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Honorable Ralph R. Beistline

CLERK, U.S. DISTRICT COURT
FEDERATION, AK

IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF ALASKA

CARY MILLS,

plaintiff

vs.

SCOTT WOOD, DOYON
LIMITED, HUNGWITCHIN,
and KURT KANAM,
defendants

No. 10-cv-00033 RRB

DEFENDANT WOOD'S
DECLARATION

Comes now defendant Wood, and certifies the following to be true:

DECLARATION

The recent December 23 filing by Mr. Mills, like virtually all of his pleadings, contains many inaccurate and false statements.

In particular, Mills falsely asserts that I and others have barred him access to his claim along the (now overgrown) old telegraph line "Trail" that, a hundred years ago, ran from Eagle to Valdez and which crosses¹ the claims now owned by Mr. Kanam and West at a point approximately .9 miles from the Taylor Highway.

Attached to this declaration are true and correct copies of sworn declarations filed by Mr. Mills concerning work performed on his claims between 2010 and 2016 - the same claims he falsely attempts to assert in this action that he has been barred from access to.

¹ After crossing the Claim (at very nearly a right angle) at the .9 mile point, the old telegraph line remnants, and any vestiges of a "Trail" follow the river canyon for approximately ½ Mile before diverging again to take a roughly easterly course to Valdez. Significantly, the old telegraph line remnants do not approach anywhere near 100 feet of either the Taylor Highway or Mr. Mills claims.

1 10-cv-00033 RRB
DEFENDANT
WOOD'S
DECLARATION

Kurt Kanam
2013 Harrison Ave NW # 143
Olympia, Washington, 98502

1 Yet somehow, despite his claims that he has been denied access, Mills has filed
2 certified statements with the Alaska State Auditor that include the following:

3 1. Between 9/23/09 and 8/01/(1)0 Mills certifies he conducted **\$18,492.68** on his
4 claims "Construction of road access (and) Construction of Worker housing" (See Exhibit
5 I, Fairbanks Recording District 401, Document # 2010-018257-0)

6 2. Between May and October of 2012 (**While Mills claims in this action he was
7 barred from his claim**) Mills has certified that he performed **\$11,484.00** worth of work
8 on his mining claims "building a mining camp out of shipping containers" (See Exhibit
9 II, Fairbanks Recording District 401, Document # 2012-004140-0)

10 3. Between July and September of 2013 (**While Mills claims in this action he
11 was barred from his claim**) Mills has certified that he performed **\$5,484.00** worth of
12 work on his mining claims wherein he "purchased a used mining equipment (sic)" (See
13 Exhibit III, Fairbanks Recording District 401, Document # 2013-020400-0)

14 4. Between July and August of 2014 (**While Mills claims in this action he was
15 barred from his claim**) Mills has certified that he performed additional work on his
16 mining claims wherein he "Purchased a Shipping Container to be used as part of mining
17 camp" (See Exhibit IV, Fairbanks Recording District 401, Document # 2014-017023-0)

18 5. Between June 1st and September 31st of 2016 (**While Mills claims in this action
19 he was barred from his claim**) Mills has certified that he performed **\$900.00** worth of
20 work on his mining claims for "Repairs made to mining equipment" (See Exhibit V,
21 Fairbanks Recording District 401, Document # 2016-013355-0)

22 Exhibits I-V are sworn declarations of Mr. Mills attesting that not only was he able
23 to access his claims, he was able to conduct 18 Thousand Dollars worth of road
24 construction and worker housing construction on the claim, transport shipping containers
25 to it, build a mining camp, and transport and repair further thousands of dollars worth of
26 mining equipment over the course of several months in each of the following years: 2010,
27 2012, 2013, 2014, and 2016.

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2 10-cv-00033 RRB
DEFENDANT
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DELARATION

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1 Under these circumstances, Mills claims that he has been denied access to the
2 very area he certifies to have accessed over several months for each of five years are
3 manifestly false and fraudulent and barred by the Clean Hands Doctrine doctrine of
4 equitable estoppel. Alternatively, if Mr. Mills has merely filed a series of perjured
5 documents to fraudulently evade paying fees to the State of Alaska to maintain his
6 claims, they are the fruit of a poisoned tree, and Mills should be barred from the relief he
7 seeks in this case under the Clean Hands Doctrine.

8 In any case, the attached sworn declarations underscore the point that Mills sworn
9 testimony varies according to what he believes his best interest is at any given point, and
10 has absolutely no relation to any possible consistent version of objective reality.

11 Ironically, Mills' failure to accurately perceive objective reality and his ever
12 changing version of the "truth" expressed in his voluminous declarations are the sole
13 basis for his frivolous claims against Wood and Kanam.

14 As the record and Mills' own filings with the Auditor in Fairbanks Recording
15 District 401 demonstrate, and as this Court has correctly indicated, Niether Kanam or
16 Wood ever barred mills from the peaceful enjoyment of any part of their claims. In fact,
17 Mills own photographs demonstrate that he was able to transport heavy equipment onto
18 the claims and store it there for some time, and it was only when Mills expansive road
19 building and earth moving project blocked a culvert and damaged federal lands that an
agent of the BLM directed Mills to cease his illegal construction project .

As this Court has recognized, Mills refuses to accept any form of limitations on
what he believes is his divine right to engage in a massive construction projects on
federal lands without any form of permit. Mills' illegally used heavy equipment to engage
in a massive un-permitted earth moving and construction project on federal lands subject
to a mining claim and it was the BLM, not Wood, that instructed him to cease operations
or face prosecution. Yet somehow, this very criminal conduct by Mr. Mills is what Mills
seeks to employ to establish liability on the part of Wood and Kanam in this case!

1 This situation would be ludicrous if Mills false declarations and illegal conduct
2 had not needlessly cost the parties and this Court so much of their time and resources. Far
3 from being an innocent claim holder who has had his rights violated, it is Mills who has
4 “Trespassed” by large scale earth moving, damaging and obstructing a culvert, and
5 engaging in illegal construction activities on the Wood-Kanam claim.

6 These illegal and malicious actions of Mills required Wood to expend a great deal
7 of time and resources to repair them, and significantly, although Mills claims to merely
8 be seeking access to an ancient existing trail, the “trail” area he claims to be obstructed
9 by a berm did not exist until he created it in 2009-2010 with heavy equipment, blocking a
10 culvert necessary for proper drainage in the process. Obviously, no rational or honest
11 person would even try to bald-facedly assert that a new bulldozed access point self-
12 created in 2010 nearly a mile away from where any Forty Mile Trail RS 2477 right of
13 way could be credibly claimed to exist was a trail used for thousands of years back to the
14 “primitive Athabaskans”, but that is exactly what Mills is attempting to do in this case.

15 Mills never asked for permission to travel over any portion of the Wood-Kanam
16 claim prior to filing this suit, and his own declarations appended to this Declaration and
17 his own evidence shows he has regularly traversed the claim repeatedly for numerous
18 periods spanning several months each over the last several years.

19 Prior to this suit Wood only spoke briefly to Mills on three occasions, and at none
20 of these did Mills ask for permission to travel on his claims. Rather, Yurtle-like Mills
21 takes the right to travel over and exercise dominion over any land he sees as his divine
22 right, seeking neither the permission or blessings of god or man prior to his depredations.

23 The “Trespass” that is asserted as a counterclaim in this case is the extensive
24 damage Mills did to the federal lands underlying the Wood Kanam claim, which the BLM
25 itself, through its agent, Mr. Jackson, directed Mills to cease.

26 All of these facts demonstrate that Mills' actions in this case are taken in bad faith
27 for the purpose of harassing the defendants and attempting to extort a financial settlement
28 from them for non-existent interference with a non-existent “mine” that to the best
29

4 10-cv-00033 RRB
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1 knowledge of Wood or Kanam has absolutely no recoverable resources on it and which is
2 merely being used by Mills as a pretext to litigiously attempt to extort a settlement from
the defendants who he believes to have "Deep Pockets".

3 It is the belief of defendants Wood and Kanam that the only mining that Mills
4 actually seeks to conduct in this case is the mining of the bank accounts of the
5 defendants, and that it is this prospect of financial reward for his litigious practices that
6 provides the figurative pot of gold at the end of the Mills' eternal litigation rainbow.

7 The only parties who have been damaged in this case are the defendants who have
8 collectively been required by this court to read literally tens of thousands of pages of
9 frivolous pleadings and expend vast resources to address Mills' largely incoherent and
10 perjured claims for damages far in excess of what a sane person would seek, even if they
11 had been damaged, which Mills has not.

12 Pro se litigants, and even unrepentant felonious convicted serial violators of the
13 Clean Water Act such as Mr. Mills are entitled to some leeway in their fumbling efforts to
14 assert viable claims. However, this Court, by indulging Mills' overly litigious and
15 vexatious pattern of "endless litigation" under what it itself has termed the "I sue, you
16 lose" school of practice has transformed the shield of an action to defend rights under RS
17 2477 into the sword of an unbridled license to vexatiously litigate moot non-issues so
18 extensively that Mills now (perhaps understandably under the circumstances) wrongfully
19 believes himself to be entitled to a nuisance settlement from the defendants in the sum of
tens or even hundreds of thousands of dollars.

20 In defendants' view, it is the potential financial reward of a large nuisance
21 settlement that is the animus behind Mills' overly litigious and vexatious posture in this
22 case, not any valid claim for, or damages for denial of, access to a worthless claim that
23 never took place to begin with and which cannot be accessed from their claim anyway.

24 Significantly, even if Mills were to employ the private road that runs through the
25 Wood-Kanam claim, and which is in no way identical to the old telegraph line, he would
26 still have to cross the river and negotiate up a steep grade in a riverbed between two sheer

1 cliffs to access his claim. It is extremely unlikely that the State, federal Government, or
2 Doyon and Hungwitchen would authorize or permit Mills' plans for road construction of
3 a heavy capacity commercial roadway through the river and up a sheer rock face via
4 another riverbed, which would be necessary for him to access his claims in any event.

5 It is axiomatic that no damages can be assessed for barring use of a pathway or
6 route that does not exist, especially when access has not been denied to begin with. Mills
7 has never asserted any desire for "recreational" use of the defendants' claim and this issue
8 is not before the Court. Mills has never been denied the right to pass across the mining
9 claim where it is crossed by the remnants of the telegraph wire, because to get to that
10 point he would have to first negotiate 9 miles of some of the most inhospitable untracked
11 wilderness in the Northern Hemisphere. Mills has not, and in all likelihood could not,
12 traverse the 9 miles between Eagle and the Claim on the old WAMCATS line even if its
13 location at all of the intervening points could be definitively determined.

14 Mills has never asked for, or been barred by Mills, Kanam, or West from non
15 destructive use of any portion of their claim. Even if he were to use the primitive gravel
16 mining road built across their claims in the late 1980s for private use, (which is not the
17 old WAMCATS line), he would require further and almost certainly unobtainable permits
18 to bridge a river and construct his new high capacity roadway up a steep grade through a
19 narrow riverbed between two sheer rock faces to establish the "mechanical access" he
20 desires. Under these circumstances, there is no effective relief for this Court to grant.

21 I certify the foregoing to be correct and true, based upon matters in my personal
22 knowledge upon which I am competent to testify:

23 Done January 2nd, 2016, in Yelm, Washington.

24 **DECLARATION OF SERVICE**

25 This Declaration was served on plaintiff Mills and the other parties by mailing a
26 copy to them at their addresses of record on January 2nd, 2016.

27 
28 **SCOTT WOOD**

29 6 10-cv-00033 RRB
DEFENDANT
WOOD'S
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