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4 *Attorney for Plaintiff*

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6
7 IN THE SUPERIOR COURT OF CALIFORNIA
8 IN THE COUNTY SISKIYOU
9

10 THE PEOPLE OF THE STATE OF
CALIFORNIA,

11 Plaintiff,

12 v.

13 DEREK DOUGLAS EIMER
14 DOB: 10/26/1964,

15 Defendant.

Case No. MCYKCRM 15-1123

DECLARATION OF DEREK EIMER

16
17 Derek Eimer states:

18 1. I am a member of The New 49'ers and engaged in the business of mining utilizing
19 claims owned or controlled by The New 49'ers. I make this declaration in support of my motion to
20 dismiss the complaint and suppress evidence in this action.

21 2. The conduct alleged in Counts 1 and 2 of the Misdemeanor Complaint occurred
22 within the boundaries of federally-registered mining claims on federal land, on which I was
23 operating in furtherance of the Congressionally-authorized and directed purpose to develop the
24 mineral resources contained on those claims.

1 dredging equipment, and upon information and belief, no warrant exists to support the collection of
2 any of the evidence against me.

3 I certify under penalty of perjury under the laws of California that the foregoing is true and
4 correct.

5 Executed at Happy Camp, California this ____ day of October, 2015.

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Derek Eimer

CERTIFICATE OF SERVICE

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I, Carole A. Caldwell, hereby declare under penalty of perjury under the laws of the State of California that the following facts are true and correct:

I am a citizen of the United States, over the age of 18 years, and not a party to or interested in the within entitled cause. I am an employee of Murphy & Buchal, LLP and my business address is 3425 SE Yamhill Street, Suite 100, Portland, Oregon 97214.

On October ____, 2015, I caused the following document to be served:

DECLARATION OF DEREK EIMER

on the party listed below in the following manner:

- () (BY FEDERAL EXPRESS)
- (X) (BY FIRST CLASS US MAIL)
- (X) (BY FAX)
- () (BY E-MAIL)

J. Kirk Andrus, District Attorney
County of Siskiyou
P.O. Box 986
Yreka, CA 96097
Tel: (530) 842-8125
Fax: (530) 842-8137

Carole A. Caldwell
Declarant