

Murphy & Buchal LLP

3425 S.E. First Yamhill Street, Suite 100
Portland, Oregon 97214

James L. Buchal

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

February 24, 2016

BY E-MAIL (solberg@sb-court.org)

Carolyn Daniels
Superior Court of California
County of San Bernardino
Appeals and Appellate Division
8303 N. Haven Avenue, 1st Floor
Rancho Cucamongo, CA 91730-3848

Re: *Suction Dredge Mining Cases*, JCPDS4720, Appellate No. E064087

Dear Ms. Daniels:

This Monday, February 22nd, on the first day of what may be a two-week jury trial in McMinnville, Oregon, I received word that the office had received a notice from the Superior Court of California, County of San Bernardino, providing Notification of Estimate of Cost of Transcripts, seeking payment of some \$6,324 in estimated fees by Appellants due no later than February 26th, although you have informed my assistant that no adverse action will be taken until March 2nd.

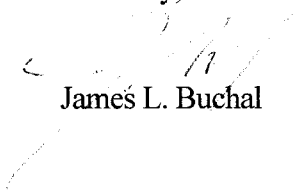
I am the only attorney handling this appeal for Appellants, as Mr. Young has withdrawn. I have been unable to reach my clients to fully confer concerning this issue, but there is a threshold problem. On January 20, 2016, the San Bernardino Superior Court stayed the case until the California Supreme Court issued its opinion in *People v. Rinehart*, No. S222620. (See Notice of Ruling, transmitted herewith.) In this ruling, the Superior Court expressly threatened to vacate its decision on the motion for summary adjudication if the Supreme Court rendered an opinion adverse to Appellants in *People v. Rinehart*. The decision the Superior Court threatens to vacate is the predicate of the decision appealed: the Superior Court's failure to give Appellants any equitable relief based on the summary adjudication ruling. Given the stay of Superior Court proceedings, it is not even entirely clear that Appellants may lawfully pay the funds demanded.

We also note that there are two pending motions, none of which require the preparation of the Clerk's Transcript or Reporter's Transcript for a ruling: Appellant's August 11, 2015 motion for summary reversal and/or calendar preference, and the Respondents' September 14, 2015 motion to dismiss the appeal. Under all these circumstances, it appears appropriate for the Court of Appeal to either rule on the motions, or issue a stay of this appeal in light of the *People v. Rinehart* decision, which appears to have been the *de facto* approach of the Court until now.

February 24, 2016

Please advise whether the Court might consider this request by letter, or whether a formal motion for a stay would be required. I could probably work over the weekend to dispatch one for filing on Monday, February 29th.

Sincerely,



James L. Buchal

cc: Lynne Saxton
Jonathan Evans
Mark Melnick
E. Robert Wright
Glen Spain
Keith Robert Walker
David Young
Bradley Solomon
John Mattox
James R. Wheaton