Washington

Sakuma objects to legal fees claimed by workers' lawyers

Reimbursing costs final issue in suit

By DON JENKINS
Capital Press

Don Jenkins/Capital Press

Sakuma Brothers berry farm in northwestern Washington argues in a federal court filing that lawyers who represented pickers in a precedent-setting case that went against the business are seeking far too much in legal fees.

A Washington berry farm argues that the lawyers who sued it and won piece-rate pickers separate pay for rest breaks should receive about one-third as much in fees as they're seeking.

Sakuma Brothers attorney Adam Belzberg proposed in a court filing June 17 that fees and costs awarded opposing lawyers should not exceed $87,785. The workers' attorneys have asked a judge to award $251,699.

The fees will compensate two law firms that worked on the precedent-setting case. The state Supreme Court ruled last year that piece-rate farmworkers must be paid separately for 10-minute rest breaks. The decision changed pay practices at farms statewide.

After the decision, Sakuma retroactively paid workers $87,160, plus 12 percent interest, The average payout per worker was $231, according to court records. The two sides have not be able to agree on how much the winning law firms will receive from Sakuma, leaving the matter to U.S. District Judge Marsha Pechman.

In his filing, Belzberg claims Columbia Legal Services and Seattle firm Terrell Marshall Law Group inflated fees by billing for unnecessary and duplicative work by four attorneys and staff at the two law firms.

Also, Belzberg argued the judge should reject the firms' request for a 19 percent bonus. The firms argue they merit the bonus because their lawyers took on a risky case and did a superior job.

"We strongly believe we are entitled to that," Columbia Legal Services attorney Daniel Ford said Monday in an interview. "There was no guarantee at all there would be a verdict in favor of the workers."

Belzberg called the claim "disingenuous" because the workers' attorneys elsewhere characterized paid rest breaks for farmworkers as a "natural extension" of existing state law.

The legal fees are the last unsettled piece of business in a class-action lawsuit against Skagit County-based Sakuma, a family-owned business started by Japanese immigrants before World War II.

Workers sued Sakuma in 2013 in U.S. District Court for Western Washington, alleging four pay violations.

An out-of-court settlement resolved three of the issues. Sakuma retroactively paid 408 workers a total of $500,000, while two lead plaintiffs split $6,000 and their attorneys received $344,000.

The settlement did not resolve whether piece-rate workers would be paid separately for rest breaks. Pechman referred the issue to the state Supreme Court, which ruled in favor of the workers.

In May, the workers' attorneys filed for legal fees. The fees were primarily based on the hours spent on the case by the four lawyers, whose hourly rates range from $250 to $400 per hour.

A hearing is set for July in front of Pechman in Seattle.

Ford said the class-action lawsuit involved a large number of workers, who spoke different languages, and demanded lawyers with different skills. He said he was confident he and his colleagues can justify the hours they billed.

CHS Primeland has open house for its $18.5 million fertilizer facility

Hub to serve 100-mile radius

By MATTHEW WEAVER
Capital Press

Matthew Weaver/Capital Press

CHS Primeland had an open house at its new fertilizer facility in Clarkston, Wash., on June 23.

CLARKSTON, Wash. — CHS Primeland held a grand opening ceremony June 23 for its new $18.5 million agronomy hub plant at the Port of Wilma in Clarkston, Wash.

About 250 people toured the facility and heard about its capabilities, as company leaders said it would serve growers for decades to come.

"Our goal is really to be here, maybe for 100 years, but we're definitely set up to be here for 60 years," said Ken Blakeman, general manager of CHS Primeland. "We're really trying to build this facility for tomorrow's producer."

"I encourage you as a producer to use this facility as much as you can — wear it out if you can," said Tim Eichner, chairman of the CHS Primeland board of directors and a Kendrick, Idaho, farmer. "Ultimately, it comes down to producers being able to benefit from this. We did it so that producers had options for supply and pricing."

"When we make an investment, it is for production agriculture," said Lynden Johnson, executive vice president of country operations for CHS in Inver Grove Heights, Minn. "It is to add value to them in their operations, to make them world-class in their production to compete globally."

In picking the location, the company wanted to have river, truck and rail access to provide farmers with cost-effective options, Blakeman said.

Blakeman

Eichner

"The facility is actually set up so it can almost be unmanned," he said. "There will be a day when you as a producer will be able to show up here, with no one here. This facility has the capability for you to come here, load your product and never have touched anything, except for your little card. ... You'd actually be able to show up, open the gates, open the doors, punch in your load, load your truck and not have a single person (here)."

The distribution plant and manufacturing facility has a capacity of 24,000 tons of dry fertilizer storage and 2.5 million gallons of liquid storage.

Blakeman said the facility will serve a 100-mile radius. The company expects to grow from 100,000 tons of total product moving through the facility to 150,000 tons over the next five years, he said.

Fertilizer manufacturers want to build inventory and ship in a timely fashion. Without the hub, the company didn't have the storage capacity when fertilizer prices were good or farmers needed it, CHS Primeland seed and agronomy division manager Ken Mingo said.

"This facility gives us the opportunity to buy when the market is right and have the product on hand when a producer needs it," he said.

WDFW to buy forest, grazing land in Central Washington

State hopes to purchase more from timber company

By DON JENKINS
Capital Press

OLYMPIA — Grazing and logging will continue on 3,613 acres in Klickitat County that the Washington Department of Fish and Wildlife will buy, according to a state official.

The Fish and Wildlife Commission on June 10 approved purchasing the land for $1.98 million from Western Pacific Timber.

The state also hopes to buy approximately 15,100 acres in the Simcoe Mountains from the timber company as money becomes available.

WDFW prizes the land for its habitat for Western gray squirrels, spotted owls and steelhead fish.

The land will become part of the Klickitat Wildlife Area. WDFW will manage the land with the Washington State Conservation Commission and the Eastern Klickitat Conservation District.

WDFW Lands Division Manager Clay Sprague said the department also expects to continue commercial activities, though a management plan has not been developed.

The land has not been overgrazed or over harvested, Sprague said.

"I've toured the property. I think (logging and grazing) will be at least the same," he said.

WDFW owns or manages approximately 1 million acres.

Western Pacific Timber is a privately owned company that manages about 150,000 acres in Idaho and Washington.

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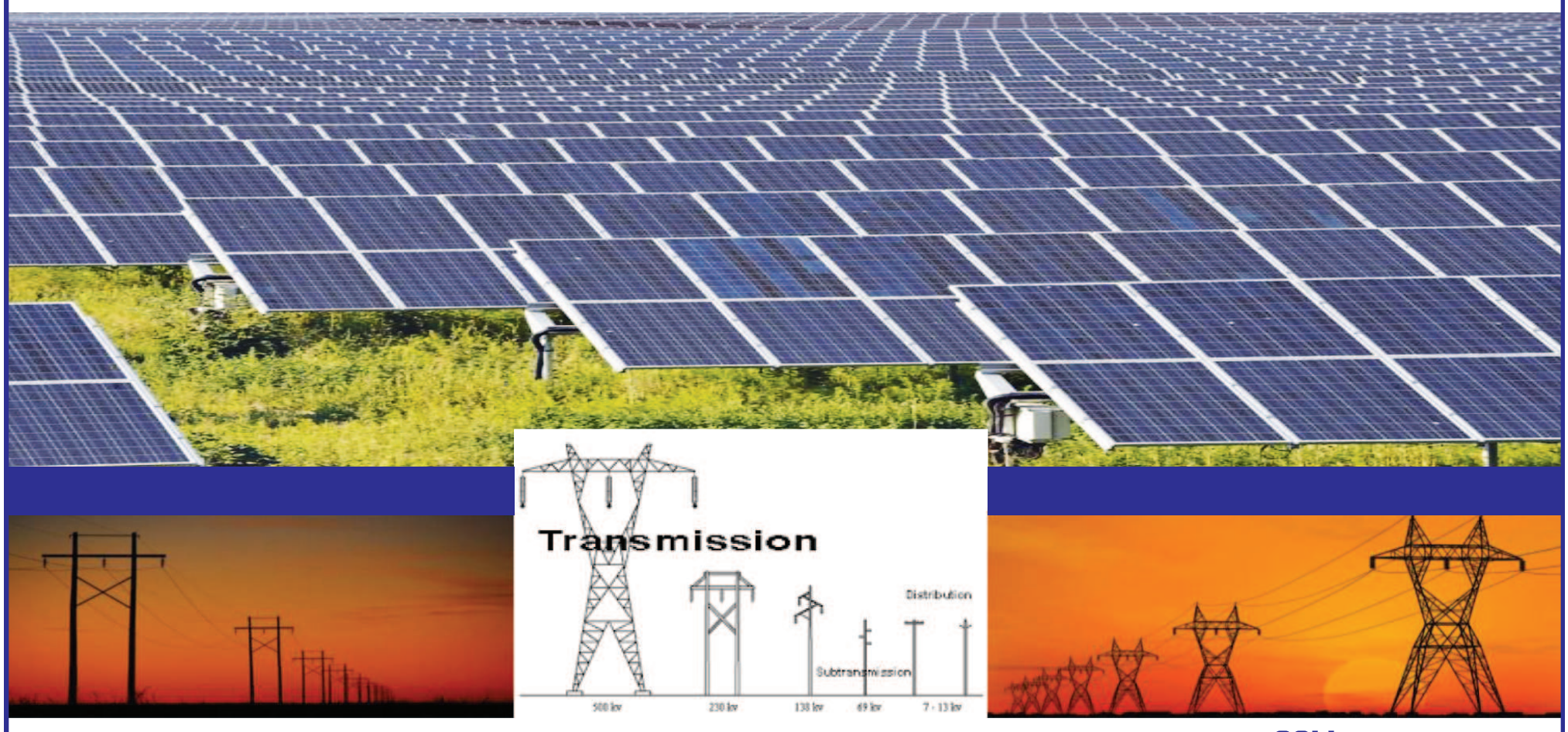

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