
25 nology" to disapprove proposed state dust rules where it had approved similar rules of other
26 states, in light of new knowledge); cf. International Bhd. of Teamsters, Chauffeurs, Warehouse-
27 men & Helpers of Am. v. Daniel, 439 U.S. 551, 566 n. 20,99 S.Ct. 790, 58 L.Ed.2d 808 (1979)

(deference due administrative agencies is due in part because of willingness to accord some measure of flexibility to an agency as it encounters new and unforeseen problems over time). Citing *California Trout, Inc. v. Superior Court*, 218 Cal.App.3d 187, 266 Cal.Rptr. 788, 801 (1990) (ordering the water board to establish flow rates based on available data while proceeding with more elaborate studies), the Supreme Court of Hawaii directed the state water agency to use "the best information presently available" in protecting public trust values. In *re Water Use Permit Applications*, 94 Hawai'i 97, 9 P.3d 409 (Hawai'i, 2000). The Court emphasized the importance of comprehensive and pro-active planning in a region where growth and its attendant demands on groundwater outstrip the region's limited supply. The Court eloquently summed up the role of a water agency: "The constitutional framers and the legislature designed the Commission as an instrument for judicious planning and regulation, rather than crisis management. ... [The public trust] concept implies not only the power to protect the resources but the responsibility to do so long before any crisis develops [citing *Stand. Comm. Rep. No. 77 in 1 Proceedings*, at 688] . . . [T]he water code should serve as a tool and an incentive for planning the wise use of Hawaii's water resources, rather than as a water crisis and shortage management mechanism [citing *Stand. Comm. Rep. No. 348, in 1987 House Journal*, at 126263]."

It is not possible to consider the relevant wildlife statutes without considering the framework of the public trust doctrine. The non-codified public trust doctrine remains important both to confirm the state's sovereign supervision and to require consideration of public trust uses in cases filed directly in the courts. *National Audubon*, 33 Cal. 3d 419 at n. 27. See also, *Kootenai Env'tl. Alliance v. Panhandle Yacht Club, Inc.*, 105 Idaho 622, 671 P.2d 1085, 1095 (Idaho 1983) (Mere compliance with legislation is not sufficient). The government cannot act outside of the boundaries of the public trust doctrine with respect to public trust resources. *San Carlos Apache Tribe v. Superior Court ex rel. Maricopa County*, 193 Ariz. 195, 972 P.2d 179, 199 (1999) ("The public trust doctrine is a constitutional limitation on legislative power").

2715. No provision of this chapter or any ruling, requirement, or policy of the board is a limitation on any of the following:

1 (a) On the police power of any city or county or on the power of any city or county to declare,
2 prohibit, and abate nuisances.

3 (b) On the power of the Attorney General, at the request of the board, or upon his own motion,
4 to bring an action in the name of the people of the State of California to enjoin any pollution or
5 nuisance.

6 Exactly what is "pollution" and under what circumstances does the pollution exclusion apply?

7 The California Supreme Court recently addressed this question in MacKinnon v. Truck Insurance
8 Exchange (2003) 31 Cal.4th 635.

9 The Court's decision is decidedly unhelpful in this regard; the Court admits that it has not pro-
10 vided a precise definition of "pollution" and that the issue is left open for future cases.

11 PRIOR RIGHTS, PATENT TITLE

12 In California, a complaint simply alleging the ownership by plaintiff of his mining location and
13 the claim by defendant without right of an adverse interest has been held to allege enough.

14 In any event the party seeking to have a trust declared must make out a case against the patentee
15 by evidence that is plain and convincing beyond reasonable controversy." It has been held that
16 such a suit is clearly within the jurisdiction of the federal courts, regardless of the citizenship of
17 the parties.*8 grantee who does not pay value or does not take innocently "a court of equity may,
18 in a direct proceeding for that purpose, set aside such a patent or certificate, or declare the legal
19 title under it to be held in trust for one who has a better right to it, in cases in which the action of
20 the land department has resulted from fraud, mistake, or erroneous views of the law." **

21 In proceedings under Rev.Stat. §§ 2325, 2326 to determine adverse claims to locations of mineral
22 lands, it is incumbent upon the plaintiff to show a location which entitles him to possession
23 against the United States This is an adverse claims proceeding.

24 PATENTEES AS TRUSTEES.

25 In proper cases patentees will be held to be trustees for others equitably entitled to the land.

26 If the patentee bring ejectment, the trust may be set up as an equitable defense in Jurisdictions
27 where such defenses are allowed.

1 Where a co-owner has been excluded from the patent the patentees become trustees for him to the
2 extent of his interest, and it seems that he need not await the issuance of patent before suing. La-
3 ches will operate as a bar.

4 The court said that "the amended location certificate presupposes and is based upon an original.
5 Halleck was only able to file an amended location certificate by reason of the fact that the original
6 had been filed by his grantors," and accordingly he was seeking to reap a profit out of trust prop-
7 erty. So an amended location of the major portions of the original location, made by one who"
8 JOHNSON v. YOUNG, 18 Colo. 620, 628. 629, 34 Pac. 173.

9 "Cheesman v. Shreeve (C. C.) 40 Fed. 787. In BEALS v. CONE, 27 Colo. 473. 2 Fac. 948, S3
10 Am. St. Rep. 92, a so-called amendment was called a relocation, and the location dated only from
11 the new certificate. Prior to that time the ground had been located by others, so the relocation was
12 Ineffective.

13 SHOSHONE MIX. CO. v. ROTER, 87 Fed. SOI. 31 C. C. A. 223. See Richards v. Wolling, 1)8
14 Cal. 195, 32 P. 971; Johnson v. Young, 18 Colo. (>25, 34 Pac. 173.

15 i9i Morrison's Mining Rights (13th Ed.) 135, 136. See Seymour v. Fisher, 16 Colo. 188. 27 Pac.
16 240.

17 182 HALLACK v. TRABER, 23 Colo. 14, 46 Pac. 110.

18 18S23 Colo. 15, l(i. 46 Pac. 110.

19 has parted with title to the claim, cannot be recognized as securing any right to him, but may se-
20 cure a benefit for his grantee, if he acted as the grantee's agent for the purpose.

22 Qui tam

23 **You should recognize that nano-molecular science has been woefully neglected by the**
24 **United States of America for several decades as foreign countries have invested many times**
25 **our percentage on R&D. Last year foreign patents were 4 times the U.S. in these areas.**

26 **Worse, it appears that their has been deliberate ignorance of actual information by agen-**
27 **cies and personnel of the government to misrepresent and even demonize naturally occur-**
28 **ring biological and chemical phenomena that could be researched and developed, but in-**

1 **stead have been misrepresented as endangering the entirely domesticated and not anadroma-**
2 **mous fish species of the Sacramento River and after 100 years falsely claimed a emergency.**

3 **The EPA is a defendant under FIFRA for the endangerment of Salmon and Trout through-**
4 **out their range, see United States District Court Western District of Washington at Seattle,**
5 **Case No. C01-0132C. The EPA is estopped by prohibition, laches, and equity.**

6 **You should recognize that on the admission of the Administrator of a need for a new ap-**
7 **proach to post construction storm water runoff, the need for conversation on environmen-**
8 **talism and working for environmental justice, the need and the requirement to revamp en-**
9 **forcement strategy to achieve greater compliance across the board, the need to build and**
10 **rebuild relationships with communities and rural areas, and the need for all parties to be**
11 **part of the conversation and have a place at the decision making table, and that the EPA**
12 **must and will make environmental justice a consideration in all actions, and be accountable.**

13 **You should dismiss for lack of subject matter jurisdiction, and consider a taking claim.**

14 **We offer to create the Arman Research Institute, and to provide facilities for research and**
15 **development of the biology and the resources of Iron Mountain Mine.**

16 **The sludge disposed at Iron Mountain Mine has been found to be the ideal precursor for**
17 **bulk catalytic preparation of carbon nanotubes. We plan to do more with less.**

18 **You should immediately direct the orderly restoration of private property to T.W. Arman.**

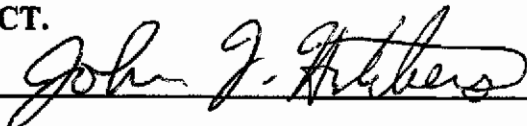
19 **You should void and vacate the lien; you should strike CERCLA as unconstitutional law.**

20 **You should investigate the charge of political influence, corruption and abuse of law.**

21 **YOU SHOULD GRANT REMISSION, REVERSION, & DETINUE SUR BAILMENT**
22 **VOID AS UNCONSTITUTIONAL AN UNNECESSARY AND IMPROPER LAW**
23 **RIGHT OF PRESENT POSSESSION COMPELLED ON PRIORITY OF ABSOLUTE TITLE.**
24 **BOUNTY WARRANTS FREEHOLD ESTATE PATENT TITLE LAW OF THE APEX**
25 **PREFERENCE RIGHTS GENERAL VERDICT.**

26 **January 27, 2010**

Signature:



27 **s/ John F. Hutchens, grantee's agent, authorized representative, joint venturer; expert**

28 **T.W. Arman and IMMI Special Deputy Warden of the Gales, Forests and Stannaries.**

INSTANT APPEAL FOR STAY UNDER 62 (g)(h), EMERGENCY REVIEW 27-3

The allegation of polluting the navigable waterways of the United States was brought by State Water Board officer James Pedri who was dissatisfied with State action at the site. The site was actively mined from 1895 to 1920, then kept on maintenance until WWII. Open pit mining began in the early 50's but ceased in 1963. The United States and California brought suit principally under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601 et seq., for reimbursement of costs associated with the cleanup. You are called upon to determine whether, as a matter of law, those cleanup costs were "necessary" and whether certain of the defendants are "responsible parties" ("RPs") under CERCLA § 107(a), 42 U.S.C. § 9607(a). The touchstone for determining the necessity of response costs is whether there is an actual threat to human health or the environment; that necessity is not obviated when a party also has a religious, moral, business, or government reason for interfering in the cleanup. Because the district court erred in ignoring the ulterior motives that caused the alleged pollution and because there are genuine issues of material fact regarding whether Iron Mountain Mines response costs were, in fact, "necessary," you cannot uphold even a partial summary judgment on this ground. Even if you assume that those costs were necessary, you still must decide whether plaintiffs are liable, and the extent of the takings in this per se takings case, and if the governments are PRPs. Parsing the meaning of the term "disposal" in § 9607(a)(2) lies at the heart of this question. The Court concluded in Carson Harbor that the migration of contaminants on the property did not fall within the statutory definition of "disposal." Thus, on the CERCLA claim, you should reverse the previous district court's grant of partial summary judgment and find for T. W. Arman and Iron Mountain Mines, Inc. There is no evidence that the minerals from Iron Mountain Mine ever hurt anyone, and any remaining hazard to fish after 105 years (or was that 105 million years?) was insignificant in the face of the complete loss of spawning habitat from United States dams, ranching, farming and urban pesticide, and the complete reliance of the fishery on artificial reproductive techniques and human intervention. Compound these facts with the EPA's joint and several strict liabilities under FIFRA and ESA and it is apparent why a scapegoat was so essential to trying to preserve the EPA franchise. There was never any intention of trying to introduce migratory

1 fish for breeding into any waters above Keswick Lake, so there was never an actual threat to any
2 fisheries. The navigable waterway of the United States is over 100 miles downstream, and fish
3 spawning habitat 30 miles away. Without evidence of legally significant contamination, the gov-
4 ernment was unjustified in filing suit to gain access to private property for a response action under
5 the Superfund law, see U.S. v. Tarkowski , No. 99 C 7308, N.D.Ill., Nov. 26, 2001]

6 Consequently, the victorious property owner can recoup his litigation costs.

7 John Tarkowski is an elderly, indigent resident of a 16-acre tract situated in Wauconda, Ill., an
8 affluent community northwest of Chicago. Until he was disabled, he worked as a building con-
9 tractor. Using surplus materials, he built his house many years ago when the area was a rural
10 backwater. His yard is filled with what his upscale neighbors regard as junk — wooden pallets,
11 tires, empty drums, batteries, paint cans and other construction materials.

12 For more than 20 years, Tarkowski's neighbors had harassed him and had complained to envi-
13 ronmental officials. The U.S. Environmental Protection Agency (EPA) inspected his property in
14 1979, but concluded that it did not pose any environmental hazard. In 1995, EPA rated the prop-
15 erty zero on its hazard rating scale. Two years later, state authorities took soil and water samples
16 and found no noteworthy contamination.

17 In 1998, EPA took additional samples of soil and materials on his property, finding only trace
18 amounts of contaminants that, in fact, were comparable to levels found in surrounding properties
19 and did not indicate any release. Nevertheless, EPA filed suit against Tarkowski alleging an “im-
20 minent and substantial endangerment to ... public health ... and the environment” based on an
21 actual or possible release of hazardous substances. EPA sought an order to gain access to the site
22 for investigative and remedial purposes. After hearing the evidence, a federal district court dis-
23 missed EPA's suit. An appeals court upheld the ruling, castigating the agency's conduct and
24 judgment. [248 F.3d 596 (7th Cir. 2001)]

25 Tarkowski petitioned the district court for an award of attorney's fees and expenses under the
26 Equal Access to Justice Act. The law allows certain parties who prevail against the federal gov-
27 ernment in a lawsuit to recover their litigation expenses unless the government's position was rea-
28 sonable. Finding EPA's stance totally unjustified, the district judge said, “There was no evidence

1 of legally significant contamination and ... the government's claim of an imminent and substantial
2 endangerment was factually baseless." EPA cannot reasonably insist that "if a hazard was found,
3 no matter how small, it had the right to do whatever it wanted on Tarkowski's property," he
4 added. "It is to protect citizens against ... overreaching actions by government bureaucrats that
5 courts are empowered to prevent arbitrary and capricious interference with property rights, said
6 the judge, again citing the appeals court. The government's position ... 'would give the agency in
7 effect an unlimited power of warrantless searches and seizures [which the Superfund law] does
8 not contemplate and the Fourth Amendment would almost certainly forbid,'" he concluded with
9 yet another reference to the appellate opinion.

10 You must also address the remaining issues. There are genuine issues of material fact regarding
11 the necessity of EPA Iron Mountain Mine CERCLA response costs, you must reverse the grant of
12 partial summary judgment, deny any summary judgment, dismiss or set a date for hearing.

13 The district court has deferred and granted the United States and California's motions on all
14 claims, and refused to hear pro se plaintiffs intervention, exception, exaction, positive law claim,
15 and state-law nuisance and trespass claims asserted by T. W. Arman, John F. Hutchens, and on
16 behalf of Iron Mountain Mines, Inc. and on behalf of a class.

17 . See *Carson Harbor Vill., Ltd. v. Unocal Corp.*, 990 F. Supp. 1188, 1199 (C.D. Cal. 1997). The
18 court first held that Carson Harbor's CERCLA claim fails because it did not show that its remedial
19 action was "necessary" under 42 U.S.C. § 9607(a)(4)(B) because there was no evidence of an "ac-
20 tual and real threat" to human health or the environment. *Id.* at 1193-94. In so holding, the district
21 court disregarded certain evidence to the contrary as inadmissible hearsay. See *id.* at 1193 n.4. In
22 the alternative, with respect to the Partnership Defendants, the district court held that they were
23 not PRPs within the meaning of 42 U.S.C. § 9607(a)(2) because "disposal warranting CERCLA
24 liability requires a showing that hazardous substances were affirmatively introduced into the envi-
25 ronment." *Id.* At 1195. And, with respect to the storm water runoff, there was no direct evidence
26 that any lead-contaminated storm water entered the property at any time prior to 1983, when Car-
27 son Harbor purchased the property. *Id.*

28 The intervenor quo warranto RCRA 7003 special deputy private government attorney general.

1 The district court granted summary judgment on the RCRA claim because the "evidence shows
2 that there was no imminent danger" to human health or the environment--a required element for a
3 RCRA claim. Id. at 1196 (emphasis added). On the CWA claim, the court concluded that there
4 was no evidence that the defendants violated a National Pollutant Discharge Elimination System
5 ("NPDES") permit, as required for a CWA violation. Id. at 1197. With respect to the common law
6 claims for nuisance, trespass, and injury to easement against the Government Defendants, the dis-
7 trict court would hold that CAL. CIV. CODE § 3482, which provides that nothing done pursuant
8 to express statutory authorization can be deemed a nuisance, provides a complete defense. Iron
9 Mountain Mines demonstrates that illegitimate animus, malice, and false claims are grounds for
10 piercing the governments' veils. **Attorney and Expert Fees and costs for the defendants.**

11 **YOU SHOULD GRANT DECLARATORY AND INJUNCTIVE RELIEF!**

12 Void and vacate the lien. Enjoin EPA for: Conflicts of interest, fraud upon the courts, joint and
13 several trespassers unlawful detainer damages and ejectment, manifest injustice, errors, prohibi-
14 tion, certiorari, abuse, mandamus, intervention, & arrest of false claims with incidental and per-
15 emptory administrative mandamus and quo warranto per se taking requiring just compensation.
16 **"Full relief and restore possession to the party entitled thereto" for absence of jurisdiction.**

17 **WRIT OF EQUITABLE ESTOPPEL! WRIT OF POSSESSION & EJECTMENT!**

18 **JUDGEMENT OF THE COURTS ENJOINED, VACATED, AND SET ASIDE**

19 January 27, 2010

Signature: John F. Hutchens

20 /s/ John F. Hutchens, *grantees' agent*; Warden of the Gales, Forests, & Stannaries expert
21 Points and authorities previously filed hereby submitted as though fully set forth herein.

22 **Verification affidavit:**

23 I, John F. Hutchens, hereby state that the same is true of my own knowledge, ex-
24 cept as to matters which are herein stated on my own information or belief, and as to
25 those matters, I believe them to be true. Affirmed this day: January 27, 2010

26 Signature: John F. Hutchens

27 s/ John F. Hutchens; Joint Venturer, Warden of the Gales, Forests, and Stannaries.
28 **CITIZEN & AGENT OF RECORD, EXPERT for: T.W. Arman & Iron Mountain Mines, Inc.**

John F. Hutchens, *grantee's agent; Tenant-in-Chief; Warden of the Forests & Stannaries; EXPERT*
P.O. Box 182, Canyon, Ca. 94516, 925-878-9167 john@ironmountainmine.com
T.W. Arman, *pro se*; sole stockholder: Iron Mountain Mines, Inc. President, Chairman, CEO
P.O. Box 992867, Redding, CA 96099 530-275-4550, fax 530-275-4559

**ADMINISTRATIVE INTERVENTION
IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
INJUNCTIVE RELIEF**

CITIZENS, EX REL. HUTCHENS,)# 91-0768, Honorable Judge John A. Mendez
"TWO MINERS & 360 ACRES OF LAND")WRIT OF DE EJECTIONE FIRMAE
IRON MOUNTAIN MINE et al,)OWNERS ADMINISTRATIVE INTERVENTION
T.W. ARMAN and JOHN F. HUTCHENS,)ABSOLUTE ORDER FOR REMISSION: IRON
(real parties in interest), "Two Miners") MOUNTAIN MINE TO HYDROPOWER AND
Under God, Indivisible; Patentee, Grantee) PUMP STORAGE WITH BATTERY STORAGE.
v.)APPLICATION FOR EX PARTE WRIT OF
UNITED STATES OF AMERICA) POSSESSION EXECUTED UNDER OATH:
STATE OF CALIFORNIA Grantor) PETITION FOR LEAVE TO APPEAR; EXPERT
DEMAND: REVERSION; REMAINDER) AND EX PARTE IN CAMERA, QUOMODO.

WRIT OF POSSESSION AND EJECTMENT

Petitioners are entitled to relief because they have a higher right and a better use of the property.

December 9, 2009

signature; John F. Hutchens

s/ John F. Hutchens, Administrator, grantee's agent and factor, Warden of the Forest and Stannaries.

LEAVE TO APPEAR; EXPERT AND EX PARTE, IN CAMERA, QUOMODO IS GRANTED

Date: _____ signature; _____

Justice of the United States District Court for the Eastern District of California

1 John F. Hutchens, *grantee's agent; Tenant-in-Chief; Warden of the Forests & Stannaries; EXPERT*
2 P.O. Box 182, Canyon, Ca. 94516, 925-878-9167 john@ironmountainmine.com
3 T.W. Arman, *pro se*; sole stockholder: Iron Mountain Mines, Inc. President, Chairman, CEO
4 P.O. Box 992867, Redding, CA 96099 530-275-4550, fax 530-275-4559
5
6

7 **ADMINISTRATIVE INTERVENTION**
8 **IN THE UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10 **INJUNCTIVE RELIEF**

11 **CITIZENS, EX REL. HUTCHENS,**)#. 91-0768, Honorable Judge John A. Mendez
12 **"TWO MINERS & 360 ACRES OF LAND") OWNERS ADMINISTRATIVE INTERVENTION**
13 **IRON MOUNTAIN MINE et al,**) **ABSOLUTE ORDER FOR REMISSION: IRON**
14 **T.W. ARMAN and JOHN F. HUTCHENS,) MOUNTAIN MINE TO HYDROPOWER AND**
15 **(real parties in interest), "Two Miners") PUMP STORAGE WITH BATTERY STORAGE.**
16 **Under God, Indivisible; Patentee, Grantee) APPLICATION FOR EX PARTE WRIT OF**
17 **v.) POSSESSION EXECUTED UNDER OATH:**
18 **UNITED STATES OF AMERICA) EMERGENCY INTERVENTION WITH**
19 **STATE OF CALIFORNIA Grantor) PROBABLE CAUSE. REMOVE CLOUD ON**
20 **DEMAND: DEVELOPMENT) TITLE: TAKING; JUST COMPENSATION;**
21 **DEMAND: COOPERATION) LOCATORS VESTED AND ACCRUED**
22 **DEMAND: PROMOTION) EXISTING RIGHTS OF EXCLUSIVE**
23 **DEMAND: ADVANCEMENT) POSSESSION AND ENJOYMENT.**

24 **The Courts Jurisdiction**

25 This Court has jurisdiction because the Consent Decree of Dec. 2000, the partial summary judgment
26 of May 2002, and the continuing cloud on title make for a unfair and unjust judicial taking judgment.

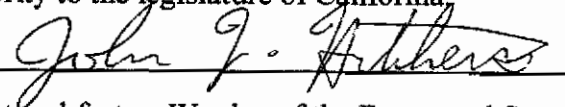
27 **STATEMENT OF CLAIM, LOCATORS RIGHTS OF PRIORITY OF POSSESSION**
28 **JUST CAUSE**

1 Petitioners are entitled to relief because they are the owners & operators of Iron Mountain Mine,
2 with vested and accrued existing rights of the locators, including all of the rights, privileges, and
3 immunities of patent title, and including rights and immunities for agricultural college land patent,
4 bounty warrant freehold estate, and General Mining Law lode claims and mineral patents.

5 Petitioners have shown that the EPA removal actions interfere with the proper use and reclamation
6 of the mine property by obstructing the complete development of the mine, which includes finishing
7 the mining begun 150 years ago so that the "Iron Mountain Mine Pump Storage and Wind Battery"
8 hydropower project can be achieved. This project fulfills the reclamation plan requirements for Iron
9 Mountain mine and for T.W. Arman and Iron Mountain Mines, Inc., and is the responsibility of John
10 Hutchens administrative authority, through a joint venture agreement as part of the special uses that
11 are incidental to the regular uses of the mine property, and for which John Hutchens is authorized as
12 grantee's agent and expert to prosecute to completion. Federal Energy Regulatory Commission
13 guidance requires mine lands to be certified as completely developed before permits will be issued.
14 Since there are proven reserves of over 20 million tons of ore, and substantial exploration is still re-
15 quired, we ask the court to remission the EPA superfund site to a FERC special hydropower project,
16 and implement emergency powers to carry out this plan as federal policy. The unfortunate absence
17 of the U.S. Bureau of Mines has left the U.S. without a properly qualified agency for oversight of
18 mine lands, so petitioners elect joint federal cooperation, promotion, and advancement to be coordi-
19 nated between FERC and FEMA, regulatory authority to the legislature of California.

20 December 9, 2009

signature;



21 s/ John F. Hutchens, Administrator, grantee's agent and factor, Warden of the Forest and Stannaries.

22 **ORDER**

23 **REMISSION**

24 **It is hereby ordered that the Consent Decree is in Remission**

25 **Project Manager quo Warranto to the owners administrator, commutate Trusts I and II**

26
27 **Date:** _____ **signature;** _____

28 **Justice of the United States District Court for the Eastern District of California**

cupants of the premises. Application for all relief demanded in the complaint, including the costs against the defendant. 1170.5. writ of execution shall be issued immediately by the court, that is the request of the plaintiff, and determine the amount of damages. Summary judgment shall be granted same as under Section 437c. (no defense).

Date: September 8, 2009

Signature: John F. Hutchens

s/John F. Hutchens, Special Deputy Levying Officer grantee's agent Iron Mountain Mines, Inc.

I, JOHN F. HUTCHENS, DO SOLEMNLY SWEAR THAT I WILL SUPPORT THE CONSTITUTIONS OF THE UNITED STATES AND THAT I WILL CONDUCT MYSELF IN AN UPRIGHT MANNER AS A SPECIAL DEPUTY GOVERNMENT PRIVATE ATTORNEY GENERAL LEVYING OFFICER OF THIS COURT.

"I, JOHN F. HUTCHENS, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear that I do not advocate, nor am I a member of any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means; that within the five years immediately preceding the taking of this oath I have not been a member of any party or organization, political or otherwise, that advocated the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means except as follows: "No Exceptions" and that during such time as I hold the office of: SPECIAL DEPUTY GOVERNMENT PRIVATE ATTORNEY GENERAL LEVYING OFFICER I will not advocate nor become a member of any party or organization, political or otherwise, that advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means." *I declare under penalty of perjury that the foregoing is true and correct.*

Executed on September 8, 2009 (28 U.S.C. §1746)

DATED: September 8, 2009

By: John F. Hutchens

s/ John F. Hutchens, grantee's agent for T.W. Arman & Iron Mountain Mines, Inc.

Signature to appointment of commissions by EPA and FEMA; to be filed under the Great Seal.

Verification affidavit:

I, John F. Hutchens, hereby state that the same is true of my own knowledge, except as to matters which are herein stated on my own information or belief, and as to those matters, I believe them to be true.

Affirmed this day: September 8, 2009

Parens patriae; agency and factor; Signature: John F. Hutchens

s/ John F. Hutchens, authorized agent for T.W. Arman & Iron Mountain Mines, Inc.

Orders for Adverse Claims Writs of Possession and Ejectment, Order to Void and Vacate Liens.



SHASTA COUNTY

OFFICE OF THE ASSESSOR-RECORDER

CRIS ANDREWS, ASSESSOR-RECORDER

1500 Court Street, Suite 115, Redding, CA 96001-1694

TEL: (530)225-3600 FAX: (530)225-5673

E-Mail: jpulcini@co.shasta.ca.us

Intra-County Toll Free: 1(800)479-8009

July 3, 2001

Ted W. Arman, President & CEO
Iron Mountain Mines, Inc.
P.O. Box 1790
Folsom, CA 95763

Dear Mr. Arman,

RE: Assessor's Parcel Numbers 011-160-042/046/048; 046-110-008; 046-140-005/006;
046-160-012; 046-170-016/017/018
Iron Mountain Mines, Inc.

Pursuant to our many telephone conversations over the last several weeks regarding the Iron Mountain Mines Inc. property, referenced by the above listed parcel numbers, we believe the market value of the property has been severely impacted by ongoing environmental problems associated with acid mine drainage. The United States Environmental Protection Agency has addressed this problem in several publications since 1986 when the property was declared a Super Fund site.

It is apparent to us that the past financial liabilities incurred, and the projected future costs to mitigate this problem are far in excess of the market value of the property. We feel that the property could not be presently marketed at any price, inasmuch as any purchaser would be a financially co-responsible party in the cleanup costs.

In this regard, we will be correcting the 1999 through 2001 assessment rolls to reflect a decline in value of the property. The correction will show a zero value for all the referenced parcels. Be aware that the property values will be subject to annual review until such time that the property is unencumbered by environmental problems, is no longer a Super Fund site, or again is, or can be made, economically productive.

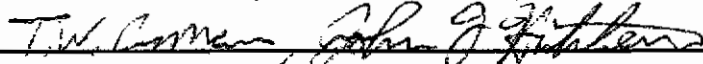
Sincerely yours,

CRIS ANDREWS, ASSESSOR-RECORDER

A handwritten signature in dark ink, appearing to read "Joseph A. Pulcini".

Joseph A. Pulcini

Senior Specialist Real Property Appraiser

CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
1. Submit To Appropriate Federal Agency: United States Environmental Protection Agency			2. Name, Address of claimant and claimant's personal representative, if any. (See instructions on reverse.) (Number, Street, City, State and Zip Code) T. W. Arman, P.O. Box 992867, Redding California 96099 John F. Hutchens, P.O. Box 182, Canyon, Ca. 94516		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input type="checkbox"/> CIVILIAN	4. DATE OF BIRTH 1/27/1922	5. MARITAL STATUS	6. DATE AND DAY OF ACCIDENT	7. TIME (A.M. OR P.M.)	
8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary.) Unlawful deprivation of fundamental, civil, and common law rights under color of law; violations of equal protection and due process; false prosecution under CERCLA; imminent and substantial endangerment; intentional infliction of emotional distress; violations of private property rights; violation of protections against prosecution for crimes of infamy without due process, equal protection, adequate counsel, or availability of jury trial; malicious deprivation of innocent landowner defense; siting of hazardous waste toxic pit on private property over known Holocene faults and active geologic area in violation of state and federal laws as abuse of discretion, arbitrary and capricious with allegation of malicious motivation; unlawful interference with mining on mine lands; failure to exercise due care with hazardous substances; failure to perform according to Executive Orders 13352 & 12630; failure to perform in accordance with the stated purpose and intent of state and federal environmental laws; taking of private property for public use without just compensation.					
9. PROPERTY DAMAGE					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code). Iron Mountain Mines, Inc. P.O. Box 992867, Redding California 96099. Iron Mountain Mine, Shasta County, California					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See instructions on reverse side.) EPA has made it impossible to resume mining to the extent that no mining company is willing to be associated or involved due to stigmatic injury and potential CERCLA liabilities, damages for pollution, arbitrary and capricious interference and delay of natural processes. Iron Mountain Mine, Redding Ca.					
10. PERSONAL INJURY/WRONGFUL DEATH					
STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT. Deprivation of fundamental rights, privileges, and immunities, with violations of equal protection and due process and other civil rights and property rights under color of law. Wrongful prosecution for crime of infamy without due process; intentional infliction of emotional distress; wrongful deprivation of livelihood; violations of civil rights with ill will and bad intent founded in oppression, malice, fraud, and deceit. Unlawful mining interference; lost profits; pollution; imminent and substantial endangerment; conversion; trespass quare clausum fregit; detinue sur bailment; manifest injustice; wrongful deprivation of the right to be secure; misapplication of laws ex post facto, bill of attainder. Defamation of character, taking of private property for public use without just compensation.					
11. WITNESSES					
NAME		ADDRESS (Number, Street, City, State, and Zip Code)			
John F. Hutchens		P.O. Box 182, Canyon California, 94516			
12. (See instructions on reverse.) AMOUNT OF CLAIM (in dollars)					
12a. PROPERTY DAMAGE \$1,074,500,000.00	12b. PERSONAL INJURY \$6,000,000,000.00	12c. WRONGFUL DEATH	12d. TOTAL (Failure to specify may cause forfeiture of your rights.) \$7,074,500,000.00		
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.) 		13b. Phone number of person signing form 925-878-7167		14. DATE OF SIGNATURE 5/08/2008	
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM		CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS			
The claimant is liable to the United States Government for the civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729.)		Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)			

writ of waste

Iron Mountain Mines, Inc.

of patent title and of the General Mining Laws, and in violation of the principles of the republican form of government and the right to own private property protected by the constitutions.

The full extent of the interference or conflict is for 8000 acres of land and the right to relocate any patented mine lands improperly seized, reconveyed, abandoned or forfeited, to the state or federal governments, and to adjudicate prior rights to the possession and enjoyment of all such properties.

To aid and assist us in proceeding to adjudicate these adverse claims in a court of competent jurisdiction, please provide me with certified copies of the original location, the original conveyance, and an abstract of title for the list of mine properties and surveys attached herewith.

Pursuant to §131 of the General Mining Law, I have appointed John F. Hutchens Warden of the Forests and Stannaries an officer of Iron Mountain Mines, Inc. for the purpose of representing Iron Mountain Mines, Inc. as authorized agent and grantee's agent in these matters for adjudication.

July 28, 2009 signature T.W. Arman
T.W. Arman, Iron Mountain Mines, Inc. sole shareholder, President, Chairman, CEO.

Oath and Verification affidavit:

I hereby declare that I am a citizen of the United States, that the same is true of my own knowledge, except as to matters which are herein stated on my own information or belief, and as to those matters, I believe them to be true. Sworn to this day before the Recorder of Shasta County.

July 28, 2009 signature T.W. Arman
T.W. Arman

July 28, 2009 witness signature Jeffrey L. Heaton
(print)

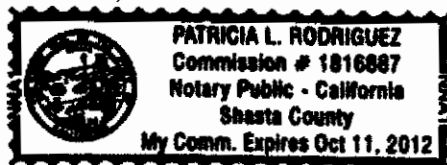
EXECUTED THIS 28 day of July, 2009
STATE OF CALIFORNIA, COUNTY OF SHASTA

On July 28, 2009, before me, PATRICIA L. RODRIGUEZ, NOTARY PUBLIC
personally appeared T.W. Arman, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal

Signature [Signature] (Seal)



Form for Admission via Motion in Open Court

(Submit this form, with admission fee, no later than, 9:30 a.m. on the day scheduled for monthly admissions)

Date of Admission: 12-17-2008

SPONSOR: ARMAN, T.W.

Last Name

First Name

Middle Name

Expert
APPLICANT: HUTCHENS, JOHN F.

Last Name

First Name

Middle Name

Address:

Firm: WARDEN OF THE FORESTS; IRON MOUNTAIN MINES, INC.

Street: PO BOX 182

Suite of Room Number: _____

City, State and Zip: CANYON, CA. 94516

Telephone Number: 925-878-9167 Facsimile Number: 925-253-7551
(include area code) (include area code)

Email Address: JOHN@IRONMOUNTAINMINE.COM

Admitted to Practice: NONE

(Insert Full Name of Highest State Court)

Other Courts in which you are admitted to practice: NONE

Attorney Pro Bono Appointment Registration Form for Pro Se Cases

I am willing to be appointed counsel in the following type of cases:

- ☐ Pro Se Military Pay Cases
- ☐ Other General Jurisdiction Cases that are Pro Se

Instructions for Oral Admissions

1. The sponsor's name is called.
2. The sponsor and applicant go up to the rostrum, with the applicant standing to the right of the sponsor.
3. The sponsor moves the admission.
4. After allowance by the Judge, the applicant moves to the right and stands in front of the Clerk of Court. The sponsor returns to his/her seat.
5. After all admissions have been moved, the Clerk will administer the oath en masse.

Script for Admission

"May it please the court, I move the admission of JOHN F. HUTCHENS, who is ~~a member in good standing of the bar of~~ _____, a person of good moral character and qualified under the rules of this court."

petition to waive admission fee
7/04/2009 John F. Hutchens
7-4-09 TWAman

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

John F. Hutchens, T.W. Arman, Iron Mountain mine.

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

United States of America State of California

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Attorney General Gerald Brown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF <input checked="" type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACTS	TORTS	CONTRACTS/TORTS	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROFESSIONAL FEES <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark ASSOCIATED BANKRUPTCY <input type="checkbox"/> 861 HIA (1395H) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEEDBACK/INVESTIGATION <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CONTRACTS/TORTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	SEMI-IMMIGRATION <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

9859, 7002, 703

Brief description of cause:

joint and several trespassers unlawful detainer continuing neglect and failure to perform, ejectment

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ 18,000,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Christine O.C. Miller

DOCKET NUMBER 09-207L

DATE

12/08/2009

SIGNATURE OF ATTORNEY OF RECORD

expert for plaintiffs: John F. Hutchens

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFF _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
for the
Eastern District of California

Two miners and 360 acres of land,
T.W. Arman and John F. Hutchens, grantees

Plaintiff

v.

United States of America State of California
grantors

Defendant

Civil Action No. 91-0768

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* United States of America State of California

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

SUMMONS (CITACION JUDICIAL)

UNLAWFUL DETAINER—EVICTION

(RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

State of California

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

United States of America
Eastern District California
John F. Hutchens
T.W. Arman

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

1. The name and address of the court is:

(El nombre y dirección de la corte es):

USDC-CES
United States District Court Eastern District California
Shasta County Superior Court, 1500 Court St. Redding, Ca. 96001

CASE NUMBER:
(Número del caso):

91-0768

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

John F. Hutchens

Expert, administrator, grantee's agent

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400–6415) ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date:
(Fecha)

Clerk, by
(Secretario)

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

4. NOTICE TO THE PERSON SERVED: You are served

- a. ☒ as an individual defendant.
b. ☒ as the person sued under the fictitious name of (specify): United States
c. ☒ as an occupant
d. ☒ on behalf of (specify):

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☒ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ CCP 415.46 (occupant) ☐ other (specify):

5. ☐ by personal delivery on (date):

John F. Hutchens, *expert, grantee's agent and factor; Tenant-in-Chief; Citizen; Curator*
P.O. Box 182, Canyon, Ca. 94516, 925-878-9167 john@ironmountainmine.com
T.W. Arman, *pro se*; sole stockholder: Iron Mountain Mines, Inc. President, Chairman, CEO
P.O. Box 992867, Redding, CA 96099 530-275-4550, fax 530-275-4559

**ARREST OF JUDICIAL TAKING JUDGMENT
IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**INJUNCTIVE RELIEF: ABSENCE OF DELECTUS PERSONAE IN EQUITY & TAKING
CITIZENS, EX REL. HUTCHENS,) Civ. #. 91-0768 JOINDER AS DEFENDANTS;
"TWO MINERS & 360 ACRES OF LAND") CITIZENS SUIT; INTERVENTION COMPLAINT
IRON MOUNTAIN MINE et al,) MOTION: LEAVE TO FILE QUO WARRANTO;
T.W. ARMAN and JOHN F. HUTCHENS,) LETTERS OF MARQUIS AND REPRISAL;
(real parties in interest), "Two Miners") APPLICATION FOR EX PARTE WRIT OF
Under God, Indivisible; Patentee, Grantee) POSSESSION EXECUTED UNDER OATH:
v.) UNLAWFUL DETAINER AFTER NEGLECT
UNITED STATES OF AMERICA) AND FAILURE TO PERFORM TREBLE
STATE OF CALIFORNIA Grantor) DAMAGES FORM OF STATUTE; EMERGENCY
DEMAND FOR JUST COMPENSATION,) INTERVENTION WITH PROBABLE CAUSE.
DEMAND FOR SURRENDER; FORCIBLE) MOTION FOR LEAVE TO FILE APA CLAIM IN
UNLAWFUL DETAINER CONTINUING) ADMINISTRATIVE MANDAMUS REMEDY:
NEGLIGENCE, FAILURES BY JOINT &) MANIFEST INJUSTICE CORAM NOBIS;
SEVERAL TRESPASSERS TREBLE) TAKINGS; JUST COMPENSATION;
DAMAGES & EJECTMENT: ACTUAL,) LOCATORS VESTED AND ACCRUED
DEFAMATION, FREEHOLD, & PENAL) EXISTING RIGHTS OF EXCLUSIVE
DAMAGES; STIGMATIC INJURIES.) POSSESSION AND ENJOYMENT. DEMAND:
CONSTITUTIONAL DEPRIVATIONS) NAME CLEARING HEARING & JURY TRIAL**

CITIZEN SUIT COMPLAINT, Application for ex parte Writ of Possession Executed under Oath.

Emergency Intervention

vi The court provides a comprehensive analysis of the limits to the injunctive relief that may be granted under the RCRA Citizen Suit provisions.

vii The court held that unlike a statute of limitations, RCRA's 60 day notice provision is not triggered by the violation giving rise to the action. Rather, plaintiff has full control as to when to send the notice. The court further discussed the limited exceptions to notice requirements.

viii The five year period in 28 U.S.C. Section 2462 utilizes an "accrual" trigger for commencement.

ix The court also held that the statute of limitations is tolled during the notice period.

The waterboarding of T.W. Arman

http://www.swrcb.ca.gov/rwqcb5/board_decisions/tentative_orders/0807/abandoned_mine/abandoned_mine_final.pdf

EVIDENCE: Final report of the California State Water Resource Control Board on mine drainage. Admissions and evidence of unfair and unjust law by officers of the State agency.

Abuse of process, abuse of discretion, malicious prosecution.

Denial of equal protection and due process, discrimination, trespass.

False incrimination, defamation, and bill of attainder in crime of infamy with ex post facto law.

MISTAKE OF INTERIM JUDICIAL TAKING JUDGMENT; VOID AND VACATE

ARREST OF JUDICIAL TAKING JUDGMENT! FALSE CLAIMS! CLASS

ACTION! FRAUD UPON THE COURT! JUST CAUSE!

Knowingly reckless disregard of the truth, deliberate ignorance of actual information.

Libel and slander stigmatic injuries with fraud upon the court.

MOTION TO STRIKE DECLARATIONS OF RICK SUGAREK, EPA PROJECT MANAGER: FALSE CLAIMS.

MOTION TO STRIKE DECLARATION OF RICHARD ANDERSON, EPA JUDICIAL OFFICER: FALSE CLAIMS.

MOTION TO STRIKE DECLARATIONS OF JAMES PEDRI, STATE OF CALIFORNIA WATERBOARD OFFICER: FALSE CLAIMS.

VIOLATION OF THE ESTABLISHMENT CLAUSE WITH VIOLATIONS OF DUE PROCESS AND EQUAL PROTECTION WITH DISCRIMINATION.

1 ANY AND ALL FURTHER RELIEF THAT THE COURT FINDS JUST AND PROPER AND
2 CONSISTENT WITH FINAL ADJUDICATION OF ALL MATTERS IN THIS CASE.

3 CONCLUSION

4 For the foregoing reasons, viz. peace and plenty, further consideration of Petitioner's claims of
5 damages and ejectment, class action, equal protection and due process and rights held by the people,
6 claims for attorney's fees and costs, and claims and applications for injunctive relief are appropriate.
7 Courts have explained that a liberty interest may be implicated where the disclosure of stigmatizing
8 information is accompanied by the loss of some "tangible interest." The loss of one's patent title to
9 bounty warrants for agricultural college lands & Law of the Apex mining claims by stigmatic injury,
10 false claims and illegitimate animus, with fraud upon the court, arbitrary and capricious negligence,
11 abuse of process, and malicious prosecution clearly constitutes the loss of tangible interests.

12 Due process requires a hearing when the agency so blackened [his] [445 U.S. 622, 662]
13 name as to impair his liberty interest in his professional reputation. Id., at 572-575.

14 GENERAL VERDICT: CONSTITUTIONAL DEPRIVATIONS. *MUTATIS MUTANDIS*;

15 Date: 12/04/2009

signature: T.W. Arman

16 s/ T.W. (Ted) Arman, OWNER, President, Iron Mountain Mines, Inc.

17 Date: December 4, 2009 under oath, Signature: John F. Hutchens

18 s/John F. Hutchens, grantees agent, tenant-in-chief, administrator; Iron Mountain Mines, Inc.

19 WARDEN OF THE FORESTS AND STANNARIES FOR IRON MOUNTAIN MINES, INC.

20 Verification affidavit and application under God citizen's oath:

21 We, T.W. Arman & John F. Hutchens, hereby state that the same is true of our own knowl-
22 edge, except as to matters which are herein stated on our own information or belief, and as to
23 those matters, we believe them to be true.

24 Affirmed this day: December 4, 2009

25 Grantee's agent of record; Signature: John F. Hutchens

26 s/ John F. Hutchens, miner, authorized agent for T.W. Arman & Iron Mountain Mines, Inc.

27 Date: December 4, 2009

signature: T.W. Arman

28 s/ T.W. (Ted) Arman, OWNER, President, Iron Mountain Mines, Inc.

CITIZEN SUIT COMPLAINT, Application for ex parte Writ of Possession Executed under Oath.



Iron Mountain Mines, Inc.
P.O. Box 992867, Redding, CA 96099
Tel (530) 275-4550 Fax (530) 275-4559
WWW.IRONMOUNTAINMINE.COM

STRICTLY CONFIDENTIAL, CORPORATE USE ONLY
SCHEDULE B, PERSONAL PROPERTY (SLUDGE DISPOSAL)
STORAGE OF VALUABLE MINERALS, DISPOSAL DESCRIPTION:
(LOCATED ON APPROXIMATELY 5 ACRES in parcel 8)

Assessors Parcel No. (APN)	ACRES	Property tax year	Tax yr. Tax Due
046-170-016	434.13	2009	0

(For purpose of hypothecation of the valuable minerals in sludge that is disposed upon the surface of Iron Mountain Property in the open pit commonly know as the "Brick Flat".)

T.W. Arman, sole shareholder of Iron Mountain Mines, Inc. (IMMI), and sole owner of 2,744 acres in Redding, Ca. collectively known as Iron Mountain Mine, in a joint venture called the Hu/Mountain joint venture with John F. Hutchens, President and CEO of Artesian Mineral Development & Consolidated Sludge, Inc. (AMD&CSI) for the purpose of recycling and recovering metal values from the 20+ years of disposal of precipitated heavy metals from the lime treatment high density sludge (HDS) stored at Iron Mountain Mine.

Assay of the sludge discloses significant metal values recoverable by modern methods.

The most promising technology presently available for this is from Intec Ltd. of Tasmania, (<http://www.intec.com.au/>), and initial discussions are underway to obtain this technology.

According to preliminary reports, recycling of the sludge should achieve about a 40% profit margin on raw metals prices, with significant opportunities to enhance profits by developing specialty markets for major products, especially Iron Oxide Pigments (IOP).

The joint venture is also charged with developing resource recovery from the Acid Rock Drainage (ARD) generated within the old mine workings by microbial biological activities. Revolutionary technology from Winner Global, LLC in Pennsylvania now makes direct recovery of metal values from this drainage possible without the intervening sludge process, resulting in much more profitable recovery, as well as producing water suitable for irrigation or even potable water. Projections indicate annual profits of \$10-12 million at current rates.

John F. Hutchens is administrator for the Iron Mountain Mine hydropower project, a pump storage facility. The first preliminary permit for this project was issued in 1981. Now greatly expanded, this proposal will fulfill the required reclamation plan for Iron Mountain Mine.

John Hutchens and AMD&CSI are seeking an "Angel Investor" to help bring these projects to fruition, and are authorized by T.W. Arman to hypothecate an interest in the approximate one billion lbs. of sludge presently disposed at Iron Mountain to achieve this purpose.

The recent amendment to the joint venture agreement anticipates refining onsite of the sludge to produce pure minerals for markets and develop more specialty products with R&D.

Attached is a summary of the disposed resource and current raw metal values in dollars.

Date: Dec. 2, 2009 signature: TW Arman
s/ T.W. Arman; Owner of Iron Mountain mine; President, Chairman, CEO of IMMI.

IRON MOUNTAIN MINES, INC.

Additional value is anticipated to be generated by the onsite refining of specialty pigments derived from Iron oxides and oxy-hydroxides. In recent years "IOPs" have undergone a significant market change, particularly construction pigments for concrete, roofing materials, etc. Many manufactures are now specifying liquid pigments for their projects, resulting in new opportunities and the chance to enter and compete in these markets by startups such as AMD&CSI.

Current prices range between \$1,200 and \$1,800 per ton, substantially more than the \$800 per ton for dry pigment grade Iron oxides (usually imported) as listed. We hope to double that stated value by producing liquid Iron oxide pigments.

The joint venture is also working to enter the emerging market for zinc powders for zinc/ air batteries. Many industry watchers have speculated that zinc may be the ideal material for electric cars and other rechargeable battery needs if recharging technology can be fully perfected. A new company claims to have achieved that, it is "Revolt", a spin-off of SINTEF, one of the largest contract research institutes in Europe. This emerging market will get our close attention.

John F. Hutchens, both personally and in his official capacity as joint venturer with T.W. Arman (the Hu/Mountain joint venture) and as founder and owner of AMD&CSI, and as Administrator of Iron Mountain Mines, Inc., is authorized to pledge and hypothecate the sludge disposed upon Iron Mountain Mine in the Brick Flat pit as collateral for loans to and/or investment in AMD&CSI.

The loan and/or investment shall be guaranteed to be repaid at the rate of 10% annual interest, with the further guarantee that the principal plus interest amount shall treble in value upon the occurrence of any of the following events.

Upon the issuance of stock in AMD&CSI, (if the loan is converted to shares).

Upon the commencement of processing or sale of the sludge, paid from profits.

Upon any modification to the current joint venture agreement with T.W. Arman.

Upon any transaction that would affect the ownership of the minerals described.

The funds are to be used to finance ongoing litigation, to support research and development, and to finance both T.W. Arman and John F. Hutchens during the startup phase of these projects, and to provide funding for permitting and other required expenditures as necessary to proceed with the projects objectives.

Date: Dec. 2, 2009 signature: 

s/ John F. Hutchens, administrator of Iron Mountain Mine; President, AMD&CSI

Date: Dec. 2, 2009 signature: 

s/ T.W. Arman; Owner of Iron Mountain mine; President, Chairman, CEO of IMMI.



THE UNITED STATES OF AMERICA

To all to whom these Presents shall come, Greeting.

WHEREAS, by passage of the Act of Congress, approved March 3, 1855, entitled "An Act in addition to certain Acts granting Bounty Land to certain Officers and Soldiers who have been engaged in the military service of the United States," there has been deposited in the GENERAL LAND OFFICE, Warrant No. 99,111 for 160 acres, in favor of Benjamin Carpenter, Private, Captain Wensley's Company, California Volunteers, War with Mexico,

with evidence that the same has been duly located upon the South half of the North East quarter of Section Twenty five in Township Thirty one North, of Range One West, and the South half of the Lot numbered One and the South half of the Lot numbered Two of the North West quarter of Section Thirty in Township Thirty one North, of Range One East Mount Diablo Base and Meridian, in the District of Lands subject to sale at Marysville California, containing One Hundred and sixty one acres and Forty five hundredths of an acre, according to the Official Plat of the Survey of said Lands returned to the GENERAL LAND OFFICE by the SURVEYOR GENERAL, the said Warrant having been assigned by the said Benjamin Carpenter to William Magee and Charles Camden, in whose favor said tract has been located.

NOW KNOW YE, That there is therefore granted by the UNITED STATES unto the said William Magee and Charles Camden as assignees aforesaid and to their heirs

the tract of Land above described: TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said William Magee and Charles Camden as assignees as aforesaid and to their

heirs and assigns forever.

In testimony whereof, I, Abraham Lincoln
PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these Letters to be made Patent, and the SEAL OF THE GENERAL LAND OFFICE to be hereunto affixed.

GIVEN under my hand, at the CITY OF WASHINGTON, the First day of May in the year of our Lord one thousand eight hundred and sixty two, and of the INDEPENDENCE OF THE UNITED STATES the Eighty sixth

BY THE PRESIDENT:

Abraham Lincoln

By W. O. Stoddard Sec'y.
J. N. Granger Recorder of the General Land Office.

UNITED STATES DISTRICT COURT EASTERN DISTRICT of CALIFORNIA

CERTIFICATE AND PROOF OF SERVICE

I declare under penalty of perjury under the laws of the United States of America that I am above the age of eighteen years and that I am not a party to the action herein.

My name and address is: Michele L. Petti, PO. Box 182, Canyon, Ca. 94516

On the date entered below, I caused to be served:

**ADMINISTRATIVE INTERVENTION DECLARATORY & INJUNCTIVE RELIEF
ARREST OF JUDICIAL TAKING BEFORE JUDGMENT INTERLOCUTORY APPEAL
EMERGENCY CITIZEN SUIT INTERVENTION WITH PROBABLE CAUSE**

IRON MOUNTAIN MINES, INC. & T.W. ARMAN, DEFENDANTS

v.

**UNITED STATES OF AMERICA & STATE OF CALIFORNIA, PLAINTIFFS
JOINT AND SEVERAL TRESPASSERS UNLAWFUL DETAINER, QUIET TITLE.**

**NOTICE: APPEARANCE DE BENE ESSE COMPLAINT IN INTERVENTION & FOR
LEAVE TO FILE QUO WARRANTO INCIDENTAL AND PEREMPTORY
ADMINISTRATIVE MANDAMUS WRIT OF RIGHT AND WRIT OF POSSESSION.**

Civil No. 2:91-cv-00768-JAM-JFM

Honorable Judge John A. Mendez

To be served by first class mail, postage prepaid, upon the following party by placing a true and correct copy of the same in a sealed envelope with proper postage affixed thereto and depositing the same in the United States Mail addressed as follows:.

For the United States of America & State of California
Larry Martin Corcoran,
U.S. Department of Justice Counsel
P.O. 7611
WASHINGTON, DC 20044-7611

For IMMT
William Logan
Logan & Giles
2175 North California Blvd 910
Walnut Creek, Ca 94596

DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the United States of America that the information contained in the Certificate and Proof of Service is true and correct.

Executed on:

DATE: January 28, 2010

Signature:

/s/ Michele L. Petti

Michele L. Petti