

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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3	UNITED STATES OF AMERICA,) Civil No. S-91-0768 JAM-JFM
4	Plaintiff,) (Consolidated for all purposes with
5	v.) Civil No. S-91-1167 JAM-JFM)
6	IRON MOUNTAIN MINES, INC. and)
7	T.W. ARMAN,)
8	Defendants.)
9	STATE OF CALIFORNIA, On behalf of the)
10	California Department of Toxic Substances)
11	Control and the California Regional Water)
12	Quality Control Board for the Central Valley)
13	Region,)
14	Plaintiff,)
15	v.)
16	IRON MOUNTAIN MINES, INC. and)
17	T.W. ARMAN,)
18	Defendants.)
19	AND RELATED COUNTER- AND)
20	THIRD-PARTY CLAIMS)

ORDER

On December 17, 2008, this Court held a hearing on PLAINTIFFS' REQUEST FOR STATUS CONFERENCE TO ADDRESS FILINGS BY JOHN F. HUTCHENS. Present at the hearing were Larry Corcoran, on behalf of the United States Department of Justice and the United States Environmental Protection Agency, Supervising Deputy Attorney General Margarita Padilla on behalf of the California Department of Toxic Substances Control, Supervising Deputy Attorney General Sara Russell, on behalf of the California Regional Water Quality Control Board for the Central Valley Region, and William Logan, counsel of record for defendants Iron Mountain Mines, Inc., and T.W. Arman. Also present were Theodore Arman and John F. Hutchens.

1 Upon consideration of the Plaintiffs' Request for Status Conference to Address Filings by
2 John F. Hutchens, of responses thereto, and of representations by the parties and counsel at the
3 hearing, in open Court on December 17, 2008, this Court, entered the following Orders.

4 ORDERED that John F. Hutchens' motion to join or to intervene in this proceeding
5 ("Notice of Joinder," Dkt. No. 1261) is denied on the grounds that he failed to file a proper
6 motion. This denial of his motion is without prejudice to filing of a proper motion by an attorney
7 representing him.

8 FURTHER ORDERED that John F. Hutchens shall file no more documents in this
9 proceeding, unless he files them through an attorney admitted to practice in this Court.

10 FURTHER ORDERED that all documents filed by John F. Hutchens in this proceeding
11 through December 17, 2008, are stricken on the grounds that he was not party and was not
12 authorized to practice law on behalf of the defendants who are parties, and plaintiffs need make
13 no further response to any of those filings.

14 FURTHER ORDERED that all documents filed by defendant Arman, either on his behalf
15 or on behalf of Iron Mountain Mines, and either *pro per* or with or through John F. Hutchens, are
16 stricken on the grounds that they were not signed by counsel of record for the defendants, and
17 plaintiffs need make no further response to any of those filings.

18 FURTHER ORDERED that, if either defendant T.W. Arman or Iron Mountain Mines,
19 Inc., is to change counsel, that William Logan shall file a motion to withdraw as counsel, and that
20 the respective defendant shall seek new counsel with Mr. Logan's assistance.

21 FURTHER ORDERED that as soon as possible the plaintiffs shall file their respective
22 motions for partial summary judgment to recover past costs, through the date previously set by
23 this Court. Counsel for the plaintiffs advised the Court that they expect to be able to file their
24 motions by late Spring or early Summer of 2009.

25 In his last filing, on the morning of December 17, 2008, John F. Hutchens stated that he
26 had signed defendant Arman's name to some documents which Mr. Hutchens filed, allegedly
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1 with Mr. Arman's authorization. In light of Mr. Hutchens' admission, the Court declined to
2 inquire further into the identity of the person or persons who signed documents bearing the
3 signatures of defendant Arman. The plaintiffs had no objection.

4 DATED this 2nd day of January, 2009.

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6 /s/ John A. Mendez
7 JOHN A. MENDEZ
8 United States District Judge
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