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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

BARRY ADAMS,)
)
)
) Plaintiff,)
)
) v.)
)
) UNITED STATES OF AMERICA)
) et al.,)
) Defendants.)
_____)

No. 4:01-cv-295 (BLW)

REPLY IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS OR, IN THE
ALTERNATIVE, FOR SUMMARY JUDGMENT

U.S. COURTS
01 SEP 25 PM 4:13
REC'D _____
CAMERON S. DRYKE
CLERK IDAHO

In Plaintiff's Response, pro se plaintiff Barry Adams has effectively asked this Court to take jurisdiction over a case outside its Article III jurisdiction, revisit issues previously decided by the Ninth Circuit, and write the signature requirement out of the Forest Service's noncommercial group use regulation. Because the Court does not have the authority to take any of these steps, it should grant Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment.

I. THE COURT LACKS JURISDICTION BECAUSE ANY CONTROVERSY OVER PLAINTIFF'S PERMIT APPLICATION IS MOOT.

At the outset, it remains clear that the Court lacks jurisdiction to hear this case. Plaintiff does not dispute that the Rainbow Family gathering in the Boise National Forest for which he sought a permit is over. Because there is no effective relief remaining for the Court to provide, any controversy over the permit application that plaintiff submitted on June 17, 2001 is now moot. See GATX/Airlog Co. v. United States Dist. Ct. for the N. Dist. of Cal., 192 F.3d 1304, 1306 (9th Cir. 1999).¹

Despite plaintiff's suggestion to the contrary, see Plaintiff's Response at 19 n.31, neither

¹ In his response, plaintiff quotes the standard for determining whether a case has been "mooted by a defendant's voluntary conduct." Plaintiff's Response at 19 (quoting White v. Lee, 227 F.3d 1214, 1243 (9th Cir. 2000)). However, that standard is inapplicable here because defendants have not argued that their own conduct has rendered this case moot; instead, the instant controversy has been mooted by the undisputed completion of the Rainbow Family gathering in the Boise National Forest.

Likewise, the citation in Plaintiff's Response to a Ninth Circuit decision discussing ripeness is beside the point, as defendants have argued that the controversy over plaintiff's June 17, 2001 permit application is moot, not unripe. See Plaintiff's Response at 14 (citing Thomas v. Anchorage Equal Rights Comm'n, 220 F.3d 1134 (9th Cir. 2000) (en banc), cert. denied, 121 S. Ct. 1078 (2001)). Any claim regarding a hypothetical future permit application would of course be unripe, but even liberally construed plaintiff's complaint does not raise such a claim.

of the conditions required for the capable-of-repetition-yet-evading-review exception to the mootness doctrine is met here. See In re Di Giorgio, 134 F.3d 971, 975 (9th Cir. 1998). First, there is no "reasonable expectation" that plaintiff will be subject to the same alleged "injury" in the future. Id. Quite the contrary, Jeff Kline or someone else may well agree to sign a permit as an agent for the group at future Rainbow Family gatherings even if plaintiff remains unwilling to do so, thereby obviating any future controversy over the signature requirement.

Second, any alleged injury is not "so inherently limited in duration that the action will become moot before the completion of appellate review." Id. In his response, plaintiff does not point to any factor that would prevent him from submitting any future permit application well in advance of the proposed gathering date. Indeed, the noncommercial group use regulation directs groups "to contact the Forest Service . . . as early as possible in advance of the proposed use," 36 C.F.R. § 251.54(a), and requires the Forest Service to act on applications within forty-eight hours of receipt, see 36 C.F.R. § 251.54(g)(3)(i). There is therefore no inherent reason why plaintiff could not obtain appellate review of any future permit denial before the controversy became moot. Plaintiff has only himself and the Rainbow Family to blame for the fact that the instant controversy became moot before appellate review was available, since he waited until the gathering was already underway to submit a permit application, in direct violation of the regulation. See 36 C.F.R. § 251.54(a) (requiring contact "as early as possible in advance of the proposed use"); 36 C.F.R. § 251.54(g)(2)(iv) ("Applications for noncommercial group uses must be received at least 72 hours in advance of the proposed activity."); Complaint, Attachment 4 (listing June 15, 2001 as the starting date for the gathering). In short, this is simply not an "exceptional situation[]" where the capable-of-repetition-yet-evading-review exception to the

mootness doctrine would apply. Unabom Trial Media Coalition v. United States Dist. Ct. for E. Dist. of Cal., 183 F.3d 949, 950 (9th Cir. 1999).

- II. IF THE CONTROVERSY WERE NOT MOOT, PLAINTIFF'S COMPLAINT WOULD NEVERTHELESS BE SUBJECT TO DISMISSAL AS A MATTER OF LAW.
- A. THE UNDISPUTED FACTS SHOW THAT THE FOREST SERVICE FOLLOWED ITS REGULATION IN DENYING PLAINTIFF'S PERMIT APPLICATION.

Plaintiff's complaint and its attachments make it clear that: (1) plaintiff submitted an application for a noncommercial group use permit by letter dated June 17, 2001, see Complaint, Attachment 6; (2) plaintiff's application did not specify the name, address, and day and evening telephone numbers of a person who would sign the special use permit on behalf of the group, see id.; and (3) the Forest Service denied this application by letter dated June 18, 2001 because plaintiff had failed to specify the name, address, and day and evening telephone numbers of a person who would sign the special use permit on behalf of the group, see Complaint ¶¶ 10-12; Complaint, Attachment 1. Because denial of the permit application was required by the noncommercial group use regulation, see 36 C.F.R. § 251.54(d)(2)(i)(E); 36 C.F.R. § 251.54(g)(3)(ii)(H), defendants' motion to dismiss for failure to state a claim should be granted if jurisdiction is found.

In the alternative, defendants have moved for summary judgment and have submitted a statement of undisputed material facts and the Declaration of Walter B. Rogers dated June 28, 2001 in support.² In Plaintiff's Statement of Disputed Material Facts, plaintiff takes issue with

² Defendants are also submitting a Supplemental Declaration of Walter B. Rogers dated September 25, 2001 as Exhibit 1 to this brief. The supplemental declaration clarifies statements made in Mr. Rogers's earlier declaration regarding the timing of communications with Jeff

only one of the material facts identified in Defendants' Statement of Undisputed Material Facts, i.e., the fact that the Forest Service denied his application by letter dated June 18, 2001. See Defendants' Statement of Undisputed Material Facts at ¶ 3; Plaintiff's Statement of Disputed Material Facts at ¶ 2.³ However, plaintiff's position that the June 18, 2001 letter was not a denial but merely a request for more information is untenable. There can be no genuine issue as to this material fact because the letter (Attachment 1 to plaintiff's complaint) speaks for itself and is clearly a denial. It indicates in no uncertain terms that the application is "incomplete" because plaintiff failed to provide the "[n]ame address, day and evening phone numbers of person(s) who will sign a Special Use Permit on behalf of the group." See Complaint, Attachment 1.

Additionally, none of the attachments to Plaintiff's Responses raises a genuine issue of material fact. Neither the declaration of Electric Ed Tunis nor any of the other attachments casts any doubt upon, or is in any way relevant to, the material facts identified in Defendants' Statement of Undisputed Material Facts.⁴ Accordingly, if the complaint is not dismissed for lack of jurisdiction or failure to state a claim, summary judgment should be entered in defendants'

Kline, but is not relevant to any of the material facts identified in Defendants' Statement of Undisputed Material Facts.

³ Although Plaintiff's Statement of Disputed Material Facts contains a number of other assertions, they do not contradict any of the material facts identified in Defendants' Statement of Undisputed Material Facts.

⁴ In addition, the newspaper articles submitted as Attachments A and B to Plaintiff's Response are inadmissible hearsay and therefore should not be considered by the Court on summary judgment. See Fed. R. Civ. P. 56(e); Horta v. Sullivan, 4 F.3d 2, 8-9 (1st Cir. 1993) (holding newspaper account inadmissible on summary judgment as hearsay or hearsay within hearsay); Larez v. City of Los Angeles, 946 F.2d 630, 641-44 (9th Cir. 1991) (finding newspaper quotations inadmissible on hearsay grounds).

favor.

B. PLAINTIFF'S ARGUMENTS MUST BE REJECTED.

1. PLAINTIFF HAS FAILED TO STATE ANY CLAIM IN THE "EQUAL PROTECTION, DUE PROCESS" SECTION OF HIS BRIEF.

The arguments under the heading "Equal Protection, Due Process" in Plaintiff's Response are meritless. See Plaintiff's Response at 7-9. Plaintiff's complaint raises only a First Amendment claim, and, even in Plaintiff's Response, plaintiff does not explain how defendants' application of the noncommercial group use regulation violated the Equal Protection Clause, the Due Process Clause, or his asserted right to a fair hearing or to petition a court, see id.⁵

Additionally, the arguments that plaintiff does develop under the heading "Equal Protection, Due Process" must be swiftly rejected. Plaintiff's contentions that he is not a member of the Rainbow Family and that the Rainbow Family is not a "group" are foreclosed by Ninth Circuit precedent. In Black v. Arthur, 201 F.3d 1120 (9th Cir. 2000), the Ninth Circuit expressly ruled that plaintiff and the other appellants are "members of the Rainbow Family" and that "Rainbow Family gatherings constitute . . . a group use because they involve gatherings of 75 or more people." Id. at 1122. Both law of the circuit and collateral estoppel thus bar plaintiff from

⁵ Although plaintiff has not raised a claim under the Religious Freedom Restoration Act of 1993 ("RFRA"), 42 U.S.C. § 2000bb et seq., he mistakenly invokes its standard in discussing his claims. See Plaintiff's Response at 17. Even if plaintiff had asserted a RFRA claim, the noncommercial group use regulation could not be said to run afoul of the statute because the regulation does not impose a substantial burden on the free exercise of religion, and, in any event, is the least restrictive means of furthering compelling governmental interests, including the protection of forest resources and facilities, the promotion of public health and safety, and the allocation of space within the National Forest System. See 42 U.S.C. § 2000bb et seq.; USDA, Final Rule, Land Uses & Prohibitions, 60 Fed. Reg. 45258, 45260, 45262, 45267 (Aug. 30, 1995).

denying that he is a member of the Rainbow Family or that the Rainbow Family is a "group" within the meaning of the noncommercial group use regulation.

Plaintiff's contention that he submitted his June 17, 2001 application as "an individual 'proponent' signing on his own behalf" is similarly flawed. Plaintiff's Response at 7; see also id. at 2 & n.4. If one individual wishes to use National Forest System lands alone in a noncommercial fashion, there is no permit requirement. It therefore makes no sense to speak of an "individual 'proponent' signing on his own behalf" for a noncommercial group use permit. Such permits are only required for – and available to – groups involving 75 or more spectators or participants. See 36 C.F.R. § 251.50(c)(3); 36 C.F.R. § 251.51 (defining "Group use"). Thus, if plaintiff or anyone else wants to engage in a noncommercial use of National Forest System lands with a group of 75 or more people, he must ensure that an application is filed on behalf of the group and that an individual is identified who will sign the permit on behalf of the group.

Here, there is no question that plaintiff submitted his June 17, 2001 application on behalf of a group because he identified "Individuals attending 2001 Rainbow Gathering" as the "Name of Group" in the section of his application captioned "APPLICANT INFORMATION" and estimated that there would be "over 75" and "perhaps 20,000 or more" participants. See Complaint, Attachment 6. Plaintiff failed, however, to identify an individual who would sign the permit on behalf of the group, see id., as required by the regulation, see 36 C.F.R. § 251.54(d)(2)(i)(E); 36 C.F.R. § 251.54(g)(3)(ii)(H). Courts have repeatedly upheld the regulation's signature requirement and have made clear that the signature is to be made on behalf of the group. See United States v. Kalb, 234 F.3d 827, 832-33 & n.6 (3d Cir. 2000), petition for cert. filed, 69 U.S.L.W. 3620 (U.S. Mar. 12, 2001); United States v. Masel, 54 F. Supp. 2d 903,

919 (W.D. Wisc. 1999), aff'd, No. 98-10014-X-01 (W.D. Wis. Mar. 16, 2000).⁶ After upholding the signature requirement in Black v. Arthur, for example, the Ninth Circuit explained that "[a]n individual who signs a permit under the regulation does so as an agent for the group." 201 F.3d at 1123 (emphasis added). Because plaintiff failed to identify an individual who would sign on the group's behalf pursuant to this valid regulatory requirement, his application was properly denied as incomplete.

2. WAIVING THE SIGNATURE REQUIREMENT DOES NOT CONSTITUTE A VALID ALTERNATIVE TIME, PLACE, OR MANNER UNDER THE NONCOMMERCIAL GROUP USE REGULATION.

Plaintiff's assertion that the Forest Service should have waived the signature requirement as a valid alternative time, place, or manner is also without merit. See Plaintiff's Response at 9-11. As noted in defendants' opening memorandum, the Forest Service is required to provide an alternative only if the "alternative time, place, or manner will allow the applicant to meet the [regulation's] eight evaluation criteria." 36 C.F.R. § 251.54(g)(3)(iii). There was simply no alternative that defendants could offer that would have rectified plaintiff's failure to provide the name of a person who would sign the special use authorization on behalf of the group.⁷ Indeed,

⁶ In Kalb, the Third Circuit also expressly rejected the legal impossibility argument to which plaintiff alludes on the ground that attendees at a Rainbow Family gathering could have designated persons to sign a permit on behalf of the group without breaking any laws. See 234 F.3d at 833 n.6; see also Plaintiff's Response at 7, 8.

⁷ The testimony from United States v. Adams, Nos. CR-01-011-GF-DWM, CR00-5037-GF-RFC (D. Mont. Feb. 5, 2001), that plaintiff quotes is not to the contrary. District Ranger David Havig merely indicated that he has at times requested additional information from applicants who have submitted incomplete applications for special use permits. See Plaintiff's Response, Attachment G, at 108-09. However, nothing in the regulation requires the Forest Service to seek additional information before deciding whether to grant or deny an application. Likewise, nothing in the regulation requires the Forest Service to issue a permit where an

no legally effective permit can issue without a signature on behalf of the group. See Kalb, 234 F.3d at 833 ("[R]equiring an individual to sign a special use authorization as a representative of the group is necessary . . . to give the authorization legal effect . . .") (quoting Masel, 54 F. Supp. 2d at 919); see also USDA, Final Rule, Land Uses & Prohibitions, 60 Fed. Reg. 45258, 45274, 45286 (Aug. 30, 1995) ("The signature gives the authorization legal effect. . . . By signing a special use authorization on behalf of the group, the agent or representative gives the authorization legal effect and subjects the group to the authorization's terms and conditions.").⁸

The fact that plaintiff submitted information in his June 17, 2001 application under the twin headings "FS-2700-3b" and "FS-2700-3c" in no way alters this analysis. See Complaint, Attachment 6. Under both headings, plaintiff failed to provide the name of a person who would sign a special use authorization on behalf of the group. Because the information under the two headings related to the same proposed gathering and was provided in one written submission, the Forest Service properly treated plaintiff's June 17, 2001 letter as one application for a noncommercial group use permit, and denied it because the information provided did not include the name and contact information of an individual who would sign a special use authorization on behalf of the group. See Complaint, Attachment 1.⁹

application is incomplete. To the contrary, the regulation requires certain limited information to be submitted that is necessary for application of the eight evaluation criteria.

⁸ Consistent with this authority, the permit forms that plaintiff has submitted as attachments to his response explicitly state that a person who signs the permit as an agent of the holder does so "to give the permit legal effect." Plaintiff's Response, Attachment D, ¶ 11, & Attachment F, ¶ 11.

⁹ Additionally, as explained on page 5 of defendants' opening memorandum, plaintiff's letter dated June 15, 2001 was not an application.

C. THE NONCOMMERCIAL GROUP USE REGULATION PRECLUDES, RATHER THAN ALLOWS FOR, A HECKLER'S VETO OR VIEWPOINT DISCRIMINATION.

Plaintiff's arguments regarding an alleged heckler's veto and viewpoint discrimination should be summarily rejected. See Plaintiff's Response at 11-14. There are absolutely no factual allegations to support plaintiff's claim that the Forest Service has permitted a "heckler's veto" or regulated speech on the basis of the substantive viewpoint conveyed.¹⁰ Indeed, the noncommercial group use regulation that the Forest Service properly applied to plaintiff's application expressly prohibits the Forest Service from considering "concerns about possible reaction to the users' identities or beliefs from non-members of the group" in assessing whether "[t]he proposed activity will . . . pose a substantial danger to public safety." 36 C.F.R. § 251.54(g)(3)(ii)(F). Additionally, the fact that the Forest Service distinguishes between applications that identify a person who will sign a special use permit on behalf of the group and those that do not is categorically not a form of viewpoint discrimination; instead, it is the proper application of the regulatory signature requirement upheld in Black v. Arthur, 201 F.3d at 1122-23.

III. CONCLUSION

For these reasons, and those set forth in defendants' opening memorandum, this Court should dismiss plaintiff's action or grant defendants summary judgment.

¹⁰ Likewise, plaintiff has made no showing that he was discriminated against in violation of the USDA anti-discrimination policy that he cites. See Plaintiff's Response at 18 n.29.

Respectfully submitted,

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September 25, 2001

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

_____)	
BARRY ADAMS,)	
)	
Plaintiff,)	
)	
v.)	No. CIV 01-0295-6-BLW
)	
UNITED STATES OF AMERICA,)	
et al.,)	
Defendants.)	
_____)	

SUPPLEMENTAL DECLARATION OF WALTER B. ROGERS

I, Walter B. Rogers, District Ranger, Lowman Ranger District, Boise National Forest, USDA, Forest Service, declare that:

EXHIBIT /

1. In ¶ 13 of my declaration dated June 28, 2001, I stated that I sent Jeff Kline a letter denying his second application before 3:25 p.m. When I made that declaration, I was relying on what my watch said when I sent the letter by fax to Mr. Kline. I try to keep my watch accurate to within a minute or so of the correct time. I have never been involved, however, in setting the time on the Lowman Ranger District's fax machine.

2. Since executing my June 28, 2001 declaration, I have reviewed two journals that were created by our fax machine on June 25, 2001, as well as the user's guide for the fax machine. The journals and several pages from the user's guide are Attachments A and B to this supplemental declaration. The journals indicate that on June 23, 2001 a communication from Mr. Kline's number started at 15:25 (3:25 p.m.) and lasted 2 minutes and 38 seconds. This communication was Mr. Kline's application of June 23, 2001. The journals also indicate that on June 25, 2001 our fax machine started a communication to Mr. Kline's number at 15:26 (3:26 p.m.). That communication was my letter of June 25, 2001 denying Mr. Kline's application of June 23, 2001.

I declare under penalty of perjury in accordance with 28 U.S.C. § 1746 that the above is true and correct to the best of my knowledge.

Executed on 25 September 2001.


WALTER B. ROGERS

District Ranger, Lowman Ranger District
Boise National Forest
USDA, Forest Service

NO.	COMM.	PAGES	FILE	DURATION	X/R	IDENTIFICATION	DATE	TIME	DIAGNOSTIC
01	OK	025	598	00:06:09	RCV	7	JUN-23	01:39	0507C00000070
02	OK	001/001	599	00:00:41	XMT	GARDEN VALLEY	JUN-23	08:36	0000A20001070
03	OK	001	600	00:00:33	RCV	208 384 3405	JUN-23	15:22	0507C0000A030
04	OK	005	601	00:02:38	RCV	505 984 3174	JUN-23	15:25	0507C00000070
05	420	000	602	00:00:41	RCV		JUN-23	15:35	0000C00000000
06	OK	004	603	00:01:36	RCV	208 384 3405	JUN-23	16:39	0507C0000A030
07	OK	001	604	00:00:38	RCV	2082593366	JUN-23	16:58	0507C0000A070
08	OK	004	605	00:02:25	RCV	505 984 3174	JUN-23	16:59	0507C00000070
09	OK	001	606	00:00:55	RCV	2082593366	JUN-23	17:03	0507C0000A070
10	OK	010	607	00:02:24	RCV	9	JUN-24	02:04	0507C00000070
11	OK	015	608	00:03:46	RCV	2	JUN-24	02:27	0507C00000070
12	OK	001/001	609	00:00:40	XMT	GARDEN VALLEY	JUN-24	08:57	0000A20001070
13	OK	002/002	610	00:01:01	XMT	8-4196	JUN-24	09:28	2107A2000A030
14	OK	001	611	00:00:46	RCV	208+462+6001	JUN-24	11:07	0507C0000A070
15	OK	003	612	00:01:21	RCV	208 384 3405	JUN-24	11:20	0507C0000A030
16	OK	002/002	613	00:00:56	XMT	8815059843174	JUN-24	20:39	0107A20000070
17	OK	010	614	00:02:21	RCV	11	JUN-25	01:12	0507C00000070
18	OK	014	615	00:03:39	RCV	1	JUN-25	01:54	0507C00000070
19	OK	001	616	00:00:46	RCV		JUN-25	02:48	0507C0000A070
20	OK	002/002	617	00:00:48	XMT	8813019465467	JUN-25	07:57	0107A20000070
21	OK	002/002	618	00:00:43	XMT	8812026168202	JUN-25	08:00	C107A2009A070
22	OK	001	620	00:00:50	RCV	505 984 3174	JUN-25	08:38	0507C00000070
23	BUSY	000/003	619	00:00:00	XMT	82083827170	JUN-25	08:49	0000000000000
24	OK	007	621	00:03:53	RCV		JUN-25	09:31	040FC0000A070
25	OK	002/002	622	00:00:49	XMT	8813019465467	JUN-25	09:35	0107A20000070
26	OK	002/002	623	00:00:51	XMT	8812026168202	JUN-25	09:37	C107A2009A070
27	OK	003/003	624	00:01:12	XMT	93734201	JUN-25	09:44	0007A2000A070
28	OK	005	625	00:02:50	RCV	208 737 3236	JUN-25	10:07	050FC0000A070
29	420	000	626	00:00:41	RCV		JUN-25	11:33	0000C00000000
30	OK	002	627	00:00:53	RCV	208 442 1363	JUN-25	11:38	050FC0000A070
31	STOP	000/002	628	00:00:00	XMT	93752597	JUN-25	11:56	0000000000000
32	STOP	000/002	629	00:00:00	XMT	8812083752597	JUN-25	11:58	0000000000000

-LOWMAN RANGER STATION -

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2082593366- *****

EXHIBIT A

NO.	COMM.	PAGES	FILE	DURATION	X/R	IDENTIFICATION	DATE	TIME	DIAGNOSTIC
1	OK	015	608	00:03:46	RCV	2	JUN-24	02:27	0507C00000070
12	OK	001/001	609	00:00:40	XMT	GARDEN VALLEY	JUN-24	08:57	0000A20001070
13	OK	002/002	610	00:01:01	XMT	# 8-4196	JUN-24	09:28	2107A2000A030
14	OK	001	611	00:00:46	RCV	208+462+6001	JUN-24	11:07	0507C0000A070
15	OK	003	612	00:01:21	RCV	208 384 3405	JUN-24	11:20	0507C0000A030
16	OK	002/002	613	00:00:56	XMT	# 8815059843174	JUN-24	20:39	0107A20008070
17	OK	010	614	00:02:21	RCV	11	JUN-25	01:12	0507C00000070
18	OK	014	615	00:03:39	RCV	1	JUN-25	01:54	0507C00000070
19	OK	001	616	00:00:46	RCV		JUN-25	02:48	0507C0000A070
20	OK	002/002	617	00:00:48	XMT	# 8813019465467	JUN-25	07:57	0107A20000070
21	OK	002/002	618	00:00:43	XMT	# 8812026168202	JUN-25	08:00	C107A2009A070
22	OK	001	620	00:00:50	RCV	505 984 3174	JUN-25	08:38	0507C00008070
23	BUSY	000/003	619	00:00:00	XMT	# 82083827170	JUN-25	08:49	0000000000000
24	OK	007	621	00:03:53	RCV		JUN-25	09:31	040FC0000A070
25	OK	002/002	622	00:00:49	XMT	# 8813019465467	JUN-25	09:35	0107A20000070
26	OK	002/002	623	00:00:51	XMT	# 8812026168202	JUN-25	09:37	C107A2009A070
27	OK	003/003	624	00:01:12	XMT	# 93734201	JUN-25	09:44	0007A2000A070
28	OK	005	625	00:02:50	RCV	208 737 3236	JUN-25	10:07	050FC0000A070
29	420	000	626	00:00:41	RCV		JUN-25	11:33	0000C00000000
30	OK	002	627	00:00:53	RCV	208 442 1363	JUN-25	11:38	050FC0000A070
32	STOP	000/002	629	00:00:00	XMT	# 8812083752597	JUN-25	11:58	0000000000000
32	STOP	000/002	629	00:00:00	XMT	# 8812083752597	JUN-25	11:58	0000000000000
01	OK	003	631	00:01:13	RCV	208 384 3405	JUN-25	12:03	0507C0000A030
02	634	000/002	630	00:00:00	XMT	# 93752597	JUN-25	12:06	0000000000000
03	OK	001/001	632	00:01:02	XMT	# 8812087657276	JUN-25	12:30	4107A20008030
04	OK	003/003	633	00:01:31	XMT	S0	JUN-25	12:52	2107A20009030
05	OK	002	634	00:00:37	RCV	2083380036	JUN-25	13:23	0507C0000A070
06	OK	005/005	635	00:03:10	XMT	# 912029552672	JUN-25	13:41	0107A2000A060
07	OK	001	636	00:00:34	RCV	208 376 5593	JUN-25	15:24	050FC0000A070
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09	OK	006	638	00:02:37	RCV		JUN-25	15:29	040FC0000A070
10	420	000	639	00:00:41	RCV		JUN-25	16:01	0000C00000000

-LOWMAN RANGER STATION -

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2082593366- *****

Panasonic®

Facsimile

Panafax® UF-585/595

User's Guide

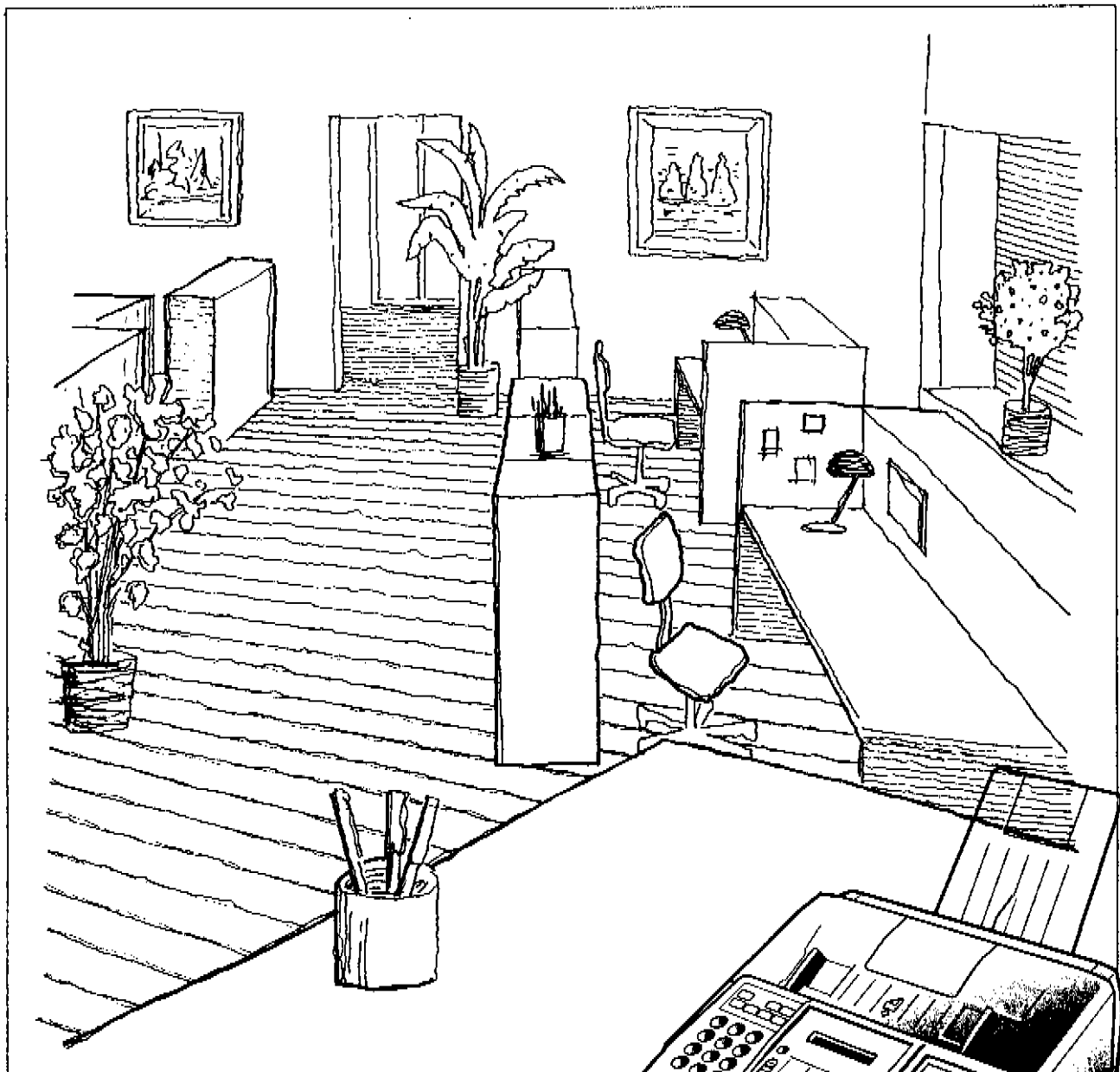
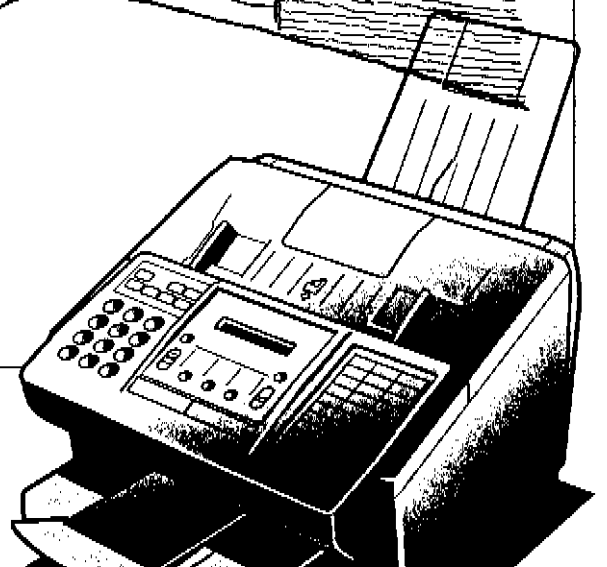


EXHIBIT B



Sample Transaction Journal

***** JOURNAL- ***** DATE MAR-12-1999 ***** TIME 15:00 *****											
(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)		
NO.	COMM.	PAGES	FILE	DURATION	X/R	IDENTIFICATION	DATE	TIME	DIAGNOSTIC		
01	OK	005/005	001	00:00:22	XMT	SERVICE DEPT.	MAR-11	17:35	C0044903C0000		
02	OK	003	002	00:01:17	RCV	111 222 333	MAR-11	17:41	C0044903C0000		
03	OK	001	003	00:00:31	XMT	ACCOUNTING DEPT.	MAR-11	17:50	C0044903C0000		
04	630	000/005	004	00:00:00	XMT	☐ 342345676	MAR-11	17:57	0800420000000		
05	STOP	000	005	00:00:34	XMT	☐ 12324567	MAR-11	18:35	0210260200000		
06	OK	001/001	006	00:00:20	XMT	☐ 44567345	MAR-11	18:44	C8044B03C0000		
07	408	*003	007	00:02:14	XMT	☐ 2345678	MAR-11	18:55	0040440A30080		
} } } } }											
31	OK	002/002	050	00:00:31	XMT	☐ 0245674533	MAR-12	08:35	C8044B03C1000		
32	OK	003/003	051	00:01:32	XMT	☐ 0353678980	MAR-12	08:57	C8044B03C1000		
(13) -PANASONIC											
***** -HEAD OFFICE - *****											
(15)									201 555 1212- ***** (14)		

Sample Individual Transmission Journal (IND. XMT JOURNAL)

***** -IND. XMT JOURNAL- ***** DATE MAR-12-1999 ***** TIME 15:00 *****											
(10)	(11)	DATE/TIME = MAR-12-1999 09:00									
(3)	JOURNAL No. = 21										
(4)	COMM. RESULT = OK										
(5)	PAGE(S) = 001										
(7)	DURATION = 00:00:16										
(6)	FILE No. = 010										
(16)	MODE = TRANSMISSION										
(17)	DESTINATION = [001] / 555 1234 / ABCDEFG										
(18)	RECEIVED ID =										
(19)	RESOLUTION = STD										
(13) -PANASONIC											
***** -HEAD OFFICE - *****											
(15)									201 555 1212- ***** (14)		

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▶ Journals and Lists

Explanation of contents

- (1) Printout date
- (2) Printout time
- (3) Journal number
- (4) Communication result
 - : "OK" indicates that the communication was successful.
 - "BUSY" indicates that the communication has failed because of busy line.
 - "STOP" indicates that STOP was pressed during communication.
 - "M-OK" indicates that the substitute reception message in memory was not printed out.
 - "P-OK" indicates that memory overflow or document misfeeding occurred while storing the documents into memory for transmission but successfully stored document(s) was sent.
 - "R-OK" indicates that the Relayed XMT or Confidential Communication was successful.
 - "3-digit Info Code" (See page 140) indicates that the communication has failed.
- (5) Number of pages transmitted or received
 - : The 3-digit number is the number of pages successfully transmitted or received. When the documents are stored into memory, two 3-digit numbers will appear. The first 3-digit number represents the number of pages successfully transmitted. The second 3-digit number represents the total number of pages that were attempted to be transmitted.
 - Asterisk "*" indicates that the quality of some received copies was poor.
- (6) File number
 - : 001 to 999 (If the communication is stored into memory, a file number is assigned for each communication.)
- (7) Duration of communication
- (8) Type of communication
 - : "XMT" means Transmission
 - "RCV" means Reception
 - "POL" means Polling
 - "PLD" means Polled
 - "FWD" means Fax Forward
- (9) Remote station identification
 - : Name : Recorded name in One-Touch or ABBR Numbers or remote station's Character ID.
 - ✱ number : Dialed telephone number.
 - Number : Remote station's ID number.
- (10) Communication date
- (11) Communication Start time
- (12) Diagnostic
 - : For service personnel only
- (13) Own LOGO
 - : Up to 25 characters
- (14) Own ID number
 - : Up to 20 digits
- (15) Own Character ID
 - : Up to 16 characters
- (16) Type of communication
 - : Transmission or memory transmission
- (17) Destination
 - : If a One-Touch or ABBR was used for the transmission:
One-Touch or ABBR No./Telephone Number/Recorded Name
If not : Telephone number
- (18) Received remote station's ID
 - : Character ID or ID number
- (19) Resolution
 - : "STD" means standard resolution
 - "FINE" means fine resolution
 - "S-FINE" means super fine resolution