

**If you were the holder of an unpatented lode claim, unpatented mill site, or unpatented tunnel site located prior to August 10, 1993, for which a claim maintenance fee was timely paid for the 2013 assessment year, you may receive a refund if you join this class action lawsuit.**

*The court authorized this notice. This is not a scam or solicitation by an attorney.*

- The United States Court of Federal Claims has certified a class action involving your right to obtain a refund of mining claim maintenance fees for the 2013 assessment year timely paid to the United States Secretary of the Interior, through the Bureau of Land Management (“BLM”). The Court in *Silver Buckle Mines, Inc. v. United States*, Case No. 13-476C, has ruled that Silver Buckle Mines, Inc. is entitled to a refund of claim maintenance fees.
- You have been identified as potentially eligible to participate in the case, but in order to participate you must file the Opt-In Claim Form no later than 11:59 p.m. Eastern Time, December 4, 2018. Please read the remainder of this notice authorized by the United States Court of Federal Claims.
- You are eligible to receive a claim maintenance fee refund if you were the holder of all or any part of an unpatented lode mining, unpatented mill site, or unpatented tunnel site located pursuant to the mining laws of the United States prior to August 10, 1993, for which a claim maintenance fee for such claim or site for the 2013 assessment year was timely paid to the United States Secretary of the Interior.
- YOU CAN FILE YOUR “OPT-IN CLAIM FORM” SAFELY AND SECURELY ONLINE NOW AT: [www.MiningFeeRefundClassAction.com](http://www.MiningFeeRefundClassAction.com). If you wish to submit your Claim Form by mail please call 866-673-9650 to receive a claim form by mail and a form will be mailed directly to you. Fill it out and send it back to the independent Claims Administrator.

**YOU MUST SUBMIT YOUR OPT-IN CLAIM FORM ONLINE NO LATER THAN 11:59 P.M. EASTERN TIME, DECEMBER 4, 2018, OR BY MAIL POSTMARKED NO LATER THAN DECEMBER 4, 2018, AS DESCRIBED BELOW.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
ASK TO BE INCLUDED	The Court has ruled that plaintiff, Silver Buckle Mines, Inc., is entitled to recover the 2013 maintenance fees paid on its pre-1993 unpatented nonplacer claims. By asking to be included in this lawsuit you acquire the same right held by plaintiff to obtain a refund. If you choose to be included in this lawsuit, you will be bound by the judgment of the court. You give up any right to sue the federal government on your own, and at your own expense, for the same legal claims that have been alleged by plaintiff in this lawsuit. However, upon your request the Court may permit your withdrawal from the Class after you have requested inclusion.
DO NOTHING	Get no benefits from the lawsuit. Keep right to sue the federal government on your own and at your own expense. By doing nothing, you will not be included in this lawsuit and you will have no right forever to any money that may come from this case. However, you keep the right to sue the federal government on your own, and at your own expense, for the same legal claims alleged in this lawsuit, subject to any defenses asserted by the government.

**BASIC INFORMATION**

1. Why did I get this Notice?

Federal government records maintained by BLM show that you may be a member of the class defined by the Court in certifying this class action. You have received this notice because BLM records show that you were the holder of all or any part of an unpatented lode mining claim, unpatented mill site or unpatented tunnel site

located pursuant to the mining laws of the United States prior to August 10, 1993 and a claim maintenance fee for such claim or site for the 2013 assessment year was timely paid to the United States Secretary of the Interior. Further, no waiver under 30 USC § 28f(d) pertaining to the claim or site was in place for the 2013 assessment year.

To participate in this lawsuit you must timely file the “Opt-In Claim Form.” The Opt-In Claim Form is available for download at [www.MiningFeeRefundClassAction.com](http://www.MiningFeeRefundClassAction.com) or by calling 866-673-9650 to get the form by mail so that you can fill it out and return it to the independent Claims Administrator. The attorneys for plaintiff (Class Counsel) have been directed to send this Notice by the United States Court of Federal Claims. The Court is neither encouraging nor discouraging your inclusion in this lawsuit. The Court has appointed an independent Claims Administrator, KCC LLC, to collect and administer all of the Opt-In Claim Forms that are submitted by those who choose to be included in the class.

2. What is this lawsuit about?

This lawsuit was brought by Silver Buckle Mines, Inc. claiming the annual claim maintenance fee paid by class members for the 2013 assessment year was illegal. The court has determined that plaintiff is entitled to recover the 2013 maintenance fee because payment was made pursuant to regulations promulgated in violation of BLM’s statutory authority as conferred by Congress.

3. What is a Class Action and who is involved?

In a class action lawsuit, one or more “Class Representatives” (in this case Silver Buckle Mines, Inc.) sue on behalf of others who have similar claims. The other mining claim holders who “opt-in” are called a “Class” or “Class Members.” The United States is called “defendant.” In a class action in the United States Court of Federal Claims in Washington, D.C., one court resolves the issues for Class Members who choose to join the “Class” and “opt-in” to the lawsuit.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action because it meets the requirements of Rule 23 of the Rules of the United States Court of Federal Claims, which governs class actions in that court. Specifically, the court found that:

- That potential Class is so numerous that joinder of all members is impracticable;
- There are questions of law or fact common to the Class;
- The Class Representative’s claims are typical of the claims of the Class;
- The Class Representative and its Class Counsel, Frank R. Siderius, will fairly and adequately protect the interests of the Class;
- This class action will be more efficient than having many individual lawsuits.

For more information, see the Court’s Orders, which are available on the website [www.MiningFeeRefundClassAction.com](http://www.MiningFeeRefundClassAction.com).

## STATUS OF THE LAWSUIT

5. Background.

Prior to 1993 BLM required that mining claimholders conduct a minimum level of assessment work on their claims and comply with the Federal Land Policy Management Act of 1976 annual filing requirements to continue holding their mining claims. In 1993 Congress changed the law to require claimholders to pay an annual claim maintenance fee for each claim to BLM in lieu of assessment work and related filing requirements.

Congress changed the claim maintenance fees in the Consolidated Appropriations Act of 2012 eliminating the claim maintenance fees for unpatented lode mining claims, mill sites and tunnel sites (nonplacer claims) located *before* August 10, 1993. Despite the statutory change, BLM issued regulations which continued to

require payment of the claim maintenance fees for the 2013 assessment year for pre-August 10, 1993 unpatented nonplacer claims.

6. Lawsuit claims.

Silver Buckle Mines, Inc. is an Idaho corporation and the holder of eighty-seven active, unpatented lode mining claims in Idaho, seventy-two of which were located prior to August 10, 1993. Claim maintenance fees for the 2013 assessment year were timely paid for the seventy-two claims located prior to August 10, 1993.

Recognizing the absence of statutory authority for payment of the 2013 maintenance fees, Silver Buckle Mines, Inc. commenced this lawsuit in the US Court of Federal Claims seeking a refund of claim maintenance fees paid for itself and other claimholders similarly situated. The government denied the claim challenging jurisdiction; that any payment made was voluntary; that a refund would result in a windfall to plaintiff; and plaintiff faces a risk of forfeiture of its claim if the claim maintenance fees are recouped.

7. The Court's rulings.

The Court has ruled that plaintiff is entitled to recover the 2013 maintenance fees paid on its pre-1993 unpatented nonplacer claims. Neither the voluntary payment doctrine nor the anti-windfall doctrine bar plaintiff's illegal exaction claim. With regard to the risk of forfeiture of its mining claims, the Court has declared this issue beyond the scope of this case and the Court's jurisdiction. Nonetheless, the Court addressed the government's argument that plaintiff could potentially face forfeiture of its 1993 unpatented nonplacer claims in the event the 2013 maintenance fees are recouped. The government argues that under these circumstances plaintiff should have engaged in assessment work and completed certain filings. However, the Court analyzed the government's argument concluding that forfeiture under the circumstances would be unlikely. All of the Court's opinions and orders in this matter are links available on the website [www.MiningFeeRefundClassAction.com](http://www.MiningFeeRefundClassAction.com).

### CLASS MEMBERSHIP

8. Am I a part of this Class Action?

You will need to decide whether you wish to be included in this Class Action. You are *not* included in the class unless and until you fill out and submit the "Class Action Opt-In Claim Form" which can be completed on the website [www.MiningFeeRefundClassAction.com](http://www.MiningFeeRefundClassAction.com), and is also available on the website for download or by calling 866-673-9650 to request that a form be mailed directly to you. The Rules of the Court require that Class Members choose to "opt-in" to this class action. If you fit the description in the next section, you may opt-in and join this Class Action. Upon your request the Court may permit your withdrawal from the Class after you have requested inclusion. If you choose to do nothing and to be excluded from the Class, you will be forever excluded from receiving any payment from this lawsuit.

9. Who can be part of this action?

The Court decided that the Class consists of:

With respect to an unpatented lode mining claim, unpatented mill site, or unpatented tunnel site located pursuant to the mining laws of the United States prior to August 10, 1993, for which a claim maintenance fee for such claim or site for the 2013 assessment year was timely paid to the United States Secretary of the Interior, each and every person who, at the time of such payment, was the holder of all or any part of such claim or site, unless a waiver under 30 U.S.C. § 28f(d) pertaining to the claim or site was in place for the 2013 assessment year.

You have received notification of this lawsuit because you have been identified as a potential Class Member.

10. Who should I contact if I am not sure if I can be part of the Class Action?

If you are not sure whether you can be included in this Class Action, you can contact the independent Claims Administrator in the case by toll free telephone at 866-673-9650 or by mail at the address provided in the

answer to question 11. You also may contact Class Counsel: Frank R. Siderius, 500 Union Street, Suite 847, Seattle, WA 98101, Tel. 206-624-2800; [franks@sidlon.com](mailto:franks@sidlon.com). **Do not contact BLM or the court.**

11. How can I join the Class Action?

**You can either submit your “Opt-In Claim Form” directly online now with the independent Claims Administrator at [www.MiningFeeRefundClassAction.com](http://www.MiningFeeRefundClassAction.com), or you can download and print out the “Opt-In Claim Form” and mail it directly to the Administrator, or you can call 866-673-9650 toll free to obtain a copy of the form mailed directly to you which you can send back by mail. The quickest, easiest, and most cost effective way to submit your form is to do so now directly by the Internet through this website. If you submit your form by the Internet on the website, you must do so no later than 11:59 p.m. Eastern Time, December 4, 2018. If you submit your form by mail it must be postmarked no later than December 4, 2018. DO NOT DELAY.**

The name and address of the independent Claims Administrator is:

Mining Claim Maintenance Fee Refund  
Class Action  
c/o KCC LLC, Claims Administrator  
P.O. Box 404000  
Louisville, KY 40233-4000

The Administrator’s email address is: [info@miningfeerefundclassaction.com](mailto:info@miningfeerefundclassaction.com)

The toll free telephone number to request that an “Opt-In Claim Form” be mailed to you is 866-673-9650. **Do not contact BLM or the court.**

If you mail your “Opt-In Claim Form”, you must put the appropriate amount of postage stamps on the envelope in order to file your claim. Your “Opt-In Claim Form” must be postmarked no later than December 4, 2018.

If you mail your “opt-in claim form” and it is not postmarked by December 4, 2018, you will be permanently excluded from the Class in this case and you will not be able to recover any payment from this case forever.

12. What happens once I join this Class Action?

As a member of the Class your rights in this litigation will be represented by the Class Representative and Class Counsel. You will receive the benefit of, and be bound by, all rulings, orders, or judgment entered or any settlement approved by the Court. Upon your request the Court may permit your withdrawal from the Class after you have requested inclusion.

13. Does joining the Class Action cost any money?

No.

14. What happens if I do not join this Class Action?

If you do not timely submit an “Opt-In Claim Form” directly by the Internet no later than no later than 11:59 p.m. Eastern Time, December 4, 2018, or by mail postmarked on or before December 4, 2018, you will be barred from participating as a Class Member in this case and you will not receive any monetary recovery. However, you retain the right to sue the federal government on your own about the same legal claims that have been alleged in this lawsuit. If you decide to pursue your claim independently, outside this class action, you are encouraged to do so immediately and consult with your personal attorney immediately because certain statutes of limitations may bar or limit your claims. You are entitled to enter an appearance in this matter through private counsel if you desire. If you choose to hire your own lawyer, you will personally have to pay that lawyer.

## THE LAWYER REPRESENTING CLASS MEMBERS

### 15. Do I have a lawyer in this case?

The Court decided that Frank R. Siderius of the firm Siderius, Lonergan & Martin, LLP in Seattle, Washington is qualified to represent you and all Class Members. He is called "Class Counsel." Mr. Siderius is experienced in handling class action lawsuits. If you choose to submit an "Opt-In Claim Form," you will have agreed to legal representation by Mr. Siderius in this case. Address all your questions to either the Claims Administrator or Mr. Siderius at the contact information set forth herein. The Court has requested that you do not call or write the United States Court of Federal Claims or the Clerk of the Court. Also do not call or write to BLM.

#### Class Counsel:

Frank R. Siderius  
Siderius, Lonergan & Martin, LLP  
500 Union Street, Suite 847  
Seattle, WA 98101  
Tel: 206/624-2800

#### Claims Administrator:

Mining Claim Maintenance Fee Refund  
Class Action  
c/o KCC LLC, Claims Administrator  
P.O. Box 404000  
Louisville, KY 40233-4000

### 16. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, you are permitted to hire your own lawyer if you would like to do so. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you. However, if you choose to hire your own lawyer, you will personally have to pay that lawyer.

### 17. How will the lawyer be paid?

Class Counsel will ask the Court for his fees and expenses. **You will not have to pay these fees and expenses directly.** If the Court grants Class Counsel's request, the fees and expenses would either be deducted from any money obtained for the Class, and/or paid by the United States. If the Class Counsel's fees and expenses are paid out of the money obtained for the Class, there will be a reduction in the amount available for distribution to Class Members, and it may reduce the amount of money you may be awarded. However, if you choose to hire your own lawyer, you will personally have to pay your own lawyer.

## OTHER QUESTIONS

### 18. Does the Court's ruling apply to annual claim maintenance fees paid for other assessment years?

No. The Court's ruling only applies to annual claim maintenance fees timely paid for the 2013 assessment year. In 2013 Congress amended the statutory authority for the collection of annual claim maintenance fees and the current language authorizes collection of maintenance fees for unpatented lode claims, mill sites, and tunnel sites located "before, on, or after August 10, 1993".

### 19. If I opt-in to the Class Action can I get a refund of annual claim maintenance fees that I paid for the 2013 assessment year for unpatented lode mining claims, mill sites, and tunnel sites located on or after August 10, 1993?

No. The Court's ruling does not apply to annual claim maintenance fees for unpatented lode claims, mill sites, and tunnel sites that were located on or after August 10, 1993.

### 20. If I opt-in to the Class Action can I get a refund of annual claim maintenance fees that I paid for placer mining claims for the 2013 assessment year?

No. The Court's ruling does not apply to annual claim maintenance fees for placer mining claims.

21. What if the annual claim maintenance fee payment I made for the 2013 assessment year contains funds to cover annual claim maintenance fees for other claims and sites?

Only the portion of your payment related to annual claim maintenance fees for unpatented lode claims, mill sites, and tunnel sites located prior to August 10, 1993 is eligible to be refunded.

22. What if I acquired the mining claim after the 2013 maintenance fee was paid?

Only the holder at the time of fee payment is potentially eligible to receive a refund.

23. What if I no longer hold the mining claim, but was the holder at the time the 2013 maintenance fee was paid?

The holder at the time of fee payment is potentially eligible to receive a refund.

24. What if I hold the claim, but someone else paid the 2013 maintenance fee?

In such instances, the holder at the time of fee payment may be eligible for a refund.

25. What if I opt-in to the Class and then choose to withdraw from the Class?

The Court may permit withdrawal from the Class of a Class Member who initially requested inclusion in the Class. To do so, you must contact KCC LLC (claims administrator), Mr. Siderius (class counsel), or your own attorney (see question 16). **Do not contact BLM or the court.**

#### GETTING MORE INFORMATION

26. Are more details available?

The pleadings and other records in this lawsuit may be examined at any time during regular business hours at the Office of the Clerk of the United States Court of Federal Claims. The Court's address is:

United States Court of Federal Claims  
717 Madison Place NW  
Washington, D.C. 20005

**THE COURT HAS INSTRUCTED THAT YOU SHOULD NOT CONTACT THE CLERK'S OFFICE BY TELEPHONE OR THE MAIL FOR INFORMATION ABOUT THIS CASE. ALSO DO NOT WRITE OR CALL BLM.**

For more information about this lawsuit, you may view the website maintained by Class Counsel at [www.MiningFeeRefundClassAction.com](http://www.MiningFeeRefundClassAction.com), or you can contact the Claims Administrator at 866-673-9650 or by mail at:

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c/o KCC LLC, Claims Administrator  
P.O. Box 404000  
Louisville, KY 40233-4000