

## Murphy & Buchal LLP

3425 SE Yamhill Street, Suite 100  
Portland, Oregon 97214

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

### MEMORANDUM

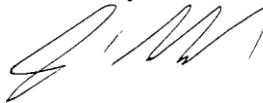
To: Dave McCracken, The New 49'ers Legal Fund  
From: James L. Buchal  
Date: May 20, 2016  
Re: *People v. Rinehart*

In response to The New 49'ers Legal Fund's request for an update concerning this case, oral argument will be held on June 1, 2016 at the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, in Los Angeles, starting at 2:00 p.m. We are the second of three cases on the docket. The courtroom has a capacity of ninety, so it should accommodate interested miners who want to attend.

The Court has allowed thirty minutes per side, which is the customary amount of time for all cases, and the State has selected Mr. Marc Melnick to argue the case. The State has also notified the Court that it has not allocated any of its thirty minutes to the *amicus* parties. I will be arguing on behalf of Mr. Rinehart, and none of the *amicus* parties supporting us has requested to utilize any of our time (it is usually counterproductive to divide time).

The setting of the case for this year's last week of oral argument probably signals that the issues will have been carefully studied by the Court and will be fresh in the minds of the Justices on June 1<sup>st</sup>. They may have already reached a tentative opinion as to the outcome of the case, and the oral argument will be an opportunity for them to clarify their thinking and the ultimate ruling. I am optimistic that we will be able to get a ruling this summer which will provide guidance for all of us.

Sincerely,



James L. Buchal

Copy to Brandon Rinehart