

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PT PUKUAFU INDAH, PT LEBONG
TANDAI, PT TANJUNG SERA PUNG,
GIDEON MINERALS U.S.A., INC.,
and DR. LEONARD L.J. YOUNG,

Plaintiffs,

v.

Case No. 09-10943
Honorable Patrick J. Duggan

UNITED STATES SECURITIES &
EXCHANGE COMMISSION, MARY
J. SCHAPIRO, THE EXPORT IMPORT
BANK OF THE UNITED STATES, JAMES H.
LAMBRIGHT, JP MORGAN CHASE & CO.,
NEWMONT MINING CORP., GOLDMAN
SACHS GROUP, INC.,
PRICEWATERHOUSECOOPERS, LLC,
JAMES NELSON LANE, DEVONWOOD
CAPITAL PARTNERS, LLC, and
NEW CANAAN SOCIETY,

Defendants.

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on July 1, 2010.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

This matter presently is before the Court on two motions filed by Plaintiffs and their counsel: (1) a motion for stay of judgment and orders, filed June 3, 2010; and (2) an “emergency motion for protective order and to quash subpoena and other collection

activity in regard to judgment in favor of Defendant Newmont Mining Corporation,” filed June 24, 2010. Defendant Newmont Mining Corporation (“Newmont”)– the defendant with an interest in the motions– has responded to the motions.

On November 4, 2009, this Court issued an order granting Newmont’s motion for Rule 11 sanctions against Plaintiffs and their counsel, Steven W. Reifman and Reifman & Glass, P.C. and awarding monetary sanctions to Newmont in the form of its reasonable attorneys’ fees.¹ (Doc. 102 at 13.) The Court further enjoined Plaintiffs “from filing any lawsuits against Defendants in this or any federal or state court related to the subject matter of this lawsuit.” (*Id.* at 13-14.) Following Newmont’s submission of documentation evidencing its attorneys’ fees, this Court entered an order on January 19, 2010, setting the amount of sanctions at \$107,369.53. (Doc. 111.) The Court entered a judgment for this amount on April 26, 2010. (Doc. 132.) Plaintiffs have filed appeals with respect to the Court’s orders and judgment. (Docs. 104, 129, 158.)

In the meantime, Newmont has taken efforts to collect on the judgment, including service of a subpoena on Mr. Reifman for a deposition on June 25, 2010. Plaintiffs and their counsel seek to stay the sanctions order and Newmont’s collection efforts in their pending motions. Newmont opposes any stay of the sanctions order to the extent it enjoins Plaintiffs from filing any lawsuits against Defendants related to the subject matter

¹Contrary to Plaintiffs’ contention in their pending motions, this Court granted Newmont sanctions against Plaintiffs’ counsel Reifman & Glass and Steven Reifman. (*See* Docs. 102, 111.)

of this lawsuit. Newmont does not oppose a stay of the monetary portion of the Court's orders and appears to agree to stay its collection efforts *provided* the Court requires Plaintiffs to file a supersedeas bond. Newmont indicates, however, that it will adjourn Mr. Reifman's deposition until the Court rules on Plaintiffs' request for a stay.

This Court declines to stay the portion of its November 4, 2009 order enjoining Plaintiffs and their counsel from filing any lawsuits against Defendants in this or any federal or state court related to the subject matter of this lawsuit. The Court will stay the monetary portion of its November 4, 2009 and January 19, 2010 orders and the subsequent judgment but only on the condition that Plaintiffs submit a supersedeas bond for approval by the Court, and if approved, to be filed with the court.

Plaintiffs have ten (10) days from the date of this Order to submit an appropriate supersedeas bond to this Court. During that time, any efforts to enforce the monetary portion of the Court's orders and judgment are stayed. If Plaintiffs fail to submit an appropriate supersedeas bond within ten (10) days, the stay shall be deemed to have expired.

SO ORDERED.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Steven W. Reifman, Esq.
Eugene Driker, Esq.
Todd R. Mendel, Esq.
Mark Wielga, Esq.
Radcliffe Dann IV, Esq.