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Bach v. Miller Clerk's Record v. 1 Dckt. 31716

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LAW CLERK

IN THE
SUPREME COURT
OF THE
STATE OF IDAHO

Vol. 1 of 13

COPY

John N. Bach

Plaintiff / Appellant

Alva Harris, et. al.

Defendants / Respondents

and

John N. Bach

Plaintiff / Respondent

Alva Harris, et. al.

Defendants / Appellants

Katherine Miller, et. al.

Defendants

Appealed from the District Court of the Seventh Judicial

District of the State of Idaho, in and for Teton County

Hon Richard T. St. Clair, District Judge

John N. Bach, Pro Se, P.O. Box 101, Driggs, Idaho 83422

Alva A. Harris, Esq. P.O. Box 479, Shelley, Idaho 83274

Attorney-for-Defendants/Respondent

FILED - COPY *and* *Defendants/Appellants*

Filed this _____ day of _____, 20____

Supreme Court _____ Court of Appeals
Entered on ATS by: _____

Clerk

By _____

Deputy

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Supreme Court No. 31716/31717
Teton County No. CV 02-208

John N. Bach
Plaintiff/Appellant
vs
Alva Harris, et. al.
Defendants/ Respondents

John N. Bach
Plaintiff/Respondent
vs
Alva Harris, et. al.
Defendants/Appellants

and

Katherine Miller et. al.
Defendants

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Application & Affidavit of John N. Bach, Plaintiff, for Entry of Default Per IRCP, Rule 55(a)(1), et seq, Against Defendants: (1) Alva A. Harris, Individually & dba SCONA, Inc., a sham entity; (2) Targhee Powder Emporium, Inc., Untld and Ltd.; (3) Jack Lee McLean; (4) Ole Olesen; (5) Bob Fitzgerald, Individually & dba Cache Ranch; and (6) Blake Lyle, Individually & dba Grande Towing, and also, dba Grande Body & Paint, Filed March 19, 2003	0321
Brief, Filed June 27, 2003	0757
Brief in Support of Emergency Motion for Substitution of Parties and to Shorten Time for Hearing, Filed February 7, 2005	1482
Certificate of Exhibits	1707
Certificate of Service	1721
Clerk's Certificate	1719
Complaint for Damages/Injuries to Plaintiff, His Real & Personal Properties; Malicious Prosecution; Abuse of Process; Slander of Title & Conversion-Theft of Properties; Defamation-Libel & Slander; and for Immediate Injunctive/ Equitable relief, Filed July 23, 2002	0001
Default Judgment Against Alva Harris, SCONA, Inc., Bob Fitzgerald, Ole Olesen, and Blake Lyle, Filed February 27, 2004	1101
Default Judgment Against Lynn McLean, as Personal Representative of the Estate of Jack Lee McLean, Filed September 21, 2004	1367
Default Judgment Against Wayne Dawson, Filed January 5, 2004	0988

Defendant Ann-Toy Broughton's Exhibit List, Filed June 4, 2003	0597
Defendant Earl Hamblin's Answer to Plaintiff's First Amended Complaint, Filed June 25, 2003	0721
Defendant Earl Hamblin's Disclaimer of Interest in Certain Real Property and Motion to Dismiss, Filed March 23, 2004	1213
Defendant, Earl Hamblin's Exhibit List, Filed January 13, 2004	1009
Defendant Miller's Brief in Opposition to Summary Judgment, Filed May 6, 2003	0421
Disclaimer of Interest, Filed November 17, 2003	0950
Disclaimer of Interest in Certain Real Property and Motion to Dismiss, Filed March 8, 2004	1185
Eighteenth Order on Pending Motions, Filed September 9, 2003	0857
Eighth Order on Pending Motions, Filed March 4, 2003	0246
Eleventh Order on Pending Motions, Filed April 2, 2003	0337
Emergency Motion for Substitution of Parties and to Shorten Time for Hearing, Filed February 7, 2005	1479
Entry of Appearance, Filed August 16, 2002	0036
Entry of Default Against Defendants; (1) Alva A. Harris, Individually & dba SCONA, Inc., a sham entity; (2) Targhee Powder Emporium, Inc., an Idaho Corporation; & dba Unltd & Ltd.; (3) Jack Lee McLean; (4) Ole Olesen; (aka Oly Olson); (5) Bob Fitzgerald, Individually & dba Cache Ranch; and (6) Blake Lyle, Individually & dba Grande Towing, and also dba Grande Body & Paint (IRCP, Rule 55(a)(1), et seq.) , Filed March 19, 2003	0320
Exhibit List, Filed January 20, 2005	1439
Exhibit List, Filed May 29, 2003	0537
Fifteenth Order on Pending Motions, Filed June 2, 2003	0562
Fifth Order on Pending Motions, Filed January 10, 2003	0165
Final Judgment, Filed February 11, 2005	1505

Final Pre-Trial Order, Filed June 3, 2003	0576
Findings of Fact and Conclusions of Law, Filed July 1, 2003	0762
First Amended Complaint, Filed September 27, 20002	0053
Fourteenth Order on Pending Motions, Filed May 28, 2003	0505
Fourth Order on Pending Motions, Filed December 3, 2002	0154
Further Affidavit in Support of His Current Motions to (1) Strike Entire Answer of Defendants Hill and/or Preclude Any Evidence by Them of Their Claims to Title, Ownership, Possession or Rights of Use of Real Property with Home @ 195 N. Hwy 33, Driggs and/or for Unqualified Admissions That Plaintiff is the Sole & Rightful Owner Thereof, Etc., & (2) Alternatively, in Opposition to Defendants Hills' Motion for Summary Judgment, Filed April 20, 2004	1229
John N. Bach's Amended Notice of Appeal, Per The Supreme Court of the State of Idaho's Order Denying Motion to Dismiss Appeal of May 23, 2005. Filed June 13, 2005	1662
John N. Bach's Second Amended Notice of Appeal, Per The Supreme Court of the State of Idaho's Order of August 4, 2005, Not Mailed, Purportedly Until August 5, 2005 and Not Received Until on Thursday, August 11, 2005; and John N. Bach's Second Amended Notice of Appeal in No. 31717, Filed August 18, 2005	1685
Judgment Against Defendants Bret Hill and Deena R. Hill, on Second Count and Fourth Count of First Amended Complaint, Granting Quiet Title Judgment in Favor of Plaintiff John N. Bach, and Permanent Injunction in His Favor Re the Real Properties & Interest Quieted to/in Him as to Said Second & Fourth Counts, Filed June 24, 2004	1325
Judgment, Filed February 17, 2005	1511
Judgment, Filed February 24, 2005	1561
Judgment, Filed October 23, 2003	0908
Katherine Miller's Affidavit in Objection to Bach's Motion for Summary Judgment, Filed May 6, 2003	0435
Miller's Descriptive Exhibit List, Filed May 27, 2003	0495
Miller's Objection to Bach's Motion for Summary Judgment, Filed May 6, 2003	0419
Minute Entry, Dated January 9, 2003	0178

Minute Entry, Dated July 14, 2003	0814
Minute Entry, Filed April 15, 2003	0357
Minute Entry, Filed April 19, 2004	1222
Minute Entry, Filed February 23, 2004	1082
Minute Entry, Filed July 17, 2003	0841
Minute Entry, Filed July 21, 2004	1342
Minute Entry, Filed June 16, 2004	1018
Minute Entry, Filed June 17, 2003	0609
Minute Entry, Filed June 30, 2004	1330
Minute Entry, Filed March 14, 2005	1612
Minute Entry, Filed March 22, 2004	1204
Minute Entry, Filed May 5, 2003	0415
Minute Entry, Filed May 6, 2005	1625
Minute Entry, Filed May 9, 2004	1306
Minute Entry, Filed May 29, 2003	0532
Minute Entry, Filed November 9, 2004	1400
Minute Entry, Filed October 14, 2003	0862
Minutes Report, Dated August 13, 2002	0020
Minutes Report, Dated June 11, 2003	0629
Minutes Report, Dated June 16, 2003	0679
Minutes Report, Dated November 26, 2002	0141
Minutes Report, Dated October 9, 2002	0126
Minutes Report, Dated September 10, 2004	1362

Motion, Filed November 12, 2002	0137
Motion to Set Aside Default, Filed April 2, 2003	0324
Motion to Strike Plaintiff's First Amended Complaint and for Rule 11(a)(1) Sanctions Against John Bach, Filed October 3, 2002	0087
Nineteenth Order on Pending Motions, Filed October 23, 2003	0868
Ninth Order on Pending Motions, Filed March 7, 2003	0259
Notice of Appeal, Filed February 28, 2005	1564
Notice of Appeal, Filed March 25, 2005	1624A
Notice of Appearance , Filed April 1, 2003	0323
Notice of Appearance, Filed April 4, 2003	0344
Notice of Appearance, Filed August 7, 2002	0016
Notice of Hearing Motion to Set Aside Default and Motion to Reinstate Answer Filed May 29, 2007	540A
Notice of Motions and Motions by Plaintiff John N. Bach Re Post Twenth Fifth Order and Final Judgment, Along with Order, of February 8, 2005 and February 11, 2005 for Orders: (1) Vacating, Setting Aside, Etc. Said Orders and Final Judgment; (2) Entering New and Different Order & Final Judgment in Favor of Plaintiff; (3) Granting of New Trial as to All Plaintiff's Counts Against Katherine Miller and Galen Woelk; (4) For Order Awarding Plaintiff Costs and Paralegal Fees Sought. & Modifying Permanent Injunction. Filed February 25, 2005	1524
Notice of Substitution of Attorney, IRCP 11(b)(1), Filed August 27, 2002	0043
Order Amending Stay Entered April 13, 2004, Filed April 14, 2004	1219
Order and Notice Setting Jury Trial, Filed November 27, 2002	0139
Order and Preliminary Injunction, Filed August 16, 2002	0038
Order, Filed February 7, 2005	1487
Order, Filed June 16, 2003	0606
Order, Filed March 18, 2004	1200
Order, Filed May 22, 2003	0492

Order for Default, Filed June 16, 2003	0603
Order of Voluntary Disqualification Pursuant to IRCP 40(d)(4), Filed July 23, 2002	0012
Order on Pending Motions, Filed September 3, 2002	0045
Order on Various Motions Heard on March 16, 2004, Filed March 22, 2004	1209
Order Restraining All Defendant Their Agents, Attorneys, or Any Persons/Entities From Entering, Accessing or Attempting to Enter, Access or Be on Any of Plaintiff's Properties; and Order to Show Cause to All Defendants Why Such Restraining Order Should Not Be Issued as a Preliminary and Permanent Injunction, Filed July 25, 2002	0014
Order Sealing All Records of in Camera Session on September 9, 2002, Filed October 15, 2002	0133
Order Suspending Appeal, Filed January 22, 2004	1043
Plaintiff's & Appellant's Amended Notice of Appeal, Per Idaho Supreme Court's Order Re: Final Judgment of December 22, 2003. (Related Petition for Writ of Mandate/Prohibition, Idaho Supreme Court Docket No. 30009 Filed September 19, 2000, denied) & Plaintiff, Counterclaim Defendant & Appellant Has Made Two Motions for a Rule 54(b) Certificate, to which Katherine Miller Has Not Objected Except to the form of the Proposed Certificate. Judge St. Clair has delayed issuing said Certificate, most recently, issued a Twentieth Order, see attached copy, continuing all such motion to the 1 st week, Feb., 2004, Filed January 12, 2004	0996
Plaintiff & Counterclaim Defendant John N. Bach's Exhibit List and Designations Pending/Subject to Court's Rulings – Orders Re Summary Judgment Motions, Filed May 28, 2003	0501
Plaintiff & Counterclaim Defendant John N. Bach's Memorandum Brief in Support of His Motions Filed Feb. 25, 2005 (IRCP, 12(f), (g), 59(a), 1, 3, 4, 5, 6, & 7; 52(b); 60(b), (1), (2), (3), (4), (5), & (6); 11(a)(1)(2), Filed March 9, 2005	1579
Plaintiff and Counterclaim Defendant John N. Bach's Motion for Directed Verdict on All His Counts in the First Amended Complaint and on All his Affirmative Defenses to Katherine Miller's Counterclaims (IRCP, Rule 50(a) et seq.), Filed June 18, 2003	0613
Plaintiff & Counterclaim Defendant John N. Bach's Notice of Motions and Motions for Summary Judgment and /or Summary Adjudication, IRCP, Rule 56, et seq., Filed April 18, 2003	0413

Plaintiff's & Counterclaim Defendant John N. Bach's Notice of Motions & Motions Re (1) Order Voiding/Invalidating Special Jury Verdict of June 19, 2003; (2) For Judgment in Complete Favor of Plaintiff & Counterclaim Defendant, John N. Bach, against Defendant & Counterclaimant Katherine D. Miller, aka Katherine M. Miller, in all capacities; (3) Amendment of Ruling/Order or Contemplated Judgment Re Special Verdict &/or new Trial: and for Modification of Final Pretrial Order &/or Relief from Final Pretrial Order & Trial Orders, Special Verdict, Etc. (IRCP, Rules 16, 50, 58, 59, & 60(1)-(6).) Filed July 3, 2003	0786
Plaintiff & Counterclaim Defendant John N. Bach's Notice of Motion, Motion & Affidavit for the Disqualification of the Honorable Richard T. St. Clair, Assigned, (IRCP, Rule 40(d)(2)(A)(1)(3) & (4); 40(d)(5), et seq; and Notice of Motion & Motion for Vacating of All Judge St. Clair's Final Pretrial Orders, Adverse Orders, Findings of Facts and Conclusions of Law, Etc., Filed July 9, 2003	0804
Plaintiff & Counterclaim Defendant John N. Bach's Post Judgment Evidentiary Hearing Brief Re: Lack of Jurisdiction, Basis, Reasons and Lack of Any Attorneys' Fees, Reasonable or Otherwise to be Awarded/Allowed Defendants Hills Nor Hamblin Per 12-121. Filed May 6, 2005	1639
Plaintiff & Counterclaim Defendant John N. Bach's Supplemental Brief No. 1. In Support of His Motions Filed November 6, 2003, Filed November 20, 2003	0953
Plaintiff & Counterclaim Defendant John N. Bach's Supplemental Brief No. 2., In Support of His Motions Filed November 6, 2003. Filed December 3, 2003	0963
Plaintiff & Counterclaim Defendant John N. Bach's Trial Brief No. Two (2) Defendant & Counterclaimant Miller's Answer & All Counterclaims are Barred as a Matter of Both Fact and Law-By Miller's Discharge of Claims Against Bach in His Chapter 13 Bankruptcy & Per the Written Undispute Settlement Agreement of October 3, 1997. (Also Cited/Presented for Plaintiff's Motion in Limine to be Filed Herein.) Filed May 30, 2003	0541
Plaintiff & Counterclaimant John N. Bach's Answer & Affirmative Defenses to Counterclaims of Katherine D. Miller, aka Katherine M. Miller, Filed April 4, 2003	0345A
Plaintiff John N. Bach's Affidavit Per IRCP, Rule 56(f) to Stay Any Hearing or Action to Consider Granting Defendants Bret & Deena R. Hill's Motion for Summary Judgment Until Plaintiff has His Further Motions for Discovery Sanctions Against Said Defendants Hill Heard; and Affidavit, Part II, in Opposition, Refutations and Objections to Hills Affidavits Re Their Summary Judgment Motions, Filed March 2, 2004	1144
Plaintiff John N. Bach's Closing Brief in Opjections & Opposition to Defendants Hill's Motion/Application for Attorney Fees (IRCP, Rule 54(e)(2), I.C. 12-121; and Also To: Defendant Hamblin's Motion/Application For Attorneys Fees, (IRCP, Rule 54(e)(2), I.C. 12-121), Filed May 6, 2005	1630

Plaintiff John N. Bach's Closing Brief in Support of His Motion for Summary Judgment Against All Defendants, Filed May 13, 2003	0455
Plaintiff John N. Bach's Exhibit List for Jury Trial of February 8, 2005, Filed January 21, 2005	1445
Plaintiff John N. Bach's Further Affidavit Re Issuance of Proposed Permanent Injunction & Request for Judicial Notice of Orders of Dismissal with Prejudice of all plaintiff (Jack Lee McLean's) Claims in Teton CV 01-33; 01-205; 01-265 & Dismissal of Charges in Teton CR 04-526 With John N. Bach's 4 Motions Filed Dec. 27, 2004 & His Further Memo In Support of His Motions, Filed January 12, 2005	1417
Plaintiff John N. Bach's Further Memorandum Brief Re Objections & Opposition to Defendants Hills' Motion for Summary Judgment, Filed March 11, 2004	1190
Plaintiff John N. Bach's Memorandum Brief No. "1", Re His Objections & Opposition to Defendant Katherine Miller's Motion to Dismiss (Rule 12(b)(8)); and Motion to Strike Said Defendant's Motion and for Evidentiary & Monetary Sanctions. (IRCP, Rule 11(a)(1), Rule 56(g) & Court's Inherent Powers, Etc., Filed January 28, 2003	0182
Plaintiff John N. Bach's Memorandum Brief Re Objections & Opposition to Defendants Dawsons' Motion to Dismiss Per Rule 12(b)(5); & Plaintiff's Motions For Sanctions IRCP, Rule 11(a)(1) & Inherent Power of Court, Filed February 11, 2003	0240
Plaintiff John N. Bach's Memorandum Brief Re Objections, Motion to Strike, & Opposition to Defendant Wayne Dawson's Motion Re (1) Second Renewed Motion to Set Aside Default; (2) Motion to Continue Trial or (3) Bifurcate, Etc., Filed June 3, 2003	0591
Plaintiff John N. Bach's Memorandum of Objections & Opposition to Defendants In Default (The Dawson's) Motion to Set Aside Deffault & to Strike the Affidavit of Jared Harris Offered Purportedly in Support Thereof; and Plaintiff's Motion for Sanctions, Etc. (IRCP, Rule 12(f), 11(a)(1) & 55(c) and 60(d)(6), Filed February 11, 2003	0199
Plaintiff John N. Bach's Memorandum Re Court's Inquiry of Effect of Discharge in Bankruptcy of Debtors Property Not Utilized by Trustee for Creditors, Filed September 3, 2004	1356
Plaintiff John N. Bach's Motion Re (1) Protective Order Staying/Abating All Discovery by Defendants Hills, Until They Have Complied Fully with Plaintiff's No. 1, Discovery Set & Until Plaintiff's Motions Re Hills' Default Entries, Etc., Are Heard; and (2) For Striking, Vactating or Disallowing Any Summary Judgment Motions by Defendants Hill. IRCP, Rules 11, 26, 37 & 56(f)(g), Filed February 11, 2004	1059

Plaintiff John N. Bach's Motion to Strike and Quash Defendant's Dawsons' Motion To Disqualify the Honorable Richard T. St. Clair, IRCP, Rule 40(d)(1); and for Sanctions Against Dawsons & Their Counsel, Jared Harris, IRCP, Rule 11(a)(1) & Inherent Powers of the Court, Filed February 11, 2003	0242
Plaintiff John N. Bach's Motion to Strike Motion for Attorneys Fees and Costs Brought by Defendants, Estate of Stan Nickell, Personal Representative; and Plaintiff's Memorandum Brief in Support of Said Motion and in Opposition to Nickell's Estate Motion for Attorneys Fees & Costs. & Motion for Sanctions. Rule 11(a)(1) a Full Hearing is not Just Requested but Further Required (ID Const. Art. I, Sec 13, IRCP, Rule, Filed February 23, 2005	1514
Plaintiff John N. Bach's Notice of Ex Parte Motion and Motion for Immediate Issuance of Writ of Possession, Assistance and/or Seizure of Plaintiff's Vehicles and Trailors Still in Defendants' Possession, Especially in Possession of Blake Lyle, Filed May 16, 2003	0488
Plaintiff John N. Bach;s Notice of Motions and Motions Re; (1) Hearing on All Plaintiff's Motions Filed Since September 27, 2004; (2) For Order Striking, Quashing or Denying Defendants Woelk, Runyan's Motion to Amend/Modify, Etc., Court's 32 nd Order; (2) For Order to Set Pretrial Conference on Remaining & Amending Issues; and (4) For Order Granting Plaintiff Leave to Amend & Add Claims Against Defendants Woelk, Runyan & Their Law Firm. (IRCP Rules 12(f), 15(a), etc.,) Filed October 19, 2004	1396
Plaintiff John N. Bach's Notice of Motion & Motions Re: (1) Order for Amended Judgment of Default Against Defendant Wayne Dawson; (2) Order Entering Different & Additional Damages & Relief Against Wayne Dawson, in Judgment of January 5, 2004; and (3) Order for Immediate Writ of Possession, Assistance of Execution or Execution. Rules 55(b)(2), 11(a)(2)(A)(B); 60(b)1-3,5-7; &59(e), Filed January 20, 2004	1027
Plaintiff John N. Bach's Notice of Motions and Motions Re (1) Reconsideration of Court's Previous Order Re His Answering Defendants Hill's Discovery Set; (2) for Additional Time to Answer/Respond, Etc. to Said Hill's Discovery Set After Plaintiff's Motions for Further Discovery Sanctions and Rule 56(f) Motions are Heard; and (3) for Relief from Any Missing of Discovery Complaince Due Date by Plaintiff, Etc. IRCP, Rules 11(a)(2), Rule 37, 60(1)-(6), Filed March 11, 2004	1188
Plaintiff John N. Bach's Notice of Motion & Motion Re: (1) Reconsideration of Default Judgment Terms of September 21, 2004; and (2) Entry of Different Default Judgment Against Jack Lee McLean & His Estate, Especially Quieting All Title & Ownership of McLean to Plaintiff John N. Bach in Peacock & Drawknife Properties, Plus Full Permanent Injunction, Etc. (IRCP, Rule 11), Filed October 5, 2004	1392

Plaintiff John N. Bach's Pretrial Statement of Objections & Requests, Etc., Per IRCP, Rule 16(c), 16(d), etc., Filed January 15, 2004	1012
Plaintiff John N. Bach's Submission of Documentary Evidence in Further Support of His Motions Numbers (1) & (2), filed Oct. 5, 2004 & Argued Nov 4, 2004 @ 9:15 a.m. Before Judge St. Clair, Filed November 5, 2004	1398
Plaintiff John N. Bach's Trial Brief No. Three (3) Re for Immediate Entry of Judgment Quieting Title to Plaintiff on Those Properties Subject of Second, Third, and Fourth Counts, Reserving Issues of All Damages Thereon, Filed June 2, 2003	0566
Pre-Trial Order, Filed April 19, 2004	1226
Receipt, Dated April 1, 2004	1218
Remittitur, Filed February 2, 2005	1463
Request for Additional Record, Filed September 1, 2005	1698
Request for Additional Record, Filed September 2, 2005	1704
Request for Additional Transcript, Filed June 27, 2005	1682
Request for Additional Transcript, Filed September 1, 2005	1701
Request for Pretrial Conference, Filed December 15, 2003	0968
Return of Service Upon Katherine D. Miller aka Katherine M. Miller and Jack Lee McLean and Alva A. Harris, Individually & DBA SCONA, Inc., a sham entity and Bob Bagley & Mae Bagley, Filed August 8, 2002	0018
Second Affidavit of John N. Bach, In Support of Motions Filed February 25, 2005, Filed March 7, 2005	1571
Second Order on Pending Motions, Filed September 19, 2002	0050
Seventeenth Order on Pending Motions, Filed August 28, 2003	0843
Seventh Order on Pending Motions, Filed January 29, 2003	0195
Sixteenth Order on Pending Motions, Filed July 8, 2003	0801
Sixth Order on Pending Motion, Filed January 28, 2003	0189
Special Appearance of Katherine M. Miller, Filed August 7, 2002	0017

Special Verdict, Filed June 19, 2003	0621
Stipulation and Order for Dismissal with Prejudice, Filed February 7, 2005	1490
Summons on First Amended Complaint, Dated September 27, 2002	0204
Supplemental Affidavit No. 1. To Plaintiff's Further Affidavit Re Issuance of Permanent Injunction, Etc., filed Jan. 12, 2005, Filed January 13, 2005	1430
Supplemental Affidavit of John N. Bach, in Support of His Motions, to Disqualify the Honorable Richard T. St. Clair, and All Other Motions Filed July 9, 2003 and July 2, 2003, Filed July 16, 2003	0817
Tenth Order on Pending Motions, Filed April 2, 2003	0326
Third Order on Pending Motions, Filed October 15, 2002	0134
Thirteenth Order on Pending Motions, Filed May 6, 2003	0442
Thirtieth Order on Pending Motions, Filed July 14, 2004	1334
Thirty Fifth Order on Pending Motions, Filed February 11, 2005	1494
Thirty First Order on Pending Motions, Filed August 18, 2004	1352
Thirty Fourth Order on Pending Motions, Filed December 10, 2004	1410
Thirty Second Order on Pending Motions, Filed September 21, 2004	1375
Thirty Seventh Order on Pending Motions, Filed May 11, 2005	1648
Thirty Sixth Order on Pending Motions, Filed March 17, 2005	1617
Thirty Third Order on Pending Motions, Filed November 30, 2004	1404
Twelfth Order on Pending Motions, Filed April, 2003	0346
Twentieth Order on Pending Motions, Filed January 6, 2004	0993
Twenty Eighth Order on Pending Motions, Filed May 6, 2004	1289
Twenty Fifth Order on Pending Motions, Filed March 16, 2004	1196
Twenty First Order on Pending Motions, Filed January 16, 2004	1023
Twenty Fourth Order on Pending Motions, Filed March 2, 2004	1109

Twenty Ninth Order on Pending Motions, Filed July 6, 2004	1310
Twenty Second Order on Pending Motions, Filed February 12, 2004	1061
Twenty Seventh Order on Pending Motions, Filed April 21, 2004	1266
Twenty Sixth Order on Pending Motions, Filed April 21, 2004	1256
Twenty Third Order on Pending Motions, Filed February 23, 2004	1092
Verified Answer, Filed July 1, 2003	0779
Verified Answer to First Amended Complaint, Filed June 6, 2003	0599
Verified Answer to First Amended Complaint, Filed June 27, 2003	0734

Date	Code	User		Judge
7/23/2002	NEWC	PHYLLIS	New Case Filed	Brent J. Moss
		PHYLLIS	Filing: G3 - All Other Actions Or Petitions, Not Demanding \$ Amounts Paid by: john bach Receipt number: 0019049 Dated: 07/23/2002 Amount: \$77.00 (Cash)	Brent J. Moss
	AFFD	PHYLLIS	Affidavit Of Plaintiff John N. Bach, In Support Of Application/Request /for Immediate Ex Parte Issuance Of Restraining Order, And For Order To Show Cause For Preliminary & permanet Injuction Against All Defendants, Their Agents, Etc. Protecting Plaintiff's Person And Properties.	Brent J. Moss
	ORDR	PHYLLIS	Order of Voluntary Disqualification	Brent J. Moss
7/25/2002	ORDR	PHYLLIS	Order of Assignment	Brent J. Moss
	DISF	PHYLLIS	Disqualification Of Judge - Self	Richard T. St. Clair
	ORDR	PHYLLIS	Order Restraining All Defendants, Their Agent, Attorneys, Or Any Persons/Entities From Entering, Accessing Or Attempting To Enter, Access Or Be On Any Of Plaintiff's Properties	Richard T. St. Clair
7/26/2002	BNDC	PHYLLIS	Bond Posted - Cash (Receipt 19079 Dated 07/26/2002 for 2500.00)	Richard T. St. Clair
	HRSC	PHYLLIS	Hearing Scheduled (Motions 08/08/2002 04:30 PM)	Richard T. St. Clair
8/7/2002		PHYLLIS	Filing: I1A - Civil Answer Or Appear. More Than \$1000 No Prior Appearance Paid by: Alva Harris Receipt number: 0019128 Dated: 08/07/2002 Amount: \$47.00 (Check)	Richard T. St. Clair
		PHYLLIS	Filing: I1A - Civil Answer Or Appear. More Than \$1000 No Prior Appearance Paid by: Alva Harris Receipt number: 0019129 Dated: 08/07/2002 Amount: \$47.00 (Check)	Richard T. St. Clair
	NOTC	PHYLLIS	Notice of SPecial Appearance	Richard T. St. Clair
	NOAP	PHYLLIS	Notice Of Appearance	Richard T. St. Clair
	MOTN	PHYLLIS	Motion to Dissolve	Richard T. St. Clair
8/8/2002	RETS	PHYLLIS	Return Of Service Upon Katherine D. Miller aka Katherine M. Miller and Jack Leed McLean and Alva A Harris, Individually & dba Scona, Inc., A Sham Entity and Bob Bagley & Mae Bagley	Richard T. St. Clair
8/9/2002	HRVC	PHYLLIS	Hearing result for Motions held on 08/08/2002 04:30 PM: Hearing Vacated	Richard T. St. Clair
8/13/2002	AFFD	PHYLLIS	Affidavit of Alva Harris	Richard T. St. Clair
	MISC	PHYLLIS	Certificate of Assumed Business Names	Richard T. St. Clair
8/15/2002		PHYLLIS	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Katherine Miller Receipt number: 0019175 Dated: 08/15/2002 Amount: \$1.00 (Cash)	Richard T. St. Clair

Date	Code	User		Judge
8/16/2002		PHYLLIS	Filing: 11A - Civil Answer Or Appear. More Than \$1000 No Prior Appearance Paid by: Galen Woelk Receipt number: 0019183 Dated: 08/16/2002 Amount: \$47.00 (Check)	Richard T. St. Clair
	ORDR	PHYLLIS	Order and Preliminary Injunction	Richard T. St. Clair
8/19/2002	MOTN	PHYLLIS	Motion for More Definitive Statement	Richard T. St. Clair
8/20/2002		PHYLLIS	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Katherine Miller Receipt number: 0019201 Dated: 08/20/2002 Amount: \$10.00 (Cash)	Richard T. St. Clair
8/27/2002	SUBC	PHYLLIS	Substitution Of Counsel	Richard T. St. Clair
	MISC	PHYLLIS	Objection to P's NOTH and MOTion	Richard T. St. Clair
9/3/2002	MEMO	PHYLLIS	P's INitial Memorandum Brief in Support of this 3 Motions	Richard T. St. Clair
	AFFD	PHYLLIS	Affidavit	Richard T. St. Clair
	NOTC	PHYLLIS	Notice of Motions	Richard T. St. Clair
	ORDR	PHYLLIS	Order on Pending Motions	Richard T. St. Clair
9/4/2002	NOTC	PHYLLIS	Notice	Richard T. St. Clair
9/5/2002	MISC	PHYLLIS	Objection to Hearing	Richard T. St. Clair
9/6/2002	NOTH	PHYLLIS	ReNotice Of Motions	Richard T. St. Clair
9/9/2002	MISC	PHYLLIS	Objection to Hearing and Request for Sanctions	Richard T. St. Clair
9/13/2002	NOTC	PHYLLIS	P's Notice of Motions	Richard T. St. Clair
	HRSC	PHYLLIS	Hearing Scheduled (Motions 10/11/2002 10:00 AM)	Richard T. St. Clair
9/16/2002	MISC	PHYLLIS	D Miller's Objection to Bach's MOTion	Richard T. St. Clair
9/17/2002	MISC	MAUREEN	D Miller's Objection to Bach's Motions	Richard T. St. Clair
	HRRS	PHYLLIS	Hearing Rescheduled (Motions 10/09/2002 02:30 PM)	Richard T. St. Clair
9/19/2002	ORDR	PHYLLIS	Second Order on Pending Motions	Richard T. St. Clair
9/27/2002	COMP	PHYLLIS	First Amended Complaint Filed	Richard T. St. Clair
10/3/2002	MOTN	GABBY	Motion To Strike Plaintiff's First Amended Complaint And For Rule 11 (a) (1) Sanctions Against John Bach	Richard T. St. Clair
10/9/2002	HRHD	PHYLLIS	Hearing result for Motions held on 10/09/2002 02:30 PM: Hearing Held	Richard T. St. Clair
10/15/2002	ORDR	PHYLLIS	Order Sealing All Records Of In Camera Session On September 9, 2002	Richard T. St. Clair
	ORDR	PHYLLIS	Thrid Order Pendine Motions	Richard T. St. Clair
10/24/2002	NOTH	PHYLLIS	Notice Of Hearing	Richard T. St. Clair
	HRSC	PHYLLIS	Hearing Scheduled (Motions 11/26/2002 02:00 PM)	Richard T. St. Clair
10/29/2002	MOTN	GABBY	Motion For Order Commanding Removal Of Horses From Enjoined Property	Richard T. St. Clair

Date	Code	User		Judge
11/12/2002	MOTN	GABBY	Motion	Richard T. St. Clair
11/19/2002	MISC	PHYLLIS	Plaintiff's Objections	Richard T. St. Clair
11/27/2002	ORDR	GABBY	Order And Notice Setting Jury Trial	Richard T. St. Clair
12/2/2002	ORDR	GABBY	Plaintiff's Closing Brief In Support Of Finding & Orders Holding Defendants In Contempt Of Preliminary Injunction.	Richard T. St. Clair
12/3/2002	ORDR	GABBY	Fourth Order On Pending Motions	Richard T. St. Clair
12/6/2002	HRHD	GABBY	Hearing result for Motions held on 11/26/2002 02:00 PM: Hearing Held	Richard T. St. Clair
	HRSC	GABBY	Hearing Scheduled (Pre-Trial Conference 05/30/2003 03:00 AM)	Richard T. St. Clair
	HRSC	GABBY	Hearing Scheduled (Jury Trial 06/10/2003 10:00 AM)	Richard T. St. Clair
	NOTC	GABBY	Notice Of All Current Motions To Be Heard On Thursday 9, 2003 At 9 a.m. In Bonneville County Courthouse, Before Judge St. Claire	Richard T. St. Clair
12/9/2002	NOTC	PHYLLIS	Notice to Appear Telephonically	Richard T. St. Clair
1/10/2003	ORDR	GABBY	Fifth Order On Pending Motions	Richard T. St. Clair
1/21/2003	NOTC	GABBY	Plaintiff's Notice Of Initiation Of His First Request For Production	Richard T. St. Clair
	AFFD	PHYLLIS	Affidavit for Entry of Default	Richard T. St. Clair
	AFFD	PHYLLIS	Affidavit Re Service of Summons	Richard T. St. Clair
1/22/2003	MISC	PHYLLIS	Entry of Default Against Jack McLean	Richard T. St. Clair
	AFFD	PHYLLIS	Affidavit re Service of Summons	Richard T. St. Clair
	MOTN	PHYLLIS	Motion to Dismiss	Richard T. St. Clair
	AFFD	PHYLLIS	Affidavit of Katherine Miller in Support of Motion	Richard T. St. Clair
	MEMO	PHYLLIS	Memorandum in Support of Motion	Richard T. St. Clair
	MOTN	PHYLLIS	Motion to Dismiss and for Sanctions	Richard T. St. Clair
1/23/2003	AFFD	PHYLLIS	P 's Application and Affidavit Requesting Entry of Default	Richard T. St. Clair
	AFFD	PHYLLIS	Affidavit Re Personal Service	Richard T. St. Clair
	MISC	PHYLLIS	Entry of Default	Richard T. St. Clair
	MOTN	PHYLLIS	P's Ex Parte Motion with Supporting Affidavit	Richard T. St. Clair
1/27/2003	AFFD	GABBY	Applicatin and Affidavit for Entry of Default	Richard T. St. Clair
	MISC	GABBY	Entry of Default	Richard T. St. Clair
1/28/2003	MEMO	GABBY	Plaintiff John N. Bach's Memorandum Brief #1, Re His Objections & Opposition To Defendant Katherine Miller's Motion To Dismiss (Rule 12(b) (8); And Motion To Strike Said Defendant's Monetary Sanction.	Richard T. St. Clair
	ORDR	PHYLLIS	Sixth Order on Pending Motion	Richard T. St. Clair

Date	Code	User	Judge
1/29/2003		GABBY	Filing: I1A - Civil Answer Or Appear. More Than \$1000 No Prior Appearance Paid by: Stan Nickell Receipt number: 0019973 Dated: 01/29/2003 Amount: \$47.00 (Check)
	ORDR	GABBY	Seventh order On Pending Motions
1/31/2003	MISC	PHYLLIS	P's Initial Disclosure List and Ex Parte Motion
2/3/2003	AFFD	GABBY	Affidavit Of John N. Bach, In opposition & Refutation Of Katherine Miller's Affidavit In Support Of Her Motion To Dismiss
2/5/2003		GABBY	Filing: I1A - Civil Answer Or Appear. More Than \$1000 No Prior Appearance Paid by: Baker & Harris Receipt number: 0020015 Dated: 02/05/2003 Amount: \$47.00 (Check)
	MOTN	GABBY	Motion To Set Aside Default
	AFFD	GABBY	Affidavit Of Jared M. Harris
	MOTN	GABBY	Motion To Dismiss
	MEMO	GABBY	Memorandum In Support Of Motion To Dismiss
	MOTN	GABBY	Motion For Disqualification
	MEMO	GABBY	Plaintiff's Initial Memorandum Brief Of Objections and Oppositions To Defendants
2/6/2003		GABBY	Filing: I1A - Civil Answer Or Appear. More Than \$1000 No Prior Appearance Paid by: Ann-Toy Broughton Receipt number: 0020021 Dated: 02/06/2003 Amount: \$47.00 (Cash)
2/11/2003	NOTC	GABBY	Miller's Notice Of Submission Of Relevant Documents
		PHYLLIS	Filing: I1A - Civil Answer Or Appear. More Than \$1000 No Prior Appearance Paid by: Hawley, Troxell, Ennis & Hawley LLP Receipt number: 0020059 Dated: 02/11/2003 Amount: \$47.00 (Check)
	MOTN	PHYLLIS	Motion To Dismiss
	MOTN	PHYLLIS	Brief In Support Of Motion To Dismiss
	AFFD	PHYLLIS	Affidavit Of Jason D. Scott
	MEMO	GABBY	Plaintiff John N. Bach's Memorandum Of Objections & Opposition To Defendants In Default Motion To set Aside Default.....
	MEMO	GABBY	Plaintiff Memorandum Brief Re Objections & opposition to Defendants Dawson's Motion To Dismiss.....
	MOTN	GABBY	Plaintiff Motion To Strike And Quash Defendant's Dawson's Motion to Disqualify the Honorable Richard T. St. Clair.....
2/19/2003	MEMO	GABBY	Plaintiff Memorandum Brief Of Objections & opposition To Defendants
2/21/2003	MOTN	GABBY	Motion For Protective Order

Date	Code	User	Judge
2/25/2003	MOTN	PHYLLIS	P's Motion Re: Order Compelling Production of Documents Richard T. St. Clair
3/4/2003	ORDR	PHYLLIS	Eighth Order on Pending Motions Richard T. St. Clair
3/7/2003	MISC	PHYLLIS	P's Statement Response and Designation of District Judge Richard T. St. Clair
	ORDR	GABBY	Ninth Order On Pending Motions Richard T. St. Clair
3/10/2003	MOTN	GABBY	Reply In Support Of Motion To Dismiss Richard T. St. Clair
	AFFD	GABBY	Supplemental Affidavit Of Jason D. Scott Richard T. St. Clair
3/17/2003		GABBY	Filing: I1B - Civil Answer Or Appear. More Than \$1000 With Prior Appearance Paid by: Woelk, Galen (attorney for Miller, Katherine) Receipt number: 0020226 Dated: 03/17/2003 Amount: \$14.00 (Check) Richard T. St. Clair
		GABBY	Filing: J6B - Special Motions Third Party Complaint With Prior Appearance Paid by: Woelk, Galen (attorney for Miller, Katherine) Receipt number: 0020227 Dated: 03/17/2003 Amount: \$8.00 (Check) Richard T. St. Clair
	SMIS	GABBY	Summons Issued Richard T. St. Clair
	AFFD	GABBY	Affidavit Of Katherine Miller In Support Of Motion For Contempt Richard T. St. Clair
	MOTN	GABBY	Motion For Contempt Against Plaintiff Bach, To Compel Performance, And For Attorney Fees Richard T. St. Clair
	ANSW	PHYLLIS	Answer, Counterclaim, and Jury Demand of Defendant Katerine Miller Richard T. St. Clair
3/19/2003	NOTS	PHYLLIS	Notice Of Service Richard T. St. Clair
	MISC	PHYLLIS	Request for Appointment of Mediator Richard T. St. Clair
	MISC	PHYLLIS	Objection to Request for Production of Documents Richard T. St. Clair
	ANSW	PHYLLIS	Answer Demand for Jury Trial Richard T. St. Clair
	MISC	PHYLLIS	Entry Of Default Against Defendants: 1) Alva A Harris..... (Entered per instruction of Judge St. Clair to strike Targhee Powder Emporium) (Copy of Default with change mailed to Mr. Bach.) Richard T. St. Clair
	AFFD	PHYLLIS	Application and Affidavit Of John N. Bach for Entry of Default Richard T. St. Clair
3/20/2003	NOTC	PHYLLIS	Notice Of Hearing on March 28, 2003, 9:00 am @ Bonneville County Courthouse Richard T. St. Clair
3/25/2003	NOTC	GABBY	Notice Of Vacation Of Motion For Contempt Richard T. St. Clair
3/26/2003	MISC	PHYLLIS	P's Further Memorandum Brief in Opposition to D's Motions and Affidavit re Clerk's Irregularities/Actions (There was no Affidavit attached to the document.) Richard T. St. Clair
3/27/2003	NOTC	GABBY	Defendant Miller's Notice Of Expert Witnesses Richard T. St. Clair

Date	Code	User		Judge
3/27/2003	MOTN	PHYLLIS	Plaintiff John N. Bach's Ex Parte Motion To Strike, Last Three Lines Of Miller's Notice Of Vacation Of Motion For Contempt	Richard T. St. Clair
3/28/2003	AFFD	PHYLLIS	Affidavit Of Plaintiff re: Clerk's Irregularities/Actions Re Entries Of Default And Documents' Filing	Richard T. St. Clair
	MOTN	PHYLLIS	Plaintiff's Notice Of Motion For Orders (1) To Reinstate Or Enter Defaults	Richard T. St. Clair
	MOTN	PHYLLIS	Plaintiff's Notice Of Motion Re Orders (5) Striking, Vacating & Withdrawing Filing Of Katherine Miller	Richard T. St. Clair
3/31/2003	NOTC	PHYLLIS	Notice Of Service	Richard T. St. Clair
4/1/2003	MOTN	GABBY	Objection To Plaintiff's Notice Of Hearing, And Alternative Motion For Continuance	Richard T. St. Clair
		GABBY	Filing: 11A - Civil Answer Or Appear. More Than \$1000 No Prior Appearance Paid by: Harris, Alva (defendant) Receipt number: 0020300 Dated: 04/01/2003 Amount: \$47.00 (Check) For Bret Hill And Deena Hill	Richard T. St. Clair
	NOAP	PHYLLIS	Notice Of Appearance on Bret Hill and Deena Hill	Richard T. St. Clair
4/2/2003	MOTN	GABBY	Motion To Set Aside Default	Richard T. St. Clair
	AFFD	GABBY	Affidavit Of Jared M. Harris	Richard T. St. Clair
	ORDR	GABBY	Tenth Order On Pending Motions	Richard T. St. Clair
	ORDR	GABBY	Eleventh Order On Pending Motions	Richard T. St. Clair
4/4/2003	NOAP	PHYLLIS	Notice Of Appearance for Donna Dawson and Wayne Dawson	Richard T. St. Clair
	MISC	PHYLLIS	P's Opposition to Response and Motion to Strike D Miller's Objection to P's Notices of Hearing and Alternative Motion for hearing	Richard T. St. Clair
	MISC	PHYLLIS	P's Initial Objections and Opposition to Ds' Harris, Fitzgerald, Lyle, Olson, McLean and Scona's Motion to Set Aside Default	Richard T. St. Clair
	MISC	PHYLLIS	P's Objections and Motion to Strike Affidavit of Jared Harris	Richard T. St. Clair
	ANSW	PHYLLIS	Plaintiff and Counterclaimant's Answer and Affirmative Defenses to Counterclaims of Katherine Miller	Richard T. St. Clair
4/8/2003	ORDR	GABBY	Twelfth Order On Pending Motions	Richard T. St. Clair
	MOTN	GABBY	Motion To Dismiss	Richard T. St. Clair
	MOTN	GABBY	Brief In Support Of Motion To Dismiss	Richard T. St. Clair
	AFFD	GABBY	Affidavit Of H. Cody Runyan	Richard T. St. Clair
4/9/2003	MISC	MAUREEN	P's & counterclaim Defendant Supplemental Memorandum Brief in Support of his seven Motions Filed March 28, 2003	Richard T. St. Clair
4/14/2003	NOTC	PHYLLIS	P's Notice of Motions and Motion for 9 separate Orders	Richard T. St. Clair

Date	Code	User	Judge
4/14/2003		PHYLLIS	Filing: 17A - Civil Answer Or Appear. All Other Actions No Prior Appearance Paid by: Cindy Miller Receipt number: 0020362 Dated: 04/16/2003 Amount: \$47.00 (Check) Talked to Judge St. Clair (twice). He said to take check and to apply it as an Answer NPA
	ANSW	PHYLLIS	Answer to First Amended Complaint and Demand for Jury Trial (Galen Woelk)
	MOTN	PHYLLIS	Motion for Summary Judgment
	MISC	PHYLLIS	Brief in Support of MOTion for Summary Judgment
	MOTN	PHYLLIS	Motion to Sever of Alternatively, to Continue
	MISC	PHYLLIS	Brief in Support of Motion to Sever
	NOTH	PHYLLIS	Notice Of Hearing
	NOAP	PHYLLIS	P & THlrd Party D Special Appearance, Notice of Motions and Motions to Quash, Strike or Invalidate Service of Summons and Third Party Complaint
4/15/2003		GABBY	Filing: 11A - Civil Answer Or Appear. More Than \$1000 No Prior Appearance Paid by: Bush, Ronald E. (attorney for Runyan, Cody) Receipt number: 0020356 Dated: 04/15/2003 Amount: \$47.00 (Check)
	MISC	GABBY	Minute Entry (March 28, 2003)
	MOTN	PHYLLIS	P's Ex Parte Motion for Protective Order Staying D's Discovery Requests
4/17/2003	AFFD	GABBY	Supplemental Affidavit Of John N. Bach, In Support Of His Noticed Motions To Be Heard May 2, 2003 @ 9:30 am
4/18/2003	MEMO	PHYLLIS	P's Memorandum Brief in Support of his Motions
	AFFD	PHYLLIS	Affidavit of John N. Bach in Support of His Motions for Summary Judgment
	NOTC	PHYLLIS	Plaintiff & Counterclaim Defendant John N. Bach's Notice of Motions and Motions for Summary Judgment
4/22/2003	MISC	PHYLLIS	P's Opposition to D Runyan's Motion to Dismiss and P's Notice of Motion
4/24/2003	MISC	PHYLLIS	Miller's Objection to those Motions Filed by Bach on April 14, 2003
	MISC	PHYLLIS	D Millr's Objection to Bach's Motion for Protection Order...
	MOTN	PHYLLIS	Motion to Compel and Affidavit and Notice of Hearing
4/25/2003	MOTN	GABBY	Miller's Objection To Bach's Motion #6, And Miller's Motion To Set aside Bach's "Special Appearance And Motion To Quash
	AFFD	GABBY	Affidavit And Application For Entry Of Default

Date	Code	User		Judge
4/28/2003	AFFD	GABBY	Affidavit Of John N. Bach RE Objections & Refutation-Opposition To Defendant Galen Woelk' Individually & dba Runyan & Woelk, Motion For Summary Judgment	Richard T. St. Clair
4/29/2003	MEMO	PHYLLIS	P's Objections and Opposition Memorandum to D Woelk's Motion	Richard T. St. Clair
4/30/2003	NOTC	PHYLLIS	Notice to Appear Telephonically	Richard T. St. Clair
	NOTC	GABBY	Amended Notice Of Hearing	Richard T. St. Clair
5/1/2003	MEMO	GABBY	Plaintiff, Counterclaim And Third Party Defendant John N. Bach's Closing Memorandum Brief In Support Of His Motion #6	Richard T. St. Clair
5/2/2003		PHYLLIS	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: john bach Receipt number: 0020478 Dated: 05/02/2003 Amount: \$7.00 (Cash)	Richard T. St. Clair
		PHYLLIS	Miscellaneous Payment: Personal Copy Fee Paid by: john bach Receipt number: 0020478 Dated: 05/02/2003 Amount: \$.50 (Cash)	Richard T. St. Clair
5/5/2003	MISC	GABBY	Minute Entry	Richard T. St. Clair
	MEMO	GABBY	Plaintiff's Memorandum Brief Of Objections & Opposition To Defendant Galen Woelk's Motion For Summary Judgment	Richard T. St. Clair
	MOTN	GABBY	Plaintiff's Notice Of Motions & Motions Re Orders	Richard T. St. Clair
5/6/2003	MOTN	GABBY	Motion To Continue Trial Date And For Continuance Of Time To File Dispositive Motions, Notice Of Hearing	Richard T. St. Clair
	HRSC	GABBY	Hearing Scheduled (Motions 05/20/2003 01:30 PM)	Richard T. St. Clair
	MOTN	GABBY	Miller's Motion For Rule 11 Sanctions Against Bach And Notice Of Hearing	Richard T. St. Clair
	MOTN	GABBY	Miller's Objection To Bach's Motion For Summary Judgment	Richard T. St. Clair
	ORDR	GABBY	Thirteen Order On Pending Motions	Richard T. St. Clair
	MISC	GABBY	Defendant Miller's Brief In Opposition To Summary Judgment	Richard T. St. Clair
	AFFD	GABBY	Katherine Miller's Affidavit In Objection To Bach's Motion For Summary Judgment	Richard T. St. Clair
5/8/2003	MOTN	PHYLLIS	Renewed Motion to Set Aside Default and Notice of Hearing	Richard T. St. Clair
	MEMO	PHYLLIS	Memorandum in Support of Renewed Motion	Richard T. St. Clair
	AFFD	PHYLLIS	Affidavit of Wayne Dawson in Support of Renewed Motion	Richard T. St. Clair
	MOTN	PHYLLIS	Motion for Order to Shorten Time	Richard T. St. Clair
	NOTC	GABBY	Notice Of Hearing	Richard T. St. Clair
	MOTN	GABBY	Motion To Set Aside Default	Richard T. St. Clair

Date	Code	User	Judge
5/8/2003		GABBY	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Bach Receipt number: 0020505 Dated: 5/8/2003 Amount: \$18.00 (Cash) (EXHIBITS)
5/13/2003	MOTN	GABBY	Opposition To Plaintiff's Motions to (1) Stay Woelk's Motion For Summary Judgment (2) Strike Woelk's Motion For Summary Judgment (3) Strike Woelk's Answer
	MOTN	GABBY	Reply In Support Of Motion For Summary Judgment
	MISC	GABBY	Rec'v Original Signature Page Of Affidavit Of Wayne Dawson
	AFFD	GABBY	Affidavit Of John N. Bach For Entry Of Default Against Defendant Earl Hamlin In All Capacities Served And Named In First Amended Complaint
	MISC	GABBY	Entryb Of Default Against Defendant Earl Hamlin, In All Capacities Served And/Or Named In the First Amended Complaint
	MOTN	GABBY	Plaintiff John N. Bach's Closing Brief In Support Of His Motion For Summary Judgment Against All Defendants
	MEMO	GABBY	Plaintiff's John N. Bach Memorandum Of Objection/Opposition To Defendant Katherine Miller's Motion To: Continue Trial Date And For Continuance Of Time To File Dispositive Motions
	MEMO	GABBY	Plaintiff's & Counterclaim Defendant John N. Bach's Memorandum Re: Objections And Opposition To: "Miller's Motion For Rule 11 Sanctions Against Bach"
5/14/2003	MOTN	PHYLLIS	Motion For Protection Order
	MOTN	PHYLLIS	Motion For Order To Shorten Time
5/15/2003	MISC	PHYLLIS	Objection to P's Closing Brief in Support of his Motion for Summary Judgment Against all Defendants
	MISC	PHYLLIS	P's Objectins and Motion to Strike as well as Opposition to D's Dawson's Motion to Set Aside Default and Offered Affidavit Memorandum and Motion for Order Shortening Time
5/16/2003	MEMO	PHYLLIS	P's Memorandum re Objections, Motion to Strike, and Opposition to Dawson's Motion for protective Order
	AFFD	PHYLLIS	Affidavit of Jared M. Harris
	MOTN	PHYLLIS	Motion for Entry of Default against Vasa N. Bach Family Trust and Targhee Powder Emporium...
	MOTN	PHYLLIS	Motion for Reconsideration of Alternative Request for Findings of Facts

Date	Code	User	Judge
5/16/2003	MOTN	GABBY	Plaintiff John N. Bach's Notice Of Ex Parte Motion And Motion For Immediate Issuance Of Writ Of Possession, Assistance And/Or Seizure Of P's Vehicles And Trailors Still In Defendants Possession, Especially In Possession Of Blake Lyle
5/19/2003	MEMO	PHYLLIS	P's Memorandum of Objections and Opposition to D's Represented by Alva Harris Motion to Set Aside Default and For Sanctions of Precluding any Further Motions by Alva Harris for himself or any Defendants he Represents Herein.
	NOTS	PHYLLIS	Notice Of Service of Discovery
5/20/2003	MEMO	PHYLLIS	P's Memorandum of Response to Woelk's Objection to P's Closing Brief in Support of His Motion for Summary Judgment against all Defendants
	HRHD	PHYLLIS	Hearing result for Motions held on 05/20/2003 01:30 PM: Hearing Held
5/22/2003	MOTN	GABBY	Motion To Disqualify Bach As Pro-Se Counsel And Notice Of Hearing
	NOTC	GABBY	Notice Of Hearing
	ORDR	GABBY	Order
5/23/2003	MISC	GABBY	Plaintiff's Supplemental Answers & Responses, Without Waiver Of Previous Objections And Assertions Of Privileges, Etc., To Defendant Miller's Interrogatories And Request For Production Of John N. Bach, Dated March 31, 2003
5/27/2003	MISC	PHYLLIS	Miller's Requested Jury Instructions , Memorandum, Descriptive Exhibit and Witness List
	MEMO	PHYLLIS	Pre-Trial Memorandum of Points and Law
	MISC	PHYLLIS	Miller's Descriptive Exhibit List
	MISC	PHYLLIS	Miller's Notice of Proposed Witnesses
	MISC	PHYLLIS	Disclosure of Additional Discovery
5/28/2003	MISC	PHYLLIS	P's Witness List
	MISC	PHYLLIS	P's Exhibit List
	MISC	PHYLLIS	P's Pre Trial Statement and Preliminary Trial Brief
	MOTN	PHYLLIS	P's Objectins, Motion to Strike and Opposition to D's Motion to Set Aside Default, Motion to Reinstate Answer and Motion for Order to Shorten Time for Service
	ORDR	GABBY	Fourteenth Order On Pending Motions
5/29/2003	MISC	GABBY	Response To Order And Notice Setting Jury Trail
	MISC	GABBY	Minute Entry

Date	Code	User		Judge
5/29/2003	MOTN	GABBY	Motion For Order To Shorten Time/Notice Of Hearing	Richard T. St. Clair
	NOTC	GABBY	Notice Of Hearing/Motion To Set Aside Default/Motion To Reinstate Answer	Richard T. St. Clair
	PRTO	GABBY	Pre-trial Statement	Richard T. St. Clair
	MISC	GABBY	Witness List	Richard T. St. Clair
	MISC	GABBY	Exhibit List	Richard T. St. Clair
	MISC	GABBY	Proposed Jury Instructions	Richard T. St. Clair
5/30/2003	AFFD	GABBY	Plaintiff & Counterclaim Defendant John N. Bach's Affidavit For Entry Of Default Against Defendants Bret Hill & Deena R. Hill, Named In First Amended Complaint	Richard T. St. Clair
	MISC	GABBY	Plaintiff & Counterclaim Defendant John N. Bach's Notice Of Application For Default Judgments' Hearing, Against All Defendants Whose Defaults Have Been Entered	Richard T. St. Clair
	MISC	GABBY	Entry Of Default Against Defendants Bret Hill And Deena R. Hill On The First Amended Complaint	Richard T. St. Clair
	MISC	GABBY	Plaintiff & Counterclaim Defendant John N. Bach's Trail Bfrief No. Two (2) Defendant & counterclaimant Miller's Answer & All Counterclaims Are Barred As A Matter Of Both Fact And Law-By Miller's Discharge Of Claims Against Back In His Chapter 13 Bankruptcy & Per the Written Undispute Settlement Agreement Of October 3, 1997	Richard T. St. Clair
	MISC	GABBY	Disclosure Of Additional Discovery	Richard T. St. Clair
	MISC	GABBY	Plaintiff's & Counterclaim Defendant's John N. Bach's Further Delineation And Designation Of Exhibits To Be Offered At Trial	Richard T. St. Clair
	HRHD	GABBY	Hearing result for Pre-Trial Conference held on 05/30/2003 03:00 AM: Hearing Held	Richard T. St. Clair
6/2/2003	MISC	GABBY	Plaintiff John N. Bach's Trial Brief #3 Re For Immedeate Entry Of Judgment Quieting Title To Plaintiff On Those Properties Subject Of Second, Third, And Fourth Counts, Reserving Issues Of All damages Thereon	Richard T. St. Clair
	MISC	GABBY	Plaintiff & Counterclaim Defendant John N. Bach's Proposed/Submitted Jury Instructions	Richard T. St. Clair
	MOTN	GABBY	Miller's Second Motion To Compel Discovery Or Alternatively Dismiss Counts Of Bach's Compalint As Sanctions	Richard T. St. Clair
	MISC	GABBY	Miller's Objection To Bach's "No Three (3) Re For Immediate Entry Of JUDgment Quieting Title"	Richard T. St. Clair
	MISC	GABBY	Defendant Ann-Toy Broughton's Witness List Of Persons Defendant May Call To Testify At Trial, June 10, 2003	Richard T. St. Clair
	ORDR	PHYLLIS	Fifteenth Order of Pending Motions	Richard T. St. Clair

Date	Code	User	Judge
6/3/2003	MOTN	PHYLLIS	Second Renewed Motin to Set Aside Default and Notice of Hearing
	AFFD	PHYLLIS	Affidavit of Wayne Dawson in Support of Second Renewed Motin
	MOTN	PHYLLIS	Motion for Order to Shortend Time
	MOTN	PHYLLIS	Motion to Continue Trial or in the Alternative, to Bifurcate and Notice of Hearing
	AFFD	PHYLLIS	Affidavit of Jared harris in Support of Motion to Continue
	NOTH	PHYLLIS	Notice Of Hearing Motion to Set Aside Default and Motion to Reinstate Answer
	AFFD	PHYLLIS	Affidavit of Alva Harris in Support of Motions
	MOTN	PHYLLIS	Motion for Order to Shorten Time
	NOTC	PHYLLIS	Notice to Appear Telephonically
	MEMO	PHYLLIS	P's Memorandum Brief Re Objections Motion to Strike and Opposition To D Dawson's Motions
	ORDR	GABBY	Final Pre-Trial Order
6/4/2003	MISC	PHYLLIS	D Broughton's Exhibit List
		PHYLLIS	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Ann Toy Broughton Receipt number: 0020645 Dated: 06/04/2003 Amount: \$1.00 (Cash)
	NOTC	PHYLLIS	Notification of Death of Party
6/5/2003	MISC	PHYLLIS	Default
6/6/2003	MISC	PHYLLIS	Disclosure of Additional Discovery
	MOTN	PHYLLIS	Motion for Order to Shorten Time
	MOTN	PHYLLIS	Motion to Set Aside Default and Notice of Hearing
	MOTN	PHYLLIS	Motion to Continue Trial or in the Alternative to Bifurcate and Notice of hearing
	AFFD	PHYLLIS	Affidavit of Deena R. Hill
	MISC	PHYLLIS	Verified Answer to First Amended Complaint
	MISC	GABBY	Plaintiff John N. Bach's Objections, Motion To Strike, And Opposition To Any Standing Or Capacity Of Katherine Miller Or Her Counsel, "Miller's Objection To Bach's No. Three (3) Re For Immediate Entry Of Judgement Quieting Title."
	MISC	GABBY	Plaintiff & Counterclaim Defendant John N. Bach's Objections, Motion To Strike And Opposition To Miller's Second MOTion To Compel Discovery Or Alternatively Dismiss Counts Of Bach's Complaint As Sanctions.
	MISC	GABBY	Plaintiff & Counterclaim Defendant John N. Bach's Objections, Motion To Strike & Opposition To Defendants Bret & Deena R. Hill's Motions To Set Aside Defaults, Continue Trial Or Bifurcate.

Date	Code	User	Judge
6/9/2003	MISC	PHYLLIS	Request For Damages Determination Hearing
	MISC	PHYLLIS	P's Counterclaim Defendant John N. Bach's Further Discovery Per Court's Ruling On June 5, 2003 And Per Recent Accessing/Obtaining Of Files And Materials From His San Marino Home, etc.
6/11/2003	MISC	GABBY	Objection To Entry Of Judgment On Default
	NOTC	GABBY	Notice Of Evidentiary Hearing
	MISC	GABBY	Objection And Request For Damage Determination Hearing
	NOTC	GABBY	Notice Of Appearance
		GABBY	Filing: I1A - Civil Answer Or Appear. More Than \$1000 No Prior Appearance Paid by: Hopkins Roden Crockett Hansen Receipt number: 0020680 Dated: 06/11/2003 Amount: \$47.00 (Check)
	MOTN	GABBY	Motion For Expedited Hearing
	AFFD	GABBY	Affidavit Of Earl Hamblin
	MOTN	GABBY	Motion To Set Aside Default
6/13/2003	HRHD	PHYLLIS	Hearing result for Jury Trial held on 06/10/2003 10:00 AM: Hearing Held
6/16/2003	ORDR	GABBY	Order For Default
	ORDR	GABBY	Order
6/17/2003	MISC	GABBY	Minute Entry
6/18/2003	MOTN	PHYLLIS	P's Motion for Directed Verdict on all His Counts
	MISC	PHYLLIS	P's Jury Instruction s 5/1 - 5/6
	MISC	PHYLLIS	D's Supplemental Jury Instruction s
6/19/2003	MISC	PHYLLIS	Jury Instructions
	MISC	PHYLLIS	Special Verdict
6/25/2003	ANSW	PHYLLIS	D Earl Hamblin's Answer to P's First Amended Complaint
	AFFD	PHYLLIS	Second Affidavit of Earl Hamblin
	MISC	PHYLLIS	Brief in Support of Hamblin's Motion for Relief from Default
		PHYLLIS	Filing: I1B - Civil Answer Or Appear. More Than \$1000 With Prior Appearance Paid by: Hopkins Roden Receipt number: 0020826 Dated: 07/08/2003 Amount: \$14.00 (Check)
6/27/2003	NOTH	PHYLLIS	Notice Of Hearing
	ANSW	PHYLLIS	Verified Answer to First Amended Complaint
	MISC	PHYLLIS	Brief
	NOTH	PHYLLIS	Notice Of Hearing

Date	Code	User	Judge
7/1/2003	NOTH	PHYLLIS	Notice Of Hearing Motion to Set Aside Default and Motion to File Answer
	AFFD	PHYLLIS	Affidavit of Alva A. Harris
	ANSW	PHYLLIS	Verified Answer
	MISC	GABBY	Finding Of Fact And Conclusions Of Law
7/3/2003	MOTN	GABBY	John N. Bach's Notice Of Motions & Motions Re (1) Order Voiding/Invalidating Special Jury Verdict Of June 19, 2003 (2) For Judgment In Complete Favor Of Plaintiff & Counterclaim Defendant
7/8/2003	NOTC	PHYLLIS	Notice to Appear Telephonically
	MOTN	PHYLLIS	Motion for Writ of Assistance or Restitution and to Set Aside Prekliminary Injunction
	AFFD	PHYLLIS	Affidavit of Counsel in Support of Motion for Contempt
	MOTN	PHYLLIS	Motion for Contempt
	MISC	PHYLLIS	Miller's Election of Remedy
	ORDR	GABBY	Sixteenth Order On Pending Motions
7/9/2003	NOTC	GABBY	Plaintiff & Counterclaim Defendant John N. Bach's Notice Of Motion, Motion & affidavit For the Disqualification Of the Honorable Richard T. St. Claire
7/10/2003		PHYLLIS	Miscellaneous Payment: Failure to Appear for Jury Duty Paid by: Stephen Matkin Receipt number: 0020862 Dated: 07/10/2003 Amount: \$100.00 (Check)
	NOTC	GABBY	Notice Of Hearing
	MEMO	GABBY	Plaintiff's Memorandum Of Objections And Opposition To all Defendants Motions To Set Aside Entire Of Defaults, Etc., And Motion To Strike Any Answers Already Filed By Any Defendants In Default.
	MISC	PHYLLIS	Minute Entry
7/15/2003		GABBY	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: John Bach Receipt number: 0020909 Dated: 07/15/2003 Amount: \$3.00 (Cash) (Exhibits Defendant's G (admitted))
7/16/2003	AFFD	GABBY	Supplemental Affidavit Of John N. Bach, In Support Of His Motions, To Disqualify The Honorable Richard T. St. Clair, And All Other Motions Filed July 9, 2003 And July 3, 2003
7/17/2003	MISC	GABBY	Minute Entry
7/23/2003	HRSC	PHYLLIS	Hearing Scheduled (Motions 08/15/2003 01:00 PM)
	NOTC	GABBY	Amended Notice Of Hearing

Date	Code	User		Judge
7/25/2003	NOTC	GABBY	Notice To Vacate Hearing	Richard T. St. Clair
8/4/2003	MEMO	GABBY	Miller's Objection To Bach's Motion To Disqualify Judge Richard T. St. Clair And Memorandum In Support	Richard T. St. Clair
8/13/2003	MOTN	GABBY	Joinder In Miller's Objection To Bach's Motion To Disqualify Judge Richard T. St. Clair	Richard T. St. Clair
8/22/2003	MOTN	GABBY	Renew Motion For Summary Judgment	Richard T. St. Clair
	MOTN	GABBY	Brief In Support Of Renewed Motion For Summary Judgment	Richard T. St. Clair
	AFFD	GABBY	Affidavit Of Gale Woelk	Richard T. St. Clair
	AFFD	GABBY	Affidavit Of Alva Harris	Richard T. St. Clair
8/28/2003	ORDR	PHYLLIS	Seventeenth Order on Pending Motions	Richard T. St. Clair
8/29/2003	HRHD	GABBY	Hearing result for Motions held on 08/15/2003 01:00 PM: Hearing Held	Richard T. St. Clair
9/2/2003	NOTH	PHYLLIS	Notice Of Hearing	Richard T. St. Clair
	MOTN	GABBY	Plaintiff Ex Parte Motion For An Order Staying All Proceedings, Etc., For Twenty (20) Days To Allow Plaintiff To File Petition For Writ Of Mandate From Court's Post Jury Verdict Filings And Seventeenth Order On Pending Motions.	Richard T. St. Clair
	HRSC	PHYLLIS	Hearing Scheduled (Motions 09/25/2003 01:30 PM)	Richard T. St. Clair
9/5/2003	MISC	PHYLLIS	Miller's Objection to Bach's Ex-Parte Motion to Stay Proceedings	Richard T. St. Clair
9/6/2003	NOTH	PHYLLIS	Notice Of Hearing	Richard T. St. Clair
9/8/2003	MISC	PHYLLIS	Objection to Bach's Ex Parte Motion for Stay	Richard T. St. Clair
	NOTH	PHYLLIS	Notice Of Hearing	Richard T. St. Clair
	NOTH	PHYLLIS	Notice Of Hearing	Richard T. St. Clair
	MISC	MAUREEN	Plaintiff's Renotice of Hearing	Richard T. St. Clair
	NOTH	PHYLLIS	P's ReNotice Of Hearing	Richard T. St. Clair
9/9/2003	ORDR	PHYLLIS	Eighteenth Order on Pending Motions	Richard T. St. Clair
9/10/2003	NOTC	GABBY	Second Notice Of Hearing	Richard T. St. Clair
	NOTH	PHYLLIS	Amended Notice Of Hearing	Richard T. St. Clair
	HRVC	PHYLLIS	Hearing result for Motions held on 09/25/2003 01:30 PM: Hearing Vacated	Richard T. St. Clair
9/11/2003	MOTN	PHYLLIS	Motion for Entry of Partial Judgment as to D Katherine Miller	Richard T. St. Clair
9/17/2003		GABBY	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: MrBach Receipt number: 0021381 Dated: 09/17/2003 Amount: \$100.00 (Cash)	Richard T. St. Clair
9/25/2003	MISC	PHYLLIS	P's objection to Hearing	Richard T. St. Clair
9/29/2003	MISC	PHYLLIS	Reply in Support of Renewed Motion for Summary Judgment	Richard T. St. Clair

Date	Code	User	Judge
9/30/2003	MOTN	GABBY	Plaintiff's Objection And Motions To Strike Or Abate/Quash Defendants Gale Woelk, Individually & dba Runyan & Woelk
10/1/2003	MEMO	PHYLLIS	D's Further Memorandum in Support of Motion
10/7/2003	MEMO	PHYLLIS	P's Memorandum Re Objections & Opposition to D Miller's Current Motions
	MEMO	PHYLLIS	P's Further Memorandum Brief & Initial Argument Re Election of Remedies Doctrine in Idaho
	MEMO	PHYLLIS	P's Memorandum Brief of Objections and opposition to All D's Current Motions to Set Aside Default Entries
10/10/2003	AFFD	PHYLLIS	Affidavit of Jason Scott in Support of Renewed Motion for Summary Judgment
10/14/2003	MISC	PHYLLIS	Minute Entry
10/23/2003	ORDR	PHYLLIS	Nineteenth Order of Pending Motions
	JDMT	PHYLLIS	Judgment
10/24/2003	HRSC	PHYLLIS	Hearing Scheduled (Court Trial 12/05/2003 09:00 AM)
10/28/2003		GABBY	Miscellaneous Payment: For Certifying The Same Additional Fee For Certificate And Seal Paid by: Julie Receipt number: 0021706 Dated: 10/28/2003 Amount: \$1.00 (Cash)
10/31/2003	MOTN	PHYLLIS	P's Motion for Order Certified Partial Judgment and Order to be Final for all Purposes of Filing Appeal from both Judgment and Order
11/4/2003	MISC	PHYLLIS	Objection to Bach's and Motion for Order Certified Partial Judgment and Order of october 23, 2003, to be Final for All Purposes of Filing Appeal from both Judgment and Order
11/5/2003		PHYLLIS	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: John Bach Receipt number: 0021775 Dated: 11/05/2003 Amount: \$15.00 (Cash)
11/6/2003		MAUREEN	Miller's partial objection to Bach's "Notice of Motion and Motion for Order certified partial Judgment and Order
	NOTC	MAUREEN	plaintiff & couterclaim defendant notice of motions for reconsideration
	AFFD	MAUREEN	Affidavit of John N. Bach
11/10/2003	NOTS	PHYLLIS	Notice Of Service
11/12/2003	MOTN	PHYLLIS	Motion for Court View of Property
	MISC	PHYLLIS	Objection to Bach's Notice of Motion and Motion for Order Certified Partial Judgment and Order of October 12, 2003 to be Final for All Purposes of Filing Appeal from Both Said Judgment and Order

Date	Code	User		Judge
11/14/2003	NOTC	GABBY	NoticeOf Hearing On Plaintiff & Counterclaim Defendant John N. Bach's Motion For Order Certified Judgment	Richard T. St. Clair
11/17/2003	MISC	GABBY	Disclaimer Of Interest	Richard T. St. Clair
	MOTN	GABBY	Notice Of Motions & Motions Re: Orders For Complete Stay Of Execution Of Oct. 23, 2003 Judgment And Nineteenth Order	Richard T. St. Clair
	NOTC	GABBY	Notice Of Recall Of Motion & Motion To Add/ Substitute, Mrs Stan Nickells For Her Deceased Husband As Defendant Herein Or Gregory Moeller Or John N. Bach	Richard T. St. Clair
11/18/2003	NOTC	GABBY	Notice Of Motions And Motions For Orders Re: (1) To Disallow, Deny And/Or Strike Miller's Memo Of Costs	Richard T. St. Clair
	MEMO	GABBY	Memorandum Of Objection And Opposition To Miller's Motion For Court View Of Property	Richard T. St. Clair
11/20/2003	MISC	PHYLLIS	P's Supplemental Brief No. 1 in Support of his Motins filed November 6, 2003	Richard T. St. Clair
11/21/2003	MOTN	GABBY	Motion To Enforce Liability Upon The Injunction Bond And To Release Bond To Miller	Richard T. St. Clair
11/26/2003	MOTN	GABBY	Defendant Earl Hamblin's Motion For Summary Judgment	Richard T. St. Clair
	NOTC	GABBY	Notice Of Service Of Plaintiff John N. Bach's Objections, Responses And answers To Defendant Galen Woelk's First Set Of Discovery Requests To Plaintiff	Richard T. St. Clair
12/2/2003	MISC	PHYLLIS	Miller's Objection to Bach's Motion for Complete Stay of Execution	Richard T. St. Clair
12/3/2003	BNDC	PHYLLIS	Bond Posted - Cash (Receipt 21962 Dated 12/03/2003 for 500.00)	Richard T. St. Clair
		GABBY	Filing: T - Civil Appeals To The Supreme Court Paid by: Bach, John Nicholas (plaintiff) Receipt number: 0021963 Dated: 12/3/2003 Amount: \$9.00 (Cash)	Richard T. St. Clair
	MOTN	GABBY	Plaintiff & Counterclaim Defendant John N. Bach's Supplemental Brief No. #2, In Support Of His Motions Filed November 6, 2003	Richard T. St. Clair
12/4/2003	NOTC	GABBY	Notice Of Objection To Bach's Nov. 6th Filings	Richard T. St. Clair
12/5/2003	NOTH	PHYLLIS	Notice Of Hearing	Richard T. St. Clair
		PHYLLIS	Brief In Support Of Defendant Earl Hamblin's Motion For summary Judgment	Richard T. St. Clair
	AFFD	PHYLLIS	Affidavit Of Earl Hamblin In Support Of Motion For Summary Judgment	Richard T. St. Clair
	HRHD	GABBY	Hearing result for Court Trial held on 12/05/2003 09:00 AM: Hearing Held	Richard T. St. Clair
12/8/2003	MOTN	GABBY	Motion To Shorten Time For Filing A Summary Judgment Motion Or In The Alternative, Motion For Continuance	Richard T. St. Clair

Date	Code	User		Judge
12/8/2003	MOTN	GABBY	Defendant Estate Of Stan Nickell's Motion For Summary Judgment	Richard T. St. Clair
12/12/2003	MISC	PHYLLIS	Brief in Support of Nickell's Motion for Summary Judgment	Richard T. St. Clair
	AFFD	PHYLLIS	Affidavit of Patricia Koplow	Richard T. St. Clair
	AFFD	PHYLLIS	Affidavit of Arlene Nickell	Richard T. St. Clair
	AFFD	PHYLLIS	Affidavit of John Letham	Richard T. St. Clair
	NOTH	PHYLLIS	Notice Of Hearing (01-09-04 at 10:00 in Bonneville County)	Richard T. St. Clair
12/15/2003	MISC	PHYLLIS	Request for Pre-Trial Conference	Richard T. St. Clair
	NOTH	PHYLLIS	Notice Of Hearing	Richard T. St. Clair
12/17/2003	MEMO	PHYLLIS	Memorandum of Points and Law in Support of Miller's Objection to Bach's Claim of Restitution	Richard T. St. Clair
	NOTC	PHYLLIS	Notice of Taking Deposition of John Bach	Richard T. St. Clair
	NOTS	PHYLLIS	Notice Of Service of Discovery	Richard T. St. Clair
12/19/2003	MEMO	GABBY	Plaintiff & Counterclaim Defendant Memorandum Brief In Support Of An Award And Judgment OF \$508,000.00	Richard T. St. Clair
12/22/2003	MEMO	GABBY	Plaintiff Memorandum Brief For Complete Judgment Of Quieting Completely In Favor Of Plaintiff On second Count & Fourth Counts Against Defendant Wayne Dawson & Terminating All Rights Of Dawson To All Real Properties In Said Counts	Richard T. St. Clair
	NOTC	GABBY	Notice Of Service Of Discovery	Richard T. St. Clair
	MISC	GABBY	Post Hearing Brief	Richard T. St. Clair
12/23/2003	NOTC	GABBY	Notice Of Service	Richard T. St. Clair
	NOTC	GABBY	Notice Of Taking Deposition Of John N. Bach	Richard T. St. Clair
	MISC	GABBY	Objection To Request For Discovery By Defendants Hill	Richard T. St. Clair
	NOTC	GABBY	Notice Of Service Of Responses To Discovery Requests	Richard T. St. Clair
	MISC	GABBY	Additional Findings Of Fact And Conclusion Of Law	Richard T. St. Clair
12/24/2003	MISC	PHYLLIS	Clerk's Rec. & Trans/Due Dates Suspended	Richard T. St. Clair
12/30/2003	NOTC	GABBY	Notice Of Service Of Responses To Discovery Requests	Richard T. St. Clair
	DISC	GABBY	Objection To Request For Discovery By Defendant Hill	Richard T. St. Clair
	NOTC	GABBY	Amended Notice Of Hearing (01/16/2004 9:00 am/Bonneville)	Richard T. St. Clair
	NOTC	PHYLLIS	P's Re-Notice of Hearing	Richard T. St. Clair
12/31/2003	NOTS	PHYLLIS	Notice Of Service	Richard T. St. Clair

Date	Code	User	Judge
12/31/2003	MOTN	GABBY	Richard T. St. Clair
			Notice Of Motion's & Motions Re: (1) Order To Amended Or Add To Partial Judgment (2) Motions Of Nov. 17, 2003 (3) Order To Certify For All Purpose Of Appeal The Original Partial Judgment And/Or As Further Amended Or Modified, As Including All Orders Findings.
1/5/2004	MOTN	GABBY	Richard T. St. Clair
			Miller's Motion For Reconsideration And Alternative Motion To Prove Rental Value Of Property
	MOTN	PHYLLIS	Richard T. St. Clair
			Motion to Compel
	MISC	PHYLLIS	Richard T. St. Clair
			Brief in Support of Motion to Compel
	AFFD	PHYLLIS	Richard T. St. Clair
			Affidavit of Jason D Scott
	NOTH	PHYLLIS	Richard T. St. Clair
			Notice Of Hearing
	MOTN	GABBY	Richard T. St. Clair
			Miller's Motion For continuance Of January 16th, 2004 Motion Hearing
	JDMT	GABBY	Richard T. St. Clair
			Default Judgment Against Wayne Dawson
	JDMT	GABBY	Richard T. St. Clair
			John Nicholas Bach, Plaintiff vs Wayne Dawson, Defendant: Judgment
	CSCP	PHYLLIS	Richard T. St. Clair
			Case Status Closed But Pending: closed pending clerk action
1/6/2004	MOTN	GABBY	Richard T. St. Clair
			Miller's Motion For: 1) Amendment To Additional Findings Of Fact And conclusions Of Law. 2) Motion To Clarify 3) Motion For Post-Judgment Rent Notice Of Hearing
	NOTC	GABBY	Richard T. St. Clair
			Notice Of Hearing
	ORDR	GABBY	Richard T. St. Clair
			Twentieth Order On Pending Motions
1/7/2004	HRSC	GABBY	Richard T. St. Clair
			Hearing Scheduled (Motions 02/03/2004 09:30 AM)
	MOTN	GABBY	Richard T. St. Clair
			Notice Of Motion & Motion Re: 1) Order striking All Answers & Denials Of Defendants Bret & Deena R. Hill 2) Order Recluiding Any Evidence Being Offered Or Admitted By The Hills, Even As To Damages 3) Order To Answer Unequivocally & Without Evasions Plaintiff's No. 1 Discovery Set To Said Defendants, Etc.....
1/9/2004	NOTC	PHYLLIS	Richard T. St. Clair
			P's Notice of Motion to Compel
	MOTN	PHYLLIS	Richard T. St. Clair
			P's Ex Parte Motion for Order
	MEMO	PHYLLIS	Richard T. St. Clair
			P's Documents and Memorandum in Support of His Motions
1/12/2004	MISC	GABBY	Richard T. St. Clair
			Plaintiff's & Appellant's Amended Notice Of Appeal, Per Idaho Supreme Court's Order Re: Final Judgment Of December 22, 2003
1/13/2004	MISC	GABBY	Richard T. St. Clair
			Defendant, Earl Hamblin's Witness List
	MISC	GABBY	Richard T. St. Clair
			Defendant, Earl Hamblin's Exhibit List

Date	Code	User		Judge
1/13/2004	MISC	GABBY	Defendant, Earl Hamblin's Proposed Jury Instructions And Special Verdict Form	Richard T. St. Clair
	NOTC	GABBY	Notice Of Appearance	Richard T. St. Clair
	MISC	GABBY	Pre-Trial Statement	Richard T. St. Clair
	MISC	GABBY	Trial Brief	Richard T. St. Clair
	MISC	GABBY	Witness List	Richard T. St. Clair
	MISC	GABBY	Exhibit List	Richard T. St. Clair
	MISC	GABBY	Proposed Jury Instructions And Verdict Form	Richard T. St. Clair
	STIP	GABBY	Stipulation For Substitution Of Counsel	Richard T. St. Clair
1/15/2004	MISC	PHYLLIS	P's Opposition and Refutations to D Woelk's et.al. Motions to Compel Further Answers to Discovery Set Served on P and for Costs	Richard T. St. Clair
	MISC	PHYLLIS	P's Pre-Trial Statement of Objections and Requests per IRCP Rule 16	Richard T. St. Clair
	NOTC	GABBY	Notice Of Hearing	Richard T. St. Clair
	MOTN	GABBY	Motion For Order To Shorten Time	Richard T. St. Clair
	MOTN	GABBY	Motion To Bifurcate And Objection To Jury Trail	Richard T. St. Clair
	MOTN	GABBY	Motion To Enlarge Time And For Withdrawal Of Admission	Richard T. St. Clair
	NOTC	GABBY	Notice Of Compliance	Richard T. St. Clair
	MISC	GABBY	Defendants Bret & Deena R. Hill's Supplemental Response To Plaintiff's No. 1 Discovery Set Of Request To Defendants Bret Hill & Deena Hill	Richard T. St. Clair
1/16/2004	ORDR	GABBY	Twenty First Order On Pending Motions	Richard T. St. Clair
	MINE	GABBY	Minute Entry	Richard T. St. Clair
1/20/2004	AFFD	PHYLLIS	Affidavit of P In Opposition to D Hamblin's and Nickell's Motions for Summary Judgment	Richard T. St. Clair
	NOTC	PHYLLIS	Notice of Motions Re: Order for Amended Judgment of Default (2) Order entering Different and Additional Damages (3) Order for Immediate Writ of Possession, Assistance of Execution or Execution	Richard T. St. Clair
1/21/2004	NOTC	GABBY	Notice Of Hearing	Richard T. St. Clair
1/22/2004	ORDR	GABBY	Order Suspending Appeal	Richard T. St. Clair
1/27/2004	NOTC	GABBY	Notice Of Hearing	Richard T. St. Clair
1/28/2004	NOTC	PHYLLIS	P's Notice of Motion to Amend his First Amended Complaint	Richard T. St. Clair
	NOTC	PHYLLIS	P's Renotice of Hearing of His January 7 Filed MOTions re (1) Order Striking all Answers and Denials of Brett and Deena R Hill; (2) Order precluding any Evidence Being Offered by Hills Even as to Damages	Richard T. St. Clair
	NOTC	PHYLLIS	P's Renotice for Hearing Feb 3, 2004	Richard T. St. Clair
1/29/2004	NOTS	PHYLLIS	Notice Of Service	Richard T. St. Clair

Date	Code	User		Judge
2/2/2004	MISC	PHYLLIS	Objection to Hearing	Richard T. St. Clair
2/3/2004	MEMO	MAUREEN	Memorandum of Objections	Richard T. St. Clair
	MEMO	MAUREEN	Memorandum RE: P 3 Motions filed & Amendment to Judgement of Default	Richard T. St. Clair
	MISC	MAUREEN	P & Counterclaim D Memorandum of Objections & Opposition	Richard T. St. Clair
	MEMO	MAUREEN	P Further Memorandum RE Opposition to D Motion for attorney fees	Richard T. St. Clair
	AFFD	MAUREEN	Affidavit of John N Bach Re: Testimony of Damages to be admitted	Richard T. St. Clair
	MISC	MAUREEN	Request for Hearing on D Hill's Motion for Summary Judgment	Richard T. St. Clair
	MOTN	MAUREEN	Motion for Summary Judgment	Richard T. St. Clair
	MEMO	MAUREEN	Memorandum in Support of Motion for Summary Judgment	Richard T. St. Clair
	AFFD	MAUREEN	Affidavit of Jared M Harris in Support of Motion for Summary Judgment	Richard T. St. Clair
	AFFD	MAUREEN	Affidavit of Deena R. Hill in Support of Motion for Summary Judgment	Richard T. St. Clair
	AFFD	MAUREEN	Affidavit of Bret Hill in Support of Motion for Summary Judgment	Richard T. St. Clair
	INHD	PHYLLIS	Hearing result for Motions held on 02/03/2004 09:30 AM: Interim Hearing Held	Richard T. St. Clair
2/6/2004	MEMO	PHYLLIS	P's Supplemental Memorandum	Richard T. St. Clair
	MEMO	PHYLLIS	P's Supplemental Memorandum	Richard T. St. Clair
2/10/2004	MISC	GABBY	Post Evidentiary Hearing Brief	Richard T. St. Clair
2/11/2004	MOTN	GABBY	Motion Re (1) Protective Order Staying/Abating All Discovery By Defendants Hill, Until They Have Complied Fully With Plaintiff's No. 1, Discovery Set & Until Plaintiff's Motions Re Hills' Default Entries.	Richard T. St. Clair
	MOTN	GABBY	Objections And Notice Of Accompanying Motions For Protective Discovery Orders	Richard T. St. Clair
	MOTN	GABBY	Objections and Motions To Strike Post Evidentiary Hearing Brief	Richard T. St. Clair
	NOTC	GABBY	Renote Of Calling Up For Hearing All His Earlier And Most Recently Filed Motions Which Were Or Could Not Be Heard Feb. 3, 2004, And Are Not Set For Hearing On Feb. 19, 2004 @ 10 a.m. Bonneville Courthouse	Richard T. St. Clair
	NOTC	GABBY	Notice Of Taking Dispositions Of Defendants Estate Of Stan Nickell's Representatives, Arlene E. Nickells & Patria nKopplow, Feb. 26, 2004 @ 9 a.m. & 11 a.m.	Richard T. St. Clair
2/12/2004	ORDR	PHYLLIS	Twenty Second Order on Pending Motions	Richard T. St. Clair

Date	Code	User	Judge
2/17/2004	MEMO	GABBY	Plaintiff's Memorandum In Support Of His Jan 20, 2004 Motions
	NOTC	GABBY	Plaintiff's Notice Of Motion And Motion Re: Order Confirming That He Has Already Plead/Asserted Properly Punitve Damages
2/19/2004		GABBY	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: John Bach Receipt number: 0022400 Dated: 2/19/2004 Amount: \$9.00 (Cash)
	NOTC	GABBY	Notice Of Motions & Motions Re Orders (1) To Strike, Vacate Or Amend Portions Of Twenty Second Order.....
2/23/2004	MISC	PHYLLIS	Minute Entry
	JDMT	PHYLLIS	Amended Default Judgment Against Wayne Dawson
	ORDR	PHYLLIS	Twenty-Third Order on Pending Motion
2/24/2004	NOTC	GABBY	Notice To Appear Telephonically
	NOTC	GABBY	Renotice Of Dispositions To Be Taken By Court Orders Of Feb. 19, 2004
2/26/2004	MOTN	GABBY	Objection To Bach's Motions Re: Pinitive Damages And Motion To Dismiss Claims For Punitive Damage
2/27/2004	MOTN	GABBY	Objection To Bach's Motions Re: Punitive Damages And Motion To Dismiss Claims For Punitive Damages
	JDMT	GABBY	Default Judgment Against Alva Harris, Scona, Inc., Bob Fitzgerald, Ole Olesen, and Blake Lyle
3/2/2004	MOTN	GABBY	Objection To Bach's Motions
			Objection To Bach's Motions Re: Punitive Damages And Motion To Dismiss Claims For Punitive Damages
			motn
	ORDR	GABBY	Twenty Fourth Order On Pending Motions
	AFFD	GABBY	John N. Bach's Affidavit Per IRCP, Rule 56 (f) To Stay Any Hearing Or Action To Consider Granting Defendants Bret & Deena R. Hill's Motion For Summary Judgment Until Plaintiff Has His Further Motions For Discovery Sanctions Against Said Defendants Hill Heard
3/3/2004		GABBY	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: John Bach Receipt number: 0022486 Dated: 3/3/2004 Amount: \$4.00 (Cash)
	MEMO	GABBY	John N. Bach's Further Memorandum Brief In Support Of His Motions To Strike
	NOTC	GABBY	Notice Of Compliance

Date	Code	User		Judge
3/3/2004	MISC	GABBY	Objection To Bach's Motion Re: Punitive Damages	Richard T. St. Clair
3/4/2004	MISC	GABBY	Defendant Earl Hamblin's Objection To Plaintiff's Motion Regarding Punitive Damages	Richard T. St. Clair
3/5/2004	NOTC	PHYLLIS	Notice to Appear Telephonically	Richard T. St. Clair
	MISC	PHYLLIS	Objection to Motion for Punitive Damages	Richard T. St. Clair
	NOTH	PHYLLIS	Amended Notice Of Hearing	Richard T. St. Clair
	MOTN	PHYLLIS	Motion for Order Shortening Time	Richard T. St. Clair
	MOTN	PHYLLIS	Motion to Compel	Richard T. St. Clair
	MOTN	PHYLLIS	Motion to have Admission Deemed Admitted	Richard T. St. Clair
	MOTN	PHYLLIS	Motion to Strike	Richard T. St. Clair
	MISC	PHYLLIS	Reply Brief in Support of Motion for SUMmary Judgemnt	Richard T. St. Clair
	AFFD	PHYLLIS	Affidavit of Jarad Harris in Support of Motion to Compel	Richard T. St. Clair
	NOTH	PHYLLIS	Notice Of Hearing	Richard T. St. Clair
3/8/2004	AFFD	PHYLLIS	Affidavit of Jana Siepert in Support of Motion to Compel	Richard T. St. Clair
	MISC	PHYLLIS	Disclaimer of Interest i Certain Real Property and Motion to Dismiss	Richard T. St. Clair
	NOTH	PHYLLIS	Notice Of Hearing	Richard T. St. Clair
3/11/2004	MOTN	GABBY	Defendant Earl Hamblin's Motion For Attorney Fees And Costs	Richard T. St. Clair
	AFFD	GABBY	Affidavit Of David H. Shipman In Support Of An Award Of Attorney Fees	Richard T. St. Clair
	MEMO	GABBY	Memorandum Of Costs	Richard T. St. Clair
	MEMO	GABBY	Plaintiff John N. Bach's Further Memorandum Brief Re: Objections & Opposition To defendants Hills' motion For Summary Judgment	Richard T. St. Clair
	NOTC	GABBY	Plaintidd John N. Bach's Notice Of Motions And Motions Re (1) Reconsideration Of Court's Previous Order Re Hls Answering Defendants Hill's Discovery Set	Richard T. St. Clair
3/12/2004	MOTN	GABBY	Miller's Objection To "Bach's Motion To Strike, Vacate Or Amend Portions Of The Twenty-Second Order"	Richard T. St. Clair
3/15/2004	MEMO	PHYLLIS	P's Memorandum Brief Re Objections and Opposition to Ds' Hill's Motion to Compel...	Richard T. St. Clair
	NOTC	PHYLLIS	P's Notice of Motions and Motions (3)	Richard T. St. Clair
	MEMO	PHYLLIS	P's Additional Replying Memorandum Brief in Opposition to D Hills' Motion for Summary Judgment and in Support of P's Application/Motions to Stay Hearing of Hills' Summary Judgment Motion and to Grant P's Motions for Issuing of Ultimate Discovery Sanctions - Entries of Default against D Hills' etc.	Richard T. St. Clair

Date	Code	User		Judge
3/15/2004	MISC	PHYLLIS	Signature Page of Affidavit of Jana Siepert	Richard T. St. Clair
	MISC	PHYLLIS	Objection to Further Memorandum Brief and Motion to Strike	Richard T. St. Clair
3/16/2004	ORDR	GABBY	Twenty Fifth Order On Pending Motions	Richard T. St. Clair
3/17/2004	NOTC	GABBY	Notice Of Hearing Of His Motions Filed March 15, 2004 and His Notice Of Motion For full Reconsideration Of The Entire Twenty-Fourth Order	Richard T. St. Clair
	MOTN	GABBY	Bach's Reply Brief To Miller's Objections To Bach's Motion(s) To Strike, Vacate Or Amend Portions Of Twenty-Second Order	Richard T. St. Clair
3/18/2004	ORDR	GABBY	Order	Richard T. St. Clair
3/22/2004	MISC	GABBY	Minute Entry	Richard T. St. Clair
	ORDR	GABBY	Order on Various Motions Heard on March 16, 2004	Richard T. St. Clair
3/23/2004	MOTN	GABBY	Defendant Earl Hamblin's Disclaimer Of Interest in Certain Real Property And Motion To Dismiss	Richard T. St. Clair
	NOTC	GABBY	Notice Of Hearing	Richard T. St. Clair
	MOTN	GABBY	Motion For Expedited Hearing	Richard T. St. Clair
3/24/2004	NOTH	GABBY	Notice Of Hearing	Richard T. St. Clair
	MISC	GABBY	P's Responsens, Repliesm and Compliance with "Order on Various Motions"	Richard T. St. Clair
	NOTC	GABBY	Notice to Appear Telephonically	Richard T. St. Clair
	MISC	GABBY	Miller's Objection to Bach's Motions Filed March 16 and Miller's Motion for Rule 11 (a)(1) Sanctions Against John Bach	Richard T. St. Clair
	MOTN	GABBY	defendant Earl Hamblin's Brief In Support Of His Motion For Attorney Fees And Costs	Richard T. St. Clair
3/25/2004	NOTC	GABBY	Notice Of Hearing	Richard T. St. Clair
	MISC	GABBY	Note Of Issue And Request For Trial Setting	Richard T. St. Clair
	MISC	GABBY	Note Of Issue And request For Trial Setting	Richard T. St. Clair
3/26/2004	RPNS	GABBY	Defendant's Galen Woelk's Supplemental Responses To Plaintiff's First Set Of Discovery Request Discovery Filed	Richard T. St. Clair
	NOTC	GABBY	Notice Of Service	Richard T. St. Clair
3/29/2004	MISC	PHYLLIS	Objection to Motions filed March 15 and 16	Richard T. St. Clair
	MOTN	PHYLLIS	Motion in Limine Regarding Witnesses and Documents and Notice of Hearing	Richard T. St. Clair
	MOTN	PHYLLIS	Motion for Order Shortening Time	Richard T. St. Clair
	MOTN	PHYLLIS	Motion in Limine Regarding Calling Judge St. Clair and Jared Harris and Notice of Hearing	Richard T. St. Clair

Date	Code	User	Judge
3/30/2004	MOTN	GABBY	Defendant Earl Hamblin's Objection To Plaintiff's Motion For Rconsideration Of The Court's Twenty Fourth Order On Pending Motions
3/31/2004	MOTN	GABBY	Objection To Plaintiff's Motion For reconsideration Of The Court's Twenty-Fourth Order On Pending Motions By Defendant, Estate Of Stan Nickell
4/1/2004	MOTN	GABBY	Objection To Plaintiff's Motion For Reconsideration Of The Court's Twenty-Fourth Order On Pending Motions By Defendant, Estate Of Stan Nickell
	MISC	GABBY	Supplemental trial Brief
	MISC	GABBY	Amended Exhibit List
	MOTN	PHYLLIS	P's Motion to Strike Hamblin's Memo and P's Objecitons, and opposition to All Requests/Motions or Submitted Memorandum of costs by D Hamblin
	MOTN	PHYLLIS	D's Motion to Strike P McLeans 1) Objections to D/s Motions 2) NORT 3) Affidavit of Counsel and Answer of Counterclaim Defendants
	MISC	PHYLLIS	D's Objections & Motion to Strike
	MISC	PHYLLIS	D's Objections and Motion to Strike
	MISC	PHYLLIS	D's Objections to and Motion to Strike Alva Harris' Objections to Motions and to Strike his Affidavit of Counsel
	BNDC	PHYLLIS	Bond Posted - Cash (Receipt 22686 Dated 04/01/2004 for 32164.00)
	WRIT	PHYLLIS	Writ Issued
4/6/2004	MOTN	PHYLLIS	P's MOTion to Continue Trial
	ORDR	PHYLLIS	Order Shortening Time for Service
4/8/2004	MOTN	GABBY	Plaintiff John N. Bach's Additional Motion, Re Order Vacating All Filing/Motions' Deadlines Until After Plaintiff's Motions For Trial Continuance Re Health Complications Is Heard
4/9/2004	MISC	GABBY	Minute Entry
	MOTN	GABBY	Objection To And Motion To Vacate Bach's Notice Of Motions Scheduled for April 12, 2004
	MISC	GABBY	Amended To First Amended Compalint, Adding Thirteenth Count Re. Punitive Damages Against Defendants Galen Woelk, Individually & DBA Runyan & Woelk
	MOTN	GABBY	Motion To Continue Trial Of April 20, 2004, For At Least Four (4) Months Due To Plaintiff's Health Complications; And For Order Shortening Time To Hear Motion To Continue To Two (2) Days Before Hearing date Set.

Date	Code	User		Judge
4/9/2004	MOTN	GABBY	Additional Motion, Re: Order Vacating All Filing/Motions' Deadlines Until After Plaintiff's Motion For Trial Continuance Re: Health Complications Is Heard	Richard T. St. Clair
	NOTC	GABBY	Notice Of Hearing On Plaintiff John N. Bach's Motion Re: To Continue Trial Date Of April 20, 2004 For At Least Four (4) Months, & Motion Re: Order Vacating All Filing/Motions Deadlines	Richard T. St. Clair
	MOTN	GABBY	Notice Of Motions & Motions By Plaintiff John N. Bach Re: Orders Re: Quashing, Striking And /Or Vacating writ Of Assistance Of April 1, 2004; (2) Return Of Possession Of All 87 Acres @ MP 138 To Plaintiff John N. Bach; And/Or (3) Granting Of Plaintiff At Least Twenty-One (21) Days From Ruling, Decision On Motions Number (1) & (2) To Remove His Personalty From Plus Acres; And (4) For Immedite Stay Order Re Writ Of Assistance Until Motions (1), (2), & (3) Heard & Decided.	Richard T. St. Clair
4/12/2004	NOTC	PHYLLIS	Notice to Appear Telephonically	Richard T. St. Clair
4/13/2004	ORDR	GABBY	Order Staying All Execution Efforts, Etc. To Remove Plaintiff And/Or His Animals And Personal Properties From Those 87 Acres/MP 138, And Setting Hearing On Plaintiff's Motions 1,2,3 Hearing On April 27, 2004 at 9 am in Bonneville County Courthouse	Richard T. St. Clair
	MOTN	PHYLLIS	Miller's Ex-Parte Motion for Limiting Orders During Stay	Richard T. St. Clair
4/14/2004	ORDR	GABBY	Order Amending Stay Entered April 13, 2004	Richard T. St. Clair
4/15/2004	MISC	GABBY	Objection To John N Bach's Amendment To First Amended Complaint	Richard T. St. Clair
4/19/2004	MISC	PHYLLIS	Minute Entry	Richard T. St. Clair
	PRTO	PHYLLIS	Pre-trial Order	Richard T. St. Clair
4/20/2004	MOTN	PHYLLIS	Motion to strike or to Dismiss Thirteenth Count	Richard T. St. Clair
	MISC	PHYLLIS	Brief in Support of Motion	Richard T. St. Clair
	NOTC	PHYLLIS	O's Notice of Motion and Motions Re 1) Order Striking Entire Answer of Hills; 2) Cpmplete Preclusion of Evidence by Hills; 3) Entry of their unqualified ADmissions that p is the Sole Exclusive and Rightful Owner of 195 N. Hwy 33	Richard T. St. Clair
	AFFD	PHYLLIS	Further Affidavit in Support of Current Motions to 1) Strike Entire Answer of D Hill and/or Preclude Evidence by Them Alternatively in Opposition to Ds' Hills' Motion for Summary Judgment	Richard T. St. Clair

Date	Code	User		Judge
4/21/2004	NOTC	PHYLLIS	P's Notice and Advise ment to Court and Counsel That Alva Harris has not filed and Petition for Dministration or Appointment of Personal Representative of Estate of Jack Lee McLean and P's Request that All this Motions Argued on April 2, 2004 be Forthwith Granted	Richard T. St. Clair
	ORDR	GABBY	Twenty Sixth Order On Pending Motions	Richard T. St. Clair
	ORDR	GABBY	Twenty Seventh Order On Pending Motions	Richard T. St. Clair
4/26/2004	MISC	PHYLLIS	Disclaimer of Interest in Certain Real Property	Richard T. St. Clair
	MISC	MAUREEN	Miller's objection to Bach's April 9 motions and request for re-issuance of Writ of Assistance	Richard T. St. Clair
5/3/2004	MISC	PHYLLIS	P's Reply Memorandum Brief to Miller's Objection to Bach's Motions	Richard T. St. Clair
5/6/2004	ORDR	GABBY	Twenty Eight Order On Pending Motions	Richard T. St. Clair
5/9/2004	MISC	GABBY	Minute Entry	Richard T. St. Clair
5/21/2004	MEMO	GABBY	Memorandum Of Costs And Fees	Richard T. St. Clair
	NOTC	PHYLLIS	Notice of Change of Address	Richard T. St. Clair
	MOTN	PHYLLIS	Motion for SUMmary Judgment	Richard T. St. Clair
	MISC	PHYLLIS	Brief in Support of Motion for Summary Judgement of Fifth Count	Richard T. St. Clair
	NOTH	PHYLLIS	Notice Of Hearing	Richard T. St. Clair
	AFFD	PHYLLIS	Affidavit of Jason D. Scott	Richard T. St. Clair
5/24/2004	MOTN	GABBY	Miller's Objection To Bach's Ex Parte Motion For Amendment To Twenty Eighth Order, And Affidavit Of Counsel	Richard T. St. Clair
	MOTN	PHYLLIS	P's Ex Parte Motion to Modify and Extend Time of Additional Ten Days toe Remove his Personal Property	Richard T. St. Clair
5/25/2004	MEMO	GABBY	Plaintiff Bach's Reply Memorandum To Miller's Objection To BAch's Ex Parte Motion, etc., And Motion to Strike GAlen Woelk's Affidavit Of Nonadmissible Hysterical Statements Of Nonfact, And Solely Contrived And Manufactured Deceptions	Richard T. St. Clair
6/3/2004	MEMO	GABBY	Plaintiff's Supplemental Memorandum Re Ex Parte Motion For Extension Of Additional Ten (10) Days Through June 13, 2004 To Remove His personal Properties	Richard T. St. Clair
6/6/2004	ORDR	GABBY	Twenty Ninth Order On Pending Motions	Richard T. St. Clair
6/11/2004	AFFD	PHYLLIS	P's Affidavit and Memorandum Brief in opposing Woellk's Motion for Summary Judgment	Richard T. St. Clair
6/17/2004	MISC	PHYLLIS	Reply in Support of Motion for Summary Judgment on Fifteh Count	Richard T. St. Clair
	MISC	PHYLLIS	Amended Witness List	Richard T. St. Clair

Date	Code	User		Judge
6/21/2004	NOTC	PHYLLIS	P's Notice of Motions for Order Reconsidering Twenty-Eighth Order of the Court (2) After Reconsidering for Entering New Orders Granting P's Motions...(3) For Hearing on Default Judgment	Richard T. St. Clair
6/22/2004	MISC	PHYLLIS	P's Exhibit List of Documents and Materials, etc. he may offer herein...	Richard T. St. Clair
	MISC	PHYLLIS	P's Further Witness List Expanding his Earlier Witness Lists Filed Herein	Richard T. St. Clair
6/24/2004	JDMT	GABBY	Judgment Against Defendants Bret Hill And Deena R. Hill.....	Richard T. St. Clair
6/29/2004	NOTC	PHYLLIS	P's Notice of Calling up for Hearing His MOTion	Richard T. St. Clair
6/30/2004	MISC	GABBY	Minute Entry	Richard T. St. Clair
7/1/2004	MOTN	PHYLLIS	Motion to Continue	Richard T. St. Clair
7/6/2004	NOTC	GABBY	Notice Of Substitution Of Attorney	Richard T. St. Clair
7/9/2004	NOTC	GABBY	Notice To Appear Telephonically	Richard T. St. Clair
7/12/2004	MEMO	PHYLLIS	P's Further Memorandum Brief in Support of his Motions	Richard T. St. Clair
	NOTC	PHYLLIS	Notice of Motion for COntinuanace of Jury Trial	Richard T. St. Clair
7/13/2004	MISC	GABBY	Objection To Filing Filed June 17, 2004 By Plaintiff	Richard T. St. Clair
	MOTN	GABBY	Motion To Dismiss	Richard T. St. Clair
	NOTC	GABBY	Notice Of Hearing	Richard T. St. Clair
	MOTN	GABBY	Motion For Order To Shorten Time Notice Of Hearing	Richard T. St. Clair
7/14/2004	MOTN	GABBY	Notice Of Motion & Motion For Reconsideration Of Denial Of His Motion Argued July 13, 2004 For Continuance Of Trial	Richard T. St. Clair
	ORDR	GABBY	Thirtieth Order On Pending Motions	Richard T. St. Clair
7/15/2004	MISC	GABBY	Proof Of Service	Richard T. St. Clair
7/21/2004	MISC	GABBY	Minute Entry	Richard T. St. Clair
8/5/2004	NOTC	GABBY	Notice Of Substitution Of Attorney	Richard T. St. Clair
	NOTC	GABBY	Notice Of Hearing	Richard T. St. Clair
8/16/2004	AFFD	PHYLLIS	Affidavit in Opposition to Woelk's Motion for Summary Judgment	Richard T. St. Clair
8/18/2004	HRSC	GABBY	Hearing Scheduled (Motions 09/10/2004 02:00 PM)	Richard T. St. Clair
	ORDR	PHYLLIS	Thirty First Order on Pending Motions	Richard T. St. Clair
8/23/2004	NOTC	PHYLLIS	Notice of MOTions for Entry of Default Judgment	Richard T. St. Clair
	NOTH	PHYLLIS	Notice Of Hearing	Richard T. St. Clair
8/25/2004	MISC	PHYLLIS	Reply in Support of Motion for Summary Judgment on Remaining Claims	Richard T. St. Clair
8/31/2004	MISC	GABBY	Objection To Filing Dated August 20, 2004 By Plaintiff	Richard T. St. Clair

Date	Code	User		Judge
9/3/2004	MEMO	PHYLLIS	P's Memorandum re Court's Inquiry of Effect of Discharge in Bankruptcy of Debtors Property Not Utilized by Trustee for Creditors	Richard T. St. Clair
9/7/2004	MISC	GABBY	Minute Entry	Richard T. St. Clair
9/10/2004	MEMO	PHYLLIS	Memorandum in Support Judgment of Default against Jack Lee McLean	Richard T. St. Clair
	MOTN	PHYLLIS	Motion to Reconsider and to Modify Damage Award Contained in Default Judgment Entered February 27,2004	Richard T. St. Clair
	HRHD	PHYLLIS	Hearing result for Motions held on 09/10/2004 02:00 PM: Hearing Held	Richard T. St. Clair
9/21/2004	ORDR	GABBY	Thirty Second Order On Pending Motions	Richard T. St. Clair
	JDMT	GABBY	Default Judgment Against Lynn McLean, As Personal Representative Of The Estate Of Jack Lee McLean	Richard T. St. Clair
9/23/2004	AFFD	GABBY	Affidavit	Richard T. St. Clair
	AFFD	GABBY	Affidavit	Richard T. St. Clair
10/5/2004	NOTC	PHYLLIS	P's Notice of Motion Re: Recnsideration of Default Judgment Terms and Entry of Different Deafult Judgment against Jack McLean and his Estate Especially Quieting Title and Ownership of McLean to P in Peacock and Drawknife Properties Plus Full Permanent Injunction, etc.	Richard T. St. Clair
10/19/2004	NOTC	PHYLLIS	P's Notice of Motions and motions Re 1) Hearing on all P's Motions filed since September 27, 2004 2) For Order Striking Quashing or Denying D's Motion to Amend/Modify; 2) for Order Amending issues and 4) for ORder Granting P Leave to Amend and Add Claims against D's Woelk, Runyan and thier Law Firm	Richard T. St. Clair
11/5/2004	MISC	GABBY	Plaintiff John N. Bach's Submission Of Documentary Evidence In Further Support Of His Motions Number (1) & (2), Filed Oct. 5, 2004 & Argued Nov. 4, 2004 @ 9:15 a.m. Before Judge St. Clair	Richard T. St. Clair
11/9/2004	MISC	GABBY	Minute Entry	Richard T. St. Clair
11/16/2004	MOTN	GABBY	Motion For Summary Judgment Based On Res Judicata	Richard T. St. Clair
	MOTN	GABBY	Brief In Support Of Motion For Summary Judgment Based On Res Judicata	Richard T. St. Clair
	AFFD	GABBY	Affidavit Of Jason D. Scott	Richard T. St. Clair
11/24/2004	NOTC	GABBY	Notice Of Hearing	Richard T. St. Clair
11/30/2004	ORDR	PHYLLIS	Thirty-Third Order on Pending Motions	Richard T. St. Clair
12/7/2004	NOTC	PHYLLIS	P's ReNotice of His Earlier Filed Motions	Richard T. St. Clair

Date	Code	User	Judge
12/8/2004	MISC	GABBY	Plaintiff's John N. Bach's Objection & Opposition Brief To Defendant Galen Woelk's & His Law Firm's Motion For Summary Judgment Re Res Judicata; And Plaintiff's Motion For Sanctions
12/10/2004	ORDR	GABBY	Thirty Fourth Order On Pending Motions
12/22/2004		GABBY	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Bach Receipt number: 0024742 Dated: 12/22/2004 Amount: \$16.00 (Cash)
12/30/2004		GABBY	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Hawley Trocell Ennis & Hawley Receipt number: 0024787 Dated: 12/30/2004 Amount: \$250.00 (Check)
		GABBY	Miscellaneous Payment: For Certifying The Same Additional Fee For Certificate And Seal Paid by: Hawley Trocell Ennis & Hawley Receipt number: 0024787 Dated: 12/30/2004 Amount: \$18.00 (Check)
1/3/2005	ORDR	PHYLLIS	Order Dismissing Appeal
	MOTN	GABBY	Motion To Compel
	MOTN	GABBY	Brief In Support Of Motion To Compel
	AFFD	GABBY	AffidavitOf Jason D. Scott
1/4/2005		PHYLLIS	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Hawley Troxell Receipt number: 0024813 Dated: 1/4/2005 Amount: \$100.00 (Check)
1/5/2005		GABBY	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: John N. Bach Receipt number: 0024825 Dated: 1/5/2005 Amount: \$6.00 (Cash) colored copies of pictures entered as exhibitson 11/26/02 exhibit #24a, 24b, 24c, 24d, 24e, 24f gh
		GABBY	Miscellaneous Payment: Personal Copy Fee Paid by: John N. Bach Receipt number: 0024825 Dated: 1/5/2005 Amount: \$10.00 (Cash) Copies of 2 tapes brought by Mr. Bach. Bach's Comment(Court reported sent him this tapes but were on high speed).gh
1/12/2005	AFFD	PHYLLIS	P's Further Affidavit re Issuance of Proposed Permanent Injunction
1/13/2005	AFFD	GABBY	Affidavit Of Jason D Scott
	MISC	GABBY	Brief In Support Of Motion To Amend Answer
	MOTN	GABBY	Motion To Amend Answer
	ANSW	GABBY	Amended Answer And Demand For Jury Trial
	AFFD	GABBY	Supplemental Affidavit No. 1 To Plaintiffs' Further Affidavit Re Issuance Pf Permanent Injunction, Etc.
1/20/2005	MISC	PHYLLIS	Witness List

Date	Code	User	Judge
1/20/2005	MISC	PHYLLIS	Richard T. St. Clair
	MISC	PHYLLIS	Richard T. St. Clair
	STIP	PHYLLIS	Richard T. St. Clair
1/26/2005	MISC	GABBY	Richard T. St. Clair
	MISC	GABBY	Richard T. St. Clair
1/27/2005	MOTN	GABBY	Richard T. St. Clair
	MISC	GABBY	Richard T. St. Clair
	MOTN	GABBY	Richard T. St. Clair
	MISC	GABBY	Richard T. St. Clair
	STIP	GABBY	Richard T. St. Clair
2/1/2005	MISC	GABBY	Richard T. St. Clair
	MISC	GABBY	Richard T. St. Clair
2/2/2005	MISC	PHYLLIS	Richard T. St. Clair
2/4/2005	MISC	GABBY	Richard T. St. Clair
2/7/2005	AFFD	PHYLLIS	Richard T. St. Clair
	MOTN	PHYLLIS	Richard T. St. Clair
	MISC	PHYLLIS	Richard T. St. Clair
	ORDR	PHYLLIS	Richard T. St. Clair
	STIP	PHYLLIS	Richard T. St. Clair
2/11/2005	ORDR	PHYLLIS	Richard T. St. Clair
	JDMT	PHYLLIS	Richard T. St. Clair
2/15/2005	BCOP	PHYLLIS	Richard T. St. Clair
2/17/2005	JDMT	PHYLLIS	Richard T. St. Clair
	CDIS	PHYLLIS	Richard T. St. Clair
	CSCP	PHYLLIS	Richard T. St. Clair
		GABBY	Richard T. St. Clair

Exhibit List

Proposed Jury Instructions and Verdict Form

Pre-Trial Stipulation

Plaintiff John N. Bach's List Of Potential Witnesses That May Be Called To Testify At The Trial Of February 8, 2005

Plaintiff John N. Bach's Revised Exhibit List For Jury Trial Of February 8, 2005

Plaintiff John N. Bach's Motion In Limine

Plaintiff's John N. Bach's Initial Proposed Jury Instructions On The Issues Or Claims Of (1)Liability Basis; (2)Joint Liability; (3)To Be Proven Facts Under Claims Presented & /Or Joint Liability Of Defendant Galen Woelk, Individually & dba Runyan & Woelk; And All Recoverable Damages & Punitive Damages

Motion In Limine

Brief In Support Of Motion In Limine

Addendum To Stipulated Pretrial Order

Trial Brief

Amended Exhibit List

Remittitur

Objections To Plaintiff's Pretrial Submissions

Affidavit of Galen Woelk

Emergency Motion for Substitution of Parties and to Shorten Time for Hearing

Brief in Support of Motion

Order

Stipulation and Order for Dismissal With Prejudice

Thirty-Fifth Order on Pending Motions

Final Judgment

Bond converted - other party (Transaction number 15634 dated 2/15/2005 amount 2,500.00)

Judgment

Civil Disposition entered for: Hill, Bret Basil, Defendant; Hill, Deena, Defendant; Bach, John Nicholas, Plaintiff.
order date: 2/17/2005

Case Status Closed But Pending: Closed

Miscellaneous Payment: For Issuing An Abstract
Paid by: Baker & Harris Receipt number:
0025153 Dated: 2/24/2005 Amount: \$2.00
(Check)

Date	Code	User		Judge
2/22/2005	MOTN	PHYLLIS	Motion to Correct Thirty-Fifth Order on Pending Motions	Richard T. St. Clair
2/23/2005	MOTN	PHYLLIS	Motion to Strike Motion for attorneys Fees and Costs brought by Defendants, Estate of Stan Nickle and P's Memorandum Brief in Support of Said Motion and in Opposition to Nickell's Estate Motion for Attorney's fees and Costs and Motion for Sanctions	Richard T. St. Clair
2/24/2005	MEMO	GABBY	Memorandum Of Costs And Attorney Fees	Richard T. St. Clair
	MOTN	GABBY	Motion For Attorneys Fees And Costs	Richard T. St. Clair
	AFFD	GABBY	Affidavit Of Gregory W. Moeller In Support Memorandum Of Costs And Attorney Fees	Richard T. St. Clair
	JDMT	GABBY	Judgment	Richard T. St. Clair
2/25/2005	NOTC	PHYLLIS	Notice of Motions and Motions by P Re Post Twenty Fifth Order and Final Judgment ...	Richard T. St. Clair
2/28/2005	NOTC	PHYLLIS	Notice of Appeal	Richard T. St. Clair
	BNDC	PHYLLIS	Bond Posted - Cash (Receipt 25171 Dated 2/28/2005 for 503.73)	Richard T. St. Clair
3/1/2005		PHYLLIS	Filing: T - Civil Appeals To The Supreme Court Paid by: Aron and Henning Receipt number: 0025190 Dated: 3/2/2005 Amount: \$9.00 (Check)	Richard T. St. Clair
3/4/2005	NOTH	PHYLLIS	Notice Of Hearing	Richard T. St. Clair
3/7/2005	MISC	PHYLLIS	Objection to "Notice of Motion..."	Richard T. St. Clair
	MISC	PHYLLIS	D Hamblin's objection to P's Motion Regarding Attorney's Fees and Costs	Richard T. St. Clair
	AFFD	PHYLLIS	Second Affidavit of John Bach in Support of Motions filed February 25, 2005	Richard T. St. Clair
3/9/2005	MEMO	PHYLLIS	P's Memorandum Brief in Support of his Motions	Richard T. St. Clair
3/14/2005	MISC	GABBY	Minute Entry	Richard T. St. Clair
	MISC	PHYLLIS	Objection to "Notice of Motions by Plaintiff John N Bach Re Post Twenth Fifth {sic} order and Final Judgment..."	Richard T. St. Clair
	NOTH	PHYLLIS	Notice Of Hearing	Richard T. St. Clair
3/17/2005	ORDR	PHYLLIS	Thirty Sixth Order on Pending Motions	Richard T. St. Clair
3/25/2005		PHYLLIS	Filing: T - Civil Appeals To The Supreme Court Paid by: Alva Harris Receipt number: 0025314 Dated: 3/25/2005 Amount: \$9.00 (Cash)	Richard T. St. Clair
	BNDC	PHYLLIS	Bond Posted - Cash (Receipt 25315 Dated 3/25/2005 for 500.00)	Richard T. St. Clair
	BNDC	PHYLLIS	Bond Posted - Cash (Receipt 25316 Dated 3/25/2005 for 200.00)	Richard T. St. Clair
		GABBY	Filing: T - Civil Appeals To The Supreme Court Paid by: Bach, John Nicholas (plaintiff) Receipt number: 0025324 Dated: 3/25/2005 Amount: \$9.00 (Cash)	Richard T. St. Clair

Date	Code	User	Judge
3/25/2005		GABBY	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: John N. Bach Receipt number: 0025325 Dated: 3/25/2005 Amount: \$10.00 (Cash)
4/12/2005	BNDC	PHYLLIS	Bond Posted - Cash (Receipt 25460 Dated 4/12/2005 for 83.22)
	BCOP	PHYLLIS	Bond converted - other party (Transaction number 15665 dated 4/12/2005 amount 503.73)
	BCOP	PHYLLIS	Bond converted - other party (Transaction number 15666 dated 4/12/2005 amount 83.22)
5/6/2005	MINE	PHYLLIS	Minute Entry
	MISC	PHYLLIS	Defendant Earl Hamblin's Supplemental Brief in Support of Award of Attorney's Fees
	MISC	PHYLLIS	P's Closing Brief in Objection and Opposition to D Hills Motion/Application for Attorney Fees
	MISC	PHYLLIS	P's Post Judgment Evidentiary Hearing Brief
5/11/2005	ORDR	PHYLLIS	Thirty-Seventh Order on Pending Motions
5/12/2005	MOTN	GABBY	Motion For A Ruling On The Estate Of Stan Nickell's Request For Attorneys Fees Pursuant To Rule 54(e)
	MISC	GABBY	Brief In Support Of Attorney's Fees And Costs For Defendats Hill
5/23/2005	JDMT	PHYLLIS	Amended Judgment
	CDIS	PHYLLIS	Civil Disposition entered for: Hill, Bret Basil, Defendant; Hill, Deena, Defendant; Bach, John Nicholas, Plaintiff. order date: 5/23/2005
5/27/2005	ORDR	PHYLLIS	Order Denying Motin to DIsmiss Appeal
6/2/2005	JDMT	PHYLLIS	Amended Judgment
6/13/2005	NOTC	PHYLLIS	John N. Bch's Amended Notice of Appeal Per the Supreme Court of the State of Idaho's Order Denying Motion to DIsmiss Appeal of May 23, 2005
	MOTN	TIERA	Verified Application, Motion and Petition by John N Bach, Plaintiff, Respondent & Appellant, for (1) An Ex-Parte Temporary Stay Order of Execution of that orders (thirty sixth and thirty seventh order of Pending Motions, latter filed May 11, 2005) and any Entered/Issued Judgements based on said two orders, etc., of May 23, 2005 and a future Amended Judgements, per which attorneys fees and /or costs have been awarded to Defendants Bret and Deena Hill and Defendant Earl Hamblin, per I.A.R. , Rule 13.l(a)(b)(2) and (2) for a more Permanent order staying all said orders and Judgements Execution against John N Bach, pending these consolidated appeals, per I.A.R., Rule 13(g), et seq

Date	Code	User	Judge
6/27/2005	MISC	PHYLLIS	Request for Additional Transcript Richard T. St. Clair
8/18/2005	NOTC	GABBY	Amended Notice Of Appeal Richard T. St. Clair
8/29/2005	AFFD	GABBY	Affidavit Regarding Computation Of Interest On Judgment Richard T. St. Clair
		GABBY	Miscellaneous Payment: Writs Of Execution Paid by: Baker & Harris Receipt number: 0026511 Dated: 8/29/2005 Amount: \$2.00 (Check) Richard T. St. Clair
8/30/2005		PHYLLIS	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: John N Bach Receipt number: 0026536 Dated: 8/30/2005 Amount: \$13.00 (Cash) Richard T. St. Clair
9/1/2005	MISC	PHYLLIS	Request for Additional Record Richard T. St. Clair
	MISC	PHYLLIS	Request for Additional Transcript Richard T. St. Clair
9/2/2005	MISC	PHYLLIS	Request for Additional Record Richard T. St. Clair
10/27/2005	WRRT	GABBY	Writ Returned Richard T. St. Clair
11/10/2005	STJD	GABBY	Satisfaction Of Judgment Richard T. St. Clair
1/31/2006	BNDC	PHYLLIS	Bond Posted - Cash (Receipt 27457 Dated 2/1/2006 for 2000.00) Richard T. St. Clair
2/14/2006		PHYLLIS	Miscellaneous Payment: For Comparing And Conforming A Prepared Record, Per Page Paid by: Bob Fitzgerald Receipt number: 0027570 Dated: 2/14/2006 Amount: \$1.50 (Cash) Richard T. St. Clair
		PHYLLIS	Miscellaneous Payment: For Certifying The Same Additional Fee For Certificate And Seal Paid by: Bob Fitzgerald Receipt number: 0027570 Dated: 2/14/2006 Amount: \$1.00 (Cash) Richard T. St. Clair
2/9/2007		TIERA	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: JOHN BACH Receipt number: 0031388 Dated: 2/9/2007 Amount: \$10.00 (Cash) Richard T. St. Clair
3/30/2007	MISC	PHYLLIS	2007 Opinion No 57 Richard T. St. Clair

FILED
10:34
JUL 23 2002
TETON CO.
DISTRICT COURT

JOHN N. BACH
1858 S. Euclid Avenue
San Marino, CA 91108
Tel: (626) 799-3146
(and Seasonally: P.O.
Box 101, Driggs, ID 83422
Tel; (208) 354-8303

SEVENTH JUDICIAL DISTRICT COURT, STATE OF IDAHO

IN AND FOR THE COUNTY OF TETON

JOHN N. BACH,

Plaintiff,

v.

KATHERINE D. MILLER, aka
KATHERINE M. MILLER, ALVA
A. HARRIS, Individually & dba
SCONA, INC., a sham entity,
JACK LEE McLEAN, BOB FITZGERALD,
OLE OLESON, BOB BAGLEY & MAE
BAGLEY, husband & wife, BLAKE
LYLE, Individually & dba GRANDE
TOWING, and DOES 1 through 20,
Inclusive,

Defendants.

CASE NO: CV 02-208

COMPLAINT FOR DAMAGES/INJURIES
TO PLAINTIFF, HIS REAL & PER-
SONAL PROPERTIES; MALICIOUS
PROSECUTION; ABUSE OF PROCESS;
SLANDER OF TITLE & CONVERSION-
THEFT OF PROPERTIES; DEFAMATION-
LIBEL & SLANDER; and for IMMED-
IATE INJUNCTIVE/EQUITABLE RELIEF.

PLAINTIFF REQUEST A FULL TWELVE
PERSONS JURY ON ALL ISSUES; HE
IS UNWILLING TO STIPULATE TO A
LESSOR NUMBER OF JURORS.

Plaintiff JOHN N. BACH, alleges as and for claims:

1. Plaintiff is a permanent citizen/domicilliary resident of San Marino, CA 91108, and also seasonal resides/sojourns in Teton County, ID., where he owns real properties and has investments he oversees. Among his owned properties are those parcels the subject matter in that Teton County CV 01-59 dismissed with prejudice against Katherine D. Miller, on May 17, 2002; no appeal by Miller has been filed and such judgment in John N. Bach's favor therein is now final, res judicata, with issue preclusions and all bases of estoppel, waiver, abandonment against Katherine D. Miller and any of her claimed interests in plaintiff's real properties herein designated. Said complaint by Miller in CV 01-59 was without probable cause, brought with actual malice, entirely bogus and without merit. Said plaintiff's real properties, immediately South, west side of M.P. 138, Hwy 33, Driggs, are set forth

EXHIBIT "I" attached hereto and incorporated herein.

2. The following defendants are residents of Teton County, Idaho who have joined with one another and Alva A. Harris, Individually and dba SCONA, INC., of Shelley, ID., acting as a racketeering enterprise, in a civil conspiracy, joint venture, common pursuits and unity of criminal and tortious actions, to destroy, damage, and continually commit crimes against said plaintiff's real properties, personalty thereon and on plaintiff's person and his rights: KATHERINE D. MILLER, aka KATHERINE M. MILLER, JACK LEE McLEAN, BOB FITZGERALD, OLE OLESON, BOB BAGLEY & MAY BAGLEY, husband and wife, BLAKE LYLE, Individually & dba GRANDE TOWING, and unknown additional defendants, herein named DOES 1 through 30, Inclusive.

3. For the last ~~two~~ (2) years and continuing to date hereof, said defendants, individually, jointly, severally and per said conspiracies, joint ventures, common pursuits and unity of criminal and tortious pursuits directed against plaintiff, his person, said real properties, his personalty thereon, improvements, construction of levees, driveways, barns, buildings, etc., have assaulted and battered plaintiff, perjured themselves, manufactured and presented deliberately contrived false evidence, threatened to kill, physically harm plaintiff, stolen and converted his vehicles, trailers and building materials, repeatedly torn down his fences, gates, and other improvements, injured and warred his animals, engaged in extortion and blackmail against him, making false written and verbal statements that he is a crook, has cheated them, that he has stolen from them and have filed false reports of plaintiff's breakin of Miller's local residence. All of such criminal and tortious conduct/actions by said defendants are among only many of the overt and predicate acts, pursued by defendants in violation of Idaho's Racketeering Act, to physically and financially destroy plaintiff, his real and personal properties as to further steal and acquire illegally, said properties and investments from him. Plaintiff incorporates herein reasserts his counterclaims which were raised in TETON CV 01-59 but dismissed without prejudice by the Court therein. Defendants' said conduct toward plaintiff are done with actual malice, hate and intent to destroy, oppress and ruin plaintiff in all aspects of his being.

4. On Tuesday, July 16, 2002 and continuing to date hereof, said defendants have entered illegally, trespassed upon said plaintiff's real properties, cutting, pulling down and removing his exterior and interior fences, removing further, two of plaintiff's personal vehicles, repeatedly returning to further destroy, cut, remove and steal temporary replacement fences posts, rails, cover guards, etc., and to place spike nails and objects detrimental to plaintiff's other vehicles and to prevent the delivery of materials or workers to aid plaintiff reinstalling said fences and gates. Said defendants have further called/contacted individuals who plaintiff has used for services, labor or materials, and threatened them, by involvement in lawsuits and injuring them in their businesses. if they assist, provide or render any services or materials to plaintiff. Continually, within the last year said defendants have intimidated, harassed witnesses, friends of plaintiff, and have perpetually obstructed justice, criminally.

5. Plaintiff's remedies and claims at law are inadequate and he seeks this court equitable and injunctive power and jurisdiction for the immediate issuance of a restraining order, temporary and permanent injunction, prohibitory and mandatory, to prevent not only further damages, destruction and theft/conversions to his real and personal properties, but to return immediately all his vehicles, towed by said defendants via defendant BLAKE LYLE, individually & dba GRANDE TOWING or any other defendants from his said properties. Plaintiff has reported all of said criminal actions, conduct and events to the Teton County Sheriff, the Idaho State Police and Teton County Prosecutor, but they refuse to protect plaintiff's person, his said properties or any of his rights attendant hereto.

6. As a direct and legal result plaintiff has been damaged and injured in his health, said real and personal properties, improvements and additions thereto, in a sum exceeding the minimum jurisdiction of this district court, believed to be in excess of \$1,000,000.00, subject to proof at time of trial, and further seeks general damages in excess of \$1,000,000.00, and punitive damages, in the sum exceeding \$5,000,000.00 against each defendant and/or jointly, along with attorneys' fees, para-

legal fees, court costs and other related recoverable expenses.

WHEREFORE, PLAINTIFF prays for both equitable, injunctive assistance, via injunctions, restraining orders to immediately issue against all of said defendants, to protect his person and his properties, and for damages per all viable claims or basis of relief allowed by Idaho Law and Statutes herein, and for all other relief and redress as meet and proper herein.

DATED: July 23, 2002

John N. Bach

JOHN N. BACH, Plaintiff
Pro Se

VERIFICATION

STATE OF IDAHO)
COUNTY OF TETON) ^{SS}

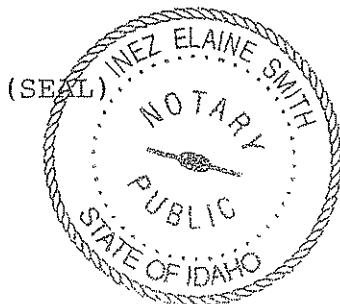
I, JOHN N. BACH, duly being placed under oath, hereby state that I have read the foregoing complaint, that the facts, events, and circumstances set forth therein are true of my own personal knowledge, involvement, awareness and understanding and I do give my personal testimony and verification of the foregoing.

DATED: July 23, 2002

John N. Bach

JOHN N. BACH, Plaintiff

I, the undersigned NOTARY for the State of Idaho, hereby acknowledge and state, that John N. Bach, did personally appear before me, was placed under oath, did give testimony as per his foregoing verification, and did in my presence, sign and affix his signatures hereto, this July 23, 2002, at Driggs, ID.



Inez Elaine Smith

NOTARY'S NAME
Residing at: *Idaho*
Comm'n Exp: *6-18-07*

EXHIBIT " I "

All the following real property, situate in Teton County, State of Idaho:

Township 5, North, Range 45 East of the Boise Meridian, Teton County, Idaho Section 10: E $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ and the W $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ --

Also: Tract A: a part of the E $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 10, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, described as: From the NE Corner of the E $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 10; thence West along the North boundary line of the E $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 10 to the NW corner of the E $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 10; thence South along the West boundary line of the E $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 10, 110 feet; thence East to the East Boundary line of the E $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 10; thence North along the East boundary line of the E $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 10 to the point of beginning and

Tract B: Township 5 North, Range 45 East of the Boise Meridian, Teton County, Idaho, Section 11: A section of the S $\frac{1}{2}$ SW $\frac{1}{4}$ containing 6.6,3 acres more or less being further described also as: From the SW corner of Section 11, thence N 0 02' 03" W, 1214.14 feet along the Western Section line to the true point of beginning; Thence N 0 02' 03" W, 110 feet further along the Western Section Line to the NW corner of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 11; Thence S 89 57' 55" E. 2627.56 feet along the North Line of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 11 to a point on the Western Right-of-Way Line of Highway 33; Thence S 0 09' 27" W, 110 feet along the Western Right-of-Way Line of State Highway 33 to a point; thence N 89 57' 55" W, 2627.10 feet to the point of beginning

Together with all mineral rights and all shares of water, 10 or more, in the Grand Teton Canal Company.

For further description and designation reference is made to the defendant's exhibits and deeds, of JOHN N. BACH, filed, received into evidence and the basis of the court's judgment in his favor therein, and judgment with prejudice against plaintiff's KATHERINE MILLER's claim now final and res judicata issue preclusion, etc., herein in favor of plaintiff JOHN N. BACH's ownership of the above real properties with improvements, additions and additions thereto and thereon, in Teton CV 01-59.

JOHN N. BACH
1858 S. Euclid Avenue
San Marino, CA 91108
Tel: (626) 799-3146
(and seasonally: P.O. #101,
Driggs, ID 83422
Tel: (208) 354-83030

FILED
10:34
JUL 23 2002
TETON CO.
DISTRICT COURT

SEVENTH JUDICIAL DISTRICT COURT, STATE OF IDAHO

IN AND FOR THE COUNTY OF TETON

JOHN N. BACH,

CASE NO: CV 02-208

Plaintiff,

AFFIDAVIT OF PLAINTIFF
JOHN N. BACH, In Support
OF APPLICATION/REQUEST FOR
IMMEDIATE EX PARTE ISSUANCE
OF RESTRAINING ORDER, and
ORDER TO SHOW CAUSE FOR PRE-
LIMINARY & PERMANET INJUNCTION
AGAINST ALL DEFENDANTS, THEIR
AGENTS, ETC., PROTECTING PLAIN-
TIFF'S PERSON AND PROPERTIES

KATHERINE D. MILLER, aka
KATHERINE M. MILLER, ALVA
A. HARRIS, Individually &
dba SCONA, INC., a sham entity,
JACK LEE McLEAN, BOB FITZGERALD,
OLE OLESON, BOB BAGLEY & MAE
BAGLEY, husband and wife, BLAKE
LYLE, Individually and dba GRANDE
TOWING, and DOES 1 through 30
Inclusive,

Defendants.

STATE OF IDAHO)

ss

COUNTY OF TETON)

I, JOHN N. BACH, duly being placed under oath hereby
give testimony of my own personal involvement, knowledge,
observation, participation and understanding, in support of,
via this affidavit for the immediate issuance of a full
protective prohibitory and mandatory restraining ORDER against
all defendants, their agents, attorneys or any persons/entities
acting in conjunction with them and for the issuance of an
ORDER TO SHOW CAUSE setting a date, time and place of hearing
for plaintiff's application/request herein that such restraining
ORDER be made into a preliminary and/or permanent injunction.

1. I refer to my filed verified complaint herein and

incorporate all statements therein herein as though set forth in full in each particular.

2. Expanding upon my statements and testimony given in my verified complaint, I further state:

a) My two vehicles, a Jeep Cherokee was towed July 16, '02, from my owned parcel of 110 feet parked inside my front fence along Hwy 33, just south of M.P. 138, which vehicle was not blocking the 16 foot gate which was closed, chained but not locked, as such fence has not been locked for almost a year now; also on said date, while I was in Jackson, WY., my front fence, all posts, rails, my 16 foot gate were torn, cut and removed from my said parcel, along with an internal fence, posts, rails, and barriers, about ½ mile to the West of my front entrance. I reported the incident to the Teton Sheriff's office, who at my insistence dispatched deputy Don Muller, to investigate and take pictures. Said deputy would not undertake any action nor issue any citation although the defendants involvement and actions were known to have caused such damage, because both said deputy and the dispatcher told affiant, that Katherine Miller, had called the sheriff and talked to him, saying she was going to access the property.

b) That night affiant parked his F-250 Ford ranch work truck which he uses daily, at the front of his driveway, to prevent further intrusions and trespassing on his properties via said strip parcel. The next morning, after doing chores around his barn and other construction, some ½ mile from Hwy 33, he observed his said Ford truck towed away by Blake Lyle's Grande Towing truck; he went immediately to the sheriff's office, asking for backup support when he went to Blake Lyle's place of business,

where is observed both his said vehicles in such business' storing compound. Deputy James Dewey who was to meet affiant there, never showed and affiant attempted to meet with the sheriff himself but was put off; affiant contacted the Idaho State Police, speaking with Captain Craig Peterson, who later that afternoon came out with Sheriff Ryan Kaufman and spoke with affiant, but would give no statements about taking any criminal actions to protect affiant, his properties or animals. By this date, affiant's horses were deprived of water from the first pond, due to no fences being in place to contain them and his other animals likewise were to be hand watered by bringing in water by affiant over $\frac{1}{2}$ to $\frac{3}{4}$ of a mile. Captain Peterson did say he would conduct an investigation but he would have to obtain approval and reimbursement agreement from Teton County to do so.

c) That date, July 17 and the next two days, affiant spent rebuild his front Hwy 33 fence, only again while he had to go into Driggs and complete errands for purchase of materials, the defendants came and again destroyed, cut and torn down his entire replacement fence, in the early evening hours; again this was reported to the sheriff and Deputy Don Muller came out again, but would make not commitment of any investigation or arrests of the defendants.

d) Thereafter affiant contacted via phone Captain Peterson, who admitted he had not conducted a full investigation, was not going to do so and might talk with Judge Moss about the judgment in Teton CV 01-59. Affiant knew by such call, that no protection whatsoever would be provided him for his safety, that of his properties or animals.

e) Since Friday, July 19, 2002, affiant has been told by his across the street neighbor Roger Kaufman, of Kaufman's Lumber, that he was threatened in a telephone call by a man that if he provided any services, materials or assistance to reestablished affiant's fences, gates, or other protection facilities to affiant and his properties, that he would be sued and that his business would suffer. Roger Kaufman told affiant he has a caller I.D., and the number left on his machine was one of Katherine Miller's listed telephone numbers in Tetonia. Before this date, within the last 90 days or so, other business persons in Driggs, have told affiant they have been likewise been threatened and intimidated, that if they were to give witness to what defendants were doing to plaintiff and his properties they would be sued and their businesses would suffer if not be injured; one such business woman, Roxanne Sanchez, said there was an implied threat of her buildings being burned or vandalized. All of such persons have refused to do business with affiant; affiant owes them no moneys and has not caused them any damage or injuries at all, but all are very afraid of the threats, intimidation from the defendants and the failure or refusal of the Teton County sheriff's office and prosecutor's offices to protect not only affiant but them as well.

f) Late Sunday, July 21, 2002, affiant, after again installing fence posts and barriers, observed two vehicles coming from Bob & Mae Bagley's residence just to the north of his properties, come by and do further damages of cutting the newly reinstalled poles, rails, throwing and removing entrance barriers of affiant, and tearing down posted no trespassing signs; in this last week some 7 no trespassing signs

have been torn down and taken by said defendants or those acting with them. Again, affiant contacted the sheriff around 11 p.m., just after the latest of such incident that Sunday, with deputy Collin Sherman coming out but he did not investigation and made no report, as affiant ascertained when he came into the sheriff's office, Monday, July 22, 2002, to follow up on what the sheriff was going to do. The information he received was "nothing" and that affiant properties and his own personal welfare and those of his family, visitors, were an outlaw region in Teton County.

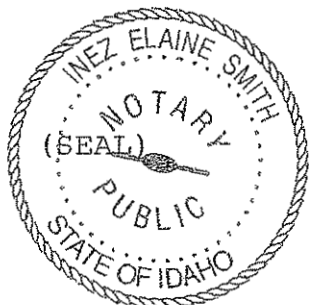
g) Monday, late morning, affiant spoke briefly with Laura Lowry, the Teton County Prosecutor outside of the Sheriff's office, and related to her, as she already knew that affiant would be soon leaving for his son's wedding in Kona, Hawaii, and that he wanted full sheriff and her office's protection of his properties, animals and all improvements, vehicles thereon, as he fully expected that defendants would be attempting further criminal and illegal destructive conduct on his properties, animals and his barn in particular, since Ole Oleson, and other of the defendants had repeatedly threatened to run off his horse, burn his barn and run him out of Teton County; defendant Blake Lyle, Bob Fitzgerald and Jack McLean have made similar comments, and are now stalking and harassing affiant around Driggs, and Teton County, ID. Laura Lowry would not respond at all to affiant's request and ignored it for all purposes.

DATED: July 23, 2002


JOHN N. BACH

I, the undersigned NOTARY for Idaho, Teton County, hereby acknowledge, witness and state, that JOHN N. BACH, known to me,

appeared before me, was duly placed under oath by me, wherefor he gave the testimony above stated in his Affidavit, and did in my presence and sight, sign, affix his signature hereto.



Inez Elaine Smith
NOTARY SIGNATURE

Residing: Full Idaho

Comm'n Exp: 6-18-07

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

FILED
4:30
JUL 23 2002

TETON CO.
DISTRICT COURT

JOHN N. BACH,

Plaintiff,

Case No.: CV-02-208

vs.

ORDER OF VOLUNTARY
DISQUALIFICATION PURSUANT
TO IRCP 40(d)(4)

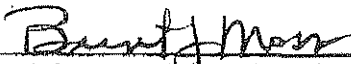
KATHERINE D. MILLER, aka
KATHERINE M. MILLER, ALVA A.
HARRIS, Individually & dba SCONA,
INC., a sham entity, JACK LEE McLEAN,
BOB FITZGERALD, OLE OLESON, BOB
BAGLEY & MAE BAGLEY, husband and
wife, BLAKE LYLE, Individually and dba
GRANDE TOWING, and DOES 1
through 30 Inclusive,

Defendants.

The Honorable Brent J. Moss, District Judge hereby voluntarily disqualifies
himself from the above-entitled matter pursuant to IRCP 40(d)(4).

IT IS SO ORDERED

DATED this 23-day of July 2002.


Brent J. Moss, District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing memorandum decision and order has this 23 day of July, 2002, been served upon the individuals listed below and in the following manner:

John H. Bach
P.O. Box 101
Driggs, ID 83422

U.S. Mail – Postage prepaid
Hand delivered
Fax

John H. Bach
1858 S. Euclid Ave.
San Marino, CA 91108

U.S. Mail – Postage prepaid
Hand delivered
Fax

Alva A. Harris
Attorney at Law
171 South Emerson
P.O. Box 479
Shelley, ID 83274

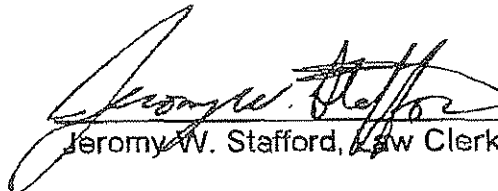
U.S. Mail – Postage prepaid
Hand delivered
Fax

Burton W. Butler
Trial Court Administrator
605 N. Capital Ave.
Idaho Falls, Idaho 83402

U.S. Mail – Postage prepaid
Hand delivered
Fax

Clerk of the Court

By:


Jeremy W. Stafford, Law Clerk

JOHN N. BACH
1958 S. Euclid Avenue
San Marino, Ca 91108
Tel: (626) 799-3146
(and seasonally: P.O.#101,
Driggs, ID 83422
Tel: (208) 354-8303

7TH JUDICIAL DISTRICT COURT
BONNEVILLE COUNTY, IDAHO

'02 JUL 25 11:29

SEVENTH JUDICIAL DISTRICT COURT, STATE OF IDAHO

IN AND FOR THE COUNTY OF TETON

JOHN N. BACH,

Plaintiff,

v.

KATHERINE D. MILLER, aka
KATHERINE M. MILLER, ALVA
A. HARRIS, Individually & dba
SCONA, Inc., a sham entity,
JACK LEE McLEAN, BOB FITZGERALD,
OLE OLESOMM BIB BAGELEY & MAE
BAGLEY, husband and wife, BLAKE
LYLE, Individually & dba GRANDE
TOWING, and DOES 1 through 30,
Inclusive,

Defendants.

CASE NO: CV 2002-208

ORDER RESTRAINING ALL DEFENDANT
THEIR AGENTS, ATTORNEYS,
OR ANY PERSONS/ENTITIES FROM
ENTERING, ACCESSING OR ATTEMPT-
ING TO ENTER, ACCESS OR BE
ON ANY OF PLAINTIFF'S PROPER-
TIES;

and

ORDER TO SHOW CAUSE TO ALL
DEFENDANTS WHY SUCH RESTRAINING
ORDER SHOULD NOT BE ISSUED AS
A PRELIMINARY AND PERMANENT
INJUNCTION.

Date of Hearing: August 8, 2002
Time of Hearing: 4:30 p.m.

Place: Teton Courthouse

GOOD AND SUFFICIENT CAUSE, REASON AND SHOWING having been
made by the plaintiff herein, per his verified complaint and

further Affidavit offered herein,

(RAB)
THIS T.R.O. may be served only after Plaintiff has posted \$2,500⁰⁰ as security pursuant to Rule 65(e),
NOW, THEREFORE, IT IS HEREBY ORDER, ADJUDGED AND DECREED: I.R.C. #

1. That immediately, forthwith each and all named defendants
herein, their attorneys, agents, employees, or any other persons,
entities are restrained, enjoined and precluded from in any
way or manner, accessing, entering, encroaching, visiting, being
upon or attempting to do any of the foregoing, on Plaintiff
JOHN N. BACH's parcels, just south of M.P. 138, Hwy 33, north of
Driggs, Idaho, especially that strip of 110 feet by 1/2 mile and

000014

at the westerly end of said 110 foot wide strip parcel all other acreages consisting of two 40 acre parcels, the most easterly of said two 40 acre parcels, having driveway, levees, ponds, a barn and other buildings' construction or improvements with horses and other animals of Plaintiff thereon.

2. Said defendants, their agents, attorneys, employees and all other persons/entities acting with or in conjunction with them are further restrained, enjoined, precluded and directed to attempt no further destruction of any of plaintiff's properties, real or personal nor improvements therewith or thereon,

RB

~~and to immediately, with the supervision of the Teton County~~

RB

3. ~~Sheriff,~~ that said defendants, especially Katherine Miller and Blake Lyle, ~~shall~~ *shall show CAUSE WHY THEY SHOULD NOT* forthwith deliver in safe and operable condition to plaintiff at the places designated by plaintiff, all the vehicles, trailers and other transportation items which they have removed from his said real properties, especially the Jeep Cherokee and the F-250 truck are to be delivered to plaintiff before the end of this day.

RB

4. ^{INTENTIONAL} THE FAILURE, REFUSAL OR ANY AVOIDANCES/EVASIONS OF THIS RESTRAINING ORDER ^{MAY} ~~will~~ be the basis for CONTEMPT CHARGES ^{UNDER} AND FOR THE AWARDING OF PLAINTIFF DAMAGES AND COSTS AGAINST ANY DEFENDENT FOUND GUILTY OR LIABLE TO PROPERLY COMPLY HEREWITH.

I.C.S 7-604

~~THE TETON COUNTY SHERIFF'S OFFICE SHALL REPORT TO THE COURT ON ITS EFFORTS TO ENFORCE AND MONITOR THIS ORDER.~~

RB

5. ^{Pursuant to Rule 65(b), F.R.C.P.,} It is further ordered that each and all defendants shall appear personally before this Court, Teton County Court-

STATE OF IDAHO)
County of Bonneville) SS
I HEREBY CERTIFY that above and foregoing is a full and correct copy of the original thereof, on file in my office.

house, on Thursday, ~~August 29,~~ ^{August 8,} 2002, @ ~~10 a.m.,~~ ^{4:30 P.M.} to show cause

Dated 7/25/02 not ~~be~~ further entered as a preliminary ~~or permanent~~ injunction.

RONALD LONGMORE
Clerk of the District Court
By Southwick
Deputy Clerk

DATED: July 25, 2002 @ 1130 A.M.

Richard J. Clair
JUDGE

Alva A. Harris
Attorney at Law
P.O. Box 479
Shelley, ID 83274
(208) 357-3448
ISB #968

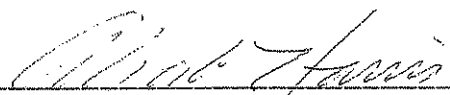
FILED
3:27
AUG 07 2002
TETON CO.
DISTRICT COURT

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

JOHN N. BACH)	
	)	Case No. CV 2002-208
Plaintiff,)	
	)	NOTICE OF APPEARANCE
vs.)	
)	
KATHERINE D. MILLER, et al,	)	Fee: \$47.00
)	
Defendant.)	
_____)	

Comes now ALVA A. HARRIS, Attorney at Law, Idaho and enters an appearance of counsel in the above entitled matter for and in behalf of the Defendants, Alva A. Harris, Bob Fitzgerald, Ole Oleson and Blake Lyle.

DATED this 5th day of August, 2002.




Alva A. Harris
Attorney at Law

CERTIFICATE OF MAILING

I hereby certify that I served a true copy of the foregoing NOTICE OF APPEARANCE upon the following, by mailing the same to him on this 5th day of August, 2002.

John N. Bach, Pro Se
1958 South Euclid Ave.
San Marino, CA 91108



Alva A. Harris

AUG 07 2002

TETON CO.
DISTRICT COURT

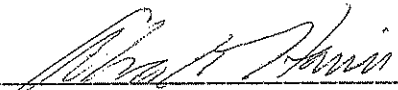
Alva A. Harris
Attorney at Law
P.O. Box 479
Shelley, ID 83274
(208) 357-3448
ISB #968

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

JOHN N. BACH)	
	)	Case No. CV 2002-208
Plaintiff,)	
	)	SPECIAL APPEARANCE OF
vs.	)	KATHERINE M. MILLER
)	
KATHERINE D. MILLER, et al,	)	Fee: \$47.00
)	
Defendant.)	
_____)	

Comes now ALVA A. HARRIS, Attorney at Law, Idaho and SPECIALLY APPEARS in the above entitled matter for and in behalf of the KATHERINE M. MILLER, who has not been served herein with any complaint, summons, and/or any temporary restraining orders and therefore is not personally subject to the jurisdiction of this court.

DATED this 5th day of August, 2002.

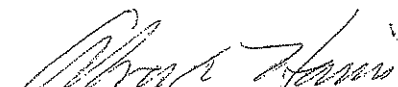


Alva A. Harris
Attorney at Law

CERTIFICATE OF MAILING

I hereby certify that I served a true copy of the foregoing NOTICE OF APPEARANCE upon the following, by mailing the same to him on this 5th day of August, 2002.

John N. Bach, Pro Se
1958 South Euclid Ave.
San Marino, CA 91108



Alva A. Harris

CHAMBERS

Idaho Falls
Bonneville County

Honorable Richard T. St. Clair

Date 8/8/02

Time 1:10pm

Deputy Clerk M. Mouthwork

JOHN N. BACH
1858 S. Euclid Avenue
San Marino, CA 91108
Tel: (626) 799-3146
(Seasonal Address:
P.O. Box 101, Driggs, ID 83422
Tel: (208) 354-8303
Plaintiff Pro Se

SEVENTH JUDICIAL DISTRICT COURT, STATE OF IDAHO
IN AND FOR THE COUNTY OF TETON

JOHN N. BACH,

Plaintiff,

v.

KATHERINE D. MILLER, et al.,

Defendants,

CASE NO: CV 02-208
RETURN OF SERVICE UPON
KATHERINE D. MILLER aka
KATHERINE M. MILLER and
JACK LEE McLEAN and
ALVA A. HARRIS, Individually &
dba SCONA, Inc., a sham entity
and BOB BAGLEY & MAE BAGLEY

STATE OF IDAHO)
COUNTY OF TETON) ss

I, J. D. RITCHIE of Idaho Falls, Idaho, having been duly placed under oath herein give testimony of my own personal knowledge, participation, actions and understanding as follows:

1. I am over the age of 18, an Idaho citizen and resident of Idaho Falls, who did on the date of July 25, 2002, make personal service upon each of the following, serving thereon each of said persons (1) A Summons issued herein with their respective names thereon, as a defendants a stated/denominated in the complaint; (2) A copy of the complaint herein; (3) A copy of the Affidavit of JOHN N. BACH in support of a restraining order and order to show cause; and (4) a certified copy of the Order issued by this Court of July 25, 2002, setting forth the restraining orders and the order to show cause date of August 8, 2002, @ 4:30 p.m., DRIGGS-TETON COUNTY COURTHOUSE:

- a) On Katherine D. Miller, aka Katherine M. Miller, personally handing all of the above documents to defendant Ole Oleson, her suitor, who lives with Katherine Miller, at 500 N, 100 E., Tetonia, Ole Oleson, also so being served on his own behalf when he answered Katherine Miller's front door at said address on July 25, 2002, at 3 p.m., all per I.R.C.P.

Rule 4(d)(1), agent, and 4(d)(2).

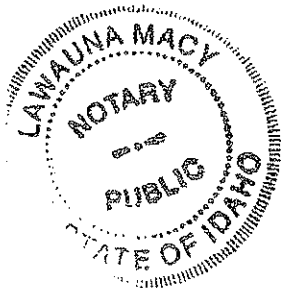
- b) On Jack Lee McLean, at his residence in the Teewinot Subdivision, 250 North, Driggs, at 3:20 p.m..
- c) I served a certified copy of said restraining order and Order to Show Cause on Alva A. Harris, individually and dba Scona, Inc., a sham entity, on July 30, 2002, at this office in Shelley, Idaho, at 10:30 a.m., and I had served him personally at said same office, on July 25, 2002 at 11:30 a.m., with a summons, copy of the complaint and said affidavit of John N. Bach, serving him with all said documents as stated in the summons served upon him as: Alva A. Harris, individually & dba Scona, Inc., a sham entity.
- d) I served Bob and Mae Bagley, with all of the aforesaid documents at their home on Hwy 33, just north of M/P 33, West side on July 25, 2002, at 2:50 p.m. The above stated is true and correct.

DATED: August 8, 2002

J. D. Ritchie
J. D. RITCHIE

I, the undersigned NOTARY PUBLIC for the State of Idaho, hereby certify, acknowledge and affirm, that I did place J.D. RITCHIE of Idaho Falls, Idaho, under oath, who in my presence did give the above written testimony of service of process, who then known to be to be J.D. RITCHIE, did subscribe his signature in my presence and witnessing view to this return, stating that his testimony is true and correct.

(SEAL)



Lawana Macy
NOTARY PUBLIC (name)
1800 Charming Way
(address)
Dr. Id. 83400
11-04-04
(comm'n expires)

Date: 12/9/2005

Seventh Judicial District - Teton County

User: PHYLLIS

Time: 02:53 PM

Minutes Report

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Hearing type:	Order to Show Cause	Minutes date:	08/13/2002
Assigned judge:	Richard T. St. Clair	Start time:	02:24 PM
Court reporter:	Ross Oviatt	End time:	02:24 PM
Minutes clerk:	PHYLLIS HANSEN	Audio tape number:	

Parties: Plaintiff John N. Bach
 Defendants' Attorney Alva Harris
 Defendant Bob Fitzgerald

Tape Counter: 330 DA - Bach has no standing to present this case in court. Not the owner of the property this case involves
 Judgment of Quiet Title to 86 acres of property - Judge Herndon said 40 acres to Katherine Miller and 40 acres to TPE issued in 1997
 Matters before us are res judicata
 No deeds in documents he gave you

Tape Counter: 1 J calls case; ids thos present
 Reviews case

Tape Counter: 50 PA - has court seen return service?
 Katherine Miller has been served personally and at abode
 Also make request for Judicial Notice of Exhibits from CV 01-059; copies have been given to DA
 Complete file is here
 DA - will agree to documents filed in other case be admitted - no objection
 Will put on new sticker
 PX 1 - is Admitted
 PX 2 is Admitted
 PX 3 is admitted

Tape Counter: 521 DA have filed three or four actions int his county and D immediately removes to Federal Court
 Reason he moves it is because he doesn't want it heard; he has no deeds
 Have had criminal case after criminal case up here
 Only one who has ever produced deeds, who paid for the property is Katherine Miller
 SHe has never been served; someone threw papers on doorstep
 This man has no standing to represent TPE, Inc or Vasa N Bach Family Trust
 THink should dissolve and dismiss and put her back in possession

Date: 12/9/2005

Seventh Judicial District - Teton County

User: PHYLLIS

Time: 02:53 PM

Minutes Report

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 608

P object to Motion to Dismiss
continuing aiding and abetting of scheme to steal
Three exhibits you just received shoots him out of the saddle
Back 80 acres sold to Miller
next 40 sold to John N Bach, Targhee Powder Emporium
Harrops sued on Bach and Miller
HAvE not had time to get transcript
Since Aug 18, 1994 on Bach has been in possession of property
Argument that there are no deeds is wrong
is warranty deed voiding and correcting deeds by Jack McLean
Judge Moss ruled - said Bach had solid claim of ownership
5 places that Harris was asked to file Quiet Title Action Herndon allowed Bac to represent
himself and Targhee Powder Emporium Inc
Bach ot only improved property but built large barn pad
Building permit issued to John N. Bach
Have no problem with testifying
Fitzgerald was asked Aug 28, 2001 if he was making claim - Harris said doesn't ave
interest
2 - Fitzgerald in known alcoholic and drug abuser
J - unless have affidavits am not interested
Bach have warrant from sheriff showing found drugs on property
J hearing non evidence from bith of you

Tape Counter: 891

J - reads from deposition saying in Fitzgerald should jump into the water
Move to strike entire motion and frivolous
3 - in CV 01-059 had a number of counterclaims- amend to t=Rule 13(a) - Moss said
hove found with Judgment with Prejudice
Those counterclaims are included in complaint
Claim preclusion doctrine applies as does Judicial Estoppel
Harris has filed seven claims against me - three now in Federal Court
Rissetto vs plumbers and Steamfitters holds consistently and conclusively that when a
litigant does selectively file only one claim when many should be filed, thrown out

000021

Date: 12/9/2005

Seventh Judicial District - Teton County

User: PHYLLIS

Time: 02:53 PM

Minutes Report

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 1038

P reads from PX 2 - Sales Areements between myself and Harrops
EX L is letter of WRight Law office from Harris
Letter bragging about what he did
EX D agreement had with MS. Miller - beginning of prenuptual agreement
Also letter Aug 13, 1997 setting forth actions - lack of ethics by Miller
Letter from Homer - Bach nominee
Strip of 110 by half mile owned jointly
EX J is Millers testimony in criminal proceeding
Attorney General has asked for two extensions- property next to hers was owned by Bach
Nothing grown on her property
Last time any grass ay was taken off it - Bach negotiated with John LEtham both got \$400
She does n ot own it
EX K is letter from Woelk to Lowery trying take property away from Bach
Miller says coown 110' strip
Move for Sanctions against him
Deed made July 7 this year - came into evidence without objection before Judge Moss

Tape Counter: 1272

McLean was ScapegoaWas given title of Vice President
J smething you signed as Power of Attorney - not the same as McLean filing
P - is- no authorities to refute
P - is exactly what trustee can do - particularly sub parts 25 and 26
If is wrongful act, then think McLean would have to do something about it
J - did not appear for Jack McLean
P stnad by return of service he's been served
Record should reflect no objection by McLean

Tape Counter: 1385

J have heard enough by both sides to determine need to read documents
DA - heard Bach refer to TPE

Tape Counter: 1420

J going to treat Harris's motion and to Dismiss
Will take under advisement
Will have to hear testimony anyway
Prelimianry motion will be taken under advisement
Will cut Bach off - can continue under oath

Tape Counter: 1500

Bach want to iterate otion as 12 B(6) - never gotten Notice of Motion
DA - entiteld to file Motion to Dissolve
Assumed Business Names - never filed ABN- never filed anything
He has no standing in which to come before this court; no right to be here
entitled to our possession
EVeryone filed by Bach has been dismissed before hearing
Have individual that is trying to steal porperty

Tape Counter: 1641

Bach - have objections as to relevancy
Foreign not reured to register in State of IDaho 15-7-203 and 15-7-206
Object to whole MOTion under 12(B)(6)

Tape Counter: 1741

J motion is taken under advisement
D will not swear but raises right hand and affirm under penalty of perjury to tell truth

000032

Date: 12/9/2005

Seventh Judicial District - Teton County

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Minutes Report

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 1791

P gives testimony
Kathy Miller living together intimately
Discussed I would take possession of 40 acres
Also handling as agent for 91 year old mother
Acquiring assets for her and sibling
Lived until July 4 or 5th in 1997
Miller knew and agreed she would build house for Bach on Northwest 40 acres

Tape Counter: 1904

DA objects to testimony - documents speaks for themselves
Discussed provision can testify to that -

Tape Counter: 1932

DA objects Agreements have to be in writing
Partnership was in various documents admitted by Miller
DA objects- overruled
She wanted assignment of my right to purchase my 40 acres
She wanted me to assign 110 strip - set forth in documents you have before you
Told her I could not do that
Disclosed in Financial Statement filed in CA

Tape Counter: 2058

P intro PX 5 -
DA - no objection J will be admitted
None of those addresses belong to Miller

Tape Counter: 2152

J - name was TPE, Limited Inc
P - no three separate entities
Miller was discharged in bankruptcy; received copy
Sept 1997 Miller wanted to try reconciliation
had not built the house or paid \$40,000
sent letter to Homer
DA object - hearsay - sustained
Homer said she had different proposal - would sign settlement agreement
Said all Miller wanted was to be able to access her back 40 acres
discussion carried on until around December 14, 1997
Homer had failed to comply with P&Z requirements and would be placed on Harro's tax statement
Case Cv 95-047 lays out agreement

Tape Counter: 2332

DA objects to testimony - none of this stuff is contained in that document P argues - in exhibits that you have
Issue before the court is contained in Section 65 - irreparable damage
Out here today to determine quiet title issue

Tape Counter: 2694

J think is relevant to ownership of the property; don't know how competent evidence is - will overrule objection

000033

Date: 12/9/2005

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 2433

P continues - plans for property
put in at my expense 16 foot fence
P requests PX 1 & 2
Paragraph 4 of Easement Agreement October 3, 1997 DX D in PX 1
Also my Affidavit; photocopy of for sale sign put up by Fitzgerald
IN PX 2 memo to file of Charles a Homer - speaks for itself
following that EX G PX 2 are two drawings one entirely in Millers handwriting shows 40
acres Miller, Bach; has easement coowned by Miller and Bach paved partially by cattle
eking raised on property
EX H Affd of Homer
handwritten memo from miller admits she went on to Bach's property - could not navigate
over Bach's property

Tape Counter: 2759

Also had Miller come and want to try second reconcialiation
had discussions of my managing the strip

Tape Counter: 2798

Da object to testimony of Olesen and Fitzgerald SUsained
Miller admitted at trial that I owned the 40 acres
,my personal horse was deliberately poisoned
Been harrassed and Satlked by Miller, Fitzgerald, Olesen, others
On 5 occaisions fences taken down
P intro PX 4 - 25 photos
Tiral by Luke - Miller testifies of ownership
filed TOrt claim against the county
Blake Lyle towed while in court before Shindurling 4 vehicles, two trailers removed
FOrd worth about \$10,000
vehicles towed -
Fitzgerald videotaped

Tape Counter: 3169

Since trial in October of 99, gave Schwartz key to lock; was given to Fitzgerald
tore off chains, cut posts
\$5-6,000 worth of personal property taken from trailer
Asked them to return personal property - they have not
Every time have had raid on property have contacted TCSO and they have said they
would do nothing
Obtained Restrainign Order against Miller
was conceded that Miller had tow ro three accesses to back 40 acresStated about
contrband being planted on property
Fitzgerald is supplier of that contraband
Concerned about drug source in this county
Harris said "Withdraw Stipulation"
Moss directed Lowery to prosecute

Tape Counter: 3313

delivered PX 6 to Blake Lyle
HE told me to get off his property
Notice - from this dtae
No Obejction to PX 6 Will be admitted

000034

Date: 12/9/2005

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 3428
Advised Judge Walker when would be leaving for Hawaii
Came home from Jackson found had been raided
Describes damage
appearance of F250 shown in two photos
Photos F - J show F 250 truck parked showing fenceposts cut off
By cutting fence couldn't bring hoses to drink from trough
Gate totally gone - don't know where is
Spent the next three days digging holes for posts to reestablish front fence
placed museum hopeful skis on fence
50 pair of skis worth \$10 each

Tape Counter: 3756
Photos KLM portray construction of that fence - N also
Someone had totally torn out fence and posts and thrown in barrow pit
Had moved some of obstacles O-X

Tape Counter: 3856
Have had 13 No Trespassing signs ripped off
3 people went to fence and cut post had just put in- took some additional materials and
posts had been given by friends
Four signs torn off this past weekend
Right now 5 signs say No Trespassing
P offers PX 4 - A - X no objection - admitted

Tape Counter: 4060
J PX 1-6 have been admitted
DA begins X
DA - why joined Bagleys' in suit P irrelevant - overruled

Tape Counter: 4285
How did you get Millers 40 acres
P objects vague and compound sustained
Deposition in Case 95-047
Page 14 bottom of page
Do you own any property personally
Answer as Personally no
When was deed made to you December 31, 1994
considered familys as family venture
did you filed bankruptcy in CA
asked and answered - overruled
Have previously filed in Idaho - yes
Did file schedule - don't beleive so in Idaho did in California
Asked and answered overruled yes

Tape Counter: 4704
P objects - assumes facts not in evidence - overruled
Got \$23000 back from bankruptcy court
Didn't list partnership with Ms. Miller
Disbarred as attorney Objection irrelevant

Tape Counter: 4800
DA argues relevance
J is relevant as to credibility objection overruled
personal money given to Harrops
Part of Exhibit of IX - filed September 4, 1997

000005

Date: 12/9/2005

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 5493

DA intro DX A and B W ids
DA offers DX A and B
No objections A admitted

Tape Counter: 5781

Lipponis Trust Fund
P objects - argumntative - overruled

Tape Counter: 5882

DA move dissolve - has conclusively shown that she is the owner of the back 40 acres
Has shown no documents that he has any title to any of the property
She is the owner of the property he has admitted
P objects - all testimony is totally being ignored
I was to have a one half partnership in the back 40 acres
Have never varied from that
Improvements based upon that
Do solely own 110' strip
PX 3 Judge Moss - said nothing back there is unimproved 40 acres

Tape Counter: 6044

J littl ebit concerned as to exactly where the Jeep Cherokee FOr d pickup the ski fence
the ffeeding troughsguns, photos, trailer and fence posts and nails were located with
respect to the two separate 40 acres tracts
J will deny the motionwithout prejudice renewing at the end of the case

Tape Counter: 6139

DA continues

Tape Counter: 6313

DA - problem with wonderful crop of hay
P threatened with shotgun
Just let go and lost the crop
Current prices about \$30,000
Will reconvene at 2:00 p.m. THursday

Tape Counter: 23

New Tape 2:00
J calls case; reviews
P - IRCP - Special Appearance was unequivocal and unexact - Rule 4 -1 Affidavit must be
deemed admitted as truth
Move to Stike any testimony on that basis
Saw Affidavit of Harris
Marked Exhibits out of Order
No Certificate of Service
Has been filed with COurt
J- yes
P attached hearsay and non certified documents
Moves to strike affidavit in its entirety
Nothing fastened together
Everything is totally out of order
McLean has not appeared
Move to Continue this hearing to allow depositions
Temporary Restraining Order to Continue

000036

Date: 12/9/2005
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Seventh Judicial District - Teton County

User: PHYLLIS

Minutes Report

Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 157 J appears to be same document DA handed to me before started case
J can look at original at conclusion of hearing today
Only appearance is by Alva Harris, Bob Fitzgerald, Ole Olesen, Blake Lyle
P - should be special appearance
J appears to be special appearance by Mr Harris but she is not moving for anything
P should be deemed as admitted
SPecial Appearance has no statement as to why is special
Move to exclude and preclude any cross examination

Tape Counter: 262 J will deny all motions
Mr Harris can appear in behalf of himself, Fitzgerald, Olesen and Lyle
P is returned to stand still under Declaration

Tape Counter: 292 DA mark DX EFG
Same as CD - There are no EFG
J are withdrawing - yes

Tape Counter: 434 DA - look At DX C
W - two separate documents and is incomplete
DX C is two page document stapled together

Tape Counter: 476 DA @DX C
W - speaks for itself

Tape Counter: 530 DA offers DX D faxed memo from Bach to Miller
DA moves DX C be admitted
P objects unless copy of building permit is also admitted
J will admit for now; will allow to add additional page to be added

Tape Counter: 680 DA iNtro DX E - Deposition of John Bach take n by David Nye
P Page 32 is missing - is critical part
P objects not relevant J objection is not relevant
P objects- irrelevant and immaterial
J overrules admits under 801 (D) Argument goes to weight
P asks the page 32 be added
DA can publish whole deposition; let's go on to 34 and 35
P objects - overruled; objection goes to weight

Tape Counter: 913 DA - don't want 33-36 admitted; will agree to only page 32
P will stipulate that 33-35 go in
J will be attached as part of Exhibit E

Tape Counter: 981 DA continues
Will you stipulate to deposition being admitted - no
P object - asked and answered five or six times J overruled
P objects to tone of voice

Tape Counter: 1128 P objects argumentative; already admitted
J - overruled argumentative sustain part as to already in evidence and can read it myself
P objects - best evidence is already is J sustained as to already in
DA moves to admit J aren't we talking about Exhibit E Already admitted
P objects - same objection overruled

Tape Counter: 1323 Targhee Powder Emporium was me November 30 1994 to December of 1998
P objects, argumentative, harrassing sustained

000027

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Seventh Judicial District - Teton County

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 1565 DA intro DX F P objects is false, forgery, never received
DA intro DX G - letter from Harris says p cannot represent Jack McLean, Targhee Powder Emporium, Inc, Ltd, and unltid

Tape Counter: 1651 DA Moves F & G be admitted - D objects - foundation J will not admit
P objects irrelevant - J overruled
P objects unless marked and identified J overrule as to relevance
P lack of foundation - overruled

Tape Counter: 1740 P objects- confusing J sustain as to confusing
P deliberate misstatement has no bearing purchased in 1992 objecting
J - think objection is relevance think Da is attempting to impeach Will overrule

Tape Counter: 1907 P objects to stage directions from Fitzgerald
Never has been registered in Idaho was conceived to be formed in July and August of 1994
P objects asked and answered

Tape Counter: 1957 Like to know name of every undisclosed principle when bought property
P objects compound Sustained
Recess 308
Reconvene 3:20

Tape Counter: 2066 Redirect
DA objects to testimony - relevancy - he has admitted that she owns 40 acres and he claim he owns 40 acres sustained
DA objects again - sustained P let me finish statement sustained

Tape Counter: 2179 J start with after October of 1997
DA objects to this testimony J will overrule
P offers PX 7 DA objects - not signed; not germane
P is critical
DA is self serving
J will be sustained will prohibit reading from document not in evidence
DA objects again to relevancy trial concluded in 1997; have nothing to do with land at this point
P objects - if stp that is Targhee Powder Emporium - J sustained

Tape Counter: 2535 DA objects to any of this testimony - not brought into case J will overrule
but will make own objection - is cumulative - already brought in

Tape Counter: 2700 DA objects - beyond scope sustained
DA objects - same objection sustained
J overrules - move along

Tape Counter: 2772 P need to put in another gate; maybe two
new pole new rails; improved driveway, expanded pond
DA objects to testimony of present boyfriend - not relevant sustained

Tape Counter: 3091 DA objects to testimony - statute of Frauds - Move on

Tape Counter: 3160 I am taking the position that I own all of the 87 acres
Quiet Title has already occurred by 4 documents
J nothing in complaint alleges quiet title - move on
P is reference to affirmative defenses
P moves be admitted no objection admitted

000028

Date: 12/9/2005

Seventh Judicial District - Teton County

User: PHYLLIS

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Minutes Report

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 3666 P Intro PX 15 offers
DA objects - no need to reference in this case; State dismissed that suit, no materiality
P responds - is official exam by State of Idaho - sets forth that John Bach is Targhee
Powder Emporium
J sustained on grounds state and further sustained as hearsay
PA intros PX 15
no objection Admitted
PA intro PX 16 describes moves be admitted no objection Admitted
PA intros PX 17 movs be admitted describes no objection Admitted

Tape Counter: 4600 J will parties stipulate to photo copy of newspaper article
P okay
DA Okay

Tape Counter: 4680 J ? status of case - dismissed June 2000 just before raid
J part of 6.63 acres
Eastern 40 acres - P at the end of that strip
Western 40 acres
J who paid real property taxes in 1997
P paid in 1994 until December 2000
DA object - county records will show
since 2000 Kathy Miller has paid all the taxes

Tape Counter: 4800 Easter 40 acres, all of 95 until June of 2000
Western portion - beleive Miss Miller 97-98-99-2000; dont know if paid in 2001
6.63 acres Harrops

Tape Counter: 4876 P reason - county would not recognize easement back and forth - no subdivison approval
as to that strip

Tape Counter: 4927 Da reviewed county records yesterday 6.63 acres have been paid by her
P - object if offer of proof; that's not what I understand
1998 State did away with common law marriage

Tape Counter: 4975 P calls W-1
Clerk swears in W -1 Cindy Miller
P @ to PX 17E W ids

Tape Counter: 5486 DA X W - 1

Tape Counter: 5585 P redirects
No comparison in quality of hay on two properties
P rests

Tape Counter: 5624 DA like to move court for disdmittal of whole complete actions
Letters indicate the dreams of a deluded individual

600029

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Seventh Judicial District - Teton County

User: PHYLLIS

Minutes Report

Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 5915

P move to strike is egregious
J is just argument
P is waste of time
J will agree to that
Should not allow him to come before this court and commit perjury
Can't represent these other entities
She had the right to have Lyle move stuff to access her property
Where is the damage
Bach has never produced anything to show he was not able to get his stuff back

Tape Counter: 6323

denies motion
DA calls W -2 Blake Lyle

Tape Counter: 6542

P X W -2
redeemed F150 - yes released
DA objects - sustained
DA objects overruled

Tape Counter: 7240

DA objects - already answered sustained
Tape ends -
New tape

Tape Counter: 187

Bob Fitzgerald was there, Ole Olesen, Kathy Miller, some lady with a saw
P formal education
D will not answer
will take the 5th
J ordered to answer
DA objects sustained
DA objects - sustained
Da objects - sustained
noredirect
Recess 5:25
Reconvene 531

Tape Counter: 289

D rests

Tape Counter: 296

P rebuts

Tape Counter: 446

DA crosses
P objects - overruled
P objects - sustained

Tape Counter: 593

P asking for status quo until get to full trial on the merits
J I understand the issues
Now entitled to buy out Ms. Miller
J matter has been submitted
hearing under Rule 65

000000

Date: 12/9/2005
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Seventh Judicial District - Teton County
Minutes Report
Case: CV-2002-0000208

User: PHYLLIS

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 637 Pending complaint has been served on all the defendants
Special appearance by Kathy Miller
Appearance by Harris, Olsen, Fitzgerald, Lyle
No answer filed
Complaint seeks damages as well as an injunction
Bach will most likely prevail at trial; on property described as east 40 acres
Will likely prevail and show possessory interest in 6.63 acres
western 40 acres likely Katherine Miller if appear and puts on evidence
Easement across north part of Bach's northern 40 acres
no possessory interest by other defendants

Tape Counter: 720 will put in place preliminary injunction to keep parties apart
no authorization for Grand Towing to move property
no evidence who owns personal property other than that Bach has testified to
may have to change at final trial

Tape Counter: 753 Entering injunction requiring any one who took any of his property will be required to
replace those back where they removed them from not later than August 16, 2002 by 5:00
pm
Believe all came off 6.63 acres
Bach will have 2 more days until 5:00 p.m. to drag all that property to the eastern 40 acres
anyone who has not taken property will be enjoined from going on the property 86.63
acres

Tape Counter: 807 After Friday at 5:00 pm. all defendants are prohibited from entering eastern 40 acres until
further order of this court
Bach prohibited from entering western 40 acres until further order of this court
Other defendants are prohibited from entering any of the 86.63 acres
Miller and Harris are authorized to enter the western 40 acres
prohibited from destroying any property or blocking any access or removing any property

Tape Counter: 846 Bach is prohibited from blocking the 6.63 acres or the northern part of his eastern 40 acres
will remain in force until change by subsequent order of this court

Tape Counter: 867 DA have tenant who would like to harvest the crop on the back 40 acres; need to use
access to get on it
Fitzgerald cannot; someone else can

Tape Counter: 897 J - DA must give written notice to Bach as to who the person is
is free to go through there but cannot destroy any property in getting there
J - none of other defendants can go on property
Da some times horses loose that can get on 6.63 acres.
Think animals should be kept on east 40 acres
J 6.63 acres can be grazed by both Bach and Miller
DA we have the right to graze animals there too - sure
nothing has changed from October of 1997

Tape Counter: 1000 P ? 16 foot gate- want to make sure gate is closed. Bulls on either side of me- If Harris
brings in cows - better have insurance
Gates will have to be returned Bach will have to install but cannot install in any way that
will restrict Harris and Miller

000031

Date: 12/9/2005
Time: 02:53 PM
Page 13 of 16

Seventh Judicial District - Teton County

User: PHYLLIS

Minutes Report

Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 4541

Decision is within the discretion of the trial court
must first perceive the issue of discretion
possible actions
1 the moving party has to establish grounds
shape remedy
reach solution that is least burdensome to the client
4 part test - one of foremost - would moving party be prejudiced by continued
representation
Was atty/client relationship between Bach and law firm and if so what was disclosed
Find we no atty/client relationship between Bach and Woelk or Runyan
Requires consent by both parties; Attys did not consent to taking on as client
If there was, it was certainly terminated in late 99 or early 2000

Tape Counter: 4749

Find no confidential info imparted from Bach to Runyan and Woelk
Find using Bach as legal asst was not confidential; has nothing to do with Miller
Providing of legal pleadings is not confidential
Discussing lawsuits and opinions is not confidential
giving transcripts is not intended to be confidential
Would prejudice Miller to have to go find atty and bring up to speed
No reason to DQ W and R

Tape Counter: 4856

W and R named as D
not basis to dq
Third aspect W and R have to give testimony - determine credibility
If Bach calls to testify - will lose edge if have to become witnesses
do they have any competent evidence
Then don't think Woelk - may have to step down
DA - do understand
Denying Motion to DQ Runyan and Woelk
Don't know what "Full Amelioration" even means - looked up; couldn't find
Denying that motion for lack of evidence or lack of authority
Would be inappropriate to sanction
Woelk to do motion - will sign
Think Findings of Fact are sufficient on the record
If don't like order, will change it myself.
P - want to get transcript from clerk
J moving to have sealed yes
DA no objection -sealed
Recess 3:50

Tape Counter: 5104

Reconvene 3:49
J proper procedure to go under contempt statute

Tape Counter: 5144

P - ask court to receive affd -want to give testimony
J ids those present
everytime showed up some one had removed metal gate

000032

Date: 12/9/2005

Seventh Judicial District - Teton County

User: PHYLLIS

Time: 02:53 PM

Minutes Report

Page 14 of 16

Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 6092

DAW X P
DA intro DX Miller A P ids Gate
P have no objection to this coming in
DA offers ADMITTEd
DA Intro DX Miller B Boundary line
No objection
DA offers - ADMITTED
DA intro DX Miller D
P ids - part of the repair of the corral that we are talking about
DA moves be admitted
No objection ADMITTED
DA intro DX C - picture of No Trespassing Sign
Moves be admitted
No objection ADMITTED

Tape Counter: 6875

J can clarify where we are
Tape 105 ends
Tape 106 begins

Tape Counter: 10

DA basis of claim for contempt against my client is that she fails to put the gate back up
Is also claim tha client is in contempt for driving off the gravel road - more than that

Tape Counter: 193

P redirect - none of the signs stopped Miller from going in
All she had to do was take the horizontal pole, swing it around and go in

Tape Counter: 262

DAH doesn't wish to X the P on the affidavit or his testimony

Tape Counter: 284

DAW calls D
Clerk swears in D Miller
DAW ? D
Will not go on property by myself
P objects - irrelevant overruled
Recent construction - yes
EX B - fence that was constructed between the two 40 acre parcels
New post extends the fence further between the two parcels
P objects - speculation sustained no foundation

Tape Counter: 418

EX A Log 1-20 feet long going across area that describes the initial strip
Not there when Order started out
Have moved it; have not put it back
EX D - truck there on 110' easement
Corral has been constructed on that easement
Big corral and lot of hay
Very frequently the entrance gate is down; 30% of the time down
When take down, do not put back up; very heavy, very bulky

000033

Date: 12/9/2005

Seventh Judicial District - Teton County

User: PHYLLIS

Time: 02:53 PM

Minutes Report

Page 15 of 16

Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 582

DX C sign that P has posted
have taken it two time personally
P move to strike as speculation sustained
P objects - leading and suggestive overruled
Have returned any item that I have
P objects - agreement speaks fir itself; best evidence she can point it out
My understanding is that a person needs access to their property
Have you cut down any posts - have not

Tape Counter: 827

P X
Your're threatened by everything about that property
P moved to strike as non-responsive - overruled
DA objects - overruled
DA objects - relevance J no evidence this unknown party went on the Targhee property;
not Fitzgerald or Lyle; Sustained
DA objects there were no horses on that strip sustained
J - will take Judicial Notice that don't want horses on unfenced property
DA objects - relevance sustained
DA objects - relevance sustained
D - did not leave 110' strip
DA objects - relevance overruled
DA objects calls for speculation overruled
DA asked and answered sustained
DA objects - relevance overruled
Da objects - speculation sustained
DA objects assumes facts not in evidence overruled
DA objects - calls for legal conclusion
DA asked and answered overruled
Da objects relevance overruled

Tape Counter: 1282

DA objects - hearsay sustained
DA objects attorney client privilege overruled
DA objects as to relevance J think is cumulative
DA objects - asked and answered
P reads from document
DA objects - personal knowledge - J affd has not been refuted
D have no idea where these items are; asked if anyone had anything to return if
DA objects

Tape Counter: 1420

P Refers to EX D
Today looked like half of post on the ground
DA calls for speculation J not going to go do a view
DA objects - asked and answered sustained
DA objects - assuming facts not in evedience
DA objects relevance sustained
DA objects - calls for speculation
Da objects calls for speculation, legal opinion sustained

000034

Date: 12/9/2005

Time: 02:53 PM

Page 16 of 16

Seventh Judicial District - Teton County

User: PHYLLIS

Minutes Report

Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 1545

J - doesn't say that - I wrote the Order
J same question Mr Woelk asked and you objected
DA objects - document speaks for itself overruled
J I'll read the agreement
DA objects - relevance - J will read agreements with a fine tooth comb
I figured since you have paid Mr. Homer several thousand dollars to incorporate it, you
would understand it better than I would
Da objects - relevance sustained

Tape Counter: 1649

DAH X D
P - ask court to instruct Harris to ? as direct and not as adverse witness
P objects overruled
P objects overruled
P move to strike - siad she could answer
P objection sustained
P beyond the scope overruled
P hearsay - sustained as to hearsay
P objection irrelevant, immaterial ... sustained
P objects calls for legal conclusion ... overruled

Tape Counter: 1745

DAW redirect
with regards to the property to be returned - are you even aware those items exist
P objects imprper redirect Will withdraw the question

Tape Counter: 1780

J will not allow re X
P she's authorized....
DA objection
Da is your opinion that Bach owns the easement
Jointly owned
6.6 acres and then strip across the northernly part
Western 40
Easter 40 Bachs
6.6 jointly
strip across northern part of eastern 40
Da just want to interject -
No final judgemnt has been entered

Tape Counter: 1922

J will have to have clerk get in touch when can back to Teton County
J will schedule telephone hearing
P think require a full hearing for argument
P Prefer to have in IF
DAH - don't want to have my clients go to IF
J Will finish up rest of contempt as soon as can get half day free
recess 5:44

000035

FILED

2:00
AUG 16 2002

TETON CO.
DISTRICT COURT

GALEN WOELK
RUNYAN & WOELK, P.C.
P.O. BOX 533
DRIGGS, ID 83422
TELE (208) 354-2244
FAX (208) 354-8886
IDAHO STATE BAR #5842

ATTORNEY FOR DEFENDANT

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

JOHN N. BACH,)	
)	
Plaintiff,)	
)	
vs.	)	CASE NO. CV-02-208
)	
KATHERINE M. MILLER, et. al.,	)	ENTRY OF APPEARANCE
)	
Defendant.)	
)	

COMES NOW the above named Defendant, Katherine M. Miller, by and through her attorney, Galen Woelk of Runyan & Woelk, P.C., and hereby gives notice of appearance on behalf of the Defendant in the above named case and controversy, and requests that all documents and pleadings filed herein be duly and regularly served upon said attorneys at P.O. Box 533, Driggs, ID 83422.

This Defendant hereby specifically reserves all defense as to lack of jurisdiction over the subject matter,

ENTRY OF APPEARANCE - 1

000036

lack of jurisdiction over the person, improper venue, insufficiency of process, insufficiency of service of process, failure to state a claim upon which relief can be granted, failure to join an indispensable party and any other defense available to said Defendant.

DATED this 15th day of August, 2002.

RUNYAN & WOELK, P.C.

By: 
Galen Woelk

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, with my office in Driggs, Idaho; that on the 15th day of August, 2002, I caused a true and correct copy of the foregoing NOTICE OF APPEARANCE to be served upon the following persons at the addresses below their names either by depositing said document in the United States mail with the correct postage thereon or by hand delivering or by transmitting by facsimile as set forth below.

John N. Bach, Pro Se
1858 S. Euclid Avenue
San Marino, CA 91108

Mail
 Hand Delivery
 Facsimile

RUNYAN & WOELK, P.C.

BY: 
Galen Woelk

FILED IN CHAMBERS
at Idaho Falls
Bonneville County
Honorable Richard T. St. Clair

Date 8/16/02

Time 10:50

Deputy Clerk M. Southwick

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

JOHN N. BACH,

Plaintiff,

vs.

KATHERINE D. MILLER aka
KATHERINE M. MILLER, ALVA
HARRIS, Individually & dba
SCONA, INC., JACK LEE McLEAN, BOB
FITZGERALD, OLE OLSON, BOB
BAGLEY & MAE BAGLEY, husband and
wife, BLAKE LYLE, Individually
and dba GRAND TOWING, and DOES 1
through 30, Inclusive,

Defendants.

Case No. CV-02-208

ORDER AND
PRELIMINARY INJUNCTION

On August 13 and 15, 2002, the plaintiff John N. Bach's (hereafter "Bach") motion for preliminary hearing and show cause order, and the motion to dismiss by defendants Alva Harris (hereafter "Harris"), Bob Fitzgerald (hereafter "Fitzgerald"), Ole Olson (hereafter "Olson"), and Blake Lyle (hereafter "Lyle") came on for hearing at the Teton County Courthouse, Driggs, Idaho. Defendants Katherine Miller (hereafter "Miller"), Jack Lee McLean (hereafter "McLean"), and Bob and Mae Bagley (hereafter "Bagley") did not formally appear in person or by counsel, but the return of service shows that the Order to Show Cause was served on them on July 25, 2002.

ORDER AND PRELIMINARY INJUNCTION

1

000038

Based on the evidence admitted during the hearing, and the oral findings of fact and conclusions of law made by the Court at the end of the hearing on August 15, 2002, the Court concluded that the motion to dismiss by defendants Harris, Fitzgerald, Oleson, and Lyle should be denied and that Bach's motion for preliminary injunction should be granted in part to prevent irreparable future property damage and bodily injury from the parties' activities on the following described real property, all situate in Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, to wit:

1. A part of the S1/2SW1/4 Section 11, commencing from the SW corner of said Section 11 thence N 0 02'03" W 1214.14 feet along the Western section line to the true point of beginning: thence N 0 02'03" W 110.00 feet further along said Western section line to the NW corner of the S1/2SW1/4 of Section 11; thence S 89 57'55" E 2627.56 feet along the north line of the S1/2SW1/4 of Section 11 to a point on the Western right of way line of State Highway 33; thence S 0 09'27" W 110.00 feet along the Western right of way line of State Highway 33 to a point; thence N 89 57'55" W 2627.19 feet to the point of beginning, comprising 6.63 acres more or less (hereafter "Miller Access Parcel").
2. W1/2S1/2SE1/4 Section 10, comprising 40 acres more or less (hereafter "Miller Property").
3. E1/2S1/2SE1/4 Section 10, comprising 40 acres more or less (hereafter "Targhee Property").
4. A part of the E1/2S1/2SE1/4 Section 10, commencing from the NE corner of the E1/2S1/2SE1/4 of said Section 10; thence West along the North boundary line of the E1/2S1/2SE1/4 of said Section 10 to the to the NW corner of the E1/2S1/2SE1/4 of said Section 10; thence South along the West boundary line of the E1/2S1/2SE1/4 of said Section 10 110.00 feet; thence East to the East boundary line of the E1/2S1/2SE1/4 of said Section 10 to the point of beginning (hereafter the "Targhee/Miller Property").

NOW THEREFORE, IT IS HEREBY ORDERED that the motion to dismiss of defendants Harris, Fitzgerald, Oleson, and Lyle is DENIED;

IT IS FURTHER ORDERED that the motion for preliminary injunction is GRANTED IN PART, and until further order of this Court the respective parties shall comply with the following conditions as to the following described real and personal property:

A. Defendants Miller, Harris, McLean, Fitzgerald, Oleson, Bagley, and Lyle shall return all personal property removed by any such defendant from the above described Miller Access Parcel, Targhee Property or Targhee/Miller Property to the place from which it was removed not later than 5:00 p.m. Friday, August 16, 2002; Such property includes, but is not limited to, the motor vehicles, trailers, liquor, photographs, guns, skis, fencing materials and gates described by Bach during the said court hearing.

B. Plaintiff Bach shall remove the personal property described in paragraph A above to the Targhee Property not later than 5:00 p.m. Sunday, August 18, 2002, except that fencing and gates removed by any of the defendants from the Miller Access Parcel or the Targhee/Miller Property may be reinstalled by Bach so long as Miller's access to the Miller Property via the Miller Access Parcel and/or the Targhee/Miller Property is not interfered with.

C. After 5:00 p.m. Friday, August 16, 2002, defendants McLean, Fitzgerald, Oleson, Bagley, and Lyle are prohibited from entry onto the Miller Access Parcel, the Targhee Property, and the Targhee/Miller Property.

D. Bach is prohibited from entry onto the Miller Property.

E. Miller and Harris are prohibited from entry onto the Targhee Property, except that 110 foot northern strip portion described above as the Targhee/Miller Property.

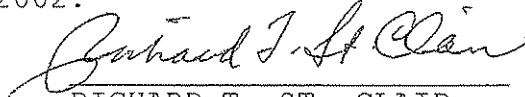
F. Bach and Miller's use of the Miller Access Parcel and Targhee/Miller Property shall not be inconsistent with the rights agreed to by them in that certain Easement Agreement dated October 3, 1997, recorded as Instrument No. 128476 in the Teton County Recorder's Office.

G. Miller shall give at least 3 days written notice to Bach by telefax to 626-441-6673 and 208-354-8303 of the names of any persons accessing the Miller Property for harvesting of hay via the Miller Access Parcel and Targhee/Miller Property. Unless Bach telefaxes a written objection with valid reasons to Harris within 2 days to 208-354-8303 such persons may use such properties to access the Miller Property. The Court will be available for a telephone hearing in Idaho Falls, Idaho should it be necessary to decide whether Miller's harvesting crew is acceptable, if an objection is made by Bach.

IT IS FURTHER ORDERED that Bach's \$2,500.00 cash bond shall remain posted as security as against any damages or court costs
ORDER AND PRELIMINARY INJUNCTION

incurred by the defendants should this preliminary injunction be hereafter held to be invalid.

DATED this 16th day of August, 2002.


RICHARD T. ST. CLAIR
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on the *16th* day of August, 2002, I certify that a true and correct copy of the foregoing document was mailed, telefaxed or hand delivered to the following persons:

John N. Bach
P. O. Box 101
Driggs, ID 83422
Telefax Nos. 626-441-6673
208-354-8303 (TELEFAX & MAIL)

Alva Harris
P. O. Box 479
Shelley, ID 83274
Telefax No. 208-357-3448 (TELEFAX & MAIL)

RONALD LONGMORE


Deputy Court Clerk

GALEN WOELK
RUNYAN & WOELK, P.C.
P.O. BOX 533
DRIGGS, ID 83422
TELE (208) 354-2244
FAX (208) 354-8886
IDAHO STATE BAR #5842

FILED
4:23
AUG 27 2002
TETON CO.
DISTRICT COURT

ATTORNEY FOR DEFENDANT

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

JOHN N. BACH,)
)
 Plaintiff,)
)
)
 vs.) CASE NO. CV-02-208
)
 KATHERINE M. MILLER, et. al.,) NOTICE OF SUBSTITUTION OF
) ATTORNEY, I.R.C.P. 11(b)(1)
 Defendant.)
)
 _____)

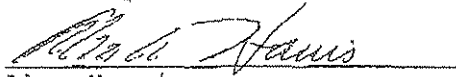
COMES NOW the above-named defendant, by and through Alva Harris, who previously entered a special appearance in this matter only, and Galen Woelk of Runyan and Woelk, P.C., who had subsequently entered a general appearance as counsel of record for Katherine Miller, and hereby provide notice to this Court and all above named parties that Runyan and Woelk, P.C. is Katherine Miller's attorney of record in all matters at issue in the above-named action, and pursuant to its entry of appearance filed with this Court on August 16th, 2002.

This NOTICE OF SUBSTITUTION OF ATTORNEY is filed in order to clarify that Alva Harris' previously filed special appearance was for specific purposes only, and as they related to the Plaintiff's previous motion for injunctive relief, and that Runyan and Woelk has substituted as counsel of record for Miller in this action for purposes of compliance with 11(b)(1) should the same be necessary.

DATED this 27 day of August, 2002.



Galen Woelk
Attorney for Katherine Miller


Alva Harris

CERTIFICATE OF SERVICE

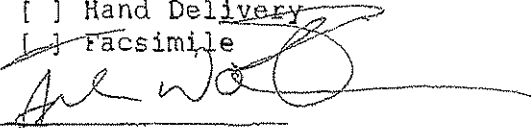
I hereby certify that I am a duly licensed attorney in the State of Idaho, with my office in Driggs, Idaho; that on the 27 day of August, 2002, I caused a true and correct copy of the foregoing NOTICE OF SUBSTITUTION OF ATTORNEY I.C.R.P. 11(b)(1) to be served upon the following persons at the addresses below their names either by depositing said document in the United States mail with the correct postage thereon or by hand delivering or by transmitting by facsimile as set forth below.

John N. Bach, Pro Se
1858 S. Euclid Avenue
San Marino, CA 91108

Mail
 Hand Delivery
 Facsimile

Judge Richard St.Clair, Chambers
605 N. Capital
Idaho Falls, ID 83402

Mail
 Hand Delivery
 Facsimile



Galen Woelk

FILED IN CHAMBERS
at Idaho Falls
Bonneville County
Honorable Richard T. St. Clair
Date 9/3/02
Time 1:03
Deputy Clerk M. Southwick

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

<p>JOHN N. BACH, Plaintiff, vs. KATHERINE D. MILLER aka KATHERINE M. MILLER, ALVA HARRIS, Individually & dba SCONA, INC., JACK LEE McLEAN, BOB FITZGERALD, OLE OLSON, BOB BAGLEY & MAE BAGLEY, husband and wife, BLAKE LYLE, Individually and dba GRAND TOWING, and DOES 1 through 30, Inclusive, Defendants.</p>	<p>Case No. CV-02-208 ORDER ON PENDING MOTIONS</p>
---	---

On August 19, 2002, Katherine Miller ("Miller") through new counsel Galen Woelk ("Woelk") filed a motion for a more definite statement under Rule 12(e), I.R.C.P., arguing that the complaint fails to specify "which defendants did what, when they did it, where the act was perpetrated, and the applicable cause of action and count for each individual defendant". Miller waived oral argument on the motion.

On August 26, 2002, John N. Bach ("Bach") filed a memorandum in opposition to Miller's motion arguing generally

that the complaint was adequate, and arguing specifically that attorney Woelk could not represent Miller because no substitution of counsel had been signed by Miller's original attorney of record Alva Harris ("Harris"). Also Bach moved to strike Miller's motion and for sanctions against Miller, Woelk and Harris on the ground that no substitution of counsel had been filed by Woelk and Harris. Bach also moved to disqualify Woelk and moved for sanctions against Miller, Woelk and Harris on other unspecified grounds including those developed by evidence to be introduced by Bach at the hearing. John N. Bach requested oral argument on all motions in Idaho Falls on September 11, 2002.

On August 27, 2002, Katherine Miller filed a memorandum in reply to Bach's opposition memorandum arguing that no hearing could be held outside of Teton County where venue was lodged, and Woelk also filed notice of substitution of counsel signed by both Runyan & Woelk as current Miller's attorneys and by original attorney Harris.

Having reviewed the various motions, memoranda, and the pleadings, this Court concludes that the substitution of counsel signed by Woelk and Harris cures one of Bach's objection to Miller's motion, and that it is not necessary for oral argument on Bach's other objection to Miller's motion. This Court also

concludes that under Rule 7(b)(4), I.R.C.P., that Bach's motions for sanctions and to disqualify attorney Woelk can be heard based on affidavits and oral argument by telephone with the Court being in Idaho Falls, and the parties' counsel being in their offices, so long as no witnesses are called to testify.

Rule 10(b), I.R.C.P., requires that a claim founded upon a separate occurrence be stated in a separate count whenever a separation facilitates a clear presentation of the matters set forth. Rule 12(e), I.R.C.P., provides for amendment of the complaint where there is no compliance with Rule 10(b), I.R.C.P., or where the complaint is so vague or ambiguous that a defendant cannot reasonably be required to frame a responsive pleading.

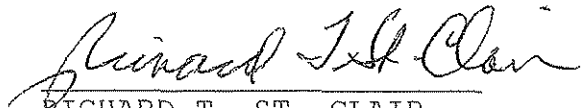
Bach's complaint fails to comply with Rule 10(b), I.R.C.P., in that it fails plead as separate counts each legal cause of action, and to name which defendants each legal cause of action is directed against. The complaint is vague and ambiguous in that it fails to specify which particular defendant did what, when and where to create liability to Bach. Absent more specificity it would be impossible for any defendant to answer the complaint with specificity, or to determine applicable affirmative defenses that each defendant might have.

NOW THEREFORE, IT IS HEREBY ORDERED that Miller's motion for more definite statement is GRANTED and John N. Bach shall have ten (10) days from the date of service of this order to file an amended complaint remedying the above-described defects.

IT IS FURTHER ORDERED that Bach's motion to strike Miller's motion for more definite statement and Bach's motion for sanctions against Miller, Woelk and Harris based on lack of prior written substitution of counsel is DENIED.

IT IS FURTHER ORDERED that the Court shall hear by telephone Bach's motion to disqualify Woelk and motion for sanction based on other grounds as scheduled at 830 a.m. on September 11, 2002, unless ruling on the motions requires testimony of witnesses, in which event the Court will determine the materiality of such witness testimony during the September hearing, and if necessary the motions shall be rescheduled on a date that the Court can be in Teton County. If no witness testimony is deemed necessary by the Court, a ruling will be made based on oral argument, affidavits, and memoranda of law.

DATED this 3rd day of September, 2002.


RICHARD T. ST. CLAIR
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of September, 2002, I certify that a true and correct copy of the foregoing document was mailed, telefaxed or hand delivered to the following persons:

John N. Bach
P. O. Box 101
Driggs, ID 83422
Telefax Nos. 626-441-6673
208-354-8303

(TELEFAX & MAIL)

Alva Harris
P. O. Box 479
Shelley, ID 83274
Telefax No. 208-357-3448

(TELEFAX & MAIL)

Galen Woelk
Runyan & Woelk, P.C.
P.O. 533
Driggs, ID 83422
354-2244

(TELEFAX & MAIL)

RONALD LONGMORE
Clerk of Court

M Southwick
Deputy Court Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

02 SEP 19 AM 11:11

<p>JOHN N. BACH,</p> <p>Plaintiff,</p> <p>vs.</p> <p>KATHERINE D. MILLER aka KATHERINE M. MILLER, ALVA HARRIS, Individually & dba SCONA, INC., JACK LEE McLEAN, BOB FITZGERALD, OLE OLSON, BOB BAGLEY & MAE BAGLEY, husband and wife, BLAKE LYLE, Individually and dba GRAND TOWING, and DOES 1 through 30, Inclusive,</p> <p>Defendants.</p>	<p>Case No. CV-02-208</p> <p>SECOND ORDER ON PENDING MOTIONS</p>
---	---

On September 3, 2002, the Court entered its order granting defendant Katherine Miller's ("Miller") motion for a more definite statement under Rule 12(e), I.R.C.P., and directing that plaintiff John N. Bach ("Bach") file an amended complaint complying with Rule 10(b), I.R.C.P. On September 13, 2002, Bach filed a motion for reconsideration of the order, a motion to vacate the order, and a motion for enlargement of time until October 31st to file an amended complaint, all seeking to avoid or delay filing an amended complaint. On September 17, 2002,

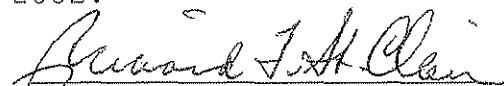
Miller filed a memorandum in opposition to Bach's motions. The parties have other motions scheduled for hearing on October 9, 2002.

Having reviewed the aforesaid three motions, memoranda, and the pleadings, this Court concludes that it is not necessary for oral argument on Bach's aforesaid motions. Bach's complaint obviously does not comply with Rule 10(b), I.R.C.P. Obviously for any competent attorney to knowingly frame an answer and determine affirmative defenses, whether it be Woelk & Runyan, P.C., or some other law firm representing Miller, the complaint has to be more definite as to date, place, and actions of each particular defendant, and must separate each distinct cause of action. Considering the numerous motions filed after September 3rd by Bach, it is obvious that he has time to amend his complaint. There is no showing of good cause to enlarge the time for filing an amended complaint until October 31st.

This order does not pertain to other pending motions.

NOW THEREFORE, IT IS HEREBY ORDERED that Bach's motion for reconsideration, motion to vacate, and motion to enlarge time are all DENIED.

DATED this 19th day of September, 2002.


RICHARD T. ST. CLAIR
DISTRICT JUDGE


CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of September, 2002, I certify that a true and correct copy of the foregoing document was mailed, telefaxed or hand delivered to the following persons:

John N. Bach
P. O. Box 101
Driggs, ID 83422
Telefax Nos. 626-441-6673
208-354-8303 (TELEFAX & MAIL)

Alva Harris
P. O. Box 479
Shelley, ID 83274
Telefax No. 208-357-3448 (TELEFAX & MAIL)

Galen Woelk
Runyan & Woelk, P.C.
P.O. 533
Driggs, ID 83422
Telefax No. 208-354-8886 (TELEFAX & MAIL)

RONALD LONGMORE
Clerk of Court

Deputy Court Clerk

FILED

SEP 27 2002

TIME: 10:30 am.
TETON CO. DISTRICT COURT

JOHN N. BACH
1858 S. Euclid Avenue
San Marino, CA 91108
Tel: (626) 799-3146
(Seasonal: P.O. Box 101
Driggs, ID 83422
Tel: (208) 354-8303
Plaintiff Pro Se

SEVENTH JUDICIAL DISTRICT COURT, STATE OF IDAHO
IN AND FOR THE COUNTY OF TETON

JOHN N. BACH,

CASE NO: CV 02-208

Plaintiff,

FIRST AMENDED COMPLAINT

v.

KATHEPINE D. MILLER, aka
KATHERINE M. MILLER, Individually
& dba R.E.M., and CACHE RANCH,
ALVA A. HARRIS, Individually &
dba SCONA, INC., a sham entity,
JACK LEE McLEAN, BOB FITZGERALD,
Individually & dba CACHE RANCH,
OLY OLESEN, BOB BAGLEY & MAE BAGLEY,
husband and wife, BLAKE LYLE, Indi-
vidually & dba GRANDE TOWING and
also GRANDE BODY & PAINT, GALEN
WOELK & CODY RUNYAN, Individually
& dba RUNYAN & WOELK, ANN-TOY
BROUGHTON, WAYNE DAWSON, MARK
LIPONIS, EARL HAMLIN, STAN NICKELL,
BRET & DEENA R. HILL, DOES 1
through 30, Inclusive,

A JURY TRIAL IS REQUESTED ON
ISSUES: PLAINTIFF WILL NOT
STIPULATE TO ANY LESSOR NUMBER
OF JURORS THAN TWELEVE. (IRCP,
Rule 38(a), 38(b), 38(c).)

Defendants. /

Plaintiff JOHN N. BACH, does hereby per this FIRST AMENDED
COMPLAINT, state and aver as and for claims against all defend-
ants named herein, and also as defendants DOES 1 through 30,
Inclusive, against each of them, jointly and severally.

1. Plaintiff is a citizen of California, having held all
his adult life a California driver's license, is registered
to vote in San Marino, Los Angeles County, CA., who sojourns and
seasonally dwells in Teton County, Idaho, where he owns real
properties, personalty, managing and operating investments in his
own name, rights, stead, occupation and use, and also doing busi-
ness as TARGHEE POWDER EMPORIUM, INC., TARGHEE POWDER EMPORIUM,

Unltd and Ltd.; plaintiff has obtained from all or other previous investment holders, full assignments of all rights, claims, title and interests on behalf of said Targhee Powder Emporium, Inc., Unltd or Ltd., to himself personally.

2. The following defendants, herein specifically named, since, on or about, February 1, 2000, unless otherwise stated have been directly involved, acting in capacities as coprincipals, perpetrators, participants, mutual agents, servants/employees, representatives and conspirators for each other and all defendants, who continue to act in such capacities, with all other defendants and defendants DOES 1 through 30, to destroy, damage, injure, harm and inflict lossess upon plaintiff, his health, person, his properties, investments, holdings and business pursuits:

- a) Defendant KATHERINE D. MILLER, aka KATHERINE M. MILLER who resides in Tetonia, Idaho and Mt. Pleasant, MI., Individually & dba R.E.M., a business name she uses for her Midas Store in Mt. Pleasant, MI., but which she conducts mostly out of her Tetonia, Idaho location, and dba CACHE RANCH, an enterprise, which is believed she operates and/or involved herself with defendants BOB FITZGERALD and OLY OLESEN, of Tetonia, Idaho, dealing in illegal contraband, narcotics and other illegal pursuits and activites in Idaho and Wyoming,
- b) Defendant ALVA A. HARRIS, Individually & dba SCONA, Inc., a sham entity, of Shelly, Idaho, who via said sham entity, hides other principals and parties who finance his and all other defendants' illegal, tortious and even criminal activities, conduct and policies, especially against plaintiff and those in business contracts, relations or associations with plaintiff.
- c) Defendant JACK LEE McLEAN, a Canadian citizen, who resides in and owns real properties in Teton County, Idaho.

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- d) Defendant BOB FITZGERALD, Individually & dba CACHE RANCH, of Teton, Idaho;
- e) Defendant OLY OLESEN, Individually and dba R.E.M., & CACHE RANCH, of Teton, Idaho;
- f) Defendants BOB BAGLEY & MAY BAGLEY, husband and wife, who own a home, north of plaintiff's real properties, milepost 138, Hwy 33, Driggs, Idaho;
- g) BLAKE LYLE, individually & dba, GRANDE TOWING and also dba, GRANDE BODY & PAINT, Driggs, but living in Teton, ID;
- h) Defendants GALEN WOELK & CODY RUNYAN, Individually & dba RUNYAN & WOELK; of Driggs, although RUNYAN resides in North Alta, Wyoming;
- i) Defendant ANN-TOY BROUGHTON, of Teton, Idaho;
- j) Defendant WAYNE DAWSON, of Chico, California;
- k) Defendant MARK LIPONIS, of Lennox, Massachusetts;
- l) Defendant EARL HAMLIN, of Teton, ID., who owns real property adjacent to/sharing the north boundary line of plaintiff's real properties @ m/p 138, Hwy 33, Driggs, ID.;
- m) Defendant STAN NICKELL, Driggs, who owns real property adjacent/south of plaintiff's solely owned 40 acre parcel, west of m/p 138, Hwy 33, Driggs, ID.; and,
- n) Defendants BRET & DEENA R. HILL, husband and wife, who purchased with knowledge of void deeds and transaction, a one (1) acre residence parcel, 195 N. Hwy 33, Driggs, ID., which real property with improvements is owned by plaintiff.

4. The claims or causes of action stated herein, for the most part, but not entirely, relate to plaintiff's real properties, brought per I.C. sections 5-401, subsections 1, 2, 3; 6-403 through 6-404; 6-415; and partition of realty, etc., are brought in Teton County, although defendants, all/each of them, have prejudiced prospective jurors of Teton County, by defamatory/derogatory statements, criminal acts, intimidation, etc., to require a jury trial conducted in another county.

5. All defendants' actions/pursuits, stated herein, were with the common objective of removing plaintiff from Teton County, ID., with

deliberate, specific and calculated invidious/malicious intent, purpose and objective to discriminate, harass, intimidate, oppress, defraud, steal and deprive plaintiff of his real and personal properties, and his health, well being and even life, because of his ancestry and national origin heritage, family customs and practices, being a first American generation born son of Montenegrin immigrant parents, which ancestry, national origins and family heritage and relations were well known to not only defendants KATHERINE MILLER & JACK McLEAN, WAYNE DAWSON, who imparted such to & among all defendants, especially ALVA HARRIS, BOB FITZGERALD, OLY OLESEN, BOB & MAE BAGLEY, GALEN WOELK, CODY RUNYAN and BLAKE LYLE; it is believed that all other defendants herein were also made aware of plaintiff's ancestry and family origins, with all other defendants' conduct, actions and treatment of plaintiff similarly intended, directed and inflicted.

5. Plaintiff purchased a number of real property parcels, in Teton County, Idaho, which are referred to and described more particularly, as follows:

a) Initially a jointly owned strip of 110 feet by one half ($\frac{1}{2}$) mile parcel, just south of milepost 138, on the west side of Highway 33, Driggs, Idaho, as an equal owner with defendant KATHERINE MILLER, and a forty (40) acre parcel, solely owned by him, at the westerly boundary of said 110 foot strip. Such properties were purchased at the end of 1994 and in the autumn of 1997, with MILLER's initially separate 40 acre parcel, sharing a common boundary with plaintiff's westerly boundary of his said 40 acre parcel. MILLER purchased in the name of defendant KATHERINE MILLER, as a single woman, but this second and most westerly 40 acre parcel was later, per oral agreement, understanding and conduct, placed by MILLER into

a land management, use and occupation partnership with plaintiff who thereby acquired a one-half equitable and beneficial ownership in the said most westerly 40 acre parcel, with plaintiff having full management, control & possession of said 110 foot strip as well. Such partnership agreement was entered into between plaintiff & MILLER after a partial written AGREEMENT, dated October 3, 1997 was recorded, which agreement MILLER stated and represented to plaintiff was modified and controlled by their management partnership. Plaintiff justifiably relief upon such representation whereby MILLER was in a fiduciary relationship and bound to her representations by both the covenants of good faith and fair dealings. MILLER agreed with plaintiff that there was no valid recorded easement of access to what was previously her 40 acre parcel, but plaintiff agreed that he would give her limited revocable permission as a co-partner in said now partnership owned westerly 40 acres, only extended personally to MILLER to go to and from said westerly partnership 40 acres across only the most northerly 40 feet of his solely owned 40 acres, with the expression condition and understanding if MILLER breached said partnership or created any threat of damage or loss to his property or even said partnership property, he could unilaterally terminate said permission, the partnership and he would then be entitled to become the sole owner of said most westerly 40 acres, buying her one-half interest therein, less any damages she created/caused plaintiff. EXHIBIT "1" attached hereto, sets forth the legal descriptions of all said parcels, on the west side of Hwy 33, south of M/P 138. Plaintiff believes the value of said one-half mile strip, excluding his improvements thereon, as to MILLER's any claim of one-half interest, is \$1,500.00; the value of his solely owned 40 acre parcel due to extensive improvements is in excess of \$ 400,000.00; and that MILLER'S claim if any to her one-half partnership interest to the westerly 40 acres is no more than \$60,000.00 less damages, losses and injuries she has inflicted/caused plaintiff.

b) In late August, 1992, plaintiff purchased a one acre parcel with residence, known as 195 N. Hwy 33, Driggs, ID., and a one-half interest in surrounding/adjacent 8.5+/- acres thereto, the other one-half undivided interest being purchased by defendant WAYNE DAWSON. The legal descriptions of said 1 acre and 8.5 acre parcels are set forth in EXHIBITS "2" and "3" attached hereto. In mid/late 2001 the 1 acre parcel was voidly transferred by HARRIS & SCONA to defendants BRET & DEENA R. HILL; the 8.5 acres voidly transferred, despite plaintiff's, FIRST AMENDED COMPLAINT P. - 5 - 000057

discharged Chapter 13, Bankruptcy proceeding in the U.S. District Court, Eastern District of California, Sacramento Div. NO. 97-31941-A-13, in not only violation of said bankruptcy court's automatic stay order, but by the deliberate theft of said two parcels by defendant ALVA A. HARRIS, individually and dba SCONA, INC., a sham entity, wholly without and in contradiction to said bankruptcy court's exclusive jurisdiction. Defendants ALVA A. HARRIS, SCONA, INC., and defendants' BRETT & DEENA R. HILL, had both direct and constructive knowledge of said bankruptcy court's exclusive jurisdiction and the invalidating/voiding effect of it's automatic stay order from which jurisdiction and stay order, no relief or effort to set aside such stay order was ever initiated by said defendants or any other of the defendants herein.

c) Plaintiff refers to his initial complaint herein and his affidavits filed with the court in support of his requested relief of temporary restraining order, his further testimony and evidence presented in two separate days of hearing, August 13 and 15, 2002, and incorporates the same herein, further requesting judicial knowledge be taken by the court of all of such presentations by plaintiff, as well as the transcribed oral ruling of the court and it's preliminary injunction of August 16, 2002.

6. On or about June 7, 2000, defendant KATHERINE MILLER, and other defendants herein, BOB FITZGERALD, OLY OLESEN, ALVA A. HARRIS, JACK McLEAN, the BAGLEYS, BLAKE LYLE, and GALEN WOELK, CODY RUNYAN, and their firm, RUNYAN & WOELK, agreed to undertake as many vexatious civil actions, false criminal complaints, making of false reports, statements even fabrication of evidence and eventually on or about the intensified period of September 7, 2000 through December, 2002 and continuing to date hereof, to commit subornation of perjury, perjury, assault,

assault with deadly weapons (vehicles) and batteries, threats to harm, re intimidation of plaintiff, his witnesses, threats of arson, removal, destruction and conversion of plaintiff's properties especially that/of/on said 110 foot strip, his solely owned 40 acre parcel & threats re personal welfare, health and even life. Such agreement, understanding and concerted actions and common unity of plan were implemented per the further overt and predicate acts of all defendants and each of them, stated herein, being separately not only a conspiracy, but mutual agencies, economic enterprises and joint ventures or associations in fact among all defendants and further, as a group of individuals associated in fact conducting illicit and well as licit functions per such enterprises, all in violation of I.C. 18-7803(a), (2), (6), (10), (17), (18), (b) and (c).

7. Defendants GALEN WOELK, CODY RUNYAN and RUNYAN & WOELK had entered into a confidential attorney client relationship with plaintiff in the early Spring through summer of 1999, and plaintiff with defendant CODY RUNYAN even before 1999 as early as 1993-1998, doing legal research, paralegal for RUNYAN in exchange of RUNYAN's commitment of future legal assistance to plaintiff. During said period in 1999, plaintiff had met with, conversed and exchanged confidences, strategies and legal representation of himself by WOELK, involving a void judgment and execution efforts by ALVA A. HARRIS, a pending appeal before the Idaho appellate courts, involving JOHN J. STEWART, and a federal district court action, CV 99-014, which plaintiff had filed against not only John J. Stewart, but defendants therein, and now herein, KATHERINE MILLER, JACK LEE McLEAN, Roy C. Moulton, Teton County and other defendants acting with MILLER, McLEAN and Stewart. Plaintiff has never waived nor relinquished

his confidences, privileges, or protected communications, attorney-client, work product and other protected relationships with WOELK, RUNYAN and RUNYAN & WOELK

8. Defendants WOELK & RUNYAN, individually and through their firm RUNYAN & WOELK, in further conspiracy, joint action and via said enterprises, associations in fact, etc., with MILLER, McLEAN, FITZGERALD, OLESEN, HARRIS, SCONA, and BLAKE, became actual perpetrators, aiders abettors, advising, directing and themselves, being participants, with all said defendants by each of the following acts, strategies, etc.:

(a) In June through September 2000, causing criminal trespasses on plaintiff's real properties at milepost 138, especially on his 40 acres; destroying fences, having both MILLER and FITZGERALD commit assaults, destruction of plaintiff's growing hay crops, cutting of fences, removal and damages to gates, MILLER assaulting plaintiff with her car, FITZGERALD assaulting plaintiff with a shotgun after cutting plaintiff's fences wires and harassing, intimidating and deliberately fabricating false charges against plaintiff to cover said defendants' criminal actions and pursuits;

(b) On or about September 7, 2000, all of said defendants further, falsely represented that they had an order giving MILLER legal ownership and possession of plaintiff's said real properties at milepost 138, see EXHIBIT "1", and engaged members of the Teton County sheriff's office to enforce a nonexistence order, with a Teton County sheriff being present & assisting BLAKE LYLE, his employees to remove plaintiff's personal vehicles and trailers from his 40 acre parcel and said 110 foot strip; then after said order was shown to be nonexistence, BLAKE LYLE threatened on said occasion both the lives and well being of plaintiff and his live in mate, CINDY MILLER, threatening to not just physical beat plaintiff, but drive him out of

Teton County, ID.; Blake then and against on August 16, & Sept. 13, 2002, threatened to kill or have plaintiff killed, assaulting and battering plaintiff on the last two occasions of his threats.

c) On or about September 13, 2000, having MILLER, FITZGERALD, OLESEN and others, unknown to plaintiff, enter illegally on plaintiff's real properties, his solely owned 40 acres & said 110 foot strip, moving, damaging & injuring plaintiff's vehicles, trailers, horses, & cutting fence posts, rails, removing gates, barriers and horse corrals, install over two years by plaintiff on said parcels.

d) On or about November 14, 2000, having MCLEAN, MILLER, HARRIS, SCONA, & others unknown, steal plaintiff's \$15,000.00 borrowed moneys which were to be used to pay off HARRIS' & SCONA's illegal, void writ of assistance/execution obtained by said defendants against plaintiff in violation of said bankruptcy's automatic stay order/jurisdiction;

e) While plaintiff obtained other funds to pay the extortion levies of HARRIS+SCONA, defendants WOELK, RUNYAN, HARRIS, SCONA, MILLER, McLEAN, FITZGERALD, OLESEN, DAWSON & LIPONIS, along with all other defendants stole, misappropriated and converted plaintiff's dba business names/ entities of TARGHEE POWDER EMPORIUM, Inc; Unltd or Ltd; @ Nov. 13-31, '00 illegally forming an identically named Idaho corporation, then using said plaintiff's dba/business names, to steal, via such misidentity scheme, for themselves, all of said plaintiff's realty, herein stated, via void deeds and quit claim deeds, signed by McLEAN, as vice president of said Idaho fraudulently created corporation, seeking to establish all ownership to plaintiff's real properties to MILLER, McLEAN, HARRIS, SCONA, DAWSON and LIPONIS. All such defendants' conduct constituted Grand Theft via Idaho Code Section 18-2403(3)(4)(a)-(c).

f) Late fall and winter of 2000, WOELK represented BOB FITZGERALD, and JACK McLEAN in criminal complaints, wherein HARRIS & MILLER were called as witnesses, to present defenses for FITZGERALD/McLean. Such

witnesses, perjured themselves, further compounding said fabricated deeds & false declarations, evidence they had WOELK create and present to the court; they implicated others in such scheme, even Teton County deputy sheriffs and also, the Teton County prosecutor and attorney, even pursuing/trying to extort moneys via fraudulent statements and threats of civil lawsuits against Kurt Taylor, an attorney of Idaho Falls, and against Teton County, if any assistance or prosecutions were further pursued against any of said defendants, especially Fitzgerald, McLean, Miller and Harris. During such criminal pursuits by all of said defendants WOELK, falsely stated that if McLEAN was bound over on the theft charge against him, WOELK, McLEAN and HARRIS would return to plaintiff the stolen \$15,000.00, but such promise and representations were repeatedly breached after McLean was bound over;

g) Again through the summer and fall of 2001, all of said defendants, made trespassing raids on plaintiff's said real properties, destroying again plaintiff's rebuilt fences, removing via BLAKE LYLE's towing business some four vehicles, three horse trailers and one large vacation living trailer, as well as stealing numerous building materials, damaging levees, gates, guns, other improvements of plaintiff's.

h) Said defendants and each of them, had as part of their common plan, concert of action and conspiracy, KATHERINE MILLER, file on March 21, 2001, an utterly vexatious, frivolous and without merit lawsuit, which was eventually dismissed with prejudice on May 16, 2002, by Judge Moss in Teton CV 01-59;

i) During the early part of December 2001, said defendants caused one of plaintiff's former personally owned horses, then made available to plaintiff for his riding use, to be poisoned. Then defendants MILLER, FITZGERALD, OLESON, McLEAN, WOELK, HARRIS

and SCONA, had contrived, unauthorized, bogus and unconstitutional criminal charge brought against plaintiff, using their said & other blackmailing and extortion threats against Teton County re suing it for any assistance of enforcement of criminal laws against them for the wrongs, illicit activities & crimes they committed against plaintiff. Said defendants had caused Teton County prosecutor, sheriff and even magistrate judge, to agree that they would not process any criminal complaints of plaintiff for prosecution against any of said defendants regardless of the damages, threats, intimidations, harassment, or stalking of plaintiff said defendants or any of them perpetrated against plaintiff, his live-in mate or witnesses who might be called to testify against any of the defendants;

j) During the months of July, August and September, 2002, said defendants and each of them especially MILLER, McLEAN, FITZGERALD, OLESEN, LYLE, HARRIS, SCONA, WOELK, RUNYAN & ANN-TOY BROUGHTON, damaged again fences, gates, building materials, vehicles and trailers of plaintiff, converting/destroying such items, even despite this court's preliminary injunction of August 16, 2002; said defendants and each of them have further assaulted, battered, threatened plaintiff's life, well being, caused him personal injuries, intimidated, threatened and frightened witnesses, and made false statements and oral reports to the Teton County sheriff deputies and even to Teton County prosecutor, to further obstructed, impeded & frustrated prosecution of said defendants for their criminal conduct.

k) On August 16, 2002 and September 13, 2002, BLAKE LYLE and BOB FITZGERALD, both again stalked, harassed and both participated in LYLE's assault, battery and threatening of plaintiff's life;

9. Defendant STAN NICKELL joined said defendants in also assisting them in both the summers of 2000, 2001 and 2002, in

Plaintiff has made written demands upon HAMLIN to cease and desist from said wrongful/criminal conduct, but has received no response, other than a continuation of HAMLIN' further tortious actions as aforesaid. Currently, within the last two weeks, the only irrigation canal or riparian waters are solely directly going and provided to defendants NICKELL and HAMLIN, to the deprivation/denial to plaintiff.

12. Defendants BOB BAGLEY and MAE BAGLEY, during the summer of 2000 through and continuing to date hereof, joined with all said defendants in their conspiracies, common actions, plans and enterprises, etc., of raiding plaintiff's said m/p 138 properties, participating, assisting and providing directions to MILLER, HARRIS, OLESEN, FITZGERALD, LYLE and other defendants when to raid his said properties and to inflict the damages, losses and assaults, batteries upon plaintiff as stated herein. Defendants BAGLEYS have provided their home, residence, properties and tools, etc., to said defendants, both as a base of operations of trespassing and damage inflicting raids upon plaintiff, and have assisted said defendants in stalking and maliciously harassing plaintiff, even to the extent of involving and having their family members and other associates make late night raidson plaintiff's properties; especially within the last 2-3 months.

13. Defendant ANN-TOY BROUGHTON, has joined with MILLER, McLEAN, FITZGERALD, OLESEN, and other defendants to also stalk, harass and inflict/cause property damage plaintiff; her latest raid with MILLER on plaintiff's properties was on or about September 7, 2002, destroying and removing fences, gates and no trespassing signs as well as damaging plaintiff's hay crop.

14. Defendants WAYNE DAWSON and MARK LIPONIS, have joined & participated with all defendants, especially in their receiving from McLEAN, HARRIS, SCONA and MILLER, assisted by WOELK & RUNYAN,

illegal, void warranty deeds, dated on or about November 21, 2000 transferring to each of them respectively, plaintiff's real property interests and ownership in two separate investments, joint ventures of comprising over 21 acres or more to DAWSON and LIPONIS, who did directly not only join and become participants with said defendants and all of them in the theft of plaintiffs' real properties but did via the U.S. Mails, telephones calls to and from then and all said defendants, effect interstate commerce, criminally and receive stolen properties of plaintiff, so as to further ratify, condone and accept all of said other defendants' illegal, criminal and tortious actions upon plaintiff. Attached hereto marked EXHIBITS "4" and "5" are the void warranty deeds received and participated in by DAWSON and LIPONIS.

FIRST COUNT: QUIET TITLE, INJUNCTIVE RELIEF, DAMAGES AGAINST ALL DEFENDANTS, EXCEPT DEFENDANTS BRET & DEENA R. HILL, RE ALL PLAINTIFF'S M/P 138 PROPERTIES.

15. Plaintiff refers to and incorporates all paragraphs 1 through 14, supra, herein.

16. Plaintiff seeks a judgment with appropriate orders, not only quieting title in his sole name as to all the real properties described in EXHIBIT "1", the further quieting of title to all water rights, shares and riparian rights attendant to said real properties, as and against all named defendants herein, except defendants BRET & DEENA R. HILL, along with damages, losses and all injuries inflicted, perpetrated and/or caused him by all or any of said defendants; further, injunctive relief, via the extension of this Court's preliminary injunction of August 16, 2002, restraining enjoining and barring all defendants from any intrusions, trespassing further acts of personal stalking, harassment or threatening of plaintiff, his friend, CINDY MILLER and his witnesses.

17. Plaintiff further seeks such quiet title, injunctive relief and damages against all defendants, but especially MILLER, McLEAN, HARRIS, SCONA, FITZGERALD, OLESEN, LYLE, BAGLEYS, BROUGHTON, RUNYAN & WOELK, that by their said tortious actions they and each of them are both public and private nuisances who have intentionally targetted, perpetrated and inflicted damages, losses and injuries on plaintiff, all as provided by I.C. sections 52-111 (said defendants are injurious to the health of plaintiff, as well as obstructions and perpetrators preventing plaintiff the free use of his properties, and intentionally interfere and deprive him of the comfortable enjoyment of his life and properties), 52-206, 52-301, 52-303, etc. More, the known drug dealing, use and involvements of defendants FITZGERALD, OLESEN, and LYLE, during the and at the aforesaid dates and events as stated herein, present a further danger of not only their said illegal conduct, but that of MILLER, HARRIS, SCONA, BAGLEYS, BROUGHTON, RUNYAN & WOELK, creating false claims or reports of drugs or contraband usage, or location on any of plaintiff's properties to cause further damage by federal and state (Idaho) seizure and forfeiture actions to take and confiscate plaintiff's real properties. Such a false claim was the basis of a withdrawn search warrant of plaintiff's said properties, which basis in part was that of a false claim and statements made by FITZGERALD, with the direction and involvement of MILLER, McLEAN, OLESEN, and believed all other defendants aforesated. Defendants FITZGERALD and OLESEN in particular, are well known drug users and dealers in the Teton County valley.

SECOND COUNT: QUIET TITLE, INJUNCTIVE RELIEF, DAMAGES AGAINST ALL DEFENDANTS re PLAINTIFF'S 8.5+/- ACRES INTEREST.

18. Plaintiff refers to and incorporates paragraphs 1 through 14, 16-17, supra, herein.

19. Plaintiff seeks a judgment with appropriate restraining, injunctive orders against all defendants, not only quieting title as to his one-half undivided interest, ownership and possession to said 8.5+/- acres coowned by defendant WAYNE DAWSON, but also such quiet title, injunctive relief and damages against all defendants herein, and if necessary, the physical partition of said 8.5 acres as and between plaintiff and DAWSON, less any damages, losses or other sustained/recoverable amounts against DAWSON and all other defendants to offset any claimed value or payment of value to DAWSON for his claimed one-half interest.

20. Plaintiff further seeks damages and restraining order against all defendants herein from having any possession, control or right of access to said 8.5 acres until final judgment, such possession, control and sole right of use, access and occupation to be that of plaintiff, pending the final judgment to be entered on this count and all claims included herein.

THIRD COUNT: QUIET TITLE, INJUNCTIVE RELIEF, DAMAGES AGAINST ALL DEFENDANTS re PLAINTIFF'S ONE ACRE PARCEL WITH RESIDENCE, at 195 N. Hwy 33, Driggs, ID.

21. Plaintiff refers to and incorporates paragraphs 1 through 14, 16-17, supra, herein.

22. Plaintiff seeks a judgment with appropriate restraining, injunctive orders against all defendants, particularly BRET & DEENA R. HILL, HARRIS and SCONA, not only quieting all title to said one acre parcel with residence and all improvements to plaintiff solely, but also injunctive relief and damages, reasonable rental value lost or suffered by plaintiff as well as physical damages and personal injuries caused, inflicted or sustained by him, especially injunctive relief removing said defendants above named from having any possession, use, access or rights of occupancy to/of control pendente lite, as

all of the above named defendants had actual as well as constructive notice of the voidability of sale to BRET & DEENA R. HILL of said real property, and that said transfer to them of said real property by HARRIS, SCONA and other defendants, was a criminal theft of said real property and BRET & DEENA R. HILL, further compounding such theft by receiving and sharing in said stolen real property.

FOURTH COUNT: QUIET TITLE, INJUNCTIVE RELIEF AGAINST ALL DEFENDANTS, EXCEPT BERT & DEENA R. HILL, RE VOID WARRANTY DEEDS EXECUTED NOVEMBER 21, 2000 BY HARRIS, McLEAN, MILLER, & OTHER DEFENDANTS TO DEFENDANTS DAWSON & LIPONIS (EXHIBITS "4" and "5) QUIETING TITLE AND AWARING DAMAGES TO PLAINTIFF SOLELY.

23. Plaintiff refers to and incorporates paragraphs 1 through 14, 16-17, supra, herein.

24. Plaintiff seeks a judge quieting title with appropriate restraining, injunctive orders, against all defendants herein, particularly defendants McLEAN, DAWSON, LIPONIS, HARRIS, not only voiding and confirming the voidness for all purposes of said deeds of November 21, 2000, EXHIBITS "4" and "5" attached hereto, but quieting title to plaintiff all interest therein as and against any claimed interest of McLEAN, DAWSON, LIPONS or HARRIS or any other defendant, with appropriate damages, losses and remuneration being awarded plaintiff as to the personal injuries and damages so caused him by all the defendants herein, excluding defendants BRET & DEENA R. HILL, especially injunctive relief restraining, removing and enjoining all defendants from any control, possession, occupancy, management or control over said two real properties investments or joint ventures, other than in the person of and solely by plaintiff, pendente lite; and alternatively, if proper basis and showing be presented for a partition of said real properties, partitioning to

and quieting title to plaintiff of at least one third and one-fourth ownership and numerically equal acreage as to said respect parcels, as originally provided in such joint ventures, signed and/or recorded agreements between plaintiff and said defendants McLEAN, DAWSON and LIPONIS.

FIFTH COUNT: SLANDER OF TITLE & DAMAGES SOUGHT BY PLAINTIFF AGAINST ALL DEFENDANTS.

25. Plaintiff refers to and incorporates herein paragraphs 1 through 14, 16-17, 19-20, 22 and 24, supra, herein.

26. As a direct and proximate cause of all defendants aforesaid actions, plaintiff's titles were slandered, clouded, impaired in economic development & deprived of all monetary increase in fair market value to all of said real properties, rightfully owned & to be controlled or possessed, managed, accessed or utilized by plaintiff, as to completely deprive him of not only any monetary sale, development, or economic use/benefits therefrom but, but further, denied him extension of credit, bank and other financial institutions loans, assistance and/or aid. Plaintiff seeks full monetary redress, damages and/or award of economic benefits, for such slander of title injuries and violations caused him by all and each defendant.

SIXTH COUNT: INTENTIONAL INTERFERENCE WITH EXISTENCE CONTRACTUAL, BUSINESS RELATIONS AND ECONOMIC BENEFITS AND OPPORTUNITIES. & DAMAGES SOUGHT AGAINST ALL DEFENDANTS

27. Plaintiff refers to paragraphs 1 through 14, 16-17, 19-20, 22, 24 and 26, supra, herein.

28. All plaintiffs and each of them, as a direct, proximate and legal result, did intentional, deliberately and fraudulently interfere, obstruct and impede plaintiff in his business and contractual relationships, contracts, investments and economic benefits, opportunities and reasonable advantages to be derived

from his rightful ownership, title, use, management, possession and utilizations of said real properties, investments and joint ventures; said defendants actions in executing and recording void warranty deeds in a theft effort to deprive and deny plaintiff the economic benefits, values and remunerations from said real properties, further deprived him of continuing in good name, reputation and stead with other investors, joint ventures and/or participants in similar acquisitions, all to the further and reasonable expectation of other moneys, remunerations and values being derived by plaintiff. but, deliberately, intentionally and with malice in fact, destroyed or severely impaired economic success by plaintiff such inflicted by all defendants. . . Plaintiff seeks full monetary damages, remunerations and other relief including appropriate restraining and injunctive relief against said defendants further continuations of interference, impairment, destruction or deprivation of his business pursuits, investents, acquisitions or utilizations of any of his properties.

SEVENTH COUNT: VIOLATIONS OF FIDUCIARY DUTIES AND OF EXPRESS AS WELL AS IMPLIED COVENANTS OF GOOD FAITH AND FAIR DEALINGS BY DEFENDANTS MILLER, McLEAN, DAWSON & LIPONIS

29. Plaintiff refers to and incorporates paragraphs 1 through 14, 16-17, 19-20, 22, 24, 26 and 28, supra, herein.

30. As a result and by virtue of plaintiff's personal and business relationships with defendants MILLER, McLEAN, DAWSON and LIPONIS, said defendants and each of them not only had a fiduciary relationship with attendant duties of trust, loyalty and candor with plaintiff, but, further were bound by both express and implied covenants of good faith, honesty in fact, and fair dealings with plaintiff, all of which fiduciary relationships, attendant duties

they did intentionally, deliberately, with malice in fact, violate and breach as they did also breach and violate their separate by supplementary express and implied covenants of good faith and fair dealings with plaintiff, as a direct and legal result of which plaintiff seeks monetary damages, relief, and redress with appropriate injunctive relief, etc., as aforesaid against all of said defendants and all other defendants who might come within said duties of fiduciary responsibilities, good faith and fair dealings owed to plaintiff.

EIGHTH COUNT: VIOLATIONS OF FIDUCIARY DUTIES AND OF EXPRESS AND IMPLIED COVENANTS OF GOOD FAITH AND FAIR DEALINGS AND OF CONSTRUCTIVE FRAUD BY DEFENDANTS GALEN WOELK, CODY RUNYAN Individually & dba RUNYAN & WOELK

31. Plaintiff refers to and incorporates paragraphs 1 through 14, 16-17, 19-20, 22, 24, 26, 28 and 30, supra, herein.

32. As a direct legal effect of plaintiff's seeking the legal services, confidences, and professional assistance of defendants GALEN WOELK, CODY RUNYAN, Individually & dba RUNYAN & WOELK, there was created, under the Rules of Attorneys Professional Conduct, the utmost fiduciary relationship and attendant duties, that said defendants should not, must not and cannot represent any of the defendants named herein as to any issues, matters or related concerns that plaintiff sought, and expected as legal confidences, services and representations by WOELK, RUNYAN and their firm; that further attendant duties of not misusing any of said confidences, violating or compromising them to plaintiff's detriment, harm or injure, merely to secure other moneys, fees or payments from any of the other defendants, especially defendants MILLER, McLEAN, HARRIS, FITZGERADL, OLESEN and LYLE or any other defendants constituted further a constructive,

and actual fraud with scienter, against plaintiff, his person, properties and investments, plus such wrongfully tortious and criminally conduct by said defendants, breached the further express duties of good faith and fair dealings with plaintiff, that was owed him by said defendants at all perils to themselves, their practice, reputation or legal standings, despite said defendants envisioned they so held or deserved. Said defendants more than violated said fiduciary, trust, and covenants of good faith and fair dealings relationships with plaintiff; they criminally became participants along with all other defendants to steal and extort from plaintiff his real properties, ownership and investments. Plaintiff seeks all monetary damages, relief and further, appropriate injunctive relief and orders for complete amelioration against said defendants for such egregiously flagrant violations of his rights, interest, privacy, confidences and reputation.

NINTH COUNT: CONVERSION OF MONEYS AND PROPERTIES BY ALL DEFENDANTS & DAMAGES CLAIMED BY PLAINTIFF THEREFROM

33. Plaintiff refers to and incorporates paragraphs 1 through 14, 16-17, 19-20, 22, 24, 26, 28, 30 and 32, supra, herein.

34. As a direct, legal and proximate result of said defendants and each of their stated actions, pursuits and joint actions, all of said defendants did convert, misappropriate, utilize and steal said plaintiff's moneys, properties, real and personalty, as well as legal claims, also obstructing justice, impeding plaintiff's access to this court and even the federal court, did further convert, destroy and misappropriate illegally and criminally his personal business names, identities and recognition, as to be liable, jointly and severally for all monetary damages, losses, injuries plaintiff seeks herein.

TENTH COUNT: VIOLATION OF IDAHO RACKETEERING ACT, BY
ALL DEFENDANTS, I.C. 18-7802-18-7805

35. Plaintiff refers to and incorporates paragraphs 1 through 14, 16-17, 19-20, 22, 24, 28, 30, 32 & 34, supra, herein.

36. The aforesaid actions, pursuits, associations in fact by all of the defendants, constitute and have become a racketeering enterprise, not only as an association of individual or entities, but also as a group of individuals, using entities, which over the last three years did commit more than two required predicate criminal acts, all in violation of Idaho Code sections 18-7802 through 18-7805. Such two or more predicate illegal and criminal acts included, but not only the crimes of perjury, subornation of perjury, extortion, theft (of not only via said five void warranty deeds executed November 21, 2000, but of plaintiff's improvements on his real properties, vehicles and trailers, and the sum of \$15,000 on November 14, 2000, etc), falsifying of documents and evidence presented by said defendants per said racketeering enterprise in Teton County actions, CV 01-59; CR- and even in this action during the hearings held August 13, & 15, 2002, etc., obstruction of justice, intimidation (threatening, assaulting and battering) witnesses, plaintiff herein in particular, fraudulent practices, even attempted bribery, and in fact, bribery and corrupt influencing of Teton County officials.

37. Under the above Idaho Code sections, plaintiff has standing and capacity to bring this count and claims therein for civil damages, treble damages, attorneys' fees, paralegal costs, punitive damages and all other recoverable relief, including injunctive relief, return of properties as stated herein, and the quieting of title judgments to be ordered in his favor as to all real properties. Plaintiff seeks and requests all of such damages,

TENTH COUNT: VIOLATION OF IDAHO RACKETEERING ACT BY ALL DEFENDANTS, I.C. Sections 18-7802 - 18-7805 etc.

35. Plaintiff refers to and incorporates paragraphs 1 through 14, 16-17, 19-20, 22, 24, 26, 28, 30, 32 and 34, supra, herein.

36. By virtue of the aforesaid actions, pursuits, associations in facts and enterprises of all of said defendants, they did so operate, act and conduct themselves as a racketeering enterprise, association in fact and group, which did commit more than two required predicate criminal acts, at least of perjury, subornation of perjury, extortion, theft, falsifying documents, evidence, obstruction of justice, intimidation of witness and plaintiff, fraudulent practices, even bribery and corrupt influences of Teton County officials, over the last five year period or more, and directly, legally and criminally violating the Idaho Racketeering Statute, I.C. sections 18-702 through 18-705, etc., under which this statute plaintiff has standing and capacity to bring this count and all claims therein for civil damages, treble damages, attorneys fees, paralegal costs, punitive damages and all other recoverable relief as well as injunctive relief and quiet title judgements and orders, separately per said Idaho Racketeering Statute. Plaintiff so seeks all of such damages, and relief as such statute allows.

ELEVENTH COUNT: MALICIOUS PROSECUTION, HARASSMENT & ABUSE OF LEGAL PROCESS BY DEFENDANTS MILLER, McLEAN, HARRIS, FITZGERALD, OLESEN, DAWSON, BROUGHTON & LYLE

37. Plaintiff refers to and incorporates herein paragraphs 1 through 14, 16-17, 19-20, 22, 24, 26, 28, 30, 32, 34, & 36, supra, herein.

38. Said defendants, although all were not named as the plaintiff in Teton County CV 01-59, brought a frivolous, specious and without merit complaint against plaintiff, via KATHERINE MILLER,

injunctive and equitable relief, orders and judgment in his favor against all defendants herein.

ELEVENTH COUNT: MALICIOUS PROSECUTION & ABUSE OF LEGAL PROCESS BY DEFENDANTS MILLER, HARRIS, McLEAN, HARRIS, FITZGERALD, OLESEN & LYLE

37. Plaintiff refers to and incorporates herein paragraphs 1 through 14, 16-17, 19-20, 22, 24, 26, 28, 30, 34 & 35, supra, herein.

38. Defendant MILLER was the plaintiff in Teton County action CV 01-59, represented by HARRIS, but who with HARRIS, who also represented McLEAN, FITZGERALD, (who claimed he was a tenant or had an interest in said real property the subject thereof), OLESEN & LYLE. All of them were co principals using said civil action 01-59 to maliciously prosecute plaintiff herein, the only defendant therein, on a frivolous, specious and without merit complaint on the sole claim/count that he was a hold over tenant as to his ownership, legal, equitable and other beneficial possession, management, use and occupation of his said properties, at M/P 138, Hwy 33, Driggs Idaho, as set forth in EXHIBIT "1"

39. Said Teton County civil action CV 01-59 was dismissed with prejudice on August 16, 2002, by the Honorable Brent J. Moss, presiding, granting judgment in defendant JOHN N. BACH's favor therein. Throughout said cases proceedings, for over a year and four months, the court had noted that such complaint could not proceed and that preliminary to any request of plaintiff therein, the complaint had to be amended to first state a quiet title claim as to said real properties involved, but throughout such proceeding said named defendants herein, refused, failed and evaded undertaking any such required amendment. Instead, all of said defendants used such action, to intentionally present a number of unfounded basis, reasons and assertions of undertaking the raids they did upon plaintiff's

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said real properties, and the damaging, destruction and conversions thereof, of his improvements, fences, gates, levees, automobiles, trailers, horses, etc. Said defendants and each of them further used said frivolous and utterly without merit complaint to corruptly influence the Teton County officials, magistrate judge, county prosecutor and attorney, and sheriff and his deputies from not protecting plaintiff's persons, his live in mate, his properties (real and his personalty as stated herein) and to create an illegal and outlaw area of plaintiff's said properties for which no further criminal charges against said named defendants or any other defendants herein would be prosecuted; plaintiff was denied both due process and equal protection thereby, living upon, using and seeking to enjoy his ownership, use and occupation of his said properties, under such perpetual threat of terror and infliction of crimes against him as stated herein.

40. Said Teton County civil action was without any probable basis in point of fact or law, utterly without justification, was pursued with malice in fact and intended to invidiously inflict and cause such individual discrimination and lack of criminal enforcement of the protection of plaintiff, his person, family, personal and real property, so as to oppress, coerce and extort from plaintiff, his rights, claims, and exercise of such rights and claims to said properties.

41. Plaintiff seeks full monetary, equitable and/or injunctive relief herein, as well as evidentiary and issue preclusions herein against all of said defendants, by way of the doctrine of collateral estoppel, res judicata, issue preclusion, promissory estoppel and quasi-estoppel, etc., against all said defendants, especially that by said dismissal with prejudice of CV 01-59, said defendants

cannot raise/assert any counterclaims herein, having waived, abandoned the same, and having improperly/illegally split their claims or causes of action via prosecution of said CV 01-59 action.

TWELVETH COUNT: MALICIOUS HARASSMENT AGAINST ALL DEFENDANTS EXCEPT BRET & DEENA R. HILL


40. Plaintiff refers to and incorporates paragraphs 1 through 14, 16-17, 19-20, 22, 24, 26, 28, 30, 32, 34, 36 & 38-39, supra, herein.

41. By virtue and as a result of all defendants and each of their, separate but collectively pursued wrongful and tortious acts, policies, damages and injuries inflicted upon and against plaintiff, all defendants were further an association, group of individuals and/or illegally formed anti-ethnic, anti-national origin and/or anti national family heritage, hate group, if not an outlaw posse, no different in formation, purpose or operation than the Klu Klux Klan or any other hate or anti-racially group; all defendants so acting did violate the Idaho Malicious Harassment Statute, I.C. sections 18-7901 through 18-7904

42. Plaintiff has standing/capacity via said Idaho statutes to bring this count/claims thereunder, and seeks all damages, monetary and other equitable/injunctive relief, including punitive damages, attorneys fees, etc., against all defendants and each of them for their discriminatory harassment pursued against plaintiff.

WHEREFORE, Plaintiff requests and seeks full relief, monetary, equitable, injunctive or otherwise as stated/averred herein, as also allowed by applicable statutes or case authorities or within the inherent/plenary powers and jurisdiction of the Court.

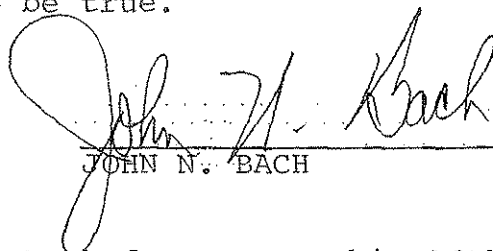
DATED: September 26, 2002


JOHN N. BACH, Plaintiff Pro Se

VERIFICATION BY PLAINTIFF

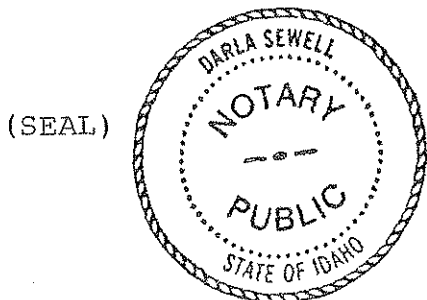
STATE OF IDAHO)
) SS
COUNTY OF TETON)

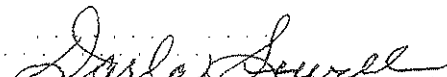
JOHN N. BACH being first duly placed under oath, testifies, deposes and says: That he is the Plaintiff in the above action, that he has read the above and foregoing FIRST AMENDED COMPLAINT, knows the contents thereof, and verily believes the allegations contained therein to be true.



JOHN N. BACH

SUBSCRIBED AND TESTIFIED UNDER OATH TO before me on this 26th day of September, 2002.



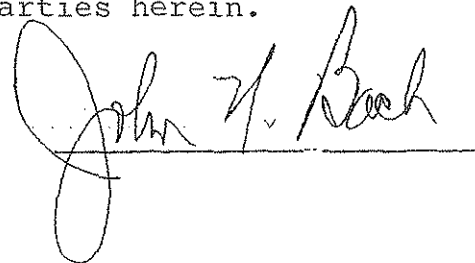


NOTARY PUBLIC FOR IDAHO
Residing at: Driggs
Comm'n Expires: 7/23/07

CERTIFICATE OF SERVICE
BY MAIL OR PERSONAL SERVICE

I, the undersigned, certify that on this date, September 27, 2002, I did place true and complete copies of the foregoing document in the mail, in sparately addressed envelopes with first class mail affixed to ALVA A. HARRIS & a copy, personally delivered to GALEN WOELK, the attornies of record for the appearing parties herein.

DATED: September 27, 2002



LEGAL DESCRIPTIONS OF REAL PROPERTIES OF PLAINTIFF
South of M/P 138, West side, Hwy 33, Driggs, Idaho

Township 5 North, Range 45 East of the Boise Meridian, Teton
County, Idaho Section 10: E $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$

Together with all mineral rights and 10 shares of water in the
Grand Teton Canal Company.

Township 5 North, Range 45 East of the Boise Meridian, Teton County,
Idaho Section 10: W $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$

Together with all mineral rights and 10 shares of water in the
Grand Teton Canal Company.

Tract A: A part of the E 1/2 S 1/2 SE 1/4 of Section 10,
Township 5 North, Range 45 East, Boise Meridian, Teton County,
State of Idaho, described as: From the NE Corner of the E 1/2
S 1/2 SE 1/4 of said Section 10; thence West along the North
Boundary line of the E 1/2 S 1/2 SE 1/4 of said Section 10 to
the NW Corner of the E 1/2 S 1/2 SE 1/4 of said Section 10;
thence South along the West boundary line of the E 1/2 S 1/2
SE 1/4 of said Section 10, 110 feet; thence East to the East
Boundary line of the E 1/2 S 1/2 SE 1/4 of said Section 10;
thence North along the East Boundary line of the E 1/2 S 1/2
SE 1/4 of said Section 10 to the point of beginning, and

Tract B: Township 5 North, Range 45 East of the Boise
Meridian, Teton County, Idaho Section 11: A section of the
S 1/2 SW 1/4 containing 6.63 acres more or less being further
described as:

From the SW corner of said Section 11, thence N 0 02' 03"
W, 1214.14 feet along the Western Section Line to the true point
of beginning;

Thence N 0 02' 03" W, 110 feet further along the Western
Section Line to the NW corner of the S 1/2 SW 1/4 of said Section
11;

Thence S 89 57' 55" E 2627.56 feet along the North Line
of the S 1/2 SW 1/4 of Section 11 to a point on the Western Right-
of-Way Line of Highway 33;

Thence S 0 09' 27" W, 110 feet along the Western Right-
of-Way Line of Highway 33 to a point;

Thence N. 89 57' 55" W, 2627.19 feet to the point of
beginning.

Together with all water and water rights, ditches and ditch
rights, improvements, hereditaments and appurtenances thereto,
however, evidence, and subject to all covenants and restriction,
applicable building and zoning ordinances, use regulations and
restrictions, easements, rights-of-way, and encumbrances of
record or established by user with respect thereto/

All that real property with improvements, curtailage, fixtures, personalty and other belongings thereon, of JOHN N. BACH, individually and doing business as or in the name of TARGHEE POWDER EMPORIUM, UNLTD, consisting of one (1) acre or more, on the East side of Highway 33, North of Driggs, with the address of 195 N. Hwy 33, Driggs, Teton County, Idaho, beginning at the NW corner of Lot 1, Block 1, to/of that subdivision property described as: Teton Peaks Subdivision, as per the record plat thereof, Teton County, Idaho, running thence South 200 feet; thence East 220 feet; thence North 200 feet; thence West 220 feet to the point of beginning, Steet Address: 195 N. Hwy 33, Driggs, Idaho.

(NOTE: THIS PROPERTY WAS ILLEGALLY, WITHOUT JURISDICTION AND TOTALLY NULL AND VOID, BUT SOLD TO ALVA A. HARRIS, and/OR SCONA, INC., defendants herein)

RECEIVED

NOV 21 2000

CORPORATE WARRANTY DEED

140247

TETON CO. ID.
CLERK RECORDER

THIS INDENTURE, Made this 21 day of November, 2000, between

TARGHEE POWDER EMPORIUM, INC., an Idaho Corporation, doing
business as Targhee Powder Emporium, Unltd.

as Seller, and

Scona, Inc.
P. O. Box 479
Shelley, Idaho 83274

as Buyer,

FILED
AT THE REQUEST OF
Alvin A. Horrie
AT 1 MINUTES PAST 2 P M
DATE 11/21/2000
N. G. Boyle
CLERK OF RECORD
BY K. Stanton DEPUTY

WITNESSETH, That Seiler, having been hereunto duly authorized by resolution of its Board of Directors, and for the furtherance of a good and valuable corporate purpose, and, in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, lawful money of the United States of America, to it in hand paid by Buyer, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto Buyer, and to its heirs and assigns forever, all Grantors undivided interest in and to the following described real estate situated in the County of Teton, State of Idaho, to-wit:

Lot 1, Block 1, Teton Peaks view, Division 1, as per the recorded plat thereof, Teton County, Idaho.

Together with 20 shares of Grand Teton Canal Company and all mineral, gas, oil and geothermal rights now owned by Seller.

Together with all water and water rights, ditches and ditch rights, improvements, hereditaments and appurtenances thereto, however evidenced, and subject to all covenants and restrictions, applicable building and zoning ordinances.

EXHIBIT "3"

140247

use regulations and restrictions, easements, rights-of-way, and encumbrances of record or established by user with respect thereto.

IN WITNESS WHEREOF, the Seller has caused its corporate name to be hereto subscribed by its *Vice* - President in pursuance to said resolution the day and year first above written.

TARGHEE POWDER EMPORIUM, INC.

By: *J. L. McLean*
Vice - President.

STATE OF IDAHO)
County of Teton) ss.

On this 21 day of November, 2000, before me, the undersigned, a Notary Public for Idaho, personally appeared, known to me to be the *Vice* - President of Targhee Powder Emporium, Inc., doing business under the assumed business name of Targhee Powder Emporium, Ltd, the corporation that executed the within instrument and acknowledged to me that he subscribed his name for and in behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

STEFANIE KNOBLAUCH
NOTARY PUBLIC
STATE OF IDAHO

(SEAL)

Stefanie Knoblauch
Notary Public for Idaho
Residing at: *Victor* Idaho
My Comm. Expires: *12/16/05*

140247

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RECEIVED

NOV 21 2000

TETON CO., ID
CLERK RECORDER

140245

CORPORATE WARRANTY DEED

FILED

AT THE REQUEST OF

Alan A. Harris

AT 4 MINUTES PAST 2 P M

DATE 11/21/2000

N. G. Boyle

CLERK OF RECORD

BY K. Hartman
DEPUTY

THIS INDENTURE, Made this 21 day of November, 2000, between

TARGHEE POWDER EMPORIUM, INC., an Idaho Corporation, doing
business as Targhee Powder Emporium, Ltd, possessed of an
undivided one-third interest therein,

as Seller, and

Mark J. Liponis, Trustee of the Basin Creek Medical, P.C. Pension &
Profit Sharing Plans,

71 York Ave

as Buyer,

Lenox, MA 01840

WITNESSETH, That Seller, having been hereunto duly authorized by resolution of
its Board of Directors, and for the furtherance of a good and valuable corporate
purpose, and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS,
lawful money of the United States of America, to it in hand paid by Buyer, the receipt
whereof is hereby acknowledged, has granted, bargained, sold, and by these presents
does grant, bargain, sell, convey and confirm unto Buyer, and to their heirs and
assigns forever, all Grantor undivided one-third (1/3) interest in and to the following
described real estate situated in the County of Teton, State of Idaho, to-wit:

The SE1/4SW1/4 of Section 35, Township 6 North, Range 45 East, Boise
Meridian, Teton County, Idaho.

LESS Beginning at the SE corner of the SW1/4 of Section 35, Township 6
North, Range 45 EBM, thence North 516 feet; thence West 295 feet; thence
South 16 feet; thence East 295 feet to the point of beginning.

EXHIBIT "4"

000034

RECEIVED

NOV 21 2000

TETCH CO., ID
CLERK RECORDER

CORPORATE WARRANTY DEED

140245

FILED

AT THE REQUEST OF

Olson A. H. ...

AT 57 MINUTES PAST 1 P M

DATE 11/21/2000

N. G. ...

CLERK OF RECORD

BY *H. ...* DEPUTY

THIS INDENTURE, Made this 21 day of November, 2000, between

TARGHEE POWDER EMPORIUM, INC., an Idaho Corporation; doing business as Targhee Powder Emporium, Ltd. possessed of an undivided one-fourth interest therein,

as Seller, and

WAYNE DAWSON, Trustee of the Dawson Family Trust,
1752 Park Vista Drive
Chico, CA 85928

as Buyer.

WITNESSETH, That Seller, having been hereunto duly authorized by resolution of its Board of Directors, and for the furtherance of a good and valuable corporate purpose, and, in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, lawful money of the United States of America, to it in hand paid by Buyer, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto Buyer, and to their heirs and assigns forever, all Grantor undivided one-fourth (1/4) interest in and to the following described real estate situated in the County of Teton, State of Idaho, to-wit:

The SW1/4SE1/4 of Section 6, Township 5 North, Range 46 East, Boise Meridian, Teton County, Idaho. 40 acres more or less.

Also described as:

A portion of the South 1/2 South 1/2 Section 6 as described in the attached Schedule A of order No. T-757 and signed by grantors agent herein.

EXHIBIT "5" 140245

000085

Together with all water and water rights, ditches and ditch rights, improvements, hereditaments and appurtenances thereto, however evidenced, and subject to all covenants and restrictions, applicable building and zoning ordinances, use regulations and restrictions, easements, rights-of-way, and encumbrances of record or established by user with respect thereto.

IN WITNESS WHEREOF, the Seller has caused its corporate name to be hereto subscribed by its Vice President in pursuance to said resolution the day and year first above written.

TARGHEE POWDER EMPORIUM, INC.

By: J. J. McClellan
Its Vice - President.

STATE OF IDAHO)
County of Teton) ss.

On this 27 day of November, 2000, before me, the undersigned, a Notary Public for Idaho, personally appeared, known to me to be the Vice - President of Targhee Powder Emporium, Inc., doing business under the assumed business name of Targhee Powder Emporium, Ltd, the corporation that executed the within instrument and acknowledged to me that he subscribed his name for and in behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

STEFANIE KNOBLAUCH
NOTARY PUBLIC
STATE OF IDAHO
(SEAL)

Stefanie Knoblauch
Notary Public for Idaho
Residing at: Victor, Idaho
My Comm. Expires: 12/1/05

140245

FILED
1:00
OCT 03 2002

TETON CO.
DISTRICT COURT

GALEN WOELK
RUNYAN & WOELK, P.C.
P.O. BOX 533
DRIGGS, ID 83422
TELE (208) 354-2244
FAX (208) 354-8886
IDAHO STATE BAR #5842

ATTORNEY FOR DEFENDANT

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

JOHN N. BACH,)
	) CASE NO. CV-02-208
Plaintiff,)
	) MOTION TO STRIKE
	) PLAINTIFF'S FIRST
vs.	) AMENDED COMPLAINT
	) AND FOR RULE 11(a) (1)
KATHERINE M. MILLER, et. al.,	) SANCTIONS AGAINST
	) JOHN BACH
Defendant.)
_____)

COMES NOW Katherine Miller, the above-named defendant, by and through her attorney of record, Galen Woelk of Runyan and Woelk, P.C., and pursuant to Rules 12(e), 12(f), 15(a) and 11(a) (1) of the Idaho Rules of Civil Procedure moves this Honorable Court for its order striking plaintiff's FIRST AMENDED COMPLAINT in its entirety, or alternatively, striking all portions of that complaint which name her attorneys, Galen Woelk, Cody Runyan or Runyan and Woelk, P.C., as parties to be joined.

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In support of her motions the defendant states as follows:

1. On September 3rd, 2002, this Court granted defendant's Rule 12(e) motion for a more definite statement and ordered that Bach file an amended complaint remedying the previous defects of his complaint within ten days.
2. Bach failed, pursuant to this Court's order, to file a complaint within the necessary time frame.
3. Rather than complying with this Court's order Bach filed, on September 13th, 2002, multiple motions for orders vacating and continuing this Court's September 3rd order.
4. On September 19th, this Court denied all of Bach's September 13th motions.
5. On September 27th, 2002, Bach filed an additional pleading entitled FIRST AMENDED COMPLAINT. Bach's amended complaint was filed at least 14 days after the date he was required to file a more definite statement.
6. In Plaintiff's amended complaint he has joined an additional 13 persons or entities, including defendant's attorney, as parties to his action.
7. Pursuant to I.R.C.P. Rule 12(e), if the individual to whom a court's order is directed does not obey the order "the court may strike the pleading . . . or make such order as it deems just". I.C.R.P. Rule 12(e). Pursuant to Rule

12, Defendant moves for this Court's order striking the amended complaint, and more specifically, disallowing Bach to amend his complaint to include causes of action against defendant's attorneys.

8. Pursuant to I.R.C.P. Rule 15(a), a party is required to obtain leave of court to amend a complaint if a responsive pleading has been served. It is within this Court's discretion to deny an amendment which seeks to add a party. *Baxter v. Craney*, 135 Idaho 166, 16 P.3d 263 (Idaho, 2000). In this instance, defendant's inability to formulate a responsive pleading to the original complaint necessitated her Rule 12(e) motion. This Court should therefore rule that defendant's 12(e) motion was a responsive pleading for purposes of Rule 15(a), and that Bach is forbidden from amending his original complaint to include additional parties and causes of action without leave from this Court.

Alternatively, and because defendant's Rule 12(e) motion was granted by this Court, defendant could not file a responsive pleading until after an amended complaint was filed. Bach's amended complaint was not filed until 20 days after his original complaint was served, and later than 20 days after this Court's September 3rd order. Therefore, Bach's failure to amend within the Rule 15(a) 20

day time period requires him to obtain this Court's permission before he can amend his complaint and join additional parties. Bach has failed to move for such an order, and this Court should therefore strike the pleading in its entirety.

9. Pursuant to I.R.C.P. Rule 11(a)(1), Bach certifies to this Court that his amended pleading is not interposed for any improper purpose such as to harass or cause unnecessary delay or needless increase in the cost of litigation. It is more than apparent that Bach's recent inclusion of Runyan and Woelk, P.C. in his complaint is a continuing attempt by him to delay this action and harass defendant Miller. Bach's modus operandi in this regard is well documented in his multiple motions to disqualify defendant's attorney. Similarly, Bach, as a former attorney, is more than aware that res judicata issues preclude him from suing Galen Woelk, Cody Runyan or Runyan and Woelk, P.C. for the causes of action he asserts in his most recent filing. See *Affidavit of Galen Woelk*, attached. Should this Court find that Bach's recent actions against defendant's attorneys are without merit or improperly brought, this court should impose sanctions against Bach for the continued and increased cost of time and litigation necessitated by the improperly amended

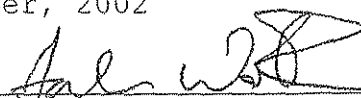
complaint. Miller further requests that any sanctions be satisfied from the bond posted by Mr. Bach, and presently held by the Court.

10. Defendant further moves, pursuant to I.C.R.P. Rule 7(b)(4), for this Court's immediate ruling on all issues and objections set forth in this pleading as oral argument is not requested.

11. Attached to this motion is the Affidavit of Galen Woelk.

WHEREFORE, Miller objects to Bach's first amended complaint and moves to strike it in its entirety. Alternatively, Miller moves for this Court's order striking all aspects of that complaint which include defendant's present counsel and their firm. Further, Miller moves for Rule 11(a)(1) sanctions against Bach if this Court should determine that Bach's amended complaint was filed improperly or brought for purposes of harassment, and that any sanctions be satisfied immediately from the bond held by this Court in the pending action.

DATED this 3 day of October, 2002



Galen Woelk

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, with my office in Driggs, Idaho; that on the 31 day of October, 2002, I caused a true and correct copy of the foregoing MOTION TO STRIKE PLAINTIFF'S FIRST AMENDED COMPLAINT AND FOR RULE 11 (a)(1) SANCTIONS AGAINST JOHN BACH to be served upon the following persons at the addresses below their names either by depositing said document in the United States mail with the correct postage thereon or by hand delivering or by transmitting by facsimile as set forth below.

John N. Bach, Pro Se
Idaho Resident
P.O. Box 101
Driggs, ID 83422

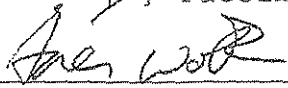
Mail
 Hand Delivery
 Facsimile

Alva Harris
Box 479
Shelley, ID 83274

Mail
 Hand Delivery
 Facsimile

Judge Richard St.Clair, Chambers
605 N. Capital
Idaho Falls, ID 83402

Mail *w/affidavit Exhibits*
 Hand Delivery
 Facsimile *w/out affidavit Exhibits*


Galen Woelk

GALEN WOELK
RUNYAN & WOELK, P.C.
P.O. BOX 533
DRIGGS, ID 83422
TELE (208) 354-2244
FAX (208) 354-8886
IDAHO STATE BAR #5842

ATTORNEY FOR DEFENDANT

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

JOHN N. BACH,)	
)	
Plaintiff,)	
)	
vs.	)	CASE NO. CV-02-208
)	
KATHERINE M. MILLER, et. al.,	)	AFFIDAVIT OF GALEN WOELK
)	
Defendant.)	
_____)	

COMES NOW Galen Woelk, being first duly sworn, deposes
and states as follows:

1. I am the attorney of record in the above named action.
2. On September 27th a copy of Bach's FIRST AMENDED COMPLAINT was delivered to my office apparently naming myself and my partner as parties to the action. Neither I or my partner have been properly served with process in this action.

3. From what I can understand of his nonsensical complaint, Mr. Bach has alleged that my partner and I have violated some type of prior attorney-client privilege.


4. Mr. Bach recently sued my partner and me in the federal district court of Idaho and alleged what appears to be the exact same causes of action as are presently brought in his amended complaint.

5. On June 25th, 2002, Judge Thomas dismissed Mr. Bach's complaint against my partner, me and our firm, with prejudice.

6. A true and correct copy of that Court's Memorandum Decision and Order is attached to this affidavit as Exhibit 1.

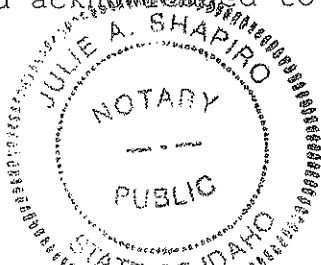
Further Affiant saith naught.

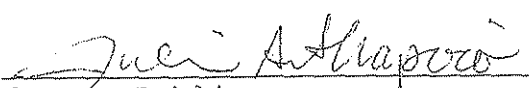
DATED this 3rd day of October, 2002.


Galen Woelk

STATE OF IDAHO)
) ss.
County of Teton)

On this 3rd day of October, 2002, before me, a notary public in and for said county and state, personally appeared Galen Woelk, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.




Notary Public
Residing At: Victor
My Commission Expires: 11/23/07

HTEH
JUN 27 2002

UNITED STATES COURTS
DISTRICT OF IDAHO

IN THE UNITED STATES DISTRICT Court
FOR THE DISTRICT OF IDAHO

JUN 25 2002

_____ M. REC'D _____
LODGED _____ FILED _____

JOHN N. BACH,)	
	)	No. CV-01-266-E-TGN
Plaintiff,)	
	)	MEMORANDUM DECISION
v.	)	AND ORDER
)	
TETON COUNTY, et al.,)	
)	
Defendants.)	
_____)	

Pending before the Court are several motions directed to the Amended Complaint. Pursuant to Local Civil Rule 7.1(d)(4), the Court finds that these motions may be resolved without oral argument and, therefore, will be decided on the submissions by the parties.

I. BACKGROUND

Plaintiff has appeared as a plaintiff in two prior actions filed in this court. The overlap between the claims in those cases and those presented here make it necessary to discuss those cases as a part of the decision on the pending motions.

A. Prior Proceedings¹

¹ The Court takes judicial notice of the files in the two earlier cases referenced in this subsection.

1. *Bach v. Mason, et al.*, No. 98-CV-0383-E-EJG.²

In 1998, Plaintiff and others, acting *pro se*, filed an action against the following defendants: the United States, nineteen IRS officials, six Idaho counties, a number of state and county officials, all the federal district and magistrate judges in the District of Idaho, and a number of private persons and entities. Those persons and entities include Alva Harris, Jared Harris, Darrell Harris, Scona, Inc., Pro Indivisio, Inc., and the HARRISES as alter egos of Scona and Pro Indivisio. The complaint seemed to be directed at unfair tax treatment of Plaintiffs' spendthrift trusts. The complaint, as described by Judge Garcia, alleged "a grand conspiracy among various city, county, state and federal officials, as well as private parties, to deprive Plaintiffs of their constitutional rights."

An Amended Complaint was filed after Judge Garcia dismissed the original complaint without prejudice and with instructions. He described the Amended Complaint as being as "confusing, verbose and unintelligible as the original complaint." He then dismissed the action with prejudice. (Order of Oct. 21, 1999.) The dismissal was upheld on appeal by the Ninth Circuit (Case No. 99-36180, Memorandum filed Feb. 21, 2001), and the U.S. Supreme Court denied certiorari.

² 190 F.R.D. 567 (D. Idaho 1999), *aff'd* 2001 WL 177179 (9th Cir. 2001) *cert. denied*, ___ U.S. ___, 122 S. Ct. 818 (2002).

2. *Bach v. Moulton, et al.*, No. 99-CV-14-E-BLW.³

Filed on January 11, 1999, Plaintiff named as defendants Roy C. Moulton, individually and on behalf of Teton County, Idaho; John J. Stewart; Steve Urry, individually and dba Trout's Teton Ranch; Jack L. McLean; Armin Ross and Kathy Ross, husband and wife; Katherine D. Miller, individually and dba R.E.M.; Terrina Beatty; and Does 1 through 50. Some of Plaintiff's allegations in that case mentioned the Latter Day Saints (L.D.S.) membership of some of these defendants; Plaintiff's membership in the NAACP, ACLU; and Plaintiff's support of minority workers in the area. He alleged a conspiracy among the defendants and the Does to defame him and injure him in business and personal relationships.

Judge Winmill dismissed the case on summary judgment in an order dated May 31, 2001. The case is now pending on appeal.

B. Present Case

On June 11, 2001, Plaintiff filed a complaint in this action naming about 100 persons and entities. The thrust of the complaint appeared to be that Plaintiff was being harmed by a conspiracy centered in Teton County, Idaho, at least partly driven by the fact that his persecutors are members of the L.D.S. church, and he is

³ Judgment filed June 15, 2001(D. Idaho), *appeal filed* Case No. 02-35330 (9th Cir. Apr. 9, 2002).

not.

The complaint was neither short nor plain nor clear. Accordingly, on March 7, 2002, this Court dismissed the complaint with leave to amend. The Court gave Plaintiff explicit instructions on how to proceed and how to simplify his complaint in light of Rule 8 of the Federal Rules of Civil Procedure:⁴

If Plaintiff chooses to amend his 42 U.S.C. § 1983 complaint, he must allege in specific terms the following: (1) the names of the persons who caused or personally participated in causing the alleged deprivation of his constitutional rights; (2) the dates on which the conduct of each defendant allegedly took place; and (3) the specific conduct or action of each defendant that Plaintiff alleges is unconstitutional. *See Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 19889); *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978). Vague and conclusory allegations of official participation in civil rights violations are not sufficient. *See Ivey v. Board of Regents of Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982).

Furthermore, Plaintiff's amended complaint must contain all of his allegations. It may not rely upon or incorporate by reference prior pleadings. D. Idaho L. Civ. R. 15.1 ("Any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, must reproduce the entire pleading as amended."). Plaintiff shall set forth each set of factual allegations in a separate, numbered paragraph.

The Court encourages the Plaintiff to state facts in support of his claims. Rule 8(a)(2) of the Federal Rules of Civil Procedure requires "a short and plain statement of the claim showing that the pleader is entitled to relief." It is not possible to state a claim without stating some facts to give context to the claim for relief. The pleader must

⁴ Order dated March 7, 2002 (docket No. ____).

include facts in order to show that he or she is entitled to relief.

The Court discourages Plaintiff from including unnecessary adjectives, adverbs, and conclusory appellations. Plaintiff's filings to date include phrases like "Miller Crazy Posse." Such phrases add nothing to the reader's understanding of what Plaintiff is alleging. Instead, they serve to cloud the issues Plaintiff attempts to raise.

Short declarative sentences, stripped of conclusory statements, are the preferred vehicle for presenting the claims. Plaintiff is legally trained, attended a good law school, and practiced law for a number of years. The Court has confidence that he will be able to assemble a clear complaint in the spirit of the federal rules.

Plaintiff should by now be aware of the immunity available to the State of Idaho and its officials as to claims for money damages. *Ex Parte Young*, 209 U.S. 123, 155-56 (1909). If Plaintiff seeks injunctive relief against state officials, he must clearly show that the officials have some connection with the conduct sought to be enjoined. *Id.*

Plaintiff also knows, from prior orders, that judicial officers, including their law clerks, have absolute judicial immunity for their judicial acts. Such immunity is presumed to apply in the absence of clear and specific allegations showing that it should not. There are two instances in which a judicial officer loses the immunity: when he or she acts in the absence of all jurisdiction, or when the specific action is not taken in his or her official capacity. *Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir. 1986). If Plaintiff decides to proceed against any of the judicial officers he has named, he must make specific, factual allegations which demonstrate, as a matter of pleading, that judicial immunity does not apply.

If Plaintiff includes a conspiracy claim in his amended complaint, it must include the "indispensable elements of civil conspiracy . . . a wrongful act and knowledge on the part of alleged conspirators of [the conspiracy's] unlawful objective." *Moore v.*

Brewster, 96 F.3d 1240, 1245 (9th Cir. 1996).

The Court suggests that Plaintiff set out each instance of allegedly wrongful conduct separately and state what part each defendant allegedly played. For clarity, each such instance might be sequentially numbered as a “count” or “claim.” This will aid the understanding of the undersigned, who knows nothing about what happened in Teton County during the time in question except what the parties submit.

The Court also suggests that the Plaintiff then sit back, put his feet up, and consider which defendants he really needs to include in order to present the case he wants the Court to consider.

Subsequently, Plaintiff filed an amended Complaint. Unfortunately, despite the Court’s explicit instructions, it is no better than the first. Plaintiff’s failure to file a comprehensible complaint in compliance with the fairly minimal requirements of Rule 8, Federal Rules of Civil Procedure, plus the clear lack of legal authority supporting some of the statutory claims, makes dismissal with prejudice appropriate at this stage as to almost all of his claims. The only exceptions as to those defendants who have moved to dismiss are those defendants listed in the last part of paragraph 6 of the order.⁵

II. ANALYSIS

A. The Federal Statutory and Constitutional Claims

⁵ The Court notes that Judge Garcia gave explicit instructions to the Plaintiffs in Case No. 98-CV-383, which were available to Mr. Bach as well.

Plaintiff's Amended Complaint centers around a vast conspiracy involving RICO and other federal laws. There are some references which imply that Plaintiff is trying to assert some stand-alone claims in addition to his conspiracy allegations. Therefore, the Court will address possible federal claims prior to dealing with the alleged conspiracy or conspiracies.

The dismissals are ordered to be with prejudice. The Court allowed Plaintiff to file an Amended Complaint, after giving Plaintiff instructions on how to proceed. The Amended Complaint does not comply with the Court's previous instructions set out above.

1. *42 U.S.C. §§ 1981 and 1982.*

Section 1981, by its terms, protects the rights of all persons to the same contractual and legal benefits as white persons. Thus, the statute prohibits "discrimination based on race, ethnic background, ancestry, and/or national origin."⁶

Plaintiff has not alleged any conduct by any of the defendants that support a claim under § 1981. His basic claim seems to be religious discrimination. He cites no authority, and the Court has found none, which holds that § 1981 applies to religious discrimination, however.

⁶ *Mustafa v. Clark County Sch. Dist.*, 157 F.3d 1169, 1180 (9th Cir. 1998).

The same is true of § 1982, which also requires a showing of racial discrimination.⁷

2. *42 U.S.C. § 1983.*

A plaintiff claiming a violation of § 1983 “must allege a violation of his constitutional rights and show that the defendant’s actions were taken under color of state law.”⁸ This Court’s order of March 7, 2002, told Plaintiff that he must provide names, dates and specific conduct of each defendant alleged to have violated § 1983. Plaintiff has failed to do so as to the majority of the defendants. As to a few, he did do so. Later in this order, the Court will specifically identify the moving defendants as to whom Plaintiff has perhaps stated a claim.

3. *42 U.S.C. § 1985.*

There are two subsections to § 1985. Subsection (3) extends beyond race “only when the class in question can show that there has been a governmental determination that its members require and warrant special federal assistance in protecting their civil rights.”⁹

⁷ *West Coast Theater Corp. v. City of Portland*, 897 F.2d 1519, 1527 (9th Cir. 1990).

⁸ *Gritchen v. Collier*, 254 F.3d 807, 812 (9th Cir. 2001).

⁹ *Orin v. Barclay*, 272 F.3d 1207, 1217 n.4 (9th Cir. 2001) (internal quotation marks and citation omitted).

Plaintiff's claims of membership in a protected class appear to consist of being a member of the ACLU, NAACP, NOW, and a non-Mormon. None of these groups constitutes a protected class.

Subsection (2) has been construed to have two separate parts:

The first part of the subsection addresses conspiracies which deter by force, intimidation, or threat a party or witness in federal court. The second part of the subsection creates a federal right of action for damages against conspiracies which obstruct the due course of justice in any State or Territory with intent to deny equal protection.¹⁰

Although it is difficult to tell, Plaintiff may be trying to assert claims under the first and second parts of subsection (2). However, he does not identify any witness intimidation or how he was prevented from putting on an effective case. He says summarily in one place that Katherine Miller perjured herself in case No. 99-014, but goes no further. He does not say that the alleged perjury deterred him in any way in that case or otherwise. Accordingly, any claim alleged under Part 1 of subsection (2) shall be dismissed.

In paragraph 26, Plaintiff alleges generally that all defendants except the federal defendants have violated Plaintiff's rights by "perjury, falsification of evidence, subornation of perjury, destruction and attempted destruction of evidence,

¹⁰ *Bagley v. CMC Real Estate Corp.*, 923 F.2d 758, 763 (9th Cir. 1991) (internal quotation marks and citations omitted).

documents, etc., as sought/requested by plaintiff in discovery in state criminal actions and civil actions before this court, involving plaintiff.” This claim will be dismissed as to all defendants.¹¹

His claim under the second part of subsection (2) requires a showing of membership in a protected class as well as an allegation that defendants intended to deny him equal protection.¹²

4. *42 U.S.C. § 1986.*

A claim under § 1986 requires that a claim exist under § 1985.¹³ Because Mr. Bach stated no claim under § 1985, he has also stated no claim under § 1986. The Amended Complaint will be dismissed as to all defendants concerning claims under § 1986.

5. *Conspiracy.*

In the March 7, 2002, order, this Court told Plaintiff the things he needed to allege in order to state a federal conspiracy claim. His failure to do so is patent, so the claims of conspiracy will be dismissed as to all defendants.

¹¹ *Blankenship v. McDonald*, 176 F.3d 1192, 1196 (9th Cir. 1999) (internal quotation marks and citation omitted).

¹² *See Bagley*, 923 F.2d at 763.

¹³ *McCalden v. California Library Ass'n*, 955 F.2d 1214, 1223 (9th Cir. 1990).

6. RICO¹⁴

Plaintiff alleges that all of the named defendants violated 18 U.S.C. §§ 1961-64, the Racketeering Influence and Corruption Act (RICO). To state a claim under RICO, Plaintiff must allege injury due to: “(1) the conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.”¹⁵

To show a pattern under RICO, the Plaintiff must prove that there are a sufficient number of “indictable” predicate acts and that a threat of continued criminal activity exists.¹⁶ The existence of only one victim tends to show that no continuity or threat of future illegal action against others exists¹⁷ In paragraph 34, Plaintiff says, in part, that all of the defendants except the federal defendants have participated in numerous existing enterprises

which enterprises affected and still affect interstate or foreign commerce; that all of said defendants in each grouping and among all said groupings were associated with the enterprise, participating directly and indirectly, and in control of the affairs of the numerous enterprises, through a pattern of racketeering activity by committing . .

¹⁴ The discussion in Parts 6 and 7 is adapted from the order dismissing the complaint in Case No. 99-014-E-BLW.

¹⁵ *See Sun Savings and Loan Assoc. v. Dierdorff*, 825 F.2d 187, 191 (9th Cir. 1987).

¹⁶ *Howard v. America Online Inc.*, 208 F.3d 741, 748 (9th Cir. 2000).

¹⁷ *Sever v. Alaska Pulp Corp.*, 978 F.2d 1529, 1535 (9th Cir. 1992).

. more than two predicate acts of extortion, grand theft, subornation [sic] of perjury, concealing or otherwise dealing in narcotics, dangerous drugs, obstruction

Paragraph 34 goes on further, but nowhere does it introduce facts, dates or persons, much less any allegation showing a causal relationship with Plaintiff's claimed injury. Plaintiff has failed to allege facts sufficient to state a claim. For these reasons, the Court will dismiss the RICO claims as to all defendants.

With respect to the constitutional claims, the Court finds that the sweeping allegations made in the complaint are unsupported by statements of fact which state a claim on which relief could be granted. The first eight amendments to the Constitution are applicable to the federal government and to state governments through the Fourteenth Amendment. These amendments are not applicable to private citizens. Inasmuch as the Thirteenth Amendment abolishes slavery, it is unclear how Plaintiff's claim applies in this case. With respect to the Fourteenth Amendment, as noted above, Plaintiff claims only that he holds sympathies for a protected class, not that he is the member of a protected class. These claims will be dismissed.

B. Pending Motions

As noted above, the only potentially viable federal claims are those arising under 42 U.S.C. § 1983. The Court will address the pending motions without

separately discussing the federal claims which have been dismissed.

1. *The United States.*

The United States filed a motion to dismiss (docket No. 200) supported by affidavits. Plaintiff responded and correctly asserted that the motion had been converted to a motion for summary judgment. Because the Plaintiff has had the opportunity to respond and present pertinent materials himself, the Court will treat the motion as one for summary judgment.¹⁸ Any issues of fact Plaintiff alleges to be present are not material.

a. *Lack of Personal Jurisdiction.*

The United States asserts that it has not been served and that therefore this Court lacks jurisdiction. Plaintiff does not claim that he has in fact served the United States, but rather that his service on the judicial defendants and their subsequent appearance gives this Court jurisdiction over the United States.

Plaintiff is mistaken. Rule 4(i), Federal Rules of Civil Procedure, sets forth clear requirements for service on the United States. Plaintiff has not met these requirements.

Ordinarily, a dismissal for failure to serve in these circumstances would be

¹⁸ See Fed. R. Civ. P. 12(b)(6).

without prejudice. For the reasons stated below, however, it is apparent that service on the United States would be futile. Therefore, the dismissal will be with prejudice.

b. *Laches.*

Plaintiff's claim against the United States arises from an IRS assessment of delinquent taxes and a subsequent levy on and sale of his real property at 195 N. Hwy 33 in Teton County, Idaho.

Prior to the August 5, 1997, sale, Plaintiff filed a petition in U.S. Bankruptcy Court in the District of Idaho.¹⁹ The United States moved to lift the automatic stay as to the Teton County property. The case was dismissed by the bankruptcy court on June 3, 1997, thus mooted the United States' request to lift the stay.

The United States then set the sale of the property for August 5, 1997. On the day before the sale, Plaintiff filed a Chapter 13 petition in the bankruptcy court in Sacramento, California, Case No. 97-31942-A-13.

Violations of the automatic stay are subject to equitable doctrines, such as *laches*, which the United States raises in its motion.²⁰ Whether the defense should

¹⁹ See Case No. 97-40107, filed Feb. 10, 1997.

²⁰ *United States v. Hemmen*, 51 F.3d 883, 886 (9th Cir. 1995); *Thornton v. First State Bank of Joplin*, 4 F.3d 650, 653 (8th Cir. 1993).

apply is a matter in the sound discretion of the court considering the issue.²¹

A party can establish the defense of *laches* by showing there was inexcusable delay in asserting a known right that has resulted in prejudice.²² While mere delay alone may not be sufficient, it may be enough if it is unreasonable and unexplained and has caused a disadvantage to the defendant.²³

Plaintiff's failure to raise the violation of the automatic stay in the obvious place and at the obvious time, the bankruptcy court in Sacramento, leaves the Government exposed to claims from the subsequent owner(s) of the property as well as potential statutes of limitations defenses by Plaintiff when it attempts to recover the \$57,000.00 it previously credited to his tax liability. The fact that these problems have not yet specifically affected the United States does not obviate the fact that the Government is clearly disadvantaged by now being faced with these problems, five years after the sale.

There is a further problem with Plaintiff's claim against the United States. The Court previously mentioned the case of *John N. Bach, et al. v. United States of*

²¹ See *Apache Survival Coalition v. United States*, 21 F.3d 895, 905 (9th Cir. 1994).

²² *Trustees for Alaska Laborers Constr. Indus. Health & Sec. Fund v. Ferrell*, 812 F.2d 512, 518 (9th Cir. 1987).

²³ *Thornton*, 4 F.3d at 653.

America, et al., Case No. 98-383-E-EJG. Plaintiff, joined by some of his declarants on the pending motion, sued the United States and a number of IRS agents, including IRS Agent James Mason, along with state officials, counties and county officials from six Idaho counties. Also named were private individuals and entities, including Alva Harris, Scona, Inc., and Pro Indivisio, Inc. In addition, Alva Harris, Jared Harris, and Darrell Harris were alleged to be doing business as or as alter egos of Scona, Inc. and Pro Indivisio, Inc.

The case alleged a “grand conspiracy among various city, county, state and federal officials, as well as private parties, to deprive plaintiff of their constitutional rights.” (Order Dismissing Second Amended Complaint at 3, Oct. 21, 1999.) The Amended Complaint, dismissed with prejudice by Judge Garcia, read in pertinent part:

James L. Mason, Alva A. Harris and Judge Ted V. Wood, have in particular refused to recognize an automatic stay order from the U.S. Bankruptcy Court, Sacramento Division, in the Chapter 13 proceedings by John N. Bach, Number 97-31942-A-13 . . . despite said James L. Mason and Alva A. Harris, individually and on behalf of said sham entities Scona, Inc. and Pro Indivisio, Inc., having been personally informed in advance of any I.R.S. [sic] of a claimed “nominee interest” in his mother’s spendthrift trust, the VASA N. BACH FAMILY TRUST holding investments as aforesaid in Teton County, Idaho.²⁴

²⁴ *Bach v. Mason*, 190 F.R.D. 567 (D. Idaho 1999) (Complaint at 16).

It is clear that this claim is identical to that now presented here. The defense of *res judicata* is available to all defendants who are claimed to have any connection with the August 5, 1997, sale. This Court can *sua sponte* consider issues of claim and issue preclusion.²⁵

It would be futile to permit Plaintiff to pursue service of process against the United States, as the claims Plaintiff states against the United States are barred by *res judicata*. The action will be dismissed with prejudice as to the United States.

2. *Judicial Defendants*

Defendants B. Lynn Winmill and Mark Echohawk (the judicial defendants) have moved to dismiss the Amended Complaint. (Docket No. 198.)

Plaintiff's Amended Complaint alleges that the judicial defendants violated his rights by permitting Mr. Echohawk to preside at "status, scheduling or pretrial conferences" with no record having been made. He further argues that they conspired with others to violate his rights.

It is well established, as noted in the Court's prior order, that judges and their law clerks are absolutely immune from suit for actions taken in the course of their

²⁵ *Clements v. Airport Auth. of Washoe County*, 69 F.3d 321 (9th Cir. 1995); *McClain v. Apodaca*, 793 F.2d 1031 (9th Cir. 1986).

official duties.²⁶ Plaintiff alleges nothing that conceivably could fall outside the course of the defendant's duties.

The nature of the act being performed determines whether it carries immunity with it.²⁷ Status, scheduling and pretrial conferences are procedures integral to the judicial process. The fact that Mr. Echohawk led the discussion does not strip him or Judge Winmill of their immunity. Plaintiff's claims of conspiracy in the judicial process also do not pierce the defendants' immunity.²⁸

Finally, some mention should be made of the case oft-cited by Plaintiff, *Sanders v. Union Pacific R.R.*, 193 F.3d 1080 (9th Cir. 1999). The problem in that case was not that a law clerk presided over a pretrial conference, but that the trial judge summarily dismissed the case without notice. *Sanders* does not save Plaintiff's claim against the judicial defendants.

The motion to dismiss by the judicial defendants is granted, and the action is dismissed with prejudice as to Defendants Winmill and Echohawk.

3. *Defendants Runyan and Woelk.*

Defendants Cody Runyan and Galen Woelk have moved to dismiss the

²⁶ *Moore v. Brewster*, 96 F.3d 1240, 1244-45 (9th Cir. 1996).

²⁷ *Stump v. Sparkman*, 435 U.S. 349, 362 (1978).

²⁸ *See Ashelman v. Pope*, 793 F.2d 1072, 1076 (9th Cir. 1986) (*en banc*).

Amended Complaint. (Docket No. 205.)

Plaintiff's original complaint named Runyan and Woelk as defendants. The Court dismissed the complaint with leave to amend, with instructions to Plaintiff on how to proceed. The Amended Complaint does not expand on the allegations as to Runyan and Woelk in any meaningful fashion and only refers to them here and there.

Two of the references in the Amended Complaint are general and, by themselves, do not state a claim. The first of these is paragraph 5(b) which puts movants in "The Attorneys Union and Group." The succeeding paragraph includes no facts or specific allegations of wrongdoing. Paragraph 34, contains the other reference. It includes movants in a general discussion of RICO, but again without any factual allegations or specific allegations of wrongdoing.

The first allegation that in any way resembles a claim for relief is in paragraph 16. Movants are therein alleged to have been retained by Plaintiff in connection with civil case No. 99-CV-14-E-BLW, *Bach v. Moulton*. Plaintiff alleges he shared confidences with movants in connection with their representation of him and later discovered that movants were representing and meeting with various defendants in the case. He also allegedly discovered that movants had helped prepare some form answers to be filed by unrepresented parties herein.

There are some other vague accusations about Kathy Runyan and a real estate listing on an adjacent property.

The most that can be gleaned from paragraph 16 is that Plaintiff claims that movants violated rules of professional conduct in their representation of Plaintiff. But nowhere is there any allegation that any acts were done under color of state law, or that racial discrimination was involved.

In short, the Amended Complaint fails to state a claim in this federal action. The Court gave Plaintiff the opportunity to file an amended complaint. He has now done so. Apparently, even with instructions, he cannot state a claim as to these defendants. The Amended Complaint is dismissed with prejudice as to Defendants Runyan and Woelk.

4. *The Bank Defendants.*

Defendants Donna Woolstenhulme, David Kearsley, and the Bank of Commerce have filed a motion to dismiss the Amended Complaint (docket No. 184), contending that it does not state a claim on which relief can be granted. Defendants are correct.

In his response to defendants' motion, Plaintiff refers the Court to paragraphs 7 and 21 of the Amended Complaint. These paragraphs do not save Plaintiff's position. Paragraph 7 is a general allegation of "racketeering and

unlawful activities” joined in by the Bank defendants. Paragraph 21 refers to Plaintiff’s \$15,000.00 delivered to Defendant McLean on November 14, 2000. There are no facts or specifics alleged in either paragraph and no attempt to comply with this Court’s order of March 7, 2001. As to any federal laws, the Amended Complaint states no claim against the Bank defendants and it is dismissed with prejudice.

5. *Teton County Defendants.*

Defendants Teton County, Laura Lowry, Eileen Hammon, Nolan Boyle, Yolanda Vallo, Phyllis Hansen, Lavell Johnson, William Moulton, Roy Moulton, Jay Calderwood, Mark Trupp, Dave Oveson, James Dewey, Brent Robson, Dave Trapp, and Terry Milton moved to dismiss the Amended Complaint (docket No. 178). The movants constitute part of the “first grouping of defendants” set out in paragraph 3 of the Amended Complaint.

a. *Roy Moulton and William Moulton.*

Roy Moulton, according to paragraph 12, is a former Teton County prosecuting attorney who has represented various Teton County officials. In paragraph 13, Plaintiff accuses him, along with county officials, of using county money for personal purposes. In paragraph 18, Plaintiff alleges that Roy Moulton consulted with Ms. Miller about a battery complaint. There may be other scattered

references to Mr. Moulton, but none suffice to state a claim under § 1983 as there is no reference to state action.

The Amended Complaint alleges that William Moulton is the brother of Roy Moulton and the chairman of the county Planning and Zoning Commission (paragraph 3(i) of the Amended Complaint). The Amended Complaint alleges that he, along with Roy Moulton, used county funds for personal purposes. Then in paragraph 17, the Amended Complaint alleges that he advised Ms. Miller concerning "converting his water rights and rights to his properties." There is no mention of how his Planning and Zoning Commission position impacted Plaintiff or how state law was used against Plaintiff.

Defendants Moulton are also lawyers who allegedly consulted with some of the other defendants. These allegations, coupled with the others, do not state a claim under § 1983. The action will be dismissed with prejudice as to Roy Moulton and William Moulton.

b. *Nolan Boyle.*

Defendant Boyle is described in paragraph 3(d) as Teton County's Clerk-Recorder. Paragraph 13 contains allegations that he participated with other defendants in using county funds improperly. No allegations link the alleged misuse to Plaintiff. These allegations do not state a claim under § 1983, and the action is

dismissed with prejudice as to Defendant Boyle.

c. *Yolanda Vallo.*

The complaint describes Defendant Vallo in paragraph 3(f) as a Teton County Assistant Assessor. Defendant Vallo does not appear to be mentioned elsewhere.

The action is dismissed with prejudice as to Defendant Vallo.

d. *Phyllis Hansen.*

The complaint describes Defendant Hansen in paragraph 3(g) as an employee in the Teton County Clerk's Office. Defendant Hansen does not appear to be mentioned elsewhere. The action is dismissed with prejudice as to Defendant Hansen.

e. *Clint Calderwood.*

The Amended Complaint alleges, in paragraph 3(h) that Clint Calderwood is the son of Jay Calderwood, a Teton County Commissioner. There is apparently no other reference to Defendant Clint Calderwood in the Amended Complaint, and it is dismissed with prejudice as to him.

f. *Remaining Defendants.*

The other moving defendants in the "Teton County Defendants" grouping are Teton County; Laura Lowry, described as a Teton County Prosecutor in paragraph 3(a); Lavell Johnson, Brent Robson, Mark Trupp, and Dave Trapp,

described as Teton Commissioners in paragraph 3(e); Jay Calderwood, described as a Teton Commissioner in paragraph 3(h); Eileen Hammon, James Dewey, and Terry Milton, described in paragraph 3(c) as Teton County Deputy Sheriffs; and Dave Oveson, described in paragraph 3(c) as a Teton County Sheriff.

The Court has considered the entire Amended Complaint in determining whether a claim has been stated against any or all of the above-listed defendants. The Amended Complaint is as confusing and verbose as was the complaint described by Judge Garcia and as the first complaint in this action. However, it is possible that paragraph 18 may state a claim. There, Plaintiff says that he called "911" for assistance in making a citizen's arrest of two defendants. He alleges that Defendants Kaufman, Lowry, Hammon, Dewey, and Luke had agreed that Plaintiff and his properties would not be protected.

This presents the possibility of stating a claim under § 1983. For now, the Court will deny the motion to dismiss as to the defendants listed above without prejudice to renewal. By separate order, the Court will permit further briefing on this issue.

g. *Dennis Thomas.*

Paragraph 3(f) describes Defendant Dennis Thomas as the Teton County Assessor. Although he did not move to dismiss the Amended Complaint, a court

may *sua sponte* dismiss an action against nonmoving defendants where “such defendants are in a position similar to that of moving defendants or where claims against such defendants are integrally related.”²⁹

Defendant Thomas is mentioned in paragraph 21 in reference to Plaintiff's desires to have county records amended to reflect his sole ownership of the property sold at the August 5, 1997, sale. Because Plaintiff is entitled to no relief from that sale, there is no chance that the county records will be amended, and the action is dismissed with prejudice as to Defendant Thomas.

6. *Defendant Larry Williamson.*

Defendant Larry Williamson filed a motion to dismiss the complaint (docket No. 194).

Paragraph 6(c) of the Amended Complaint names Defendant Larry Williamson, individually and as agent of Grand Targhee Summer and Ski Resort. Paragraph 19 alleges that Plaintiff had ski passes during the ski season of 1999-2000 and 200-2001. Employed by the resort were Defendant Williams and Defendants Mark Trupp, Russell Ferris, Gary Blake and Jan Blake. Defendants Gary and Jan Blake apparently were not named elsewhere in the Amended

²⁹ *Silverton v. Department of Treasury*, 644 F.2d 1341, 1345 (9th Cir. 1981).

Complaint. During the ski season, certain other defendants allegedly assaulted, stalked, and threatened Plaintiff. Defendant Williamson is alleged to have known of these events and was kept informed of the others. Defendant Williamson met with Mark Trupp, Ryan Kaufman, and an unknown private investigator.

These allegations do not state a claim under § 1983 as there is no allegation of state action.

Defendants Craig Crase, Mary Langdon, Ann-Toy Broughton, Jack Webb, and Janet Woodland are alleged to have been present at the resort and to have participated in the wrongful acts. They are apparently not mentioned elsewhere in the Amended Complaint except in the listing in paragraph 4. As with Defendant Williamson, no claim is stated as to these defendants, and the Court *sua sponte* dismisses the action with prejudice as to each and all of them.

C. California State Law Claims

Count 7 of the Amended Complaint charges violations of California Civil Code §§ 51 through 53 and California Government Code §§ 12 and 949 et seq. The activities alleged in the complaint are claimed to have occurred in Idaho. No basis for applying California law appears. This claim will be dismissed.

III. ORDER

THEREFORE, IT IS HEREBY ORDERED:

1. All conspiracy claims are DISMISSED with prejudice as to all defendants.

2. The motion to dismiss (docket No. 200) filed by the United States is GRANTED, and the action is DISMISSED with prejudice as to the United States of America.

3. The motion to dismiss (docket No. 198) filed by the judicial defendants is GRANTED and the action is DISMISSED with prejudice as to Defendants B. Lynn Winmill and Mark Echohawk.

4. The motion to dismiss (docket No. 205) filed by Defendants Runyan and Woelk is GRANTED, and the action is DISMISSED with prejudice as to Defendants Cody Runyan and Galen Woelk, individually, and dba Runyan and Woelk.

5. The motion to dismiss (docket No. 184) filed by the Bank defendants is GRANTED, and the action is DISMISSED with prejudice as to the Bank of Commerce, David Kearsley, and Donna Woolstenhulme.

6. The motion to dismiss (docket No. 178) filed by Defendants Teton County, Idaho; Laura Lowry, Eileen Hammon, Nolan Boyle, Yolanda Vallo, Phyllis Hansen, Lavell Johnson, William Moulton, Roy Moulton, Jay Calderwood, Mark Trupp, Dave Oveson, James Dewey, Brent Robson, and Dave Trapp, Terry Milton,

et al., (the Teton County Defendants) is GRANTED as to Defendants Roy Moulton, William Moulton, Nolan Boyle, Yolanda Vallo, Phyllis Hansen, Clint Calderwood, and Dennis Thomas, and the action is DISMISSED with prejudice as to each and all of those defendants. The motion is DENIED without prejudice to renewal as to Defendants Teton County, Laura Lowry, Lavell Johnson, Brent Robson, Mark Trupp, Dave Trapp, Jay Calderwood, Eileen Hammon, James Dewey, Terry Milton, and Dave Oveson.

7. The motion to dismiss the Amended Complaint filed by Defendant Larry Williamson is GRANTED, and the action is DISMISSED with prejudice as to Defendant Larry Williamson, individually and as agent of Grand Targhee Summer and Ski Resort. The action is also DISMISSED with prejudice as to Defendants Craig Crase, Mary Langdon, Ann-Toy Broughton, Jack Webb, and Janet Woodland.

8. All claims asserted against any and all defendants under 42 U.S.C. §§ 1981, 1982, 1985, and 1986 are DISMISSED with prejudice.

9. All claims asserted against any and all defendants pursuant to the Federal Racketeer Influenced and Corrupt Organizations Act (RICO)³⁰ are DISMISSED with prejudice.

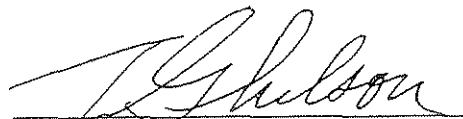
³⁰ 18 U.S.C. §§ 1961-1964.

10. All claims asserted against any and all defendants pursuant to the Constitution of the United States of America are DISMISSED with prejudice.

11. All claims asserted against any and all defendants under and pursuant to the laws of the State of California are DISMISSED with prejudice.

12. Plaintiff's motion to strike (docket No. 216) is DENIED.

DATED this 25th day of June, 2002.


THOMAS G. NELSON
United States Circuit Judge
Sitting by Designation

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this ___ day of June, 2002, to the following:

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Date: 10/09/2002

Seventh Judicial District - Teton County

User: PHYLLIS

Time: 05:36 PM

Minutes Report

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine M Miller, etal.

Selected Items

Hearing type:	Motions	Minutes date:	10/09/2002
Assigned judge:	Richard T. St. Clair	Start time:	02:32 PM
Court reporter:	Ross Oviatt	End time:	02:32 PM
Minutes clerk:	PHYLLIS HANSEN	Audio tape number:	CV 105

Civil parties: John Bach, Pro Se
Alva Harris, Defendants' Attorney
Galen Woelk Defendant's Attorney

Tape Counter: 2200 J calls case, ids those present
DAH - Scona has never been served
J reviews case J will first take Motion filed on September 4 - to dq Woelk and Runyan

Tape Counter: 2327 P - like motion in camera to recuse and dq Woelk and Law firm
DAW - objects - think should be open
P - withheld certain confidences that don't want to go in to on public record

Tape Counter: 2410 Clerk gives P Oath of Affirmation
R & W wanted me to do investigation on John Traylor
Runyan shared confidences in not being able to pass the Idaho Bar; said I would help
Runyan wanted to be certified as an expert in trusts
DAW - objects for posterities sake - not relevant to this matter overruled

Tape Counter: 2553 another thing Runyan asked for help on was an automobile accident; explained how to deal with Claims manager, etc
Another case asked for help on - don't have notes - gentleman who was local farmer and rancher; had large estate
did research as to what he needed to do for preliminary evaluation and checklist
Told wold have to put his name on it and approve since I was not licensed in ID
told him I would charge \$100/hour with \$5000 minimum
Mr. Runyan said "I want you to work with me." Thought could even out do Roy Moulton.
He said "What ever problems o=you are having, I can help you with."

Tape Counter: 2736 Met Mr. Woelk early September
Helped with appeal aginst your honor
problem with house - possible bankruptcy; told another person involved with was Alva Harris
Another problem discussed was with Ted Wood
Case CR 99-165 - transcript; had to go to Supreme Court to get ex parte extension

Tape Counter: 3096 Two other actions have bearing
In May of 2000 Woelk filed action in behalf of Katherine Miller CV 00-076
Another action filed June 21, 2000
P offering PX 1
DA object as to relevance - overruled Admitted
Was filed at same time as was removed to Federal Court; WOelk dismissed
No Judge ruled on this action

000126

Date: 10/09/2002

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine M Miller, etal.

Selected Items

Tape Counter: 2305

EX 2 in letter from Runyan to Bach
Offers
DA objects - self serving, relevance overruled ADMITTED
Aug 3 3 200 letter to Runyan
Offers
Same objection overruled ADMITTED
Letters speak for themselves
Confrontation with Woelk
Offer Entry of Appearance - document says I was served Aug 15, 2000
If that were true, I would have received in mail; attached is envelope show mailed Aug 16

Tape Counter: 3455

Two specific things concerned with
Knew McLean had mental illness - specific threats on my life and bragging about it
Same threats by Fitzgerald and Lyle - almost same identical phraseology
Cindy Miller came from tragic physically abusive marriage; under counseling for a number of months
suffering flashbacks
DA - how is relevant
J don't think is relevant
Concern about stopping this slanderous activity
Ask for assurance that would not be timid; would be pit bull
he has violated all that confidences

Tape Counter: 3600

DA - X
Show where client says "Go to Hell John"
P - you client is your partner; cannot find transcript; case is on appeal

Tape Counter: 3678

P - Mr. Runyan never disputed this is what he said

Tape Counter: 3695

DA -
Clerk swears in DA
Only been atty for five years; never been faced with so much falsification, opinions and lies in ly life
P objects overruled
Stand by affidavits in file

Tape Counter: 3808

J - did any Judge rule on Bach's motion to recuse
DA no

Tape Counter: 3825

P X Page 3 of affd filed
do you have notes on that - no
did you ever send letter to Bach no
P - move to strike as non-responsive - overruled
DA - objects -relevance sustained
DA objects - relevance overruled
did you send letter saying was delusional

Tape Counter: 4040

One other aspect - recollect conversation was close to hour; hour five minutes

000127

Date: 10/09/2002

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine M Miller, etal.

Selected Items

Tape Counter: 4061

P like to argue two points
Know court has reviewed affidavits
Like to focus on admission that Woelk was sent copy - never took any steps to indicate not to put his name on legal documents
Can't beleive law student doesn't come out with the responsibility to tell individuals who believe they had that person as an attorney that they can't hel them
unbeleivable by Woelk and Runyan
This is a matter of integrity of Bach and of bench
Am familiar with legal ethics of attorney

Tape Counter: 4200

DA - bound by ethcal obligations that Bach is not bound by
Sept 16 motion - not going to hear
P objects to relevance
Haven't heard any evidence with regards to what he has alleged I have done against him
Assuming Bach had discussion where he divulged confidences; Bach hasn't told court what info I am privy to that would dq from representing Miller
Needs to prove I was once his attorney; I wasn't

Tape Counter: 4338

P -accept that court is accepting my affd - I am
I don't have to show how misuse can result
DA - how is relevant - supposed to be rebuttal
Maintain objection - overruled
On Nov 16, McLean stole \$15,000
First amended complaint is verified complaint

Tape Counter: 4468

Motion seeks to dq Runyan and Woelk from representing Kathy Miller and for sanctions
Having considered the affd's and testimony and the 4 exhibits and the arguments

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See page 14

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine M Miller, etal.

Selected Items

Tape Counter: 4541

Decision is within the discretion of the trial court
must first perceive the issue of discretion
possible actions
1 the moving party has to establish grounds
shape remedy
reach solution that is least burdensome to the client
4 part test - one of foremost - would moving party be prejudiced by continued
representation
Was attorney/client relationship between Bach and law firm and if so what was disclosed
Find was no attorney/client relationship between Bach and Woelk or Runyan
Requires consent by both parties; Attorneys did not consent to taking on as client
If there was, it was certainly terminated in late 99 or early 2000

Tape Counter: 4749

Find no confidential information imparted from Bach to Runyan and Woelk
Find using Bach as legal assistant was not confidential; has nothing to do with Miller
Providing of legal pleadings is not confidential
Discussing lawsuits and opinions is not confidential
giving transcripts is not intended to be confidential
Would prejudice Miller to have to go find attorney and bring up to speed
No reason to Disqualify W and R

Tape Counter: 4856

W and R named as D
not basis to disqualify
Third aspect W and R have to give testimony - determine credibility
If Bach calls to testify - will lose edge if have to become witnesses
do they have any competent evidence
Then don't think Woelk - may have to step down
DA - do understand
Denying Motion to Disqualify Runyan and Woelk
Don't know what "Full Amelioration" even means - looked up; couldn't find
Denying that motion for lack of evidence or lack of authority
Would be inappropriate to sanction
Woelk to do motion - will sign
Think Findings of Fact are sufficient on the record
If don't like order, will change it myself.
P - want to get transcript from clerk
J moving to have sealed yes
DA no objection -sealed
Recess 3:50

Tape Counter: 5104

Reconvene 3:49
J proper procedure to go under contempt statute

Tape Counter: 5144

P - ask court to receive affidavit - want to give testimony
J identifies those present
everytime showed up some one had removed metal gate

000129

These are
saved under
the first
hearing

Date: 10/09/2002

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine M Miller, etal.

Selected Items

Tape Counter: 6092

DAW X P
DA intro DX Miller A P ids Gate
P have no objection to this coming in
DA offers ADMITTEd
DA Intro DX Miller B Boundary line
No objection
DA offers - ADMITTED
DA intro DX Miller D
P ids - part of the repair of the corral that we are talking about
DA moves be admitted
No objection ADMITTED
DA intro DX C - picture of No Trespassing Sign
Moves be admitted
No objection ADMITTED

Tape Counter: 6875

J can clarify where we are
Tape 105 ends
Tape 106 begins

Tape Counter: 10

DA basis of claim for contempt against my client is that she fails to put the gate back up
Is also claim tha client is in contempt for driving off the gravel road - more than that

Tape Counter: 193

P redirect - none of the signs stopped Miller from going in
All she had to do was take the horizontal pole, swing it around and go in

Tape Counter: 262

DAH doesn't wish to X the P on the affidavit or his testimony

Tape Counter: 284

DAW calls D
Clerk swears in D Miller
DAW ? D
Will not go on property by myself
P objects - irrelevant overruled
Recent construction - yes
EX B - fence that was constructed between the two 40 acre parcels
New post extends the fence further between the two parcels
P objects - speculation sustained no foundation

Tape Counter: 418

EX A Log 1-20 feet long going across area that describes the initial strip
Not there when Order started out
Have moved it; have not put it back
EX D - truck there on 110' easement
Corral has been constructed on that easement
Big corral and lot of hay
Very frequently the entrance gate is down; 30% of the time down
When take down, do not put back up; very heavy, very bulky

000130

Date: 10/09/2002

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine M Miller, etal.

Selected Items

Tape Counter: 582

DX C sign that P has posted
have taken it two time personally
P move to strike as speculation sustained
P objects - leading and suggestive overruled
Have returned any item that I have
P objects - agreement speaks fir itself, best evidence she can point it out
My understanding is that a person needs access to their property
Have you cut down any posts - have not

Tape Counter: 827

P X
Your're threatened by everything about that property
P moved to strike as non-responsive - overruled
DA objects - overruled
DA objects - relevance J no evidence this unknown party went on the Targhee property;
not Fitzgerald or Lyle; Sustained
DA objects there were no horses on that strip sustained
J - will take Judicial Notice that don't want horses on unfenced property
DA objects - relevance sustained
DA objects - relevance sustained
D - did not leave 110' strip
DA objects - relevance overruled
DA objects calls for speculation overruled
DA asked and answered sustained
DA objects - relevance overruled
Da objects - speculation sustained
DA objects assumes facts not in evidence overruled
DA objects - calls for legal conclusion
DA asked and answered overruled
Da objects relevance overruled

Tape Counter: 1282

DA objects - hearsay sustained
DA objects attorney client privilege overruled
DA objects as to relevance J think is cumulative
DA objects - asked and answered
P reads from document
DA objects - personal knowledge - J affd has not been refuted
D have no idea where these items are; asked if anyone had anything to return if
DA objects

Tape Counter: 1420

P Refers to EX D
Today looked like half of post on the ground
DA calls for speculation J not going to go do a view
DA objects - asked and answered sustained
DA objects - assuming facts not in eveidence
DA objects relevance sustained
DA objects - calls for speculation
Da objects calls for speculation, legal opinion sustained

000131

Date: 10/09/2002

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John Nicholas Bach vs. Katherine M Miller, etal.

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Tape Counter: 1545

J - doesn't say that - I wrote the Order
J same question Mr Woelk asked and you objected
DA objects - document speaks for itself overruled
J I'll read the agreement
DA objects - relevance - J will read agreements with a fine tooth comb
I figured since you have paid Mr. Homer several thousand dollars to incorporate it, you would understand it better than I would
Da objects - relevance sustained

Tape Counter: 1649

DAH X D
P - ask court to instruct Harris to ? as direct and not as adverse witness
P objects overruled
P objects overruled
P move to strike - siad she could answer
P objection sustained
P beyond the scope overruled
P hearsay - sustained as to hearsay
P objection irrelevant, immaterial ... sustained
P objects calls for legal conclusion ... overruled

Tape Counter: 1745

DAW redirect
with regards to the property to be returned - are you even aware those items exist
P objects improper redirect Will withdraw the question

Tape Counter: 1780

J will not allow re X
P she's authorized....
DA objection
Da is your opinion that Bach owns the easement
Jointly owned
6.6 acres and then strip across the northernly part
Western 40
Easter 40 Bachs
6.6 jointly
strip across northern part of eastern 40
Da just want to interject -
No final judgemnt has been entered

Tape Counter: 1922

J will have to have clerk get in touch when can back to Teton County
J will schedule telephone hearing
P think require a full hearing for argument
P Prefer to have in IF
DAH - don't want to have my clients go to IF
J Will finish up rest of contempt as soon as can get half day free
recess 5:44

000132

FILED IN CHAMBERS

at Idaho Falls

Bonneville County

Honorable Richard T. St. Clair

Date 10/15/02

Time 8:30

Deputy Clerk M. Swadlow

JOHN N. BACH
1858 S. Euclid Avenue
San Marino, CA 91108
Tel: (626) 799-3146
(Seasonal: P.O. #101
Driggs, ID 83422
Tel: (208) 354-8303

SEVENTH JUDICIAL DISTRICT COURT, STATE OF IDAHO

IN ANA FOR THE COUNTY OF TETON

JOHN N. BACH,

Plaintiff,

CASE NO: CV 02-208

ORDER SEALING ALL RECORDS
OF IN CAMERA SESSION ON
SEPTEMBER 9, 2002

v.

KATHERINE D. MILLER, aka
KATHERINE M. MILLER, et al.,

Defendants.

Upon application being made, via ^{October} oral motion in that
in camera hearing, held on ~~September~~ 9, 2002 hearing in Driggs,
and no objections being made by counsel, Galen Woelk,

NOW, THEREFORE, IT IS HEREBY ORDERED, that the entire in
camera session, transcripts, minutes and/or other records
thereof, as to such in camera hearing, are hereby sealed,
~~withdrawn and sequestered~~ from any public view, examination
or access except upon duly noticed/made motions to the court,
and further order thereon as may be required.

DATED: October 15th 2002

Richard St. Clair
JUDGE RICHARD T. ST. CLAIR

Approved as to Form:

~~Galen Woelk, Attorney for Defendants Katherine Miller, Galen
Woelk & Cody Runyan, Individually &
dba Runyan & Woelk~~

000133

FILED IN CHAMBERS
at Idaho Falls
Bonneville County
Honorable Richard T. St. Clair
Date 10/15/02
Time 8:30
Deputy Clerk M. Southwick

GALEN WOELK
RUNYAN & WOELK, P.C.
P.O. BOX 533
DRIGGS, ID 83422
TELE (208) 354-2244
FAX (208) 354-8886
IDAHO STATE BAR #5842

ATTORNEY FOR DEFENDANT

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

JOHN N. BACH,)
)
)
 Plaintiff,)
)
)
 vs.)
)
 KATHERINE M. MILLER, et. al.,)
)
)
 Defendant.)
)

CASE NO. CV-02-208
THIRD ORDER ON
PENDING MOTIONS

On September 4th, 2002, Plaintiff Bach filed his "MOTION FOR AN ORDER DISQUALIFYING-RECUSING GALEN WOELK AND HIS LAW FIRM RUNYAN & WOELK FROM REPRESENTING KATHERINE MILLER OR ANY DEFENDANT HEREIN AND FOR FULL AMELIORATION BY GALEN WOELK, HIS LAW FIRM, RUNYAN & WOELK DUE TO THEIR VIOLATION OF CONFLICTS OF INTEREST OF PLAINTIFF; AND SANCTIONS."

On October 9th, 2002, this Court heard plaintiff's motions in-camera, whereby evidence was offered and

THIRD ORDER ON PENDING MOTIONS

RECEIVED
OCT 11 2002

1
000154


testimony received on the issues. Having reviewed the evidence, this Court made the following findings:

1. There was no attorney-client relationship between Bach and/or Runyan & Woelk.
2. There was no confidential information or relevant confidential facts shared by Bach with Runyan & Woelk.
3. Defendant Miller would suffer prejudice if her attorney of the last two years was disqualified in this matter.

NOW THEREFORE, IT IS HEREBY ORDERED that Bach's motion for disqualification / recusal of Runyan & Woelk, motion for amelioration, motion for sanctions and default judgment are all DENIED.

This order does not pertain to other pending motions presently before the court.

DATED this 15th day of October, 2002.


Richard T. St. Clair
District Judge

CERTIFICATE OF ENTRY
BY MAIL, HAND DELIVERY OR FACSIMILE TRANSMISSION

I, the undersigned and Clerk of the above-entitled Court, hereby certify that pursuant to the Idaho rule of Civil Procedure 77(d), a copy of the foregoing was duly posted by first class mail to the following persons at the names and addresses stated below.

Galen Woelk
P.O. Box 533
Driggs, ID 83422

Mail
 Hand Delivery
 Facsimile

John N. Bach, Pro Se
Idaho Resident
P.O. Box 101
Driggs, ID 83422

Mail
 Hand Delivery
 Facsimile

Alva Harris
Box 479
Shelley, ID 83274

Mail
 Hand Delivery
 Facsimile

, Clerk

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, with my office in Driggs, Idaho; that on the 10th day of October, 2002, I caused a true and correct copy of the foregoing THIRD ORDER ON PENDING MOTIONS to be served upon the following persons at the addresses below their names either by depositing said document in the United States mail with the correct postage thereon or by hand delivering or by transmitting by facsimile as set forth below.

John N. Bach, Pro Se
Idaho Resident
P.O. Box 101
Driggs, ID 83422

Mail
 Hand Delivery
 Facsimile

Alva Harris
Box 479
Shelley, ID 83274

Mail
 Hand Delivery
 Facsimile



Galen Woelk

FILED
11:05
NOV 12 2002

TETON CO.
DISTRICT COURT

Alva A. Harris
Attorney at Law
171 South Emerson
P.O. Box 479
Shelley, Idaho 83274
(208) 357-3448
ISB # 968

Attorney for Defendants Harris, Fitzgerald, Lyle and Olson herein and for
Katherine D. Miller, plaintiff, in Teton case No. CV-01-191


IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

JOHN N. BACH,)	
	)	Case No. CV-02-0208
Plaintiff,)	
vs.	)	MOTION
)	
KATHERINE D. MILLER, etal)	
Defendants.)	
_____)	

COMES NOW the above named defendants, by and through their attorney of record,
Alva A. Harris, and respectfully move this Court for its order striking the attempted
pleading entitled "First Amended Complaint" filed on September 27, 2002, and in
support of this motion said defendants incorporate the allegations of that Motion
filed by Galen Woelk on October 3, 2002. These parties further move to consolidate
all quiet title allegations of any complaint filed by plaintiff herein with Teton County
Civil No. 01-191 which has now been remanded back to Teton County after plaintiff's
attempt to remove the same to the federal court system.

This motion is based upon the documents and pleadings on file herein in both of
said cases. Testimony will be given at the scheduled hearing.

DATED this 8th day of November, 2002.



Alva A. Harris

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of November, 2002, I served a true and correct copy of the following described document on the party below by depositing the same in the United States mail, with the correct postage thereon, in envelopes addressed as follows:

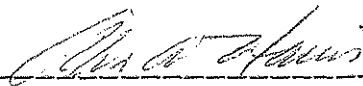
Document Served: MOTION

Party Served:

John N. Bach, Pro Se
1958 South Euclid Avenue
San Marino, CA 91108

Attorney Served:

Galen Woelk, Esq.
P. O. Box 533
Driggs, Idaho 83422



Alva A. Harris

Teton Co
 FILED IN CHAMBERS
 at Idaho Falls
 Bonneville County
 Honorable Richard T. St. Clair
 Date 11/27/02

IN THE DISTRICT COURT FOR THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON
 Deputy Clerk M. Southwick 1:40

JOHN N. BACH,)
)
 Plaintiff,)
)
 vs.)
)
 KATHERINE D, MILLER, aka)
 KATHERINE M. MILLER, ALVA)
 A. HARRIS, individually and)
 Dba SCONA, INC., a sham entity)
 JACK LEE McLEAN, BOB)
 FITZGERALD, OLE OLESON, BIB)
 BAGLEY and MAE BAGLEY, husband)
 And wife, BLAKE LYLE,)
 Individually and dba GRANDE)
 TOWING, and DOES 1 through 30,)
 Inclusive,)
)
 Defendant(s).)

ORDER AND NOTICE
 SETTING JURY TRIAL
 Case No. CV-2002-208

Pursuant to Rule 16 of the Idaho Rules of Civil Procedure, the following pre-trial schedule shall govern all proceedings in this case:

- I. IT IS HEREBY ORDERED:**
1. A Pre-trial Conference is scheduled for May 30, 2003, at 3:00 p.m. at the Teton County Courthouse.
 2. Jury trial is scheduled for 10:00 a.m. on June 10, 2003, at the Teton County Courthouse.
 3. Plaintiff(s) shall disclose the names, addresses, and telephone numbers of expert witnesses that may be called to testify at trial by January 31, 2003; Defendant(s) shall disclose expert witnesses by February 28, 2003.
 4. All discovery shall be completed by May 15, 2003.
 5. The parties and their attorneys shall attend a mediation session before a qualified attorney mediator or district judge selected by the parties some time prior to March 31, 2003. Unless excused by the

ORDER

mediator upon a showing of good cause, lead trial counsel, the parties and a representative of any insurer of a party shall attend the mediation with adequate settlement authority. In the event the parties have not agreed on a mediator by March 1, 2003, the parties shall notify the Court, and the Court shall appoint a qualified mediator.

II. IT IS FURTHER ORDERED that each attorney shall, no later than three (3) days prior to the pre-trial conference:

1. File a list of names of persons who may be called to testify.
2. File a descriptive list of all exhibits proposed to be offered into evidence, indicating which exhibits counsel have agreed will be received in evidence without objection and those to which objections will be made, including the basis upon which each objection will be made.
3. File a brief citing legal authorities upon which the party relies as to each issue of law to be litigated.
4. Submit proposed jury instructions to all parties to the action and the court. The Court has prepared stock instructions covering the following Idaho Jury Instructions (IDJI): 1, 2, 100, 108, 109, 110, 112, 120, 121, 122, 123, 124, 125, 140, 141, 143, 144 and 900, which the parties need not submit. Copies of the stock instructions may be obtained from the Court. The parties shall meet in good faith to agree on a statement of claims instruction (IDJI 103 and 104) which shall be submitted to the Court with the other proposed instructions. In the absence of agreement, each party shall submit their own statement of claims instructions. All instructions shall be prepared in accordance with I.R.C.P. 51(a). All requested instructions submitted to the court shall be in duplicate form as set out in Idaho Rule of Civil Procedure 51(a)(1).
5. Submit that counsel have in good faith tried to settle this action.
6. State whether liability is disputed.

III. IT IS FURTHER ORDERED that each attorney shall no later than seven (7) days before trial:

1. Submit any objections to the jury instructions requested by an opponent specifying the instruction and

Date: 11/27/2002

Seventh Judicial District - Teton County

User: PHYLLIS

Time: 10:27 AM

Minutes Report

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Hearing type:	Motions	Minutes date:	11/26/2002
Assigned judge:	Richard T. St. Clair	Start time:	02:00 PM
Court reporter:		End time:	02:00 PM
Minutes clerk:	PHYLLIS HANSEN	Audio tape number:	CV 106

Civil parties: Defendant, Pro Se
Plaintiffs' Attorney Alva Harris
Plaintiff's Attorney Galen Wnelk

Tape Counter: 5799 J calls case; id;s those present; reviews case
Continuation of Hearing from October 9, 2002

Tape Counter: 5941 PA H calls W - 1 Blake Lyle
Clerk swears in W - 1 Tetonia, Idaho
PA H ? W - 1
J told us to put back what ever we had taken off the property by 5:00 the next day
P objects calls for legal opinion Overruled
Was driving wrecker; Fitzgerald was driving my car
P and girlfriend pulled up and told us we couldn't leave
P jumped out of truck yelling and screaming at us; stuck camera in my face and took a picture of me after I got mad
Walked back to Fitzgerald; saw him take a swing at Bob, knocking his hat off
was going to push with my wrecker and Bach jumped in from of wrecker
lady moved the car so I was abnle to leave
P said wanted to fight
Went to take a swing at me and I blocked it; dropped camera; said I damaged
P got out in street in way of traffic
P objects - conclusion sustained; can lay further foundation
Stopped as entered highway; watched to make sure Bob got out okay
Only incident is when we were blocked in and he took a swing at Bob
Pulled along side of highway
Camera was in left hand; blocked shot; he hit left hand with other hand
P jumped out in road screaming "Help, I;m being attacked
P objects opinion sustained
P intro PX 23 A - H
P into PX 24 A - E

Date: 11/27/2002

Time: 10:27 AM

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Seventh Judicial District - Teton County

Minutes Report

Case: CV-2002-0000208

User: PHYLLIS

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 1

W id's PX 23A
W Have no idea about shotguns, alcohol, pictures
Officer let go in and get al guns
P - ask to strike sustained
Have no idea about 51 Ford
P - you sold it for \$10,000 didn't you W - I wish
1987 Camry 4 door cream colored girlfriend said gald we towed
P objects non -responsive - overruled
W - we have to pay to get rid of cars up here
1988 4 door Chevy Caprive
Dodge half ton pick up
Katherine Miller asked me to tow stuff off their property that ad been abandoned
Paid me \$40 a car
What did you do with all the 50 pairs of ski and fence posts
W - I said I grabbed two metal psosts and snapped them off
DA W objects what testifies to sustained
P - may I have a ruling that DAW not object to anything - not his client
J - any party to a dispute can object and can X any witness

Tape Counter: 226

P intros 23 B- W ids
23 C W ids
Move to strike last statement overrule
Objection was to 23 B ruling
23 C - you beat up the back

Tape Counter: 272

23 D - trailer
P - rear tire shredded like with a chain saw
23 E - trailer
23 F stock trailer
23 G same trailer
23 H right rear tire of gray truck
DAW objects - W testifies doesn't recognize overruled
DAH objects - doesn't recognize overruled
DAH - objects - don't recognize W did not testify last hearing
Blocked bronze Chrysler LeBaron to block out
P threatened to kill

Tape Counter: 408

DAW sounds like we are getting in to Contempt sustained
DAW ambguous don't understand what day or time talking about sustained
grabbed two vehicles had there; delivered, got done at 8:30
Next day brought back the three vehicles I had at my house
DAW objects relevance overruled
DAW continue to object to relevance
DAW continue relevance
DAH objects becoming argumentative overruled
DAW asked and answered sustained

Tape Counter: 505

P intro 24 A W - looks like you moved some of them
DW objection relevance sustained
DAW objection relevance sustained

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Seventh Judicial District - Teton County

User: PHYLLIS

Minutes Report

Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 551

24 B is that you driving yes
who is in front of you taking picture - you had just gotten out of the door
Where is Fitzgerald - coming up behind us

Tape Counter: 585

24 C - compare
driving directly at Mr. Bach arent you
24 D W - right after you hit me in the face with a camera
probably 3 or 4 feet away

Tape Counter: 636

24 E Pointing with left had - to get you to move your truck
Never said was going to kill you
24 F Where is truck blocking you - she had left by now
Never took a swing at you
Did you ever make a statement to TCSO
DAW objects compund ? sustained
DAW objects - relevance move on; has already answered
DAW objects relevance sustained
DAW objects relevance susutained
P argues seeking contempt against all charges
DAW objects argumentative, assumes facts not in evidence J sustain on relevance
J - anything that happened before the 14th of August is irrelevant
DAW objects - relevance overruled
P Ask That be produced W - don't have here on me
J will not take time for him to run it down

Tape Counter: 826

Want accurarate chronology
Was looking at you; inside truck
DAW - hasn't this line of ? be asked and answered before
Overruled
24 F

Tape Counter: 974

had seen Bach hit Fitzgerald
Move to strike as non responsive overruled
Neer took camera
Move to strike latter part as non -sesponisve
DA W oject as non -responsive sustained
DAH - Bach was not to interfere with putting stuff back
P - object - improper interjectio
Ask you to find Bach in contempt
They were driving their vehicles out
J - will take under advisement
J - will strike snide remark
DAW objects relevance sustained
DAW objetcs asked and answered sustained

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Seventh Judicial District - Teton County

Minutes Report

Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

User: PHYLLIS

Selected Items

Tape Counter: 1051

DA W ? W -1
P objects relevance sustained
P obejcts - calling for objection and conclusion overruled
Did you return all vehicles in you possession yes
P objects irrelvant; asked and answered overruled
PX 24 B WAS P impeding access
P objects asks for conclusion sustained
P move to strike as non responsive overruled
P objects leading and suggestive, move to strike sustained
P objects, relevant and immaterial overruled
P your honor filed that object no motion for rescinding
P is improper
J if going to after 14th will overruled; need to ask foundation ?
W - neverlooked in any of the ?
J need to wait until finished

Tape Counter: 1223

DAW - did you ever move any personal property out of the vehilce
P irrelevant sustained

Tape Counter: 1245

DAH calls W - 2 Bob Fitzgerald
recess 2:58

Date: 11/27/2002

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Seventh Judicial District - Teton County

User: PHYLLIS

Minutes Report

Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 1282

reconben 3:10
clerk swear w2
daa Questions w2
Did you take part in returning property

Where you on the property Than?

w2 I was driving
dah How where you able to leave the property
w2 It was difficulty By a pick-up truck by Back' Girlfriend Back was a passenger
dah was your vehicle behind
obj- non-responsive-sustain
dah you stated there was
w2 pull into the I was outside white vehicle near the travel trailer, mr Lyle proceeded . I
watch mr. back's girlfrien
P-objection-non-resposive/overruled

Back proceed to stand in the at that poin I became very concern
p-ojection as non resposinve j will sustain as irrealent
p-object non-responsive-move to strike j sustain
p-object non-responsive sustain
p-objection leading over-ruled
P-objection leading j-over-ruled
w2 I saw mr back reached into the cab I believe he made con
Pmove to strike as non
p-move to strike as non- resposive j-over-ruled
w2 mr back wanted mr Lyle to move vehivle
very upset speaking in a loud voice. Mr
P-move to strike non-responsive J-sustain
Pobjection leading and suggestive ask and answer J-will sustain asked and answered

000145

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Seventh Judicial District - Teton County

User: PHYLLIS

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Minutes Report

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 1656

dah
P-leading suggested ask /answere J-sustain asked/answred
P- obj misleading not his testimony J sustain
p-objecting leading j-over-ruled
dah What happen to you while observing traffic
w2 I got hit by mr. Back
dah did you try to defend your self
w2- I was very surprise
da
P-leading j-sustain
w2 I than look up mr. back leading
I heard lyle to knock it out, leave it alone mr. back look toward lyle. Mr lyle was
approching
P-move to strike as non-resposive J-over-ruled
P-move to strike as non-resposive J over-ruled
dah When did you drive away?
w2 shortly there after, a few minutes after mr
p-move to strike J-sustain
p-objection J-over-rule
P-non-resposive J over-rruled
P-asked and answer J sustain

Tape Counter: 1928

pxs w2
daw obj j- sustain
daw continuining obj j- sustain
daw obj revelance J-sustain
daw- obj revelance j-over-ruled
daw foundation j-over-ruled
daw argumentative
dah obj argumentative
daw attorney client priviledge j- you dont have stading -over-ruled
daw ojb assume fact not in evidence J- sustain
daw obj assumed fact not in evidence j-sustain
dah obj he was not at preliminary J- over-ruled

Tape Counter: 2172

daw obj relevant how does this fit into contempt j-over-ruled
p-moved to strike as non-responsive J- over-ruled thinking out loud
p-isnt' true tthat mr
daw continue his objectionrevelance
p-move to strike as non-responsive j-over-ruled
daw-obj rvelance j-over-ruled

Tape Counter: 2346

p-move to strike as non-responsive J- over-ruled
daw asked and answered
daw obj calls for legal conclusion j_over-ruled
daw obj speculation J-over-ruled
ex

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 2465

p-move to strike as non-responsive j- you asked the question
asked as yes or no w2 no
p exb 24b isn't just to your north
daw obj irrevalance p-obj to the interjection j-sustain
exb24a p-how long was that pole
w2 l
daw-asked and answer j- over-ruled
daw objection calls for assumption j-sustain
daw obj assumes facts not in evidence j-will overruled so we can get by this don't know
why is revelant
daw asked and answered j-over-ruled
px24c
p-is that you in the car?

Tape Counter: 2716

px24d
w2 you where threaten him
w2 you were yelling at him that you were going to beat him-up
p-8/2/02 6 days after the
daw-obj j-over-ruled
daw obj I don't understand how this is
J-over-ruled

Tape Counter: 2893

daw continue to obj j-over-ruled
p-move to strike as non-responsive j- over-ruled

Tape Counter: 3056

px24e & 24d
w2 this man is asking time-frame
I was behind in this picture.
daw obj argumentatory calls for speculation j-sustain
daw obj asked and snawered j-sustain
daw irrelvant j-calls for speculation
daw irr j-sus
daw-arg j-sus

Tape Counter: 3169

daw ? w2
dah no questions
dah renew motion this is around non getting ready to leave picture speaks for themselves
my client are exonerating
they were insulted by this individual blocke their pass for about 5 min before they were
able to leave
report were made to propret authority
when they were performing orders
order to remove out. the fact he is un-happy . he got angry, that is his problem controlling
his temper. I think this is reasonable conclusion that . P-I haven't finish
j-take under advised
p-object j-take under advised

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 3364

CLerk gives Oath of Affirmation

P testifies

Pictures taken Aug 16th

Notice vehilces put on strip

Front pole gate thrown about

brought it back put in alignment

J - are these in evidence

P offer

no objection

no objection

ADMITTED

Was in hearing with Judge Shindurling

COuld see Lyle's white two truck

DAW object - how is this rebuttal; are we going to go through entire events again

J - think should be limited to testimony of Miller, Lyle Fitzgerald

Tape Counter: 3486

Upon approaching Miller parked on North are of entrance; is 24 feet wide

Pole in 23A is 29 feet long

Tape Counter: 3515

P describes where standing when taking pictures

DAW object - clarify is talking about girlfriend and not client

24 A offer in eveidnce as accurate depiction of where I was standing

24 B

J 24 A - E are admitted

P want to give evidence

Lyle is bearing downon me in his truck; jumped out of the way

I did not take a swing at him

had taken al 27 pictures on the camera

24 E shoud really be 24 D - Lyle was pointing his picture at me

24 D should be 24 E

Fitzgerald was slinking down in the seat of the car he was driving

THought I had taken 2 pictures of him

PX 24 C - tire tracks to the left of Fitz are the tire tracks of Lyle as he pulled out of the gate

24 F - Lyle threatene to kick my ass, to kill me, to suffer a ll sorts of pain

at this point the rest of the frames were exposed

Fitz drove out on higway and yelled Get his camera get his camera

Tried to flag down some vehicles, concerned for my safety

Ms. Miller had left; told her go get the sheriff

Lyle did strike me, did throw the camera down, pulled out the canister, pulled out the film and exposed it

At no time did I ever undertake and assault or a swing at him

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Date: 11/27/2002

Seventh Judicial District - Teton County

User: PHYLLIS

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 3757

Last time after court immediately went to property - everytime am in court something happens with my animals or property
Miller had driven horses into large corral, locked the gate
have worked with those horses since 1997
DAW don't even know what day J sustained
P - Offer them for contempt only
J - can not enlarge scope
P - beleive is relevant for new motion

Tape Counter: 3836

DAH X P
pictures hsows 2 poles - 28 feet apart?
P one pole has been cut after Aug 16; is behind Blake in 24 D
Pole to north is 23 A; hasn't been cut because wrapped in with sheet wire
HOW wide is driveway leading up to poles - probably close to 40 feet
How wide is steel gate 16 feet
Have moved over additions
ASK the court to take review - DAW no you didn't; objected to last time it was requested
J - don't think should be taking a view unless parties are present and they will be figthing
won't go out

Tape Counter: 3950

DA W X
obj-
DAW - imporper redirect
J this is X of his direct
P said can't offer F=Affidvait
P objecting talking to the court
DAW my client certainly has a defense
P - this is my objection, not my testimony
J - if dealing with 28 foot gate and 2 vehicles can get through it
DAW - want to show his violation of injunction; dont have Motion for contempt
P - want continuing objection - no motion filed
DAW - intro DX D and F W ids
DAW those represent the construction you have done since August 16
Reestablished the corralls
P - Agreement
Do not accurately reflect it - they are ina perspective that do not give a true distance
Is it on the easement
Very familiar with parcels; as a co owner I can use the strip
P objects - no relevancy
DAW Prior bad acts - goes to honesty and credibility; using as impeachment
P asked and answered; improper redirect J - think was answered; he said he was

Tape Counter: 4229

P-
P -if DX admitted over objection then I offer my affidavit and further objection to it
J will have to study notes on/hearing

Date: 11/27/2002

Seventh Judicial District - Teton County

User: PHYLLIS

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Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 4304

J - next motin was motion to Modify filed Sept 3 by Bach
DAW - were we not just dealing with that entire motion
P - clarification could I submit 2 cases on Contempt Citation - is not only crime in and of
itself - Federal Hobbs ACT
Have closed COntempt
P wish to submit the 2nd case -just came down last week
threatening interstate - would like to get to you by Monday J ok
DA's don't want time to respond

Tape Counter: 4441

j - DON'T SEE HOW CAN BE GRANTING MOTION TO RETURN \$2500 BOND
clB=NDY MILLER IS NOT A PARTY TO THE ACTION
P - testimony unrebutted that property has still not being returned to me
\$25,000 in damages to effort to try to return to me
That can stand as that bond
Lyle's conduct
My testimony stands incontroverted
DAW - is Bach giving testimony no
P - object to DAW pretending he doesn't hear
there is already a ssecurity for 10 times the damages
All evaison bear upon request fro contempt and preliminary injunction
1 - no pay crop possible to be removed
2 - no activities during this winter that would justify Miller from playing a game
not one credible attempt by their counsel to stop these bad faith moves
no damage to her whatsoever
I am prepared - corral is within less than half of the strip
have left for her 50 - 60 feet to go on
This woman thinks this is a game
DAW - where are we now
DAH - have drifted away from his attempts to show Lyle to other motion
DAW - lie to take motions in Order
3 -

Tape Counter: 4724

J - trying to determin whether I can decide that on what I have heard
Miller and none of D's go one properties for the next 6 months
no ?
2 - like \$2500 back
3 - want Lyle away from me and my significant other
J - you're getting into something that I can't enforce
DAW - wouldn't the solution be to not have anyone on the property for the next 6 month
P J does have that power and that authority
4 - Sanctions can also be in these three areas as well as monetary

Tape Counter: 4851

P - property not returned to me
Rule 11 A 1 but also inherent and plenary power of the court
J - that is Rule 54 B
P can do under common law jurisdiction basis

Tape Counter: 4917

DAH - heard nothing in moption
J - are you going to put on witnesses
DAH wouldlike to argue

000150

Date: 11/27/2002

Time: 10:27 AM

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Seventh Judicial District - Teton County

Minutes Report

Case: CV-2002-0000208

User: PHYLLIS

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 4936

DAH - this action is contempt proceeding
If B has any claim, the appropriate action is legal filing - that has not been done
We are limited in this heearing to day as to what people have done incontavention or conformity to Order
If he feels he has lost something, he can bring that in the appropriate court
Testimony is that they have done that
Attempted to assault them as they were trying to leave
Bond - \$2500 has nothing to do with conversion of material
Requirement imposed up the person moving in case there are damages by the other side
Nothing shows he owns any of the property
THis man owns nothing back there; both parties ha ve some interest
There is quiet title action
\$2500 is what he posted to secure parties involved
We know everytime we turn around he is going to attack
He doesn't even want Ms. Miller to be able to enter her property
Where is the evidence that Alva Harris did anything
Ishould be out of this case
Mode of Operation is that any attorney who resists him is named in the suit
P - objection - irrelevant has nothing to do with his hearing
I am entitled to a fullhearing on the judicial notice
I want some of that \$2500; I'm entitled to it; so are my clients
Keep the money until we get these matter resolved

Tape Counter: 5242

DAW - no witnesses
My client do have a motion for the removal of the horses; will certainly want to bring witness for that
THis court has jurisdiction
WOuldn't it be easy to say to Bach you don't go on the property- no on e geos on property
Resolve all problems so we can ressolve all substantive issues
We're never going to get the case done Miller will bevern have access and he will continue to do whatever he wants
What's good for the goose is good for the gander; say no one's allowed on the property; if they go on the property, they go to jail

Tape Counter: 5400

\$2500 have never asked for sanctions but if continually have to show up on ridiculous heraing, you bet I'm going to ask for some of that
I've just sat through tree hours of nonsense
Simply prevent both of them from being on the property
This case has been litigated in front of Judge Herndon

Date: 11/27/2002

Time: 10:27 AM

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Seventh Judicial District - Teton County

Minutes Report

Case: CV-2002-0000208

User: PHYLLIS

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 5472

P object to any request for modification
What has been presented is not nonsense
should allow myself to use the property
if truly desirous to get on with this case, they would be filing their briefs
Is verified amended complaint
Miller was precluded from going on to that strip
Moss put pressure on me
DAW - objects to conclusions
J - not going to look at Judge Moss's case
W and H have ignored everything your honor has said
I will be glad to pay for entire transcripts
equities are more than overpowering
are in dissolution of partnership
Pleadings are at issue

Tape Counter: 5680

J - Motions are all submitted - yes
Decded one file on 4 SPet in open court
motions covered in second order
P - prefer argument
P - Preliminary objection -
J schedule in IF
Motion filed on Oct 29 to remove horses
DAW - clarify - have Sept 16 notice of Objection to disqualify
Just Motin for Sanctions
and another request for sanctions
Sept 17 filing
J - should file as separate motion
Also motions for Sanctions
J will hear at same time as hear other

Tape Counter: 5883

DAW that leaves us with Motion to remove the livestock
P - have some preliminary objections which I will address when we set all these motion in IF
DAW - by continuing to delay these, P just gets to do what he has always done
J may split and require them to pay some one at my choosing to build a fence down the
middle
DAW - why can't we put on 15 more minutes os testimony

Tape Counter: 5983

J - if read Order it doesn't prohibit anyone from driving their car along the road way
DAW how does that say you can graze livestock on that easement
DAHThe ownership is Targhee Powder Emporium - that is not Bach

Tape Counter: 6046

DA How are we maintaining the status quo
P - no blockage
J - the problem you want me to rewrite the agreement
J - I didn't drafft that sucker back in 97

Date: 11/27/2002

Time: 10:27 AM

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Seventh Judicial District - Teton County

User: PHYLLIS

Minutes Report

Case: CV-2002-0000208

John Nicholas Bach vs. Katherine Miller, etal.

Selected Items

Tape Counter: 6203

J - i'm telling you taht if this is a partition action I am going to have to partition property
TO give North 55 Feet to Miller and the south 55 feet to Bach and have the parties build a
fence down the middle

DAW - is my motion for removal of the horses is not going to be done

J will have to persuade me more than you have in your argument

DAW - will not utilize testimony in next hearing

FILED
DEC 9 2002

TETON CO.
DISTRICT COURT

FILED IN CHAMBERS
at Idaho Falls
Bonneville County
Honorable Richard T. St. Clair
Date 12/3/02
Time 4:30
Deputy Clerk M Southwick

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

<p>JOHN N. BACH, Plaintiff, vs. KATHERINE D. MILLER aka KATHERINE M. MILLER, ALVA HARRIS, Individually & dba SCONA, INC., JACK LEE McLEAN, BOB FITZGERALD, OLE OLSON, BOB BAGLEY & MAE BAGLEY, husband and wife, BLAKE LYLE, Individually and dba GRAND TOWING, and DOES 1 through 30, Inclusive, Defendants.</p>	<p>Case No. CV-02-208 FOURTH ORDER ON PENDING MOTIONS</p>
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Pending before the Court are plaintiff Bach's motions filed September 3, 2002, to wit: (1) motion to find defendants Miller, Harris, Fitzgerald and Lyle in contempt for violating the preliminary injunction dated August 16, 2002; (2) motion to modify the preliminary injunction; and (3) motion for sanctions. The motions were supported by the affidavit of Bach and a memorandum brief also filed on September 3, 2002. Bach's memorandum and motions do not cite any statutes, rules of civil procedure or case supporting the requested relief. On September

5, 2002, defendant Miller filed an objection to hearing Bach's motions outside of Teton County, but filed no legal memorandum in opposition. Defendants Harris, Fitzgerald and Lyle filed no legal memorandum in opposition.

On October 9, 2002 and November 26, 2002, the Court heard testimony from Bach, Miller, Fitzgerald and Lyle, received exhibits, and considered oral argument of counsel. Bach filed a supplemental affidavit on November 26, 2002. Bach was granted leave to file additional legal authority by December 2, 2002. The defendants did not request leave to file any legal authority, nor to respond to Bach's additional authority. On December 2, 2002, Bach filed a closing legal brief.

Having considered the aforesaid three motions, the supporting affidavits and memorandum, the pleadings, the testimony of witnesses, the exhibits admitted, and the oral argument of the parties, this Court renders the following decision and order on the three pending motions.

This order does not pertain to other pending motions filed September 16, 2002, and thereafter.

1. Contempt

The Court's power to enforce its orders by contempt proceedings is governed by I. C. §§ 7-601 et. seq. Contempt can be either direct when committed in the presence of the Court, or

indirect when committed elsewhere. Indirect contempt proceedings are commenced by the filing of an affidavit. I. C. §7-603.

Bandelin v. Quinlan, 94 Idaho 858, 499 P.2d 557 (1972). Bach's affidavit filed on September 3, 2002 is sufficient under I. C. §7-603 to initiate a statutory indirect contempt proceeding against defendants Miller, Harris, Fitzgerald and Lyle, as to the acts or omissions referred to in said affidavit.

A proceeding for contempt is a special proceeding "criminal in nature" or "quasi criminal" because a violation may be punishable by fine or imprisonment. Ross v. Coleman Co., 114 Idaho 817, 838, 761 P.2d 1169, 1180 (1988); Bandelin v. Quinlan, 94 Idaho 858, 860, 499 P.2d 557, 559 (1972).

In proceedings for criminal contempt the defendant must be afforded federal constitutional rights, including notice, presumption of innocence, and proof of guilt beyond a reasonable doubt. Camp v. Eastfork Ditch Company, Ltd., 2.20 ISCR 909 (September 11, 2002); Gompers v. Bucks Stove & Range Co., 221 U.S. 418, 444, 31 S.Ct. 492, 499, 55 L.Ed. 797 (1911); International Union v. Bagwell, 512 U.S. 821, 826, 114 S.Ct. 2552, 2556 (1994).

In proceedings for civil contempt only notice and opportunity to be heard are required. Camp v. Eastfork Ditch Company, Ltd., supra; International Union v. Bagwell, supra. It is unclear whether the

burden of proof to establish civil contempt is by a preponderance of evidence, or some higher standard.

Bach's additional allegations made for the first time by affidavit filed on November 26, 2002 or made orally in court during the hearing on November 26, 2002, do not provide the constitutionally required notice to the defendants for either civil or criminal indirect contempt. If pursued such allegations will have to be heard 14 days after November 26, 2002, to give the defendants reasonable time to answer such allegations as contemplated in I. C. §§ 7-609 & 610.

By statute an Idaho district court may impose a fine up to \$5,000 and jail up to 5 days for a criminal contempt not involving disobedience of a child support order. I. C. §7-610. By statute the court may impose a daily fine and jail for a civil contempt remedy until the contemnor performs an act previously ordered that the contemnor still has the power to perform. I. C. §7-611; Camp v. Eastfork Ditch Company, Ltd., supra; However, an Idaho district court does not have any statutory authority to award civil damages to the complainant against the contemnor. Camp v. Eastfork Ditch Company, Ltd., supra.

At the hearing on November 26, 2002, there was evidence that several items of Bach's personal property removed before August, 2002, were not returned by defendants Miller, Harris, Fitzgerald or

Lyle by 5:00 p.m. on August 16, 2002, as required by the preliminary injunction. There was also evidence that after August 16, 2002, Miller relocated on the same property certain gates that Bach had installed on the "Miller Access Parcel" (comprising a 110 foot by 2627 foot strip of approximately 6.63 acres in S1/2SW1/4 of Section 11) and/or the "Targhee/Miller Property" (comprising a 110 foot by 1320 foot strip of approximately 3.3 acres in E1/2S1/2SE1/4 of Section 10).

However, based on the evidence presented by Bach this Court cannot find by a preponderance of evidence for civil contempt, or beyond a reasonable doubt for criminal contempt, that defendants Miller, Harris, Fitzgerald or Lyle **still had in their possession after August 16, 2002**, any of Bach's personal property that this Court had ordered them to return by 5:00 p.m. that day. At most the evidence established that defendant Lyle lost, destroyed, sold, or gave away some items which he had been ordered to return. There was no evidence that any of the defendants, except Miller, were on the "Miller Access Parcel" or the "Targhee/Miller Property" after 5:00 p.m. August 16, 2002. The preliminary injunction did not prohibit Miller from using these parcels to access the "Miller Property" located to the west, nor did it prohibit Miller from relocating obstacles that impeded her ingress and egress upon her 110 foot

easement across the "Miller Access Parcel" or the "Targhee/Miller Property".

Therefore, this Court could not impose either criminal sanctions or civil sanctions against said defendants. This finding is not intended to foreclose Bach from establishing at trial a right to damages against any of such defendants for removal, destruction, or loss of any of Bach's personal property, nor any of Bach's property that was not returned by any such defendant who it is proved removed, destroyed or lost any such property before the oral injunction issued in court on August 15, 2002. This finding is not intended to foreclose Bach from establishing at trial a right to damages against defendant Miller for damaging gates or fencing materials that she relocated to use her easement.

2. Modification of Preliminary Injunction

Bach's motion to modify the preliminary injunction seeks to (1) restrain defendants Miller, Harris, Fitzgerald and Lyle from entering the "Miller Access Parcel" and the "Targhee/Miller Property"; (2) return Bach's \$2,500 bond; and (3) restrain such defendants from being within 100 yards of Bach and his girlfriend Cindy Miller.

Because defendants Fitzgerald and Lyle are already enjoined by the preliminary injunction from being on the "Miller Access Parcel," the "Targhee/Miller Property" and the "Targhee Property," modification as to them is unnecessary. Because the October 3, 1997

Quitclaim Deed and Easement Agreement signed by Miller and Bach (for Targhee) granted Miller an undivided fee simple interest in both the "Miller Access Parcel" and the "Targhee/Miller Property" and the right of ingress and egress across such properties to access the "Miller Property" (comprising approximately 40 acres in W1/2S1/2SE1/4 of Section 10), and because she has not threatened nor done any violence against Bach, there is presently insufficient evidence to establish any ground under Rule 65(e), I.R.C.P., for enjoining Miller's access to such properties. These findings are not intended to foreclose Bach from establishing at trial a right to damages against defendant Miller for removal or destruction of any of Bach's fences or gates located on such properties if it is shown that she exceeded her rights under the Quitclaim Deed and Easement Agreement.

Because Galen Woelk now represents defendant Miller, instead of Harris who represented her at the August 15, 2002 hearing on the preliminary injunction, there is no need for Harris to be on either the "Miller Access Parcel" or the "Targhee/Miller Property," in order to render legal services for defendant Miller. Therefore, the preliminary injunction should be modified to prohibit Harris from being on such properties.

No basis has been established by Bach for return of the \$2,500 cash bond **required to support continued force of the existing preliminary injunction** under Rule 65(c), I.R.C.P. This finding is not

intended to foreclose Bach from establishing at trial a right to damages against any of the defendants for removal, destruction, or loss of any of Bach's personal property or fences or gates.

There is presently insufficient evidence to establish any ground under Rule 65(e), I.R.C.P., for enjoining any of the defendants from being within 100 yards of Bach and Cindy Miller. Cindy Miller is not a party to this action. There is no evidence that any defendant assaulted or battered Cindy Miller. There is no evidence that defendant Miller or Harris assaulted or battered Bach. Although there is conflicting evidence as to whether Fitzgerald and Lyle assaulted or battered Bach, this Court has not been shown that Bach's tort damages remedies are inadequate to compensate him for any past assaults or batteries. See Harris v. Cassia County, 106 Idaho 513, 681 P.2d 988 (1984) (Requiring irreparable damage for mandatory preliminary injunction). These findings are not intended to foreclose Bach from establishing at trial a right to damages against defendants Fitzgerald and Lyle for assault or battery.

There is no evidence that Fitzgerald or Lyle have threatened Bach or Cindy Miller with future assaults or batteries.

3. Sanctions

Bach's motion for sanctions does not specify what statute or civil rule is relied on for relief, but seeks an award of \$15,000 against all defendants, and default judgment quieting title to the


approximately 87 acres labeled by this Court as the "Targhee Property", "Miller Property", "Targhee/Miller Property" and "Miller Access Parcel". To the extent Bach's motion invokes civil contempt remedies, this Court has concluded in part 1 above that damages cannot be awarded in contempt proceedings. To the extent the motion invokes Rule 11(a)(1), I.R.C.P., that Rule provides that only expenses and attorney fees may be awarded and only where the "pleadings, motions and papers" filed in the action by opposing parties are found to be without basis in fact or law and filed to harass, delay or increase expense to the moving party. To the extent the motion invokes Rule 55, I.R.C.P., the defendants Miller, Harris, Fitzgerald, Lyle, and Olson have a pending motion to strike the first amended complaint, and until that motion is ruled on no answer is due from such defendants, and no clerk's default can be entered. If service of the first amended complaint has been made on other defendants, application for a clerk's default, if supported by adequate affidavits, can be processed by the clerk without an order from the court. Default judgment cannot be considered without a clerk's default being entered in accordance with Rule 55(a), I.R.C.P.

NOW THEREFORE, IT IS HEREBY ORDERED that (1) Bach's motion to find defendants Miller, Harris, Fitzgerald and Lyle in contempt for violating the preliminary injunction dated August 16, 2002 is DENIED; (2) Bach's motion to modify the preliminary

injunction is GRANTED IN PART and Harris is hereby prohibited from entering onto the "Miller Access Parcel" or the "Targhee/Miller Property", otherwise all other parts of the motion are DENIED; and (3) Bach's motion for sanctions is DENIED.

IT IS FURTHER ORDERED that other pending motions filed on September 16, 2002, and thereafter, shall be noticed for hearing by the moving party and heard in Courtroom III, Bonneville County, Idaho Falls, Idaho, with counsel being given leave to appear by telephone, and no live testimony shall be introduced. Only if it becomes apparent to this Court that a motion requires live testimony will it be heard in Teton County.

DATED this 3rd day of December, 2002.


RICHARD T. ST. CLAIR
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of December, 2002, I certify that a true and correct copy of the foregoing document was mailed, telefaxed or hand delivered to the following persons:

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RONALD LONGMORE
Clerk of Court
M Southwick
Deputy Court Clerk