

Judge rules against Westerlund's attempt to dismiss claims in log fight

Complex legal case at the Port

By EDWARD STRATTON
The Daily Astorian



Edward Stratton/The Daily Astorian
A federal court is reviewing a legal fight between Westerlund Log Handlers and Astoria Forest Products.

A federal judge has denied David Westerlund's attempt to dismiss claims brought by Astoria Forest Products in a complicated legal dispute over log operations at the Port of Astoria.

Westerlund, owner of Westerlund Log Handlers, helped bring log exports back to the Port of Astoria in 2010 after a long hiatus. But several years into the new venture, Westerlund had ended a log-handling contract and became embroiled in a lawsuit with the large, state-owned construction firm China National Building Materials Corp. China National bought many of Westerlund's logs and loaned the company money for its equipment.

Dennis Murphy, of Murphy Overseas USA and Astoria Forest Products, stepped in, allegedly paying \$2.5 million three years ago to settle the case and release liens on Westerlund Log Handlers' equipment.

The two parties then signed their own contract, with Westerlund transporting, storing, processing and preparing logs procured by Murphy for export. But the partnership quickly soured and resulted in dual lawsuits by each side that have since been consolidated.

The Murphy parties claim the equipment the company paid for was only worth \$1 million, and that \$1.5 million of the payment was to release Westerlund and Astoria Forest Products from claims by China National. The company is seeking \$1.5 million in mitigation damages from Westerlund, and claims that David Westerlund is also personally liable for the damages as a guarantor of the log-handling contract.

Westerlund has claimed the \$1.5 million is not recoverable under general contract rules, and that legal guidelines preclude Murphy from claiming the equipment is worth less than \$2.5 million.

"The court finds that there is a genuine dispute of material fact as to whether the \$1.55 million payment to China National was an overpayment for (Westerlund's) equipment, as the Westerlund parties insist, or in exchange for China National's release of claims, as the Murphy parties assert," Judge Michael Simon wrote in his denial of Westerlund's attempt.

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Matt Winters/EO Media Group

The Chinook canoe Skakwal brought the First Salmon ashore at Chinook Point. In the canoe from left to right, Chinook youth Sam Johnson, tribal member Ray Hawks (son of recently deceased tribal leader Phillip Hawks), Councilwoman Jane Pulliam, Councilman (and former Chairman) Gary C. Johnson. The site — now part of Fort Columbia State Park — was the location of one of the most important Chinook villages.

Chinook welcome 'First Salmon'

EO Media Group

FORT COLUMBIA, Wash. — Members of the Chinook Indian Nation carried out one of the most important ceremonies on their calendar of sacred events June 16 at Chinook Point in Fort Columbia State Park by welcoming a symbolic "First Salmon."

Meant to thank salmon for the role the fish play in ensuring survival of the Columbia estuary tribe, the ceremony consists of a Chinook salmon being delivered to shore in a cedar canoe to the sounds of drumming and chants. This year there were gray skies left over from an unusually strong June storm the day before, but the river was calm and the canoe arrived at about 10:30 a.m. to be greeted by a crowd of about 75.

Carried to a knoll above the beach, the salmon was prepared according to ancient traditions, which were explained by Tribal Chairman Tony Johnson of South Bend.

Johnson also spoke of the tribe's continuing efforts to regain formal tribal status with the U.S. Bureau of Indian Affairs, a designation granted in the closing days of President Bill Clinton's administration and then rescinded under President George W. Bush. The tribe has retained the services of a law firm that Johnson said is charging nothing for services which might ordinarily cost \$1 million.



Matt Winters/EO Media Group

Newly elected Councilwoman Rachel Cushman White Eyes, elder Scott Seiler and Councilman Sam Robinson welcome the First Salmon ashore with other members and guests of the community. The event is of signature importance to the Pacific-Clatsop-Wahkiakum county tribe and others throughout the Pacific Northwest. Paying tribute to the salmon is considered part of a sacred contract with the fish, on which Indians depended for survival.



Matt Winters/EO Media Group

Chinook Indian Nation Chairman Tony Johnson and other tribal members drummed and chanted in preparation for the arrival of a ceremonial salmon, standing in for all the salmon runs that fed the tribe for thousands of years.

FIVE-DAY FORECAST FOR ASTORIA

TONIGHT	SATURDAY	SUNDAY	MONDAY	TUESDAY
56	85 57	72 56	65 54	63 53
A star-studded sky	Plenty of sunshine	Sunshine and cooler	Times of clouds and sun	Sun and areas of low clouds

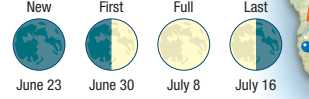


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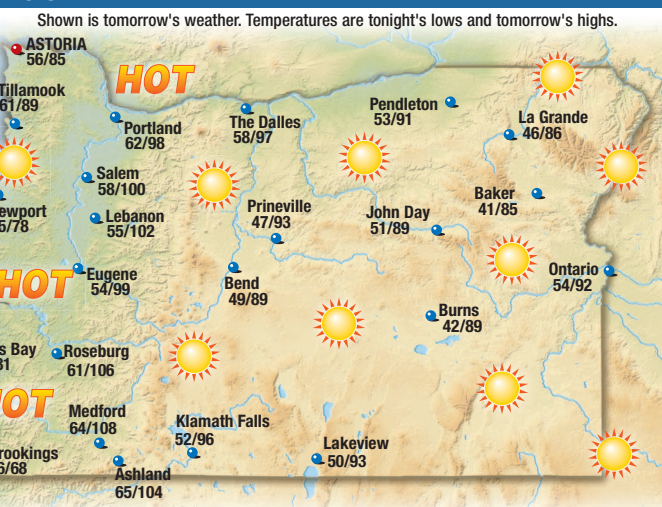
Astoria through Thursday.
Temperatures
High/low 71°/45°
Normal high/low 65°/51°
Record high 79° in 1926
Record low 41° in 1965
Precipitation
Thursday 0.00"
Month to date 2.44"
Normal month to date 2.06"
Year to date 49.57"
Normal year to date 35.42"

SUN AND MOON

Sunset tonight 9:11 p.m.
Sunrise Saturday 5:25 a.m.
Moonrise today 5:20 a.m.
Moonset today 8:46 p.m.



REGIONAL WEATHER



UNDER THE SKY

Tonight's Sky: The new moon will be at 7:31 p.m. Enjoy the moonless night sky.

TOMORROW'S TIDES

Time	High	Time	Low
1:27 a.m.	10.0 ft.	8:36 a.m.	-1.9 ft.
2:58 p.m.	8.0 ft.	8:28 p.m.	2.1 ft.

NATIONAL CITIES

City	Today	Hi	Lo	W	Hi	Lo	W
Allanta	88	73	c	82	69	t	
Boston	84	69	t	83	67	pc	
Chicago	82	60	t	75	53	pc	
Denver	68	51	pc	75	52	c	
Des Moines	79	55	pc	78	52	pc	
Detroit	79	61	t	77	55	pc	
El Paso	109	77	s	95	74	pc	
Fairbanks	72	54	pc	73	51	sh	
Honolulu	86	74	sh	84	74	sh	
Indianapolis	78	60	t	75	54	s	
Kansas City	79	56	t	80	56	c	
Las Vegas	114	87	s	113	88	s	
Los Angeles	81	64	pc	80	65	pc	
Memphis	81	70	r	82	64	pc	
Miami	90	80	pc	91	80	pc	
Nashville	82	69	t	84	59	pc	
New Orleans	87	77	t	88	75	t	
New York	84	72	t	86	70	r	
Oklahoma City	88	61	t	82	62	pc	
Philadelphia	87	73	t	88	68	r	
St. Louis	85	63	t	81	60	s	
Salt Lake City	88	60	s	91	61	s	
San Francisco	75	58	pc	71	56	pc	
Seattle	81	59	s	89	62	s	
Washington, DC	88	76	t	89	70	r	

REGIONAL CITIES

City	Today	Hi	Lo	W	Sat.	Hi	Lo	W
Baker City	80	41	s	85	43	s		
Bend	84	49	s	89	53	s		
Brookings	74	54	s	66	55	s		
Eugene	91	54	s	99	57	s		
Ilwaco	70	59	s	76	62	s		
Klamath Falls	92	52	s	96	56	s		
Medford	103	64	s	108	70	s		
Newberg	92	62	s	98	64	s		
Newport	72	55	s	78	54	s		
North Bend	75	58	s	76	57	s		
Olympia	83	52	s	91	55	s		
Pendleton	85	53	s	91	58	s		
Portland	91	62	s	98	66	s		
Roseburg	97	61	s	106	64	s		
Salem	92	58	s	100	61	s		
Seaside	74	57	s	85	61	s		
Spokane	82	56	s	87	60	s		
Springfield	93	53	s	100	57	s		
Vancouver	90	60	s	96	65	s		
Yakima	89	54	s	94	57	s		

TOMORROW'S NATIONAL WEATHER

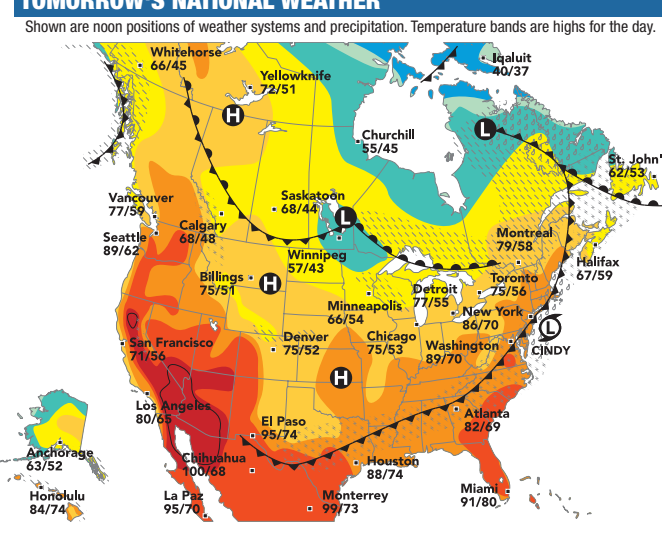


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ON THE RECORD

DUII
• At 8:13 p.m. Wednesday, Thomas Robinson, 71, of Seaside, was arrested by the Seaside Police Department on the 20 block of North Wahanna Road and charged with driving under the influence of intoxicants.
• At 1:29 a.m. Thursday, Jose Manuel Barnabe Hernandez, 19, of Forest Grove, was arrested by the Clatsop County Sheriff's Office on U.S. Highway 26 in Seaside and charged with DUII, three counts of recklessly endangering another person, reckless driving and criminal mischief.
• At 11 p.m. Thursday, Sean Michael Dunagan, 31, of Astoria, was arrested by the Clatsop County Sheriff's Office on the 1600 block of Southeast Ensign Lane and charged with DUII and unlawful possession of heroin.

DEATH

June 22, 2017
HOLDEN, Lottie Gayle, 55, of Cannon Beach, died in Cannon Beach. Ocean View Funeral & Cremation Service of Astoria is in charge of the arrangements.

PUBLIC MEETINGS

MONDAY
Cannon Beach City Council, 8:30 a.m., work session, City Hall, 163 E. Gower St.

LOTTERIES

OREGON
Thursday's Pick 4:
1 p.m.: 4-5-7-7
4 p.m.: 1-6-2-4
7 p.m.: 5-3-8-5
10 p.m.: 3-2-8-4

WASHINGTON
Thursday's Daily Game: 0-7-9
Thursday's Keno: 07-08-09-11-21-24-27-32-35-40-50-51-54-55-58-71-73-75-78-79
Thursday's Match 4: 02-09-17-18

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The Daily Astorian publishes paid obituaries. The obituary can include a small photo and, for veterans, a flag symbol at no charge. The deadline for all obituaries is 9 a.m. the business day prior.

Obituaries may be edited for spelling, proper punctuation and style. Death notices and upcoming services will be published at no charge. Notices must be submitted by 9 a.m. the day of publication.

Obituaries and notices may be submitted online at www.dailyastorian.com/forms/obits, by email at ewilson@dailyastorian.com, placed via the funeral home or in person at The Daily Astorian office, 949 Exchange St. in Astoria. For more information, call 503-325-3211, ext. 257.

The Daily Astorian

Established July 1, 1873
(USPS 035-000)

Published daily, except Saturday and Sunday, by EO Media Group, 949 Exchange St., PO Box 210, Astoria, OR 97103 Telephone 503-325-3211, 800-781-3211 or Fax 503-325-6573. POSTMASTER: Send address changes to The Daily Astorian, PO Box 210, Astoria, OR 97103-0210

www.dailyastorian.com

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Circulation phone number: 503-325-3211
Periodicals postage paid at Astoria, OR

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