

4:13-cv-00468-SBA Eichhorn v. USA Government et al
 Sandra Brown Armstrong, presiding
Date filed: 02/04/2013
Date terminated: 03/29/2013
Date of last filing: 04/01/2013

Case Summary

Office: Oakland	Filed: 02/04/2013	
Jury Demand: None	Demand:	
Nature of Suit: 890	Cause: 28:1331 Fed. Question	
Jurisdiction: U.S. Government Defendant	Disposition: Dismissed - Voluntarily	
County: San Francisco	Terminated: 03/29/2013	
Origin: 1	Reopened:	
Lead Case:	None	
Related Case:	None	Other Court Case: None

Defendant Custody Status:
Flags: ADRMOP,CLOSED,ProSe

Plaintiff: Robert Eichhorn
Defendant: USA Government
Defendant: USDA
Defendant: Hutterian Brethren **represented by** Julie Dvorak

Phone: 605-225-5420
Fax: 605-226-1911
Email: jdvorak@sbslaw.net
Phone: 310-601-0987
Fax: 310-496-1312
Email: Scott@Schutz-Law.com

Defendant: Hutterian Brethren **represented by** Scott Michael Schutz

PACER Service Center			
Transaction Receipt			
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Description:	Case Summary	Search Criteria:	4:13-cv-00468-SBA
Billable Pages:	1	Cost:	0.10

4:13-cv-00468-SBA Eichhorn v. USA Government et al
Saundra Brown Armstrong, presiding
Date filed: 02/04/2013
Date terminated: 03/29/2013
Date of last filing: 04/01/2013

Parties

Robert Eichhorn
3161 16th Street
San Francisco, CA 94103

415-621-5107
robertone@email.com
Added: 02/04/2013
(Plaintiff)
PRO SE

Hutterian Brethren
Added: 02/04/2013
(Defendant)

represented by

Julie Dvorak
Siegel, Barnett and Schutz, LLP

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Aberdeen, SD 57402-0490
605-225-5420
605-226-1911 (fax)
jdvorak@sbslaw.net
Assigned: 03/21/2013
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott Michael Schutz
Law Office of Scott M. Schutz
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310-601-0987
310-496-1312 (fax)
Scott@Schutz-Law.com
Assigned: 03/20/2013
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

USA Government
Added: 02/04/2013
(Defendant)

USDA*Added: 02/04/2013**(Defendant)*

PACER Service Center			
Transaction Receipt			
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Billable Pages:	1	Cost:	0.10

4:13-cv-00468-SBA Eichhorn v. USA Government et al
 Sandra Brown Armstrong, presiding
Date filed: 02/04/2013
Date terminated: 03/29/2013
Date of last filing: 04/01/2013

Attorneys

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 605-225-5420
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 jdvorak@sbslaw.net

Assigned: 03/21/2013

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

representing

Hutterian Brethren

(Defendant)

Scott Michael Schutz

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 310-601-0987
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 Scott@Schutz-Law.com

Assigned: 03/20/2013

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

representing






















Hutterian Brethren

(Defendant)

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Description:	Attorney List	Search Criteria:	4:13-cv-00468-SBA
Billable Pages:	1	Cost:	0.10

4:13-cv-00468-SBA Eichhorn v. USA Government et al
 Saundra Brown Armstrong, presiding
Date filed: 02/04/2013
Date terminated: 03/29/2013
Date of last filing: 04/01/2013

History

Doc. No.	Dates	Description
<u>1</u>	Filed: 02/04/2013 Entered: 02/05/2013	 Complaint
<u>2</u>	Filed: 02/04/2013 Entered: 02/05/2013	 ADR Scheduling Order
<u>3</u>	Filed: 02/04/2013 Entered: 02/05/2013	 Consent/Declination to Proceed Before a US Magistrate Judge
<u>4</u>	Filed & Entered: 02/05/2013	 Order Reassigning Case
<u>5</u>	Filed & Entered: 02/06/2013	 Certificate of Service
<u>7</u>	Filed: 02/19/2013 Entered: 02/22/2013	 Notice of Change of Address
<u>8</u>	Filed: 02/19/2013 Entered: 02/22/2013	 Response (Non Motion)
<u>9</u>	Filed: 02/19/2013 Entered: 02/22/2013	 Notice (Other)
<u>6</u>	Filed & Entered: 02/22/2013	 Order
<u>10</u>	Filed: 03/11/2013 Entered: 03/13/2013	 Certificate of Service
<u>11</u>	Filed: 03/11/2013 Entered: 03/13/2013	 Certificate of Service
<u>12</u>	Filed: 03/11/2013 Entered: 03/13/2013	 Certificate of Service
<u>13</u>	Filed: 03/11/2013 Entered: 03/13/2013	 Certificate of Service
<u>14</u>	Filed & Entered: 03/20/2013 Terminated: 03/29/2013	 Motion for More Definite Statement
<u>15</u>	Filed & Entered: 03/20/2013	 Certificate of Interested Entities
<u>16</u>	Filed & Entered: 03/21/2013 Terminated: 03/29/2013	 Motion for More Definite Statement
<u>17</u>	Filed & Entered: 03/21/2013 Terminated: 03/29/2013	 Motion for Pro Hac Vice
<u>18</u>	Filed & Entered: 03/21/2013	 Certificate of Service
<u>19</u>	Filed & Entered: 03/29/2013	 Notice of Change of Address
<u>20</u>	Filed & Entered: 03/29/2013	 Notice of Voluntary Dismissal
<u>21</u>	Filed & Entered: 04/01/2013	 Certificate of Service

PACER Service Center			
Transaction Receipt			
04/02/2013 15:15:22			
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Description:	History/Documents	Search Criteria:	4:13-cv-00468-SBA
Billable Pages:	1	Cost:	0.10

ADRMOP,CLOSED,ProSe

**U.S. District Court
California Northern District (Oakland)
CIVIL DOCKET FOR CASE #: 4:13-cv-00468-SBA**

Eichhorn v. USA Government et al
Assigned to: Hon. Sandra Brown Armstrong
Cause: 28:1331 Fed. Question

Date Filed: 02/04/2013
Date Terminated: 03/29/2013
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government
Defendant

Plaintiff**Robert Eichhorn**

represented by **Robert Eichhorn**
3161 16th Street
San Francisco, CA 94103
415-621-5107
Email: robertone@email.com
PRO SE

V.

Defendant**USA Government****Defendant****USDA****Defendant****Hutterian Brethren**

represented by **Julie Dvorak**
Siegel, Barnett and Schutz, LLP
PO Box 490
415 South Main Street
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Fax: 605-226-1911
Email: jdvorak@sbslaw.net
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ATTORNEY TO BE NOTICED

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/04/2013	<u>1</u>	COMPLAINT against Hutterian Brethren, USA Government, USDA (Filing fee \$ 350, receipt number 34611082880.). Filed by Robert Eichhorn. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(gaS, COURT STAFF) (Filed on 2/4/2013) (Entered: 02/05/2013)
02/04/2013	<u>2</u>	ADR SCHEDULING ORDER:. Signed by Judge Maria-Elena James on 2/4/13. (gaS, COURT STAFF) (Filed on 2/4/2013) (gaS, COURT STAFF). (Entered: 02/05/2013)
02/04/2013	<u>3</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Robert Eichhorn.. (gaS, COURT STAFF) (Filed on 2/4/2013) (Entered: 02/05/2013)
02/05/2013	<u>4</u>	ORDER REASSIGNING CASE to Honorable Sandra Brown Armstrong. (gaS, COURT STAFF) (Filed on 2/5/2013) (Entered: 02/05/2013)
02/06/2013	<u>5</u>	CERTIFICATE OF SERVICE re <u>4</u> <i>Order Reassigning Case</i> (jlm, COURT STAFF) (Filed on 2/6/2013) (Entered: 02/06/2013)
02/19/2013	<u>7</u>	NOTICE of Change of Address, filed by Robert Eichhorn (jlm, COURT STAFF) (Filed on 2/19/2013) (Entered: 02/22/2013)
02/19/2013	<u>8</u>	Memorandum in Opposition to <i>any Motion Challenging the Validity of Complaint including a Motion to Amend or Alter Complaint, and Opposition to a Motion for Summary Judgment</i> , filed by Robert Eichhorn. (jlm, COURT STAFF) (Filed on 2/19/2013) (Entered: 02/22/2013)
02/19/2013	<u>9</u>	NOTICE to Court and Judge Sandra Brown Armstrong re Requirement to File Documents in the Oakland office instead of the San Francisco Office, filed by Robert Eichhorn (jlm, COURT STAFF) (Filed on 2/19/2013) (Entered: 02/22/2013)
02/22/2013	<u>6</u>	ORDER DENYING PLAINTIFF'S REQUEST TO FILE PAPERS IN SAN FRANCISCO. Signed by Judge ARMSTRONG on 2/21/13. (lrc, COURT STAFF) (Filed on 2/22/2013) (Entered: 02/22/2013)
03/11/2013	<u>10</u>	CERTIFICATE OF SERVICE as to USA Government (U.S. Attorney's Office), filed by Robert Eichhorn re <u>8</u> <i>Memorandum in Opposition</i> , <u>2</u> <i>ADR Scheduling Order</i> , <u>1</u> <i>Complaint</i> (jlm, COURT STAFF) (Filed on 3/11/2013) Modified on 3/13/2013 (jlm, COURT STAFF). (Entered: 03/13/2013)
03/11/2013	<u>11</u>	CERTIFICATE OF SERVICE as to USA Government (U.S. Attorney General's Office), filed by Robert Eichhorn re <u>8</u> <i>Memorandum in Opposition</i> , <u>2</u> <i>ADR Scheduling Order</i> , <u>1</u> <i>Complaint</i> (jlm, COURT STAFF) (Filed on 3/11/2013) (Entered: 03/13/2013)

03/11/2013	<u>12</u>	CERTIFICATE OF SERVICE as to Hutterian Brethren, filed by Robert Eichhorn re <u>8</u> <i>Memorandum in Opposition</i> , <u>2</u> <i>ADR Scheduling Order</i> , <u>1</u> <i>Complaint</i> (jlm, COURT STAFF) (Filed on 3/11/2013) (Entered: 03/13/2013)
03/11/2013	<u>13</u>	CERTIFICATE OF SERVICE as to USDA, filed by Robert Eichhorn re <u>8</u> <i>Memorandum in Opposition</i> , <u>2</u> <i>ADR Scheduling Order</i> , <u>1</u> <i>Complaint</i> (jlm, COURT STAFF) (Filed on 3/11/2013) (Entered: 03/13/2013)
03/20/2013	<u>14</u>	MOTION for More Definite Statement filed by Hutterian Brethren. Responses due by 4/3/2013. Replies due by 4/10/2013. (Schutz, Scott) (Filed on 3/20/2013) (Entered: 03/20/2013)
03/20/2013	<u>15</u>	Certificate of Interested Entities by Hutterian Brethren (Schutz, Scott) (Filed on 3/20/2013) (Entered: 03/20/2013)
03/21/2013	<u>16</u>	Amended MOTION for More Definite Statement filed by Hutterian Brethren. Motion Hearing set for 5/21/2013 01:00 PM in Courtroom 1, 4th Floor, Oakland before Hon. Sandra Brown Armstrong. Responses due by 4/4/2013. Replies due by 4/11/2013. (Attachments: # <u>1</u> Proposed Order)(Schutz, Scott) (Filed on 3/21/2013) (Entered: 03/21/2013)
03/21/2013	<u>17</u>	MOTION for leave to appear in Pro Hac Vice for Julie Dvorak (Filing fee \$ 305, receipt number 0971-7569401.) filed by Hutterian Brethren. (Dvorak, Julie) (Filed on 3/21/2013) Modified on 3/22/2013 (jlm, COURT STAFF). (Entered: 03/21/2013)
03/21/2013	<u>18</u>	CERTIFICATE OF SERVICE by Hutterian Brethren re <u>16</u> Amended MOTION for More Definite Statement , <u>17</u> MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 305, receipt number 0971-7569401.), <u>15</u> Certificate of Interested Entities (Schutz, Scott) (Filed on 3/21/2013) (Entered: 03/21/2013)
03/29/2013	<u>19</u>	NOTICE of Change of Address, filed by Robert Eichhorn (jlm, COURT STAFF) (Filed on 3/29/2013) (Entered: 03/29/2013)
03/29/2013	<u>20</u>	NOTICE of Voluntary Dismissal Without Prejudice, filed by Robert Eichhorn (jlm, COURT STAFF) (Filed on 3/29/2013) (Entered: 03/29/2013)
04/01/2013	<u>21</u>	CERTIFICATE OF SERVICE re <u>19</u> <i>Notice of Change of Address</i> , <u>20</u> <i>Notice of Voluntary Dismissal</i> (jlm, COURT STAFF) (Filed on 4/1/2013) (Entered: 04/01/2013)

PACER Service Center			
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04/02/2013 15:12:04			
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Description:	Docket Report	Search Criteria:	4:13-cv-00468-SBA
Billable Pages:	3	Cost:	0.30

1 Robert Eichhorn
2 3161 16th Street
3 San Francisco, CA 94103
4 (415) 621-5107
5 robertone@email.com
6

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION

MEJ

10
11 Robert Eichhorn)

C 13 0468

12 Plaintiff)

Case No. _____

13 vs.)

COMPLAINT

14 USA Government)

15 USDA)

16 Hutterian Brethren)

17 Defendants)
18 _____)
19

20 1. **Jurisdiction.** This Court has jurisdiction over this complaint because it arises under the
21 laws of the United States and should apply to federal question jurisdiction.

22 2. **Venue.** Venue is appropriate in this Court because the defendants can plead their case to
23 this Court and the plaintiff resides in San Francisco.

24 3. **Intradistrict Assignment.** This lawsuit should be assigned to the San Francisco Division
25 of this Court because the plaintiff resides in San Francisco.
26
27
28

1 **4. Parties in this Complaint**

2 a. **Plaintiff.** Robert Eichhorn is the plaintiff and is a US citizen.

3 b. **Defendants.**

4 **Defendant 1:**

5 USA Government generally and these committees specifically:

6 1. Senate Committee on Homeland Security and Governmental Affairs

7 a. Democratic staff

8 Phone: (202) 224-2627 / Fax: 202-228-3792

9 b. Republican staff

10 Phone: (202) 224-4751 / Fax: 202-224-9603

11 Website: www.senate.gov/hsgac

12 Mailing Address:

13 340 Dirksen, Senate Office Building

14 Washington, DC 20510

15 2. House Committee on Rules

16 Website: www.house.gov/rules

17 Phone: (202) 225-9091

18 Mailing Address:

19 H-312 The Capitol

20 Washington, DC 20515

21 3. House Committee on Agriculture

22 Website: www.house.gov/agriculture

23 E-mail: agriculture@mail.house.gov

24 Phone: (202) 225-2171 / Fax: 202-225-8510

25 Mailing Address:

26 1301 Longworth, House Office Building

27 Washington, DC 20515

Defendant 2:

USDA generally and these individuals specifically:

1. Secretary of Agriculture

a. Ed Schafer, Secretary of Agriculture under Bush Administration (2008)

b. Tom Vilsack, Secretary of Agriculture under Obama Administration (2009)

E-mail: agsec@usda.gov

Phone: (202) 720-3631

Mailing Address (with Postal STOP Code):

USDA

Whitten Bldg

STOP 0101 Rm 200-A

1400 Independence Ave SW

Washington, DC 20250

2. Deputy Administrator for Farm Programs (Farm Service Agency (FSA))

a. John Johnson

Deputy Administrator for Farm Programs under Bush Administration (2008)

b. Candace Thompson

Acting Deputy Administrator for Farm Programs under Obama Administration (2009)

Phone: (202) 720-3175

Mailing Address (with Postal STOP Code):

USDA

SOAGRIBG Bldg

STOP 0510 Rm 3612-S

1400 Independence Ave SW

Washington, DC 20250

Defendant 3:

Hutterian Brethren generally, Hutterite colonies as USDA farm subsidy recipients, and this individual specifically as a Elder of the Hutterite colonies in the USA who can act as their representative:

1. John Waldner

Minister of Spring Prairie Hutterian Brethren, Elder of USA Hutterite colonies

Phone: (218) 498-0229

Mailing Address:

Spring Prairie Hutterian Brethren

6189 170th Street N

Hawley, MN 56549-9094

Note:

If John Waldner is not able to be served with this Complaint for some reason then the plaintiff will have to serve this individual as the President of the Hutterian Brethren Church who represents all Hutterite colonies in the USA and Canada, and resides in Alberta, Canada:

John Stahl

Minister of Veteran Colony, President of Hutterian Brethren Church

Phone: (403) 575-2557

Phone (Veteran Colony): (403) 575-2169

Mailing Address:

Veteran Colony

PO Box 500

Veteran, AB

Canada T0C 2S0

Note:

The Hutterian Brethren are also referred to as Hutterites and belong to the Hutterian Brethren Church.

5. Statement of Facts and Claims, and Request for Relief

a. Defendant 1. Part 1. Statement of Facts.

I am alleging a 'breach of trust' by the failure of 3 USA Government committees to send a statement to me within a 2-3 year time period. Their statements would establish their resolution of a complaint I sent to them. The complaints are valid complaints and deal with violations of the law or operating procedure.

Timeline

1. House Committee on Agriculture

a) Complaint Sent: 7/21/2009

b) Complaint Delivered: 7/27/2009

c) Statement Received: no statement received as of 10/1/2012

d) Time Elapsed: 3 years 2 months

2. House Committee on Rules

a) Complaint Sent: 7/21/2009

b) Complaint Delivered: 7/27/2009

c) Statement Received: no statement received as of 10/1/2012

d) Time Elapsed: 3 years 2 months

3. Senate Committee on Homeland Security and Governmental Affairs

a) Complaint Sent: 2/1/2010

b) Complaint Delivered: 2/5/2010

c) Statement Received: no statement received as of 10/1/2012

d) Time Elapsed: 2 years 7 months

1 **b. Defendant 1. Part 2. Claims.**

2 A legal basis for a 'breach of trust' as a violation of law can be found in the US Code as
3 8 USC 1448 - Oath of renunciation and allegiance. The Oath is the Oath of US citizenship. The
4 Oath requires a person 'to bear true faith and allegiance to the Constitution and the laws of the
5 United States', as a agreed upon Way. I believe the Oath applies to the host nation and the
6 members of the nation. I believe a recognition of a common Way leads to a recognition of a
7 common interest among the members of a Way. I believe the 3 USA Government committees
8 have failed to recognize my interest in finding solutions to problems by failing to send a
9 statement to me within a 2-3 year time period.

10 **c. Defendant 1. Part 3. Request for Relief.**

11 I will be asking the Court to ask the 3 USA Government committees to 'show cause' as the
12 reason why they have failed to send a statement to me within a 2-3 year time period. If any of the
13 3 committees cannot establish a valid reason for their failure then I will ask the Court to dissolve
14 the committee for their 'breach of trust'.

15 **d. Defendant 1. Part 4. Statement of Facts. House Committee on Agriculture and**
16 **farm subsidy program fraud.**

17 I am alleging farm subsidy program fraud by the House Committee on Agriculture by failing to
18 establish a version of my proposal, to change the farm subsidy program eligibility requirements
19 to deny eligibility to a tax-exempt nonprofit organization, in their version of the Farm Bill 2012.

20 As of September 2012 the Senate Committee on Agriculture, Nutrition & Forestry, has passed
21 its version of the Farm Bill 2012 known as S. 3240, and the House Committee on Agriculture
22 has passed its version of the Farm Bill 2012 known as H.R. 6083. From all of the Farm Bill 2012
23 text material I have reviewed, I have not found a solution to the problem of farm subsidies for a
24 tax-exempt nonprofit organization.

1 Hutterite colonies received USDA farm subsidies during the timeframe 1995-2010 operating
2 with these IRS tax-exempt classifications:

- 3 1) IRC Section: 501(c)(3) Charitable organization
- 4 2) IRC Section: 501(c)(24) Trust described in Section 4049 of ERISA
- 5 3) IRC Section: 501(d) Apostolic and religious organization

6 Note: IRC Section refers to Internal Revenue Code Section.

7 I can establish the fact that Hutterite colonies are not offering employment to support the fact
8 that there is zero public benefit for USDA farm subsidies for Hutterite colonies operating as a
9 tax-exempt nonprofit organization.

10 **e. Defendant 1. Part 5. Claims. House Committee on Agriculture and farm subsidy**
11 **program fraud.**

12 A legal basis for fraud, as farm subsidy program fraud, as a violation of law can be found in the
13 US Code as 18 USC 1001 - Statements or entries generally. I believe a legal basis for fraud as a
14 violation of law has been established in statutes that the Court can find. As a pro se litigant, I will
15 be relying on the Court's knowledge of fraud as a violation of law.

16 **f. Defendant 1. Part 6. Request for Relief. House Committee on Agriculture and farm**
17 **subsidy program fraud.**

18 I believe the fundamental agreement between a citizen as a taxpayer and their government is
19 there will be a public benefit for the expenditure of their tax money. I believe if this agreement is
20 violated by the government then the government cannot claim to represent the interests of their
21 citizens. If the Court finds the House Committee on Agriculture guilty of fraud, as farm subsidy
22 program fraud, then I will ask the Court to issue a arrest warrant for the USA Government or
23 dissolve the USA Government.

24 If the Court finds the House Committee on Agriculture guilty of fraud, as farm subsidy
25 program fraud, relating to farm subsidies for Hutterite colonies as a tax-exempt nonprofit
26 organization, then the committee should be held liable for the financial loss to the USA citizens
27 as taxpayers.

1 I can establish documentation for 153 Hutterite colonies as USDA farm subsidy recipients
2 during the timeframe 1995-2010, and their combined USDA farm subsidy total is
3 \$186,776,342.40. Of these 153 Hutterite colonies, I can establish documentation for 65 Hutterite
4 colonies operating as a tax-exempt nonprofit organization, and their combined USDA farm
5 subsidy total is \$52,623,053.86 as a total adjusted for a claim for financial compensation.

6 I will ask the Court to hold the House Committee on Agriculture liable for the financial loss to
7 the US citizens as taxpayers, calculated as \$52,623,053.86 as the USDA farm subsidy total for
8 the 65 Hutterite colonies operating as a tax-exempt nonprofit organization.

9 Note:

10 The USDA farm subsidy total \$52,623,053.86 represents a total adjusted for a claim for financial
11 compensation by using a IRS Ruling Date as a part of a calculation. A IRS Ruling Date is the
12 date the IRS recognizes a organization as tax-exempt.

13 **g. Defendant 2. Statement of Facts.**

14 I am alleging farm subsidy program fraud by USDA by failing to terminate farm subsidies for
15 Hutterite colonies as a tax-exempt nonprofit organization, and by supporting farm subsidies for a
16 nonprofit religious organization.

17 Hutterite colonies received USDA farm subsidies during the timeframe 1995-2010 with these
18 IRS tax-exempt classifications:

- 19 1) IRC Section: 501(c)(3) Charitable organization
- 20 2) IRC Section: 501(c)(24) Trust described in Section 4049 of ERISA
- 21 3) IRC Section: 501(d) Apostolic and religious organization

22 Note: IRC Section refers to Internal Revenue Code Section.

23 I can establish the fact that Hutterite colonies are not offering employment to support the fact
24 that there is zero public benefit for USDA farm subsidies for Hutterite colonies operating as a
25 tax-exempt nonprofit organization.

1 I informed all of these individuals at USDA by e-mail, and filed a complaint with all of them
2 by mail, about the problem of farm subsidies for Hutterite colonies as a tax-exempt nonprofit
3 organization:

- 4 1) Ed Schafer - Secretary of Agriculture (2008)
- 5 2) Chuck Conner - Deputy Secretary of Agriculture (2008)
- 6 3) Teresa Lasseter - FSA/Administrator (2008)
- 7 4) Glen Keppy - FSA/Associate Administrator for Programs (2008)
- 8 5) John Johnson - FSA/Deputy Administrator for Farm Programs (2008)
- 9 6) Terry Jackson - OGC/Deputy Assistant General Counsel (2008)
- 10 7) Tom Vilsack - Secretary of Agriculture (2009)

11 Note: FSA stands for Farm Service Agency. OGC stands for Office of the General Counsel.

12 I made the case for the termination of USDA farm subsidies for Hutterite colonies as a
13 tax-exempt nonprofit organization and a revision of the farm subsidy program eligibility
14 requirements to deny eligibility to a tax-exempt nonprofit organization.

15 I received 2 statements from John Johnson, Deputy Administrator for Farm Programs, dated
16 9/5/2008 and 10/14/2008, and a e-mail from Candace Thompson, Acting Deputy Administrator
17 for Farm Programs, dated 3/4/2009, as USDA's resolution of my complaint.

18 USDA's position concerning farm subsidies for Hutterite colonies can be summarized as:

19 1:

20 There is no statutory or regulatory requirement for a farm subsidy recipient to operate with a
21 open admission policy, to offer employment to the public, or for the public to receive a return of
22 equal value to their financial investment in farm subsidies for a organization.

23 2:

24 There is no statutory or regulatory basis for denying farm subsidies for Hutterite colonies
25 operating with a closed admission policy or operating as a tax-exempt nonprofit religious
26 organization.

27 3:

28 A nonprofit religious organization can be eligible for farm subsidies.

1 The Court may find point 3 in my summary hard to believe since it appears to be unreasonable
2 and illogical. I will be submitting USDA's statements and e-mail, as their resolution of my
3 complaint, to the Court as evidence. To quote John Johnson from his statement dated
4 10/14/2008,

5 "A nonprofit religious organization can, in fact, be eligible for the payments you seek to deny."

6 **h. Defendant 2. Claims.**

7 A legal basis for fraud, as farm subsidy program fraud, as a violation of law can be found in the
8 US Code as 18 USC 1001 - Statements or entries generally. I believe a legal basis for fraud as a
9 violation of law has been established in statutes that the Court can find. As a pro se litigant, I will
10 be relying on the Court's knowledge of fraud as a violation of law.

11 **i. Defendant 2. Request for Relief.**

12 If the Court finds USDA guilty of fraud, as farm subsidy program fraud, relating to farm
13 subsidies for Hutterite colonies operating as a tax-exempt nonprofit organization, then the
14 individuals who were informed about the problem and responsible for failing to terminate their
15 farm subsidies should be arrested for fraud. I will ask the Court to issue a arrest warrant for these
16 individuals:

17 1) Ed Schafer - Secretary of Agriculture (2008)

18 2) John Johnson - FSA/Deputy Administrator for Farm Programs (2008)

19 3) Tom Vilsack - Secretary of Agriculture (2009)

20 4) Candace Thompson - Acting Deputy Administrator for Farm Programs (2009)

21 If the Court finds USDA guilty of fraud, as farm subsidy program fraud, relating to farm
22 subsidies for Hutterite colonies operating as a tax-exempt nonprofit organization, then USDA
23 should be held liable for the financial loss to the USA citizens as taxpayers.

24 I can establish documentation for 153 Hutterite colonies as USDA farm subsidy recipients
25 during the timeframe 1995-2010, and their combined USDA farm subsidy total is
26 \$186,776,342.40. Of these 153 Hutterite colonies, I can establish documentation for 65 Hutterite
27 colonies operating as a tax-exempt nonprofit organization, and their combined USDA farm
28 subsidy total is \$52,623,053.86 as a total adjusted for a claim for financial compensation.

1 I will ask the Court to hold USDA liable for the financial loss to the US citizens as taxpayers,
2 calculated as \$52,623,053.86 as the USDA farm subsidy total for the 65 Hutterite colonies
3 operating as a tax-exempt nonprofit organization.

4 Note:

5 The USDA farm subsidy total \$52,623,053.86 represents a total adjusted for a claim for financial
6 compensation by using a IRS Ruling Date as a part of a calculation. A IRS Ruling Date is the
7 date the IRS recognizes a organization as tax-exempt.

8 **j. Defendant 3. Part 1. Statement of Facts. Walter Hofer, King Colony.**

9 I am alleging a violation of US citizenship by Walter Hofer, King Colony, Lewistown, MT.
10 Walter Hofer is a member of the Hutterite colony King Colony in Lewistown, Montana.

11 I sent a letter of introduction to 3 Hutterite colonies in the Lewistown, MT, area in November
12 2007. The 3 Hutterite colonies are Ayers Colony, King Colony, and Spring Creek Colony. The
13 Court can find their webpage at www.enjoylewisstown.com. In my letter I expressed my interest
14 in visiting their colony to discuss the possibility of joining their colony.

15 I received a letter from Walter Hofer dated 3/10/2008. In reference to the possibility of joining
16 a Hutterite colony Walter Hofer says,

17 "I have brought your letter to the attention of our colony members and other members among
18 different colonies. We are all in agreement that it is impossible for you, or anyone else, to join a
19 Hutterite colony."

20 At the time, I characterized Walter Hofer's statements as a closed admission policy. The
21 statements can be characterized as a closed membership policy, and, in the case of Hutterite
22 colonies, a closed membership and admission policy. The idea I want to convey is a closed door
23 policy concerning joining a Hutterite colony.

24 I wanted to know if there is a official policy concerning joining a Hutterite colony, so I
25 corresponded with John Stahl, a minister at Veteran Colony, Alberta, Canada, and President of
26 the Hutterian Brethren Church, representing all Hutterite colonies in Canada and the USA.

1 In a telephone conversation with John Stahl on 1/8/2010 he informed me that it is possible for a
2 person to join a Hutterite colony under 2 conditions:

- 3 1) A person must accept the teachings of the Hutterian Brethren Church.
- 4 2) A person must accept a 1-year trial period at a Hutterite colony to determine if the
5 arrangement will work.

6 I requested documentation of the official policy concerning joining a Hutterite colony but
7 John Stahl did not send any documentation to me.

8 **k. Defendant 3. Part 2. Claims. Walter Hofer, King Colony.**

9 A legal basis for a violation of US citizenship as a violation of law can be found in the US
10 Code as 8 USC 1448 - Oath of renunciation and allegiance. The Oath is the Oath of US
11 citizenship. The Oath requires a person 'to bear true faith and allegiance to the Constitution and
12 the laws of the United States', as a agreed upon Way. I believe the Oath applies to the host
13 nation and the members of the nation. I believe a recognition of a common Way leads to a
14 recognition of a common interest among the members of a Way.

15 I believe the statements made by Walter Hofer in his letter dated 3/10/2008, making it clear
16 that it is impossible for anyone to join a Hutterite colony, establish a position and represent a
17 closed membership and admission policy concerning joining a Hutterite colony. I believe this
18 position and this kind of policy are in opposition to the position and recognition of US
19 citizenship established by the Oath of US citizenship.

20 I believe the statements made by John Stahl in a telephone conversation on 1/8/2010
21 concerning the requirements for a individual to join a Hutterite colony establish a position and
22 represent a policy concerning joining a Hutterite colony that is a violation of citizenship.

23 The Court can contact John Stahl or conduct a investigation to determine the official Hutterite
24 policy concerning joining a Hutterite colony, if necessary.

1 **l. Defendant 3. Part 3. Request for Relief. Walter Hofer, King Colony.**

2 I believe the statements made by Walter Hofer in his letter dated 3/10/2008, making it clear
3 that it is impossible for anyone to join a Hutterite colony, establish a position and represent a
4 policy that is a violation of US citizenship. I believe the official Hutterite policy concerning
5 joining a Hutterite colony expressed by John Stahl is a violation of citizenship. So, I will ask the
6 Court to expel all Hutterite colonies from the USA, revoke their US citizenship, and terminate
7 their USDA farm subsidies.

8 **m. Defendant 3. Part 4. Statement of Facts. Hutterite colonies.**

9 I am alleging farm subsidy fraud , as fraudulent misrepresentation, by Hutterite colonies as
10 USDA farm subsidy recipients operating as a tax-exempt nonprofit organization. Hutterite
11 colonies received USDA farm subsidies during the timeframe 1995-2010 with these IRS
12 tax-exempt classifications:

- 13 1) IRC Section: 501(c)(3) Charitable organization
14 2) IRC Section: 501(c)(24) Trust described in Section 4049 of ERISA
15 3) IRC Section: 501(d) Apostolic and religious organization

16 Note: IRC Section refers to Internal Revenue Code Section.

17 I can establish the fact that Hutterite colonies are not offering employment to support the fact
18 that there is zero public benefit for USDA farm subsidies for Hutterite colonies operating as a
19 tax-exempt nonprofit organization.

20 I can establish documentation for 153 Hutterite colonies as USDA farm subsidy recipients
21 during the timeframe 1995-2010. Of these 153 Hutterite colonies, I can establish documentation
22 for 65 Hutterite colonies operating as a tax-exempt nonprofit organization. All of these Hutterite
23 colonies as USDA farm subsidy recipients are located in the states of Minnesota, Montana,
24 North Dakota, South Dakota, and Washington.

25 Note:

26 The Hutterian Brethren are also referred to as Hutterites and belong to the Hutterian Brethren
27 Church.

n. Defendant 3. Part 5. Claims. Hutterite colonies.

A legal basis for fraud, as farm subsidy fraud, as fraudulent misrepresentation, as a violation of law can be found in the US Code as 18 USC 1001 - Statements or entries generally. I believe a legal basis for fraud, as fraudulent misrepresentation, as a violation of law has been established in statutes that the Court can find. As a pro se litigant, I will be relying on the Court's knowledge of fraud, as fraudulent misrepresentation, as a violation of law.

o. Defendant 3. Part 6. Request for Relief. Hutterite colonies.

If the Court finds Hutterite colonies guilty of fraud, as farm subsidy fraud, as fraudulent misrepresentation, relating to USDA farm subsidies for Hutterite colonies operating as a tax-exempt nonprofit organization, then the Hutterite colonies found guilty, or the individuals responsible for their farm subsidy program, should be arrested and they should be held liable for the financial loss to the USA citizens as taxpayers.

I can establish documentation for 153 Hutterite colonies as USDA farm subsidy recipients during the timeframe 1995-2010, and their combined USDA farm subsidy total is \$186,776,342.40. Of these 153 Hutterite colonies, I can establish documentation for 65 Hutterite colonies operating as a tax-exempt nonprofit organization, and their combined USDA farm subsidy total is \$52,623,053.86 as a total adjusted for a claim for financial compensation.

I will ask the Court to hold Hutterite colonies liable for the financial loss to the US citizens as taxpayers, calculated as \$52,623,053.86 as the USDA farm subsidy total for the 65 Hutterite colonies operating as a tax-exempt nonprofit organization.

Note:

The USDA farm subsidy total \$52,623,053.86 represents a total adjusted for a claim for financial compensation by using a IRS Ruling Date as a part of a calculation. A IRS Ruling Date is the date the IRS recognizes a organization as tax-exempt.

Date: 2/4/2013

Sign Name: Robert Eichhorn

Print Name: ROBERT EICHHORN

JS 44 (Rev. 12-12) and rev. (1-13-13)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

EICHORN, ROBERT D.

(b) County of Residence of First Listed Plaintiff SAN FRANCISCO
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

NONE

DEFENDANTS

USA GOVERNMENT
USDA
HUTTERIAN BRETHREN

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

UNKNOWN

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HRA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat. TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

8 USC 1448, 18 USC 1001

Brief description of cause:

VIOLATION OF US CITIZENSHIP, FRAUD, FRAUDULENT MISREPRESENTATION

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

52,623,053.86

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

2/4/2013

SIGNATURE OF ATTORNEY OF RECORD

NONE

PLAINTIFF - Robert Eichhorn

IX. DIVISIONAL ASSIGNMENT (CIVIL R. 3-2)

(Place an "X" in One Box Only)

☒ SAN FRANCISCO OAKLAND
 ☐ SAN JOSE
 ☐ EUREKA

UNITED STATES DISTRICT COURT

for the

Northern District of California

Robert Eichhorn

Plaintiff

v.

USA Government, USDA, Hutterian Brethren

Defendant

C 13
Civil Action No.

0468

MEJ

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Hutterian Brethren
John Waldner
Minister and Elder
Spring Prairie Hutterian Brethren
6189 - 170th St, N
Hawley, MN 56549-9094

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Robert Eichhorn
3161 16th Street
San Francisco, CA 94103

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RICHARD W. WIEKING

CLERK OF COURT

AMY SPRINKLES

FEB 04 2013

Date: _____

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT

for the

Northern District of California

Robert Eichhorn

Plaintiff

v.

USA Government, USDA, Hutterian Brethren

Defendant

Civil Action No.

13

0468

MEJ

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* US Attorney/Northern District of California
Melinda Haag
Federal Courthouse
11 th Floor
450 Golden Gate Ave
San Francisco, CA 94102

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Robert Eichhorn
3161 16th Street
San Francisco, CA 94103

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RICHARD W. WIEKING

CLERK OF COURT

FEB 04 2013

Date: _____

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT

for the

Northern District of California

Robert Eichhorn

Plaintiff

v.

USA Government, USDA, Hutterian Brethren

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* US Attorney General
Eric Holder
DOJ
950 Pennsylvania Ave, NW
Washington, DC 20530-0001

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Robert Eichhorn
3161 16th Street
San Francisco, CA 94103

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RICHARD W. WIEKING

CLERK OF COURT

Date: FEB 04 2013

Signature of Clerk or Deputy Clerk

6511 00-0000 50

UNITED STATES DISTRICT COURT

for the

Northern District of California

Robert Eichhorn

Plaintiff

v.

USA Government, USDA, Hutterian Brethren

Defendant

Civil Action No.

C 13

0468

MEJ

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* USDA
Secretary of Agriculture
Tom Vilsack
Whitten Bldg
STOP 0101 Rm 200-A
1400 Independence Ave, SW
Washington, DC 20250

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Robert Eichhorn
3161 16th Street
San Francisco, CA 94103

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RICHARD W. WIEKING

CLERK OF COURT

2013 FEB 04 PM 02

Date: FEB 04 2013

Signature of Clerk or Deputy Clerk

**Case Management Standing Order
Magistrate Judge Maria-Elena James**

San Francisco, Courtroom B, 15th Floor
Rose Maher, Courtroom Deputy (415) 522-4708

1. Motions are heard on Thursdays at 10:00 a.m. All motions should be noticed pursuant to the Northern District's local rules. Parties need not reserve a hearing date, but should confirm the Court's availability at <http://www.cand.uscourts.gov>. All scheduling questions should be directed to the courtroom deputy, Rose Maher.
2. Discovery disputes are governed by Magistrate Judge James' Discovery Standing Order, which is available at <http://www.cand.uscourts.gov> and at the Clerk's Office.
3. Counsel shall meet and confer prior to the Case Management Conference and file a joint statement no later than seven days prior to the conference. The statement shall address the information contained in the Standing Order for All Judges of the Northern District of California, which is available <http://www.cand.uscourts.gov> and at the Clerk's Office.
4. In civil cases, the parties should file their written consent to proceed before a magistrate judge for all purposes, or a request for reassignment to a district judge, as soon as possible. If a party files a dispositive motion (such as a motion to dismiss or a motion for remand), the moving party must file the consent or declination simultaneously with the motion. In no event shall the consent or declination be filed later than the deadlines specified in Civil Local Rule 73-1.
5. The parties should not submit chambers copies, with the exception of documents that (1) are related to a pending motion and/or discovery dispute and (2) exceed 10 pages when combined. (For example, if a motion is 8 pages and a supportive declaration is 5 pages, chambers copies are required. However, if there is a 20-page stipulation and proposed order, no chambers copy is required.) For these documents only, the submitting party must comply with the timing requirements in Civil Local Rule 5-1(e)(7). All chambers copies must be double-sided (when possible) and include (1) the running header created by the ECF system at the top of each page, and (2) exhibits, if any, that are clearly delineated with tabbed dividers. These printed copies shall be marked "Chambers Copy" and submitted to the Clerk's Office, in an envelope marked with "Magistrate Judge James," the case number, and "Chambers Copy."
6. Any proposed stipulation or proposed order in a case subject to electronic filing shall be sent to mejpo@cand.uscourts.gov. This address is to be used only for proposed orders unless otherwise directed by the Court. No chambers copy is required.

Dated: September 5, 2012



Maria-Elena James
United States Magistrate Judge

Discovery Standing Order Magistrate Judge Maria-Elena James

San Francisco, Courtroom B, 15th Floor
Rose Maher, Courtroom Deputy (415) 522-4708

This standing order informs all parties of the procedures for cases assigned to Magistrate Judge Maria-Elena James for trial or referred for purposes of discovery. This Order addresses all case-related discovery, including that which involves non-parties, and therefore applies whether or not an individual or entity is named in the complaint. Failure to abide by this Standing Order may result in the imposition of sanctions pursuant to Federal Rule of Civil Procedure 16(f) and Civil Local Rule 37-3.

1. Parties shall propound disclosures and discovery in accordance with Federal Rules of Civil/Criminal Procedure and the corresponding Civil/Criminal Local Rules for the Northern District of California. A copy of the Local Rules is available at <http://www.cand.uscourts.gov> and at the Clerk's Office.
2. No motions to compel shall be considered. Instead, the parties must meet and confer in person for the purpose of resolving all disputes. If unable to resolve any disputes, the parties shall draft and file a jointly-signed letter that contains the following:
 - (a) A cover page with the case caption, an attestation that the parties met and conferred in person prior to filing the letter, and the signature of both parties or counsel;
 - (b) A joint section setting forth the unresolved dispute and any pertinent factual background; and
 - (c) Each party's position, including relevant legal authority.

The joint letter shall be limited to five pages, excluding the cover page, and may not be accompanied by exhibits or affidavits other than exact copies of interrogatories, requests for production of documents and/or responses, privilege logs, and relevant deposition testimony. The parties need not state all disputes in one letter; rather, it is preferable that the parties file a separate letter for each dispute.

3. In the event that the parties are unable to meet and confer as directed above, or a moving party is unable to obtain the opposing party's portion of a joint letter after the meet and confer session, the moving party shall file a written request for a telephonic conference for the purpose of enforcing the Court's meet and confer requirement, or for the Court to fashion an alternative procedure. The written request shall include a declaration which states any attempt to meet and confer and/or obtain the joint letter, the reasons for the inability to comply with the standing order, and (if possible) three dates and times at which all parties are available for a telephonic conference. The moving party may attach exhibits to the declaration, but the declaration and exhibits combined may not exceed seven pages. The Court will not excuse a party from the requisite in-person meeting

unless good cause is shown.

4. In the event that the parties are participating in a deposition or a site inspection and a dispute arises, the parties may contact the courtroom deputy, Rose Maher, to inquire whether Magistrate Judge James is available to address the dispute telephonically. In the event she is unavailable, the parties shall follow the procedures for requesting a telephonic conference as set forth in paragraph 3 above. In such a case, the deposition or site inspection shall proceed with objections noted for the record.
5. No motion for sanctions may be filed until after the moving party has complied with the requirements of paragraphs 2 and 3 above. Motions for sanctions shall be filed separately, pursuant to Federal Rule 37 and Civil Local Rules 7 and 37-3.
6. The parties shall comply with Civil Local Rule 6 regarding any requests to change time.
7. Pursuant to Civil Local Rule 11-4(c), with the exception of communication with the courtroom deputy regarding scheduling, no party may contact the Court ex parte without prior notice to the opposing party. All communications or questions to the Court shall be presented in writing, properly filed, and include a certification that all parties were served.
8. The parties should not submit chambers copies, with the exception of documents that (1) are related to a pending discovery dispute and/or motion and (2) exceed 10 pages when combined. For these documents only, the submitting party must comply with the timing requirements in Civil Local Rule 5-1(e)(7). All chambers copies must be double-sided (when possible) and include (1) the running header created by the ECF system at the top of each page, and (2) exhibits, if any, that are clearly delineated with tabbed dividers. These printed copies shall be marked "Chambers Copy" and submitted to the Clerk's Office, in an envelope marked with "Magistrate Judge James," the case number, and "Chambers Copy."

IT IS SO ORDERED.

Dated: September 5, 2012



MARIA ELENA JAMES
United States Magistrate Judge

STANDING ORDER FOR ALL JUDGES
OF THE NORTHERN DISTRICT OF CALIFORNIA

CONTENTS OF JOINT CASE MANAGEMENT STATEMENT

Commencing July 1, 2011, all judges of the Northern District of California will require the identical information in Joint Case Management Statements filed pursuant to Civil Local Rule 16-9. The parties must include the following information in their statement which, except in unusually complex cases, should not exceed ten pages:

1. Jurisdiction and Service: The basis for the court's subject matter jurisdiction over plaintiff's claims and defendant's counterclaims, whether any issues exist regarding personal jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be served, a proposed deadline for service.
2. Facts: A brief chronology of the facts and a statement of the principal factual issues in dispute.
3. Legal Issues: A brief statement, without extended legal argument, of the disputed points of law, including reference to specific statutes and decisions.
4. Motions: All prior and pending motions, their current status, and any anticipated motions.
5. Amendment of Pleadings: The extent to which parties, claims, or defenses are expected to be added or dismissed and a proposed deadline for amending the pleadings.
6. Evidence Preservation: Steps taken to preserve evidence relevant to the issue reasonably evident in this action, including interdiction of any document-destruction program and any ongoing erasures of e-mails, voice mails, and other electronically recorded material.
7. Disclosures: Whether there has been full and timely compliance with the initial disclosure requirements of Fed. R. Civ. P. 26 and a description of the disclosures made.
8. Discovery: Discovery taken to date, if any, the scope of anticipated discovery, any proposed limitations or modifications of the discovery rules, and a proposed discovery plan pursuant to Fed. R. Civ. P. 26(f).
9. Class Actions: If a class action, a proposal for how and when the class will be certified.
10. Related Cases: Any related cases or proceedings pending before another judge of this court, or before another court or administrative body.

Effective date: July 1, 2011 (Last Revised May 8, 2012)

11. Relief: All relief sought through complaint or counterclaim, including the amount of any damages sought and a description of the bases on which damages are calculated. In addition, any party from whom damages are sought must describe the bases on which it contends damages should be calculated if liability is established.
12. Settlement and ADR: Prospects for settlement, ADR efforts to date, and a specific ADR plan for the case, including compliance with ADR L.R. 3-5 and a description of key discovery or motions necessary to position the parties to negotiate a resolution.
13. Consent to Magistrate Judge For All Purposes: Whether all parties will consent to have a magistrate judge conduct all further proceedings including trial and entry of judgment. ____ Yes ____ No
14. Other References: Whether the case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.
15. Narrowing of Issues: Issues that can be narrowed by agreement or by motion, suggestions to expedite the presentation of evidence at trial (e.g., through summaries or stipulated facts), and any request to bifurcate issues, claims, or defenses.
16. Expedited Trial Procedure: Whether this is the type of case that can be handled under the Expedited Trial Procedure of General Order No. 64 Attachment A. If all parties agree, they shall instead of this Statement, file an executed Agreement for Expedited Trial and a Joint Expedited Case Management Statement, in accordance with General Order No. 64 Attachments B and D.
17. Scheduling: Proposed dates for designation of experts, discovery cutoff, hearing of dispositive motions, pretrial conference and trial.
18. Trial: Whether the case will be tried to a jury or to the court and the expected length of the trial.
19. Disclosure of Non-party Interested Entities or Persons: Whether each party has filed the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16. In addition, each party must restate in the case management statement the contents of its certification by identifying any persons, firms, partnerships, corporations (including parent corporations) or other entities known by the party to have either: (i) a financial interest in the subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding.
20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.

1 ROBERT EICHORN
2 3161 16TH STREET
3 SAN FRANCISCO, CA 94103
4 (415) 621-5107
5 ROBERTONE@EMAIL.COM

FILED
2013 FEB -4 A 10:59
RICHARD H. FRIEDMAN
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 ROBERT EICHORN

No. C-13-0468 MEJ

12 Plaintiff(s),

DECLINATION TO PROCEED BEFORE
A MAGISTRATE JUDGE
AND

13
14 v.
15 USA GOVERNMENT
16 USDA, HUTTERIAN BRETHREN
Defendant(s).

REQUEST FOR REASSIGNMENT TO A
UNITED STATES DISTRICT JUDGE

17 REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

18 The undersigned party hereby declines to consent to the assignment of this case to a United
19 States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to
20 a United States District Judge.
21

22 Dated: 2/4/2013

Signature Robert Eichhorn

23 Counsel for PRO SE
24 (Plaintiff, Defendant, or indicate "pro se")
25
26
27
28

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

ROBERT EICHHORN,
Plaintiff,

No. CV 13-00468 MEJ
ORDER

v.

USA GOVERNMENT ,
Defendant.

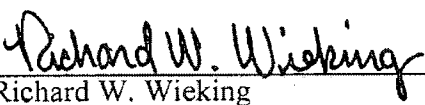
GOOD CAUSE APPEARING THEREFOR,

IT IS ORDERED that this case is reassigned to the **Honorable SAUNDRA BROWN ARMSTRONG** in the **Oakland** division for all further proceedings. Counsel are instructed that all future filings shall bear the **initials SBA** immediately after the case number. All hearing dates presently scheduled are vacated and motions should be renoticed for hearing before the judge to whom the case has been reassigned. Briefing schedules remain unchanged. *See* Civil L.R. 7-7(d). Matters for which a magistrate judge has already issued a report and recommendation shall not be rebriefed or noticed for hearing before the newly assigned judge; such matters shall proceed in accordance with Fed. R. Civ. P. 72(b).

FOR THE EXECUTIVE COMMITTEE:

Dated: February 5, 2013

rev 4-12


Richard W. Wieking
Clerk of Court

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ROBERT EICHHORN,
Plaintiff,

Case Number: CV13-00468 SBA

CERTIFICATE OF SERVICE

v.

USA GOVERNMENT et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 6, 2013, I SERVED a true and correct copy(ies) of the attached, **ORDER REASSIGNING CASE [4]** by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Robert Eichhorn
3161 16th Street
San Francisco, CA 94103

Dated: February 6, 2013

Richard W. Wieking, Clerk
By: Jessie Mosley, Deputy Clerk

Robert Eichhorn
3161 16th Street
San Francisco, CA 94103
(415) 621-5107
robertone@email.com

FILED

2013 FEB 19 A 11:18

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Robert Eichhorn)	
Plaintiff	)	Case No. CV13-00468 SBA
vs.	)	CHANGE OF ADDRESS
USA Government)	
USDA)	
Hutterian Brethren)	
Defendants)	
)	

1. Change of Address.

Plaintiff is notifying the Court and the defendants that his address has changed but he will still reside in San Francisco. Plaintiff will continue to use his original address and contact information, found on the caption page of the Complaint, on the caption page of court documents to maintain the continuity of information to avoid confusion. Plaintiff will include a Change of Address document with court documents.

Plaintiff's new address and updated contact information are:

Address:

Robert Eichhorn

1331 Stockton Street, Rm 421

San Francisco, CA 94133

Phone: (415) 982-0589

E-mail: robertone@email.com

The effective date of Plaintiff's new address is 2/9/2013.

Date: 2/19/2013

Sign Name: Robert Eichhorn

Print Name: ROBERT EICHHORN

1 Robert Eichhorn
2 3161 16th Street
3 San Francisco, CA 94103
4 (415) 621-5107
5 robertone@email.com
6

FILED
2013 FEB 19 A 11:18
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION
10

11 Robert Eichhorn)
12 Plaintiff) Case No. CV13-00468 SBA
13 vs.) Opposition to any Motion challenging the
14 USA Government) validity of Complaint including a Motion to
15 USDA) amend or alter Complaint, and Opposition to a
16 Hutterian Brethren) Motion for Summary Judgment
17 Defendants)
18)
19

20 **1. Explanation for Document.**

21 To serve documents on all of the defendants, Plaintiff must serve these 4 parties:

- 22 1) Attorney for the Northern District of California
23 2) Attorney General, Department of Justice (DOJ), Washington, DC
24 3) USDA
25 4) Hutterian Brethren, represented by John Waldner or John Stahl

26 The estimated cost of serving documents on all 4 parties is \$360.
27
28

Opposition to any Motion.../Page 1 of 2/Case No. CV13-00468 SBA

1 Plaintiff recognizes the legal process of filing a Complaint leading to trial and final judgment is
2 set up as a challenge course. Plaintiff is not in a financial position to afford to serve documents
3 on all 4 parties at each challenge step in the legal process. To be able to proceed with the court
4 case, Plaintiff will combine as many steps as possible in the legal process. Plaintiff believes this
5 method of resolving the financial problem will not interfere with the legal process.

6 **2. Memorandum of Points and Authorities.**

7 Concerning any Motion challenging the validity of Complaint, Plaintiff believes Complaint is
8 valid as it is written. Plaintiff believes there is no need to clarify any part of Complaint.

9 Concerning a Motion for Summary Judgment, Plaintiff believes the evidence will establish the
10 legal violation of the defendants.

11 **3. Proposed Order.**

12 Plaintiff will not be able to set up a Proposed Order for this document. The Court will have to
13 set up their own Proposed Order to deny any Motion made by the defendants relating to this
14 document.

15 **4. Date and Time of Hearing.**

16 Plaintiff will not be able to provide the Court with the date and time of any Hearing set up by
17 the defendants for any Motion relating to this document. The Court will have to consult the
18 defendant's Motion for the date and time of a Hearing.

19
20
21
22
23
24
25
26 Date: 2/19/2013

Sign Name: Robert Eichhorn
Print Name: ROBERT EICHORN

1 Robert Eichhorn
2 9161 16th Street
3 San Francisco, CA 94103
4 (415) 621-5107
5 robertone@email.com
6

FILED
2013 FEB 19 A 11:17

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION
10

11 Robert Eichhorn)	
12 Plaintiff	)	Case No. CV13-00468 SBA
13 vs.	)	Note for Court and US District Judge
14 USA Government	)	Saundra Brown Armstrong concerning
15 USDA	)	requirement to file court documents in
16 Hutterian Brethren	)	Oakland instead of San Francisco
17 Defendants)	
18)	

19
20 **1. Explanation for Note.**

21 Plaintiff has been informed by the Clerk at the San Francisco Federal Courthouse that he must
22 now file his court documents at the Oakland Federal Courthouse as a result of his case being
23 reassigned to US District Judge Saundra Brown Armstrong at the Oakland Division.

24 Plaintiff does not believe it is necessary for him to file his court documents in Oakland instead
25 of San Francisco since Plaintiff filed his Complaint in San Francisco and is a resident of
26 San Francisco.
27
28

Note for Court and US District Judge.../Page 1 of 2/Case No. CV13-00468 SBA

1 Plaintiff does not want to pay the extra money for a round-trip BART ticket to Oakland versus
2 a Muni bus ticket for the San Francisco trip, and Plaintiff knows the court documents he files in
3 San Francisco can be accessed on the Internet.

4 Plaintiff will continue to file his court documents in San Francisco instead of Oakland. If the
5 Court or US District Judge Sandra Brown Armstrong finds this to be unacceptable then Plaintiff
6 will request that the case be reassigned to a US District Judge in San Francisco.

7
8
9 Date: 2/19/2013

Sign Name: Robert Eichhorn

10 Print Name: ROBERT EICHORN

1
2
3
4 UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6 OAKLAND DIVISION
7

8 ROBERT EICHHORN,

9 Plaintiff,

10 vs.

11 USA GOVERNMENT, et al.,

12 Defendants.
13
14

Case No: C 13-0468 SBA

**ORDER DENYING PLAINTIFF'S
REQUEST TO FILE PAPERS IN
SAN FRANCISCO**

15 Plaintiff filed the instant pro se action on February 4, 2013. The action was assigned
16 to Magistrate Judge Maria Elena James. Plaintiff declined to consent to the jurisdiction of a
17 magistrate judge, resulting in the action being reassigned to this Court, which is venued at
18 the Oakland branch of the Court. Civil Local Rule 3-2(b) provides, in relevant part, that
19 “[a]fter the matter has been assigned to a Judge, unless ordered or permitted otherwise, all
20 subsequent filings must be made in the Office of the Clerk at the division or location where
21 the assigned Judge maintains chambers.”

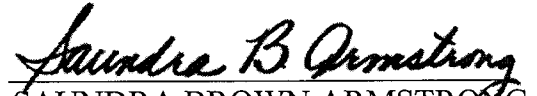
22 On February 19, 2013, Plaintiff filed a request for permission to file his papers at the
23 Clerk’s Office in San Francisco in order to avoid the cost of having to travel to Oakland.
24 However, Plaintiff has failed to provide any evidence that the additional cost associated
25 with filing papers in Oakland will impose an undue hardship upon him. In addition,
26 Plaintiff should be aware that he can file papers by U.S. Mail, and that he is not required to
27 file his papers in person.
28

1 Alternatively, Plaintiff requests that the Court reassign this case to a district judge in
2 San Francisco. Plaintiff has failed to provide any legal or compelling factual basis for
3 reassigning this case.¹ Accordingly,

4 IT IS HEREBY ORDERED THAT Plaintiff's request to file his papers in San
5 Francisco, or alternatively, to reassign the case to a district judge in San Francisco, is
6 DENIED.

7 IT IS SO ORDERED.

8 Dated: February 21, 2013


SAUNDRA BROWN ARMSTRONG
United States District Judge

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22
23 ¹ The Court notes that Plaintiff's request fails to comply with the Civil Local Rules.
24 See Civ. L.R. 7. Although the Court has considered the instant request notwithstanding
25 such violation, Plaintiff is warned that further transgressions may result in the summary
26 denial of any motion or request filed in a manner inconsistent with the Civil Local Rules.
27 Tri-Valley CARES v. U.S. Dept. of Energy, 671 F.3d 1113, 1131 (9th Cir. 2012) ("Denial
28 of a motion as the result of a failure to comply with local rules is well within a district
court's discretion."). Plaintiff should be aware that although he is acting pro se (i.e.,
without an attorney) he nevertheless remains obligated to follow the same rules as
represented parties. See Ghazali v. Moran, 46 F.3d 52, 54 (9th Cir. 1995) ("Although we
construe pleadings liberally in their favor, pro se litigants are bound by the rules of
procedure.") (per curiam).

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 ROBERT EICHHORN,

5 Plaintiff,

6 v.

7 USA GOVERNMENT et al,

8 Defendant.
9 _____/

10 Case Number: CV13-00468 SBA

11 **CERTIFICATE OF SERVICE**

12
13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
14 Court, Northern District of California.

15 That on February 22, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
17 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
18 located in the Clerk's office.

19
20 Robert Eichhorn
21 1331 Stockton Street
22 Rm. 421
23 San Francisco, CA 94133

24 Dated: February 22, 2013

Richard W. Wieking, Clerk

25 By: Lisa Clark, Deputy Clerk
26
27
28

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) ROBERT EICHHORN 1331 STOCKTON ST. #421 SAN FRANCISCO, CA 94133		TELEPHONE NO. (415) 621-5107	FOR COURT USE ONLY	
ATTORNEY FOR (NAME)		REFERENCE NUMBER 00256437-01	FILED MAR 11 2013 RICHARD W. WIEKING CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	
Insert name of court, judicial district or branch court, if any, and post office and street address UNITED STATES DISTRICT COURT,				
SHORT NAME OF CASE EICHHORN vs. USA GOVERNMENT				
PROOF OF SERVICE	DATE:	TIME:	DEPT/DIV:	CASE NUMBER CV 13-00468 SBA

I am and was on the dates herein mentioned over the age of eighteen years and not a party to this action;

I served the:

SUMMONS IN A CIVIL ACTION; COMPLAINT; DECLINATION TO PROCEED BEFORE MAGISTRATE JUDGE; CHANGE OF ADDRESS; ORDER; CERTIFICATE OF SERVICE; NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL; CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE; DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATE DISTRICT JUDGE-BLANK FORM; BROCHURE-CONSENTING TO MAGISTRATE JUDGE'S JURISDICTION; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; CASE MANAGEMENT SCHEDULING ORDER; DISCOVERY STANDING ORDER; STANDING ORDER FOR ALL JUDGES; JUDGE ARMSTRONG'S STANDING ORDERS; ECF REGISTRATION INFORMATION HANDOUT; OPPOSITION TO ANY MOTION CHALLENGING THE VALIDITY OF COMPLAINT.

Name: USA GOVERNMENT

Person Served: WILSON WONG

Title: AUTHORIZED TO ACCEPT SERVICE

Date of Delivery: February 21, 2013 HDATE:

Time of Delivery: 11:58 am

Place of Service: 450 GOLDEN GATE AVE. 9TH FLOOR
SAN FRANCISCO, CA 94102

(Business)

Manner of Service: **Personal Service - By Personally Delivering copies to the person on whom the service is required.**

Fee for service: \$ 59.50

JUDICIAL COUNCIL FORM, RULE #982 (A)(23)

☒ Registered: . . . San Francisco . . . County,
Number: . . . 2007-0001016 . . .
Expiration Date: 05/30/2013

PREFERRED LEGAL SERVICES, INC.
601 Van Ness Ave, Suite J
San Francisco, CA 94102
(415) 882-2250

302/00256437-01

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

on: . . . February 21, 2013 . . .
at: . . . San Francisco . . . , California.

Signature: _____

Name: DREW SOTO

Title: (i) employee

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) ROBERT EICHHORN 1331 STOCKTON ST. #421 SAN FRANCISCO, CA 94133		TELEPHONE (415) 621-5107	FOR COURT USE ONLY FILED MAR 11 2013 RICHARD W. WICKING CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA CASE NO. 13-cv-00468 SBA CV-13-00468 SBA
ATTORNEY FOR (NAME)		REFERENCE NUMBER 00256437-02	
Insert name of court, judicial district or branch court, if any, and post office and street address UNITED STATES DISTRICT COURT,			
SHORT NAME OF CASE EICHHORN vs. USA GOVERNMENT			
PROOF OF SERVICE BY CERTIFIED MAIL	DATE:	TIME:	

I am a citizen of the United States and employed in the County of San Francisco, California. I am over the age of 18 and not a party to this action. My business address is 601 Van Ness Ave, Suite J, San Francisco, CA 94102.

On February 22, 2013, I mailed by Certified Mail copies of the:

SUMMONS IN A CIVIL ACTION; COMPLAINT; DECLINATION TO PROCEED BEFORE MAGISTRATE JUDGE; CHANGE OF ADDRESS; ORDER; CERTIFICATE OF SERVICE; NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL; CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE; DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATE DISTRICT JUDGE-BLANK FORM; BROCHURE-CONSENTING TO MAGISTRATE JUDGE'S JURISDICTION; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; CASE MANAGEMENT SCHEDULING ORDER; DISCOVERY STANDING ORDER; STANDING ORDER FOR ALL JUDGES; JUDGE ARMSTRONG'S STANDING ORDERS; ECF REGISTRATION INFORMATION HANDOUT; OPPOSITION TO ANY MOTION CHALLENGING THE VALIDITY OF COMPLAINT.

by placing a true copy thereof enclosed in a sealed envelope, with Certified Mail postage thereon fully prepaid, in the United States Mail at: SAN FRANCISCO, California, addressed as follows:

USA GOVERNMENT
950 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20530-0001

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct and this declaration was executed on February 22, 2013 at SAN FRANCISCO, California.

Fee for service: \$ 41.18

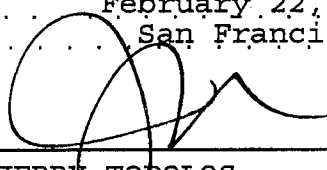
JUDICIAL COUNCIL FORM, RULE #982 (A)(23)

☒ Registered: San Francisco County,
Number: 2009-0001016
Expiration Date: 05/30/2013

PREFERRED LEGAL SERVICES, INC.
601 Van Ness Ave, Suite J
San Francisco, CA 94102
(415) 882-2250
328/00256437-02

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

on: February 22, 2013
at: San Francisco, California.

Signature: 
Name: JERRY TOPOLOS
Title: (i) employee

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) ROBERT EICHHORN 1331 STOCKTON ST. #421 SAN FRANCISCO, CA 94133		TELEPHONE (415) 621-5107	FOR COURT USE ONLY	
ATTORNEY FOR (NAME)		REFERENCE NUMBER 00256437-04	FILED MAR 11 2013 RICHARD W. WIEKING CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	
Insert name of court, judicial district or branch court, if any, and post office and street address UNITED STATES DISTRICT COURT,				
SHORT NAME OF CASE EICHHORN vs. USA GOVERNMENT				
PROOF OF SERVICE	DATE:	TIME:	DEPT/DIV:	CASE NUMBER: CV 13-00468 SBA

I am and was on the dates herein mentioned over the age of eighteen years and not a party to this action;

I served the:

SUMMONS IN A CIVIL ACTION; COMPLAINT; DECLINATION TO PROCEED BEFORE MAGISTRATE JUDGE; CHANGE OF ADDRESS; ORDER; CERTIFICATE OF SERVICE; NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL; CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE; DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATE DISTRICT JUDGE-BLANK FORM; BROCHURE-CONSENTING TO MAGISTRATE JUDGE'S JURISDICTION; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; CASE MANAGEMENT SCHEDULING ORDER; DISCOVERY STANDING ORDER; STANDING ORDER FOR ALL JUDGES; JUDGE ARMSTRONG'S STANDING ORDERS; ECF REGISTRATION INFORMATION HANDOUT; OPPOSITION TO ANY MOTION CHALLENGING THE VALIDITY OF COMPLAINT

Name: HUTTERIAN BRETHREN

Person Served: JOHN WALDNER
Title: MINISTER AND ELDER

Date of Delivery: February 25, 2013 HDATE:
Time of Delivery: 02:20 pm

Place of Service: 6189 - 170TH ST. N
HAWLEY, MN 56549-9094

(Business)

Manner of Service: **Personal Service - By Personally Delivering copies to the person on whom the service is required.**

Fee for service: \$ 225.00

JUDICIAL COUNCIL FORM, RULE #982 (A)(23)

☒ Registered: County,
Number:
Expiration Date:

PREFERRED LEGAL SERVICES, INC.
601 Van Ness Ave, Suite J
San Francisco, CA 94102
(415) 882-2250

302/00256437-04

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
on: **March 4, 2013**
at: **San Francisco**, California.

Signature:

Name:

Title:

Mark J. Wozniak

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) ROBERT EICHHORN 1331 STOCKTON ST. #421 SAN FRANCISCO, CA 94133		TELEPHONE NO. (415) 621-5107	FOR COURT USE ONLY	
ATTORNEY FOR (NAME)		REFERENCE NUMBER 00256437-03	FILED MAR 11 2013 RICHARD W. WIEKING CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA CV 13-00468-SBA	
Insert name of court, judicial district or branch court, if any, and post office and street address UNITED STATES DISTRICT COURT,				
SHORT NAME OF CASE EICHHORN vs. USA GOVERNMENT				
PROOF OF SERVICE BY CERTIFIED MAIL	DATE:	TIME:	DEPT/DIV:	CASE NUMBER

I am a citizen of the United States and employed in the County of San Francisco, California. I am over the age of 18 and not a party to this action. My business address is 601 Van Ness Ave, Suite J, San Francisco, CA 94102.

On February 22, 2013, I mailed by Certified Mail copies of the:
SUMMONS IN A CIVIL ACTION; COMPLAINT; DECLINATION TO PROCEED BEFORE
MAGISTRATE JUDGE; CHANGE OF ADDRESS; ORDER; CERTIFICATE OF SERVICE; NOTICE
OF ASSIGNMENT OF CASE TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL;
CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE; DECLINATION TO
PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED
STATE DISTRICT JUDGE-BLANK FORM; BROCHURE-CONSENTING TO MAGISTRATE JUDGE'S
JURISDICTION; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR
DEADLINES; CASE MANAGEMENT SCHEDULING ORDER; DISCOVERY STANDING ORDER;
STANDING ORDER FOR ALL JUDGES; JUDGE ARMSTRONG'S STANDING ORDERS; ECF
REGISTRATION INFORMATION HANDOUT; OPPOSITION TO ANY MOTION CHALLENGING THE
VALIDITY OF COMPLAINT

by placing a true copy thereof enclosed in a sealed envelope, with Certified Mail postage thereon fully prepaid, in the United States Mail at: SAN FRANCISCO, California, addressed as follows:

USDA
1400 INDEPENDENCE AVE. SW
WASHINGTON, DC 20250

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct and this declaration was executed on February 22, 2013 at SAN FRANCISCO, California.

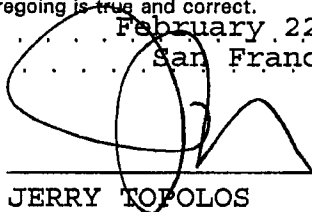
Fee for service: \$ 41.18

JUDICIAL COUNCIL FORM, RULE #982 (A)(23)

☒ Registered: . . . San Francisco . . . County,
Number: . . . 2009-0001016
Expiration Date: 05/30/2013

PREFERRED LEGAL SERVICES, INC.
601 Van Ness Ave, Suite J
San Francisco, CA 94102
(415) 882-2250
328/00256437-03

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
on: . . . February 22, 2013
at: . . . San Francisco . . . , California.

Signature: 
Name: JERRY TOPOLOS
Title: (i) employee

1 SCOTT M. SCHUTZ (SB #123096)
2 LAW OFFICE OF SCOTT M. SCHUTZ
3 100 Wilshire Blvd., Suite 950
4 Santa Monica, CA 90401
5 Phone: 310-601-0987
6 Fax: 310-496-1312
7 Attorney for John Waldner

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11

12 ROBERT EICHHORN,

No. CV 13-00468 SBA

13 Plaintiff,

14 vs.

15 USA GOVERNMENT, USDA, and
16 HUTTERIAN BRETHREN,

JOHN WALDNER'S MOTION FOR MORE
DEFINITE STATEMENT AND
MEMORANDUM IN SUPPORT OF
MOTION FOR MORE DEFINITE
STATEMENT

17 Defendants.
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The pro se Plaintiff in this matter, Robert Eichhorn, has sued what appear to be three Defendants. Those three Defendants are USA Government, USDA and Hutterian Brethren. In his attempts to serve "Hutterian Brethren," an entity that does not exist, Plaintiff has served a Minneosta resident, John Waldner, who is the President of Spring Prairie Hutterian Brethren, Inc., a Minnesota corporation.

It is unclear as to whether Plaintiff intends for John Waldner and/or Spring Prairie Hutterian Brethren, Inc. to be a Defendant in this case. None of the allegations in the Complaint relate to the individual actions of John Waldner and/or the corporate actions of Spring Prairie Hutterian Brethren, Inc. In order to protect Waldner and Spring Prairie's interests, it is necessary to determine if they are intended Defendants.

Conduct regarding specific Hutterites from Montana and Canada are mentioned in the Complaint. However, no one other than John Waldner has been served on behalf of these

1 “Hutterite Defendants.” Counsel uses the term “Hutterite Defendants” to distinguish from the
2 federal government defendants.

3 John Waldner, by and through his undersigned attorney, respectfully submits this brief
4 in support of his Motion for More Definite Statement pursuant to Fed.R.Civ.P. 12(e). For the
5 reasons set forth below, the is Defendant respectfully requests that this Court grant his motion
6 and direct the Plaintiff, Robert Eichhorn, to revise his Complaint to clearly indicate the identity
7 of the Defendants in this case.

8 FACTUAL AND PROCEDURAL BACKGROUND

9 The Summons states the Defendant[s]’ name and address as follows:

10 Hutterian Brethren
11 John Waldner
12 Minister and Elder
13 Spring Prairie Hutterian Brethren
14 6189-170th Street, North
15 Hawley, MN 56549-9094

16 There is no entity called Hutterian Brethren. Eichhorn may want to sue all Hutterite
17 entities. However, suing all Hutterite entities in the nation requires more than suing “Hutterian
18 Brethren.”

19 John Waldner is the President of Spring Prairie Hutterian Brethren, Inc. Yet it is
20 unclear if John Waldner is intended to be an individual Defendant or if Spring Prairie Hutterian
21 Brethren, Inc. is an intended Defendant.

22 Page 4 of Eichhorn’s Complaint indicates that Defendant # 3 is “Hutterian Brethren
23 generally, Hutterite colonies as USDA farm subsidy recipients and [John Waldner] specifically
24 as a [sic] Elder of the Hutterite Colonies in the USA who can act as their representative.”

25 As the President of Spring Prairie Hutterian Brethren, Inc., Waldner can act as the
26 representative for that corporation, but he is not a proper individual to serve with a summons if
27 Plaintiff intends to sue a colony in Canada or Montana or all colonies in the nation.

28 The six allegations in regard to “Defendant 3” or the “Hutterite Defendants” are found
on pages 11-14 of Eichhorn’s Complaint. The first is “a violation of U.S. Citizenship by

1 Walter Hofer, King Colony, Lewistown, Montana.” This seems to stem from an alleged denial
2 of Plaintiff’s attempt to join that colony.

3 Part 2 of the claim against the “Hutterite Defendants” again involve a violation of “US
4 Citizenship” by Walter Hofer and Plaintiff’s alleged receipt of communication from that
5 Montana Hutterite Colony that he cannot join. He then invites this Court to investigate the
6 official Hutterite policy of joining a Hutterite Colony.

7 Part 3 again alleges that it is impossible for people to join Hutterite Colonies, arguing
8 such a position is a violation of U.S. Citizenship. Eichhorn then asks this Court to “expel all
9 Hutterite Colonies from the USA, revoke their citizenship and terminate their USDA farm
10 subsidies.”

11 Part 4 of the claim against the “Hutterite Defendants” relates to farm subsidy fraud and
12 argues Hutterites shouldn’t get subsidies. Notably, Plaintiff lists 5 states where Hutterite
13 Colonies exist. The list does not include California. Once John Waldner is able to identify the
14 intended identities of the Defendants, he will be able to put together a response, which may
15 include issues regarding jurisdiction.

16 Part 5 is in regard to fraud or fraudulent misrepresentation. Eichhorn indicates that he is
17 “relying” on this Court’s “knowledge of fraud, as fraudulent misrepresentation, as a violation
18 of law.” While great leniency is granted to pro se litigants, it cannot be to the extent that the
19 Defendants (whoever they may be) are unable to form a response to the Complaint.

20 Part 6 of the claim against the “Hutterite Defendants” again alleges fraud and asserts
21 that the money received by Hutterite Colonies should be returned to the federal government.
22 Again, Eichhorn has only served one man in the United States who is the President of Spring
23 Prairie Hutterian Brethren, Inc. If Mr. Waldner or Spring Prairie Hutterian Brethren, Inc. is an
24 intended Defendant, which may or may not be the case given the rest of Eichhorn’s Complaint,
25 then there are a host of issues, including jurisdiction that must be raised. At this time, however,
26 one cannot tell if that is the case.

ARGUMENT AND AUTHORITIES

If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, the party may move for a more definite statement before interposing a responsive pleading.

Eichhorn's Complaint is vague and ambiguous under Rule 12(e) and does not allow John Waldner to even determine *who* the intended "Hutterite Defendants" are. Thus, these "Hutterite Defendants" cannot frame a responsive pleading to the Complaint because they are uncertain whom the intended Defendants are. The use of Rule 12(e) is appropriate when the defendants cannot understand the substance of the claim asserted. Similarly, it is appropriate here, where the identity of the intended Defendants is unclear.

A Rule 12(e) motion for definite statement is proper if the complaint is so indefinite that the defendant cannot begin to frame a response. *Boxall v. Sequoia Union High School District*, 464 F. Supp. 1104, 1114 (N.D. Cal. 1975). See also *Lovesy v. Armed Forces Benefit Association et al.*, 2008 WL 696991 (wherein this Court granted a Motion for More Definite Statement in regard to clearing up questions as to proper identity of Defendants).

In this case, Plaintiff has not clearly specified the identity of the Defendants. Plaintiff did serve John Waldner who is the President of Spring Prairie Hutterian Brethren, Inc., a Minnesota corporation. Without knowing who the Plaintiff intends to be the Defendant or Defendants, these "Hutterite Defendants" cannot ascertain who the claims are against, whether such claims are proper and who even needs to be involved in responding to the Complaint. Accordingly, Defendants' Motion for a more definite statement as to the identity of the Defendants should be granted.

Dated: March 20, 2013.

LAW OFFICE OF SCOTT M. SCHUTZ

/s/ Scott Schutz
SCOTT M. SCHUTZ

Attorney for John Waldner

1 STATE OF SOUTH DAKOTA)
2)
3 COUNTY OF BROWN)

4 I am employed in the County of Brown, State of South Dakota. I am over the age of 18
5 and not a party to the within action; my business address is 415 S. Main Street, PO Box 490,
6 Aberdeen, South Dakota 57401. On **March 20, 2013**, I served the within:

- 7 • **JOHN WALDNER'S MOTION FOR MORE DEFINITE STATEMENT AND**
8 **MEMORANDUM IN SUPPORT OF MOTION FOR MORE DEFINITE**
9 **STATEMENT**

10 on all interested parties in this action as follows:

11 **BY ELECTRONIC SERVICE:** Based on a court order or an agreement of the parties to
12 accept electronic service, I caused the documents to be sent from jdvorak@sbslaw.net to the
13 persons at the electronic service addresses listed below:

14 Robert Eichhorn
15 1331 Stockton Street, Rm 421
16 San Francisco, CA 94133
17 E-Mail: robertone@email.com

18 ☐ (State) I declare under penalty of perjury under the laws of the State of California and
19 the United States of America that the foregoing is true and correct.

20 Executed on **March 20, 2013**, at Aberdeen.

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/s/ Julie Dvorak
Julie Dvorak

1 SCOTT M. SCHUTZ (SB #123096)
2 LAW OFFICE OF SCOTT M. SCHUTZ
3 100 Wilshire Blvd., Suite 950
4 Santa Monica, CA 90401
5 Phone: 310-601-0987
6 Fax: 310-496-1312
7 Attorney for John Waldner

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11

12 ROBERT EICHHORN,

No. CV 13-00468 SBA

13 Plaintiff,

DISCLOSURE OF NON-PARTY
INTERESTED ENTITIES OR PERSONS

14 vs.

15 USA GOVERNMENT, USDA, and
16 HUTTERIAN BRETHREN,

17 Defendants.
18

19 Pursuant to LR 3-16, the undersigned certifies that as of this date, other than the named
20 parties, there is no such interest to report.
21

22 Dated: March 20, 2013.

LAW OFFICE OF SCOTT M. SCHUTZ

23 /s/ Scott Schutz
24 SCOTT M. SCHUTZ
25

26 Attorney for John Waldner
27
28

1 STATE OF SOUTH DAKOTA)
2)
3 COUNTY OF BROWN)

4 I am employed in the County of Brown, State of South Dakota. I am over the age of 18
5 and not a party to the within action; my business address is 415 S. Main Street, PO Box 490,
Aberdeen, South Dakota 57401. On **March 20, 2013**, I served the within:

6 • **DISCLOSURE OF NON PARTY INTERESTED ENTITIES OR PERSONS¶**

7 on all interested parties in this action as follows:

8 **BY ELECTRONIC SERVICE:**

9 ¶

10 Robert Eichhorn
11 1331 Stockton Street, Rm 421
12 San Francisco, CA 94133
E-Mail: robertone@email.com

13 ☐ (State) I declare under penalty of perjury under the laws of the State of California and
14 the United States of America that the foregoing is true and correct.

15 Executed on **March 20, 2013**, at Aberdeen.

16 /s/ Julie Dvorak
17 Julie Dvorak
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1 SCOTT M. SCHUTZ (SB #123096)
2 LAW OFFICE OF SCOTT M. SCHUTZ
3 100 Wilshire Blvd., Suite 950
4 Santa Monica, CA 90401
5 Phone: 310-601-0987
6 Fax: 310-496-1312
7 Attorney for John Waldner

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11

12 ROBERT EICHHORN,

No. CV 13-00468 SBA

13 Plaintiff,

14 vs.

15 USA GOVERNMENT, USDA, and
16 HUTTERIAN BRETHREN,

17 Defendants.

JOHN WALDNER'S AMENDED NOTICE
OF MOTION FOR MORE DEFINITE
STATEMENT AND MEMORANDUM IN
SUPPORT OF MOTION FOR MORE
DEFINITE STATEMENT;
PROPOSED ORDER

Time: May 21, 2013, 1:00 P.M.

Ctrm: Oakland Courthouse, Courtroom 1, 4th
Floor

Judge: The Honorable Sandra B. Armstrong

18
19 The pro se Plaintiff in this matter, Robert Eichhorn, has sued what appears to be three
20 Defendants. Those three Defendants are USA Government, USDA and Hutterian Brethren. In
21 his attempts to serve "Hutterian Brethren," an entity that does not exist, Plaintiff has served a
22 Minneosta resident, John Waldner, who is the President of Spring Prairie Hutterian Brethren,
23 Inc., a Minnesota corporation.

24 It is unclear as to whether Plaintiff intends for John Waldner and/or Spring Prairie
25 Hutterian Brethren, Inc. to be a Defendant in this case. None of the allegations in the
26 Complaint relate to the individual actions of John Waldner and/or the corporate actions of
27 Spring Prairie Hutterian Brethren, Inc. In order to protect Waldner and Spring Prairie's
28 interests, it is necessary to determine if they are intended Defendants.

1 Conduct regarding specific Hutterites from Montana and Canada are mentioned in the
2 Complaint. However, no one other than John Waldner has been served on behalf of these
3 "Hutterite Defendants." Counsel uses the term "Hutterite Defendants" to distinguish from the
4 federal government defendants.

5 John Waldner, by and through his undersigned attorney, respectfully submits this brief
6 in support of his Motion for More Definite Statement pursuant to Fed.R.Civ.P. 12(e). For the
7 reasons set forth below, John Waldner respectfully requests that this Court grant his motion and
8 direct the Plaintiff, Robert Eichhorn, to revise his Complaint to clearly indicate the identity of
9 the "Hutterite Defendants" in this case.

10 While this matter is noticed for a hearing on Tuesday, May 21, 2013 at 1:00 P.M., it is
11 hereby requested pursuant to L.R.7-1(b) that this motion be determined without oral argument
12 or in the alternative by telephone conference call.

13 FACTUAL AND PROCEDURAL BACKGROUND

14 The Summons states the Defendant[s]' name and address as follows:

15 Hutterian Brethren
16 John Waldner
17 Minister and Elder
18 Spring Prairie Hutterian Brethren
19 6189-170th Street, North
20 Hawley, MN 56549-9094

21 There is no entity called Hutterian Brethren. Eichhorn may want to sue all Hutterite
22 entities. However, suing all Hutterite entities in the nation requires more than suing "Hutterian
23 Brethren."

24 John Waldner is the President of Spring Prairie Hutterian Brethren, Inc. Yet it is
25 unclear if John Waldner is intended to be an individual Defendant or if Spring Prairie Hutterian
26 Brethren, Inc. is an intended Defendant.

27 Page 4 of Eichhorn's Complaint indicates that Defendant # 3 is "Hutterian Brethren
28 generally, Hutterite colonies as USDA farm subsidy recipients and [John Waldner] specifically
as a [sic] Elder of the Hutterite Colonies in the USA who can act as their representative."

1 As the President of Spring Prairie Hutterian Brethren, Inc., Waldner can act as the
2 representative for that corporation, but he is not a proper individual to serve with a summons if
3 Plaintiff intends to sue a colony in Canada or Montana or all colonies in the nation.

4 The six allegations in regard to "Defendant 3" or the "Hutterite Defendants" are found
5 on pages 11-14 of Eichhorn's Complaint. The first is "a violation of U.S. Citizenship by
6 Walter Hofer, King Colony, Lewistown, Montana." This seems to stem from an alleged denial
7 of Plaintiff's attempt to join that colony.

8 Part 2 of the claim against the "Hutterite Defendants" again involves a violation of "US
9 Citizenship" by Walter Hofer and Plaintiff's alleged receipt of communication from that
10 Montana Hutterite Colony that he cannot join. He then invites this Court to investigate the
11 official Hutterite policy of joining a Hutterite Colony.

12 Part 3 again alleges that it is impossible for people to join Hutterite Colonies, arguing
13 such a position is a violation of U.S. Citizenship. Eichhorn then asks this Court to "expel all
14 Hutterite Colonies from the USA, revoke their citizenship and terminate their USDA farm
15 subsidies."

16 Part 4 of the claim against the "Hutterite Defendants" relates to farm subsidy fraud and
17 argues Hutterites shouldn't get subsidies. Notably, Plaintiff lists 5 states where Hutterite
18 Colonies exist. The list does not include California. Once John Waldner, the only individual
19 served on behalf of "Hutterian Brethren," knows the intended identities of the Defendants, he
20 will be able to put together an answer or other response to the Complaint, which may include
21 issues regarding jurisdiction.

22 Part 5 is in regard to fraud or fraudulent misrepresentation. Eichhorn indicates that he is
23 "relying" on this Court's "knowledge of fraud, as fraudulent misrepresentation, as a violation
24 of law." While great leniency is granted to pro se litigants, it cannot be granted to the extent
25 that the Defendants (whoever they may be) are unable to form a response to the Complaint.

26 Part 6 of the claim against the "Hutterite Defendants" again alleges fraud and asserts
27 that the money received by Hutterite Colonies should be returned to the federal government.
28 Again, Eichhorn has only served one man on behalf of these "Hutterite Defendants." He is the

1 President of Spring Prairie Hutterian Brethren, Inc. If Mr. Waldner or Spring Prairie Hutterian
2 Brethren, Inc. is an intended Defendant, which may or may not be true given the rest of
3 Eichhorn's Complaint, then there are a host of issues, including jurisdiction that must be raised.
4 At this time, however, one cannot tell if that is the case.

5 ARGUMENT AND AUTHORITIES

6 If a pleading to which a responsive pleading is permitted is so vague or ambiguous that
7 a party cannot reasonably be required to frame a responsive pleading, the party may move for a
8 more definite statement before interposing a responsive pleading.

9 Eichhorn's Complaint is vague and ambiguous under Rule 12(e) and does not allow
10 John Waldner to determine who the intended "Hutterite Defendants" are. Thus, these
11 "Hutterite Defendants" cannot frame a responsive pleading to the Complaint because they are
12 uncertain who the intended Defendants are. The use of Rule 12(e) is appropriate when the
13 defendants cannot understand the substance of the claim asserted. Similarly, it follows that it is
14 appropriate here, where the identity of the intended Defendants is unclear.

15 A Rule 12(e) motion for definite statement is proper if the complaint is so indefinite that
16 the defendant cannot begin to frame a response. *Boxall v. Sequoia Union High School District*,
17 464 F. Supp. 1104, 1114 (N.D. Cal. 1975). See also *Lovesy v. Armed Forces Benefit*
18 *Association et al.*, 2008 WL 696991 (wherein this Court granted a Motion for More Definite
19 Statement in regard to clearing up questions as to proper identity of multiple defendants).

20 In this case, Plaintiff has not clearly specified the identity of the Defendants. Plaintiff
21 did serve John Waldner who is the President of Spring Prairie Hutterian Brethren, Inc., a
22 Minnesota corporation. Without knowing who the Plaintiff intends to be the Defendant or
23 Defendants, these "Hutterite Defendants" cannot ascertain who the claims are against, whether
24 such claims are proper and who even needs to be involved in responding to the Complaint.
25 Accordingly, Defendants' Motion for a More Definite Statement as to the identity of the
26 Defendants should be granted.

1 To reiterate, while this matter is noticed for a hearing on Tuesday, May 21, 2013 at 1:00
2 P.M., it is hereby requested pursuant to L.R.7-1(b) that this motion be determined without oral
3 argument or in the alternative by telephone conference call.

4 Dated: March 21, 2013.

LAW OFFICE OF SCOTT M. SCHUTZ

6 /s/ Scott Schutz

7 SCOTT M. SCHUTZ

8 Attorney for John Waldner
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1 STATE OF SOUTH DAKOTA)
2)
3 COUNTY OF BROWN)

4 I am employed in the County of Brown, State of South Dakota. I am over the age of 18
5 and not a party to the within action; my business address is 415 S. Main Street, PO Box 490,
Aberdeen, South Dakota 57401. On **March 21, 2013**, I served the within:

- 6 • **JOHN WALDNER'S AMENDED NOTICE AND MOTION FOR MORE**
7 **DEFINITE STATEMENT AND MEMORANDUM IN SUPPORT OF**
8 **MOTION FOR MORE DEFINITE STATEMENT; PROPOSED ORDER**

9 on all interested parties in this action as follows:

10 I caused the documents to be sent from jdvorak@sbslaw.net to the persons at the electronic
11 service addresses listed below. In addition, pursuant to L.R. 5-1(b), I manually served the
documents via U.S. Mail at the street address listed below:

12 Robert Eichhorn
13 1331 Stockton Street, Rm 421
14 San Francisco, CA 94133
E-Mail: robertone@email.com

15 I declare under penalty of perjury under the laws of the State of California and the United
16 States of America that the foregoing is true and correct.

17 Executed on **March 21, 2013**, at Aberdeen.

18
19 /s/ Julie Dvorak
20 Julie Dvorak
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SCOTT M. SCHUTZ (SB #123096)
LAW OFFICE OF SCOTT M. SCHUTZ
100 Wilshire Blvd., Suite 950
Santa Monica, CA 90401
Phone: 310-601-0987
Fax: 310-496-1312
Attorney for John Waldner

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

ROBERT EICHHORN,

No. CV 13-00468 SBA

Plaintiff,

vs.

PROPOSED ORDER GRANTING
AMENDED MOTION FOR MORE
DEFINITE STATEMENT

USA GOVERNMENT, USDA, and
HUTTERIAN BRETHREN,

Defendants.

Time: May 21, 2013, 1:00 P.M.
Ctrm: Oakland Courthouse, Courtroom 1, 4th
Floor
Judge: The Honorable Sandra B. Armstrong

Before the Court is a Motion for More Definite Statement. After reviewing the parties' moving, opposition and reply papers, and for good cause shown, the motion is granted and Plaintiff is ordered to file an Amended Complaint, which clearly sets forth the identity of the intended "Hutterite Defendants." The Amended Complaint should specify whether John Waldner is intended to be an individual Defendant, whether Spring Prairie Hutterian Brethren, Inc. is intended to be a Defendant and what, if any, other Hutterite entities are intended to be Defendants in this action.

Dated: _____, 2013.

Sandra Brown Armstrong,
United States Senior District Court Judge

Reset Form

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT EICHHORN

Plaintiff(s),

v.

USA GOVERNMENT, USDA, et al.

Defendant(s).

Case No: CV 13-00468 SE

APPLICATION FOR
ADMISSION OF ATTORNEY
PRO HAC VICE
(CIVIL LOCAL RULE 11-3)

I, Julie Dvorak, an active member in good standing of the bar of
South Dakota, hereby respectfully apply for admission to practice *pro hac vice* in the
Northern District of California representing: Hutterian Brethren in the
above-entitled action. My local co-counsel in this case is Scott M. Schutz, an
attorney who is a member of the bar of this Court in good standing and who maintains an office
within the State of California.

MY ADDRESS OF RECORD:

PO Box 490
Aberdeen, SD 57402-0490

LOCAL CO-COUNSEL'S ADDRESS OF RECORD:

100 Wilshire Blvd. Suite 950
Santa Monica, CA 90401

MY TELEPHONE # OF RECORD:

(605) 225-5420

LOCAL CO-COUNSEL'S TELEPHONE # OF RECORD:

(310) 601-0987

MY EMAIL ADDRESS OF RECORD:

jdvorak@sbslaw.net

LOCAL CO-COUNSEL'S EMAIL ADDRESS OF RECORD:

scott@schutz-law.com

I am an active member in good standing of a United States Court or of the highest court of
another State or the District of Columbia, as indicated above; my bar number is: 3119.

A true and correct copy of a certificate of good standing or equivalent official document from said
bar is attached to this application.

I agree to familiarize myself with, and abide by, the Local Rules of this Court, especially the
Standards of Professional Conduct for attorneys and the Alternative Dispute Resolution Local Rules.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 03/21/13

Julie Dvorak

APPLICANT

ORDER GRANTING APPLICATION
FOR ADMISSION OF ATTORNEY PRO HAC VICE

IT IS HEREBY ORDERED THAT the application of Julie Dvorak is granted,
subject to the terms and conditions of Civil L.R. 11-3. All papers filed by the attorney must indicate
appearance *pro hac vice*. Service of papers upon, and communication with, local co-counsel
designated in the application will constitute notice to the party.

Dated:

UNITED STATES DISTRICT/MAGISTRATE JUDGE

PRO HAC VICE APPLICATION & ORDER

October 2012

The State Bar of South Dakota
2013 Membership Certificate

This is to certify that

Julie M. Dvorak

has paid dues and is an active member in good standing
of The State Bar of South Dakota for the year ending
December 31, 2013.

SBSD#3119


Thomas C. Barnett, Jr.
Secretary-Treasurer

SCOTT M. SCHUTZ (SB #123096)
LAW OFFICE OF SCOTT M. SCHUTZ
100 Wilshire Blvd., Suite 950
Santa Monica, CA 90401
Phone: 310-601-0987
Fax: 310-496-1312
Attorney for John Waldner

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

ROBERT EICHHORN,

No. CV 13-00468 SBA

Plaintiff,

PROOF OF SERVICE

vs.

USA GOVERNMENT, USDA, and
HUTTERIAN BRETHREN,

Defendants.

Proof of Service by Mail

I am a citizen of the United States and employed in Aberdeen, South Dakota. I am over the age of 18 and not a party to this action. My business address is 415 S Main in Aberdeen, SD, 57401. On March 21, 2013, I placed for deposit with the United States Postal Service a true and correct copy of the following documents:

1. John Waldner's Amended Notice of Motion for More Definite Statement and Memorandum in Support of Motion for More Definite Statement;
2. Proposed Order regarding the same;
3. Disclosure of Non Party Interested Entities or Persons;
4. Application for Admission of Attorney Pro Hac Vice; and
5. Proposed Order Granting Application for Admission of Attorney Pro Hac Vice.

1 The envelope was addressed to Robert Eichhorn at 1331 Stockton Street, Room 421 in
2 San Francisco, CA 94133. It was sealed and placed for collection and mailing on this
3 date and would, in the ordinary course of business, be deposited with the USPS on this
4 date.

5
6 I declare under penalty of perjury that the foregoing is true and correct.

7
8 Executed this 21st day of March, 2013 in Aberdeen, SD.

9
10 /s/ Julie Dvorak
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Robert Eichhorn
3161 16th Street
San Francisco, CA 94103
(415) 621-5107
robertone@email.com

FILED

MAR 29 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

Robert Eichhorn)	
Plaintiff	)	Case No. CV13-00468 SBA
vs.	)	(Case No. also referred to as C 13-0468 SBA)
USA Government	)	CHANGE OF ADDRESS
USDA)	
Hutterian Brethren)	
Defendants)	
)	

Note:

Plaintiff's address is still the same as the address found on the change of address document filed with the Court on 2/19/2013.

1. Change of Address.

Plaintiff is notifying the Court and the defendants that his address has changed but he will still reside in San Francisco. Plaintiff will continue to use his original address and contact information, found on the caption page of the Complaint, on the caption page of court documents to maintain the continuity of information to avoid confusion. Plaintiff will include a Change of Address document with court documents.

CHANGE OF ADDRESS/Page 1 of 2/Case No. CV13-00468 SBA

1 Plaintiff's new address and updated contact information are:

2 Address:

3 Robert Eichhorn

4 1331 Stockton Street, Rm 421

5 San Francisco, CA 94133

6 Phone: (415) 982-0589

7 E-mail: robertone@email.com

8
9 The effective date of Plaintiff's new address is 2/9/2013.

10
11
12 Date:

3/28/2013

Sign Name:

Robert Eichhorn

Print Name:

ROBERT EICHORN

1 Robert Eichhorn
2 3161 16th Street
3 San Francisco, CA 94103
4 (415) 621-5107
5 robertone@email.com
6

FILED
MAR 29 2013
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION
10

11 Robert Eichhorn)
12 Plaintiff) Case No. CV13-00468 SBA
13 vs.) (Case No. also referred to as C 13-0468 SBA)
14 USA Government)
15 USDA) **VOLUNTARY DISMISSAL**
16 Hutterian Brethren)
17 Defendants)
18)
19

20 TO THE HONORABLE COURT, TO ALL PARTIES HEREIN AND TO THEIR
21 RESPECTIVE COUNSEL OF RECORD:

22 PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A),
23 Plaintiff Robert Eichhorn voluntarily dismisses this matter without prejudice. Such dismissal
24 does not require a Court Order as the Defendants have not served an answer or a motion for
25 summary judgment.
26

27 Date: 3/28/2013

Sign Name: Robert Eichhorn

28 Print Name: ROBERT EICHORN

VOLUNTARY DISMISSAL/Page 1 of 1/Case No. CV13-00468 SBA

FILED
APR - 1 2013
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

1 Name: ROBERT EICHHORN
2 Address: 3161 16TH STREET
3 SAN FRANCISCO, CA 94103
4 Phone Number: (415) 621-5107
5 E-mail Address: ROBERTONE@EMAIL.COM
6 Pro Se

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND DIVISION**

10 ROBERT EICHHORN

Case Number: CV13-00468 SBA

12 Plaintiff(s),

CERTIFICATE OF SERVICE

13 vs.

14 USA GOVERNMENT

15 USDA

16 HUTTERIAN BRETHREN

18 Defendant(s).

CERTIFICATE OF SERVICE

Use this form to show that a paper or document (other than a complaint) was served (sent or delivered) to an opposing party in accordance with Federal Rule of Civil Procedure 5. A different form is needed to serve a complaint under Federal Rule of Civil Procedure 4.

Case name: EICHHORN V. USA GOVERNMENT ET ALCase number: CV 13-00468 SBA

What document was served? (Write the full name or title of the document or documents, e.g., "Plaintiff's Opposition to Defendant's Motion for Summary Judgment.")

Title(s): VOLUNTARY DISMISSAL
CHANGE OF ADDRESS

How was the document served? (Check one.)

- ☒ Placed in U. S. Mail
☐ Sent by fax
☐ Hand-delivered
☐ Sent by delivery service (e.g., FedEx or UPS)

To whom was the document sent? (Write the full name, address, and fax number of everyone who was sent the document. Usually, they will be the lawyers for the opposing parties.)

US ATTORNEY / NORTHERN DISTRICT OF CALIFORNIA
FEDERAL COURTHOUSE, 9TH FLOOR, CIVIL DIVISION
450 GOLDEN GATE AVE
SAN FRANCISCO, CA 94102

When were the documents served? (When were they mailed, faxed, or delivered?)

Date: 4/1/2013

Who served the documents? (Who put it into the mail, faxed it, hand-delivered it, or sent it by delivery service? That person should print his/her name and address and sign below.)

ROBERT EICHHORN (SAME ADDRESS AS LINE 28)

I declare under penalty of perjury under the laws of the United States of America that the information in this certificate of service is true and correct.

Signature:

Robert Eichhorn

Printed name:

ROBERT EICHHORN

Address:

1331 STOCKTON STREET, RM 421
SAN FRANCISCO, CA 94133

CERTIFICATE OF SERVICE [VLSP TEMPLATE]

CERTIFICATE OF SERVICE

Use this form to show that a paper or document (other than a complaint) was served (sent or delivered) to an opposing party in accordance with Federal Rule of Civil Procedure 5. A different form is needed to serve a complaint under Federal Rule of Civil Procedure 4.

Case name: EICHORN V. USA GOVERNMENT ET AL

Case number: CV 13-00468 SBA

What document was served? (Write the full name or title of the document or documents, e.g., "Plaintiff's Opposition to Defendant's Motion for Summary Judgment.")

Title(s): VOLUNTARY DISMISSAL
CHANGE OF ADDRESS

How was the document served? (Check one.)

- ☒ Placed in U. S. Mail
☐ Sent by fax
☐ Hand-delivered
☐ Sent by delivery service (e.g., FedEx or UPS)

To whom was the document sent? (Write the full name, address, and fax number of everyone who was sent the document. Usually, they will be the lawyers for the opposing parties.)

US ATTORNEY GENERAL

DOJ

950 PENNSYLVANIA AVE, NW

WASHINGTON, DC 20530-0001

When were the documents served? (When were they mailed, faxed, or delivered?)

Date: 4/1/2013

Who served the documents? (Who put it into the mail, faxed it, hand-delivered it, or sent it by delivery service? That person should print his/her name and address and sign below.)

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USDA, SECRETARY OF AGRICULTUREWHITEN BLDGSTOP 0101 RM 200-A1400 INDEPENDENCE AVE, SWWASHINGTON, DC 20250

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SCOTT M. SCHUTZLAW OFFICE OF SCOTT M. SCHUTZ100 WILSHIRE BLVD, SUITE 950SANTA MONICA, CA 90401(FAX = 310-496-1312)

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