

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](http://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](http://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](http://www.house.gov/agriculture)

23               E-mail: [agriculture@mail.house.gov](mailto: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](mailto: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.

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

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

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

7 **Timeline**

8 **1. House Committee on Agriculture**

9 a) Complaint Sent: 7/21/2009

10 b) Complaint Delivered: 7/27/2009

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

12 d) Time Elapsed: 3 years 2 months

13 **2. House Committee on Rules**

14 a) Complaint Sent: 7/21/2009

15 b) Complaint Delivered: 7/27/2009

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

17 d) Time Elapsed: 3 years 2 months

18 **3. Senate Committee on Homeland Security and Governmental Affairs**

19 a) Complaint Sent: 2/1/2010

20 b) Complaint Delivered: 2/5/2010

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

22 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](http://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

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  
6189-170<sup>th</sup> Street, North  
Hawley, MN 56549-9094

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

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

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

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

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



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 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.  
Ctm: Oakland Courthouse, Courtroom 1, 4<sup>th</sup>  
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 6189-170<sup>th</sup> 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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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.  
Ctm: Oakland Courthouse, Courtroom 1, 4<sup>th</sup>  
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

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	)	
USDA	)	<b>VOLUNTARY DISMISSAL</b>
Hutterian Brethren	)	
Defendants	)	

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

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

Date: 3/28/2013

Sign Name: Robert Eichhorn

Print Name: ROBERT EICHORN