

DAILY
PLANNER

TODAY

Today is Wednesday, May 1, the 121st day of 2019. There are 244 days left in the year.



TODAY'S HIGHLIGHT

On May 1, 1707, the Kingdom of Great Britain was created as a treaty merging England and Scotland took effect.

ON THIS DATE

In 1786, Mozart's opera "The Marriage of Figaro" premiered in Vienna.

In 1931, New York's 102-story Empire State Building was dedicated. Singer Kate Smith made her debut on CBS Radio on her 24th birthday.

In 1941, the Orson Welles motion picture "Citizen Kane" premiered in New York.

In 1945, a day after Adolf Hitler took his own life, Admiral Karl Doenitz effectively became sole leader of the Third Reich with the suicide of Hitler's propaganda minister, Josef Goebbels.

In 1960, the Soviet Union shot down an American U-2 reconnaissance plane over Sverdlovsk and captured its pilot, Francis Gary Powers.

In 1964, the computer programming language BASIC (Beginner's All-Purpose Symbolic Instruction Code) was created by Dartmouth College professors John G. Kemeny and Thomas E. Kurtz.

LOTTERY

Megabucks: \$2.8 million
4-6-24-29-38-44

Mega Millions: \$252 million
24-37-41-61-70-20-x3

Powerball: \$181 million
2-29-41-45-62-PB 6-x3

Win for Life: April 29
12-48-58-72

Pick 4:

April 30
• 1 p.m.: 0-9-6-7
• 4 p.m.: 1-8-1-5
• 7 p.m.: 8-6-0-8
• 10 p.m.: 5-9-9-5
April 29
• 1 p.m.: 9-6-6-6
• 4 p.m.: 6-2-7-8
• 7 p.m.: 3-6-6-0
• 10 p.m.: 5-7-4-8

ROAD REPORT

Numbers to call:
• Inside Oregon: 800-977-6368.
• Outside Oregon: 503-588-2941.

NEWSPAPER LATE?

Every effort is made to deliver your Observer in a timely manner. Occasionally conditions exist that make delivery more difficult.

If you are not on a motor route, delivery should be before 5:30 p.m. If you do not receive your paper please call 541-963-3161.

QUOTE OF THE DAY

"Any man who has the brains to think and the nerve to act for the benefit of the people of the country is considered a radical by those who are content with stagnation and willing to endure disaster."

— William Randolph Hearst, American newspaper publisher (1863-1951)

Baker City man begins new hard cider business

By Samantha O'Conner
WesCom News Service

A Baker City man who has been brewing his own beer for almost 30 years has started a new business fermenting hard fruit cider.

Mark Crowder, who owns Rain Barrel Ciderworks, hopes to begin production late this month after receiving a license from the Oregon Liquor Control Commission.

The Baker County Council endorsed Crowder's application during its April 23 meeting.

He plans to make apple cider and an apple-cherry blend initially.

Crowder, who moved to Baker City in October 2017 with his wife, Veronica, said he will buy juice from outside sources to start — either Ryan's Juice in Hood River or a plant in Wenatchee, Washington



S. John Collins/WesCom News Service

Mark Crowder will use a variety of apples to produce hard cider at his new business in Baker City.

— but he would like to use local apples eventually.

He said there are several orchards he can work

with once he has his business established.

Crowder said he will bottle some cider but most will be stored in kegs and sold to restaurants, bars and for special events.

Crowder said he and his wife, who works in orthopedics at Saint Alphonsus Medical Center in Baker City, moved from Portland because they had long wanted to live in a rural area.

Crowder, who started brewing beer when he was in college in 1991 and made his first batch of hard cider in 2009, said Baker City also seemed to him a logical place to start a cidery.

"It seemed like it was a good area to open one because it was kind of underserved by the cider community," he said.

Crowder said his interest in cider started in

2009 when he and several neighbors bought an apple press to make fresh, but unfermented, juice.

But Crowder started to experiment with fermenting the juice, creating hard cider, and it "kind of ballooned from there," he said.

He progressed from producing five gallons of hard cider one year to 15, then 50, then 500 gallons.

"It's grown quite a bit," he said.

Crowder said he first considered starting his own cidery around 2011.

"It was around the time there was a big 'cider renaissance' in the U.S. and a lot of cideries were opening in Portland," he said.

He had several friends who opened cideries and said "it seemed like something I wanted to try."

He finally had the opportunity this year. ■

Preliminary settlement reached in suit against chief

By Chris Collins
WesCom News Service

A lawsuit filed in 2015 by a former journalist against Baker City and its police chief has reached a preliminary settlement.

Brian Addison, who formerly worked as a reporter for The Record-Courier newspaper, sued Baker City and then-police chief Wyn Lohner in U.S. District Court alleging they had retaliated against him after he wrote an editorial criticizing the police department.

Addison's editorial was published in The Record-Courier in 2008. The long-time weekly newspaper has since ceased publication.

Addison's attorney, Clifford S. Davidson of the Sussman Shank law firm in Portland, said Tuesday in a telephone interview that details of the settlement cannot be disclosed until they are finalized.

"Although the settlement ultimately will be public, I cannot get into the details at this time because communications during mediation are confidential," he stated in an email to the Herald.

Addison's lawsuit had been set to go to trial in U.S. District Court at Pendleton in August. The most recent docket entry, which was made on Thursday, recorded a 60-day order of dismissal.

That means Addison's complaint will be dismissed with prejudice, unless the court is notified that an agreement has not been finalized within 60 days, Davidson said. A dismissal with prejudice means the issue is finished and cannot be brought back to court.

Davidson said he expects details of the settlement to be finalized well within the 60-day limit.

Addison's lawsuit sought damages to be determined at trial on claims that the city and Lohner retaliated against his freedom of

speech rights by harassing him for what he had written in the editorial for The Record-Courier.

The editorial was titled "How about a favorable interpretation of the 4th Amendment."

In it, Addison referred to the police department's use of its drug-detecting dog during the 1A state basketball tournament, which he saw as a violation of constitutional protection against unreasonable search and seizure.

Addison's lawsuit claimed that the City and Lohner interfered with his job opportunities, defamed him and deprived him of due process because of what he had written.

District Court Judge Michael H. Simon ruled in August 2017 that Lohner was not entitled to qualified immunity from Addison's allegations.

Simon granted motions for summary judgment by Baker City and Lohner on federal claims alleging violation of procedural and substantive due process and Addison's claim alleging personal liability against Lohner.

The complaint, which had been set to go to trial in April, was postponed when the city's attorney, Robert E. Franz Jr. of Springfield, appealed Simon's ruling regarding Lohner's entitlement to qualified immunity.

Simon's decision was upheld by a U.S. Court of Appeals panel ruling issued in November 2018.

The three-judge panel affirmed Simon's decision that Lohner violated

Addison's First Amendment right after Addison published the editorial criticizing the police department. The judges found that Lohner "engaged in a campaign of harassment" against Addison because of what he had written.

The Appeals Court judges found that Lohner is not protected in his role as a police officer to use his authority to retaliate against and harass individuals exercising their right to free speech.

Addison maintained he had been stopped numerous times by police after the editorial was published and that Lohner made calls to his past employers warning them about his disposition and reputation. Addison contends he was fired from his job at New Directions Northwest a short time after Lohner called the agency and urged administrators to obtain a fact file that contained inaccurate details of Addison's involvement with police.

Lohner has denied any wrongdoing throughout the proceedings.

Had the complaint gone to trial, Addison sought "economic/compensatory and noneconomic/special damages, including loss of income and past and future impairment of earning capacity; injury to his reputation, economically verifiable and otherwise; expenses related to having to relocate out of Baker City for fear of further retaliation; and emotional distress" along with punitive damages to be proven at trial and

attorney's fees and costs.

Addison also sought a permanent injunction prohibiting defendants from distributing the fact file in the form presented to New Directions and requiring the file be revised to accurately reflect his citation record, including that he received just one traffic ticket and that a stalking citation included in the file had been dismissed.

Addison also sought a permanent injunction prohibiting Lohner and any city employees from communicating with any of Addison's prospective employers other than as allowed by law, and for any other relief deemed equitable by the court. ■

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Thursday, May 9th • 7pm **FREE**

The diverse and important roles played by Earth's Natural Recyclers in the environment and their significance to humans

- Mushroom life cycle • Fungal ecology • Bioremediation (healing toxic environments) • Bee-friendly honeybee research
- Growing mycelia and mushrooms at home

Mushroom Kit Workshop

\$25 Friday, May 10th • 9am

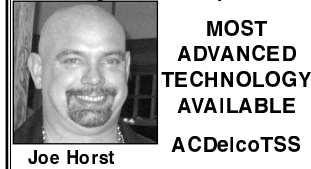
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