

# Judge nixes mass discrimination suit against Stemilt

By **DON JENKINS**  
Capital Press

Human trafficking and discrimination claims by two ex-farmworkers can't form the basis of a class-action lawsuit against Washington fruit company Stemilt Growers, a federal judge has ruled.

The two workers' complaints are "plagued by individual issues," disqualifying them from representing 1,200 Mexican nationals who picked for Stemilt in 2017, U.S. District Judge Salvador Mendoza Jr. ruled. "The sprawling physical and factual landscape of this case ... render this case generally too unwieldy and unfit for class treatment," Mendoza wrote in a ruling released Aug. 20.

Columbia Legal Services and a Seattle law firm,

Keller Rohrback, sought to recover damages for the alleged abuse of H-2A workers in 36 orchards operated by Stemilt Ag Services, owned by Wenatchee-based Stemilt Growers.

Mendoza denied letting the most serious claims alleging intimidation and racism go forward as a class-action suit.

The judge allowed one complaint related to disclosing the terms of employment to be pressed as a class-action suit.

Workers received the disclosure form in January, but were not given the identical form in August when they started a second H-2A contract.

Mendoza said he wasn't ruling on the merits of the complaint, only that it qualified as a class-action suit.

Columbia Legal Services



Capital Press File

**A federal judge Aug. 20 barred a class-action lawsuit alleging human trafficking and discrimination against Stemilt Ag Services.**

attorney Diana Garcia said Tuesday that no decision has been made on whether to continue with the suit. "Our clients still need time to process it," she said.

She criticized the ruling, saying Stemilt "walked off with a decision that pretty

much let them off the hook."

Efforts to obtain comment from Stemilt were unsuccessful.

Attorneys filed the lawsuit last year on behalf of Gilberto Gomez Garcia and Jonathan Gomez Rivera.

The suit alleges Garcia,

Rivera and other workers were threatened with being sent back to Mexico if they didn't pick at least three bins of apples a day. The quota was illegal because it wasn't in the workers' contract, the suit claims.

Stemilt said it set the three-bin standard in a desperate bid to increase productivity. The standard, however, was not enforced in all orchards, and managers coached low-performing workers before disciplining them, according to the company.

The judge agreed with Stemilt that "complicating matters" was an alleged scheme by two Stemilt employees who oversaw the company's H-2A program.

The two allegedly secretly formed a H-2A consulting business and farmed out their work to themselves,

collecting from Stemilt their salaries and consulting fees, according to court records.

Late in the harvest, Stemilt uncovered the scheme and fired the two workers. Some H-2A workers purportedly left with the two fired employees and violated their visas by seeking another job in the U.S.

Piece-rate apple pickers were guaranteed at least \$107 a day in hourly wages. Stemilt blamed low productivity on one of the fired employers telling workers they didn't need to worry about how much they picked, even though the contract required a "sustained" and "bona fide" effort.

Rivera, one of the two named plaintiffs, was an especially poor performer, frequently picking between a half and 1.5 bins a day, according to Stemilt.

# ODFW renews kill permit for Eastern Oregon wolves

By **GEORGE PLAVERN**  
Capital Press

BAKER CITY, Ore. — The Oregon Department of Fish and Wildlife has renewed a permit allowing ranchers to kill two more wolves from the Lookout Mountain pack in Baker County following repeated attacks on livestock.

ODFW first issued the permit on July 29 after confirming the pack killed or injured five cows in 14 days — well above the "chronic depredation" threshold outlined in the state's Wolf Conservation and Management Plan.

The permit, which expired Aug. 21, allowed killing up to four sub-adult wolves from the pack. On Aug. 1, the department announced it shot two wolf pups spotted from a helicopter, sparking outrage from environmental groups.

Depredations stopped for 18 days after the two

pups were killed, though on Aug. 19 ODFW confirmed the pack once again killed a 3-month-old calf in the same area.

As a result, the department announced it is issuing a new permit that will run for three more weeks, expiring Sept. 14. It authorizes three different livestock producers to kill up to two more wolves from the pack on land where they legally graze their animals.

The pack's collared breeding pair is excluded from the permit, though ODFW has stated it may consider other options if depredations continue.

"ODFW has a responsibility to address continued chronic livestock depredation by wolves and strives to first pursue incremental lethal control rather than removing entire packs to strike a balance between protecting livestock and wolves on the landscape," the agency wrote in a statement.

Eastern Oregon falls under Phase III of the state wolf plan, which defines "chronic depredation" as two confirmed attacks in a nine-month period. Ranchers must also be using approved non-lethal deterrents, such as range riders to haze wolves and removing bone piles or other attractants from pastures.

Wolves living west of highways 395, 78 and 95, meanwhile, are still in Phase I of the wolf plan,

where "chronic depredation" is four confirmed attacks in six months.

Most of Oregon's 173 documented wolves are tightly clustered in the northeast corner of the state. The Lookout Mountain pack's territory includes an area of eastern Baker County extending near the Idaho border.

Environmental groups blasted ODFW for its management of the pack.

"We're shocked that the Department of Fish and Wildlife wants even more dead wolves," said Amaroq Weiss, senior wolf advocate with the Center for Biological Diversity. "The assertion that the pups' death resulted in a greater lag time before the next conflict occurred is not credible. Any scientist knows that correlation is not causation."

Sristi Kamal, senior Northwest representative for Defenders of Wildlife, said ODFW should prioritize coexistence tools and methods, "especially as our vulnerable wolf population is already facing threats from the ongoing drought and water crisis."

Gray wolves were removed from the federal Endangered Species list in early January, though a coalition of wildlife advocates is petitioning to have the protections reinstated.

The Biden administration, however, appears to be sticking by the delisting decision. According to The Associated Press, on Aug. 20 attorneys for the U.S. Fish and Wildlife Service asked a federal judge in California to reject the environmentalists' lawsuit.



**Officials are investigating the death and mutilation of this bull found in Wheeler County, Ore., in August.**

Deputy Jeremiah Holmes

# Mysterious cattle mutilations continue around Central and Eastern Oregon

By **SIERRA DAWN MCCLAIN**  
Capital Press

Oregon authorities are investigating the mysterious death and mutilation of two bulls whose carcasses were found this summer: one in Harney County, the other in nearby Wheeler County.

In the most recent case, a Black Angus bull, out of the Thomas Angus Ranch purebred line and worth about \$4,500, was found dead and mutilated Aug. 14 at Greenbar Ranch in Wheeler County.

Bodie Brown, whose brother Tanner owned the bull, and a friend were the first to find the carcass near a watering hole. Its nose, tongue, left cheek, ear, eye, reproductive organs and part of its tail were removed with clean cuts.

The cause of death is unknown.

The bull, when found, had likely been dead a few days and was already decomposing. The 24-hour window during which a necropsy could have been performed on the body had passed.

Deputy Jeremiah Holmes of the Wheeler County Sheriff's Office is on the case.

"It's kind of a strange

thing," said Tanner Brown, who owned the bull and runs about 300 pair on 9,000 acres. "It's unfortunate, but I think there are other people in the same spot I'm in."

Brown was right; he isn't alone.

This is the fifth case of a cattle mutilation in Wheeler County in the past 20 months. Nearby Harney County has had five cases in the past four years, two of which happened this year, in May and July.

According to FBI records, it's not just an Oregon problem. Since the 1970s, thousands of killings and mutilations of cattle have happened across the U.S.

The cases, officials say, usually look "eerily similar." A cow or bull is found dead in a remote area with no indication of how a suspect might have gained access to the property. Typically, no footprints, tire tracks or fingerprints are found. There's little to no spilled blood and no visible puncture wounds, bullets or strangulation marks.

In other words — a mystery.

Holmes, the deputy on Brown's case, is also the primary investigator on the four

other recent mutilation cases in Wheeler County and said all five cases looked "about the same."

The deputy, however, declined to comment on further details about the August case, saying he's tracing some specific clues and doesn't want a suspect to know.

As a hypothetical example, if suspects knew he recognized their tire tracks, they might ditch their getaway car.

"I've got a few leads I need to look into that I can't talk about yet," said Holmes.

All five recent mutilation cases in Wheeler County are still open and under investigation, as are the most recent five cases in Harney County.

Holmes advises farmers and the public to be on the lookout for people or vehicles that appear suspicious and to write down license plate numbers and vehicle descriptions.

In a recent statement, the Harney County Sheriff's Office similarly invited community members and livestock owners "to be vigilant and watch for suspicious persons or vehicles where livestock (are)."

## LEGAL PURSUANT TO ORS CHAPTER 87

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 08/30/2021. The sale will be held at 10:00am by

COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR  
2013 AUDI Q7 UT  
VIN = WA1LMAFE1DD011706  
Amount due on lien \$1435.00  
Reputed owner(s)  
MEGHAN L & BRIAN J MALENSKY  
ONPOINT COMMUNITY C.U

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COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR  
2016 FORD FUS 4D  
VIN = 1FA6PHD3G5134629  
Amount due on lien \$1535.00  
Reputed owner(s)  
ASHLEY & GENE PIRELLI  
FORD MOTOR CREDIT COMPANY

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COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR  
2007 TOYT FJC UT  
VIN = JTEBU11F070066527  
Amount due on lien \$1455.00  
Reputed owner(s)  
SUNSHINE PANTRY/SHARON J STRAUS  
TOYT MOTOR CREDIT CORP

The Harney SWCD is accepting bids on a juniper treatment project located near Drewsey, OR approximately 46 miles east of Burns, OR. There are 142 acres of cutting, log and scattering, and hand piling. A mandatory bid tour will be held on September 10th @ 8:30 a.m. departing from HSWCD office. Contractors are required to meet all Oregon public contracting laws, maintain a \$2.0 million dollar general liability insurance policy, and be licensed to conduct business in Oregon. Sealed bids are due either by hand delivery or by mail no later than noon, Friday, September 17, 2021. More information and bid packets can be obtained at the HSWCD office located 530 Hwy 20 South in Hines, or on the district website, Harney-SWCD.org. 5258040-1

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COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR  
2019 HYUN IONIQ 4D  
VIN = KMHC65L1KU163424  
Amount due on lien \$1535.00  
Reputed owner(s)  
FLEXDRIVE SERVICES LLC  
HYUNDAI MOTOR FINANCE

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COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR  
2006 SPRIN 28FT RT  
VIN = 4YDT256216K131719  
Amount due on lien \$1455.00  
Reputed owner(s)  
ROGER W & LEE F ORR

## PUBLIC LIEN SALE U-STORE SELF STORAGE Auction Starts Sept 7th 2021 storageauctions.com Ends Friday, Sept. 17, 2021 10am

1st - 1668 Industrial Way Sw  
Albany, Oregon  
Holly Briggs, J030; Chelsea Donnelly, H049; Daniel Goodwin, F003; Gretchen Groesbeck, D017; Teyadorra Kobernik, Y014; Robin L McConnell, D001, H008; Lisa Moore, A031; Brandi Wiebe, D003  
2nd - 1501 Hawthorne Ave NE  
Salem, Oregon  
Kristen Blyeth, 2C03; Camilla Cutsforth, 1G17; Windy L Davis, 1C40; Garrison E Horton, 1F43; Brian Ireland, 1C34; Randall Jordan, 2A77; Shaynie Kluth, 1C04; Natalie Krummen, 1H02; Joshua L Meeker, 1D27; Robert Mitchell II, 1H06; Michael Mulholland, RJ07; Matthew Nelson, 1A18; Hope Placencio, 2A56; Sarah Richel, 2D56; Angel M Rodgers, RF11; Candice Sullivan, 2C01; Kloe Wilson, Y1-7 5258044-1

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COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR  
2011 DODG 250 CW  
VIN = 3D7TP2CL8BG509736  
Amount due on lien \$1515.00  
Reputed owner(s)  
TIM MCCARTY

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COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR  
2014 TOYOTA CAMRY 4DR  
VIN = 4T1BF1FK1EU861589  
Amount due on lien \$1455.00  
Reputed owner(s)  
BRANDON KEITH HENSLER  
TOYOTA MOTOR CREDIT CORP

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COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR  
2016 HOND ODY VAN  
VIN = 5FNRL5H36GB148871  
Amount due on lien \$1515.00  
Reputed owner(s)  
KAPITOLINA & KASIYAM  
PIRFILI BORU

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COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR  
2018 NISS NV200 VAN  
VIN = 3NGCMOKN5K702168  
Amount due on lien \$1535.00  
Reputed owner(s)  
MOOSOO CORP / MI HEE AHN KIM  
NMAC

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COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR  
2020 TOYT TAC PU  
VIN = 3TMCZ5ANXLM308529  
Amount due on lien \$1695.00  
Reputed owner(s)  
RACHEL & WILLIAM MITCHELL  
TOYOTA MOTOR CREDIT CORP

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COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR  
2012 GMC SAVANA VAN  
VIN = 1GD374CG2C1905925  
Amount due on lien \$1455.00  
Reputed owner(s)  
3G CONTRACTORS LLC

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COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR  
2015 NISS NV200 VAN  
VIN = 3NGCMOKN5K702168  
Amount due on lien \$1535.00  
Reputed owner(s)  
MOOSOO CORP / MI HEE AHN KIM  
NMAC

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COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR  
2018 RAM RAM PU  
VIN = 3C6UR5CL5JG380709  
Amount due on lien \$1515.00  
Reputed owner(s)  
J SITTISUPACHOKE & D WILHITE  
CHRYSLER CAPITAL

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COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR  
2020 TOYOTA RAV 4 LL  
VIN = 2T3RWRV0LV079652  
Amount due on lien \$1455.00  
Reputed owner(s)  
HIEP V NGUYEN & THUY T T VO  
TOYOTA MOTOR CREDIT CORP

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COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR  
2008 BMW 750 4D  
VIN = WBAHN83568DT78061  
Amount due on lien \$1515.00  
Reputed owner(s)  
VICTORY LANE  
INC/JAMAAL LANE  
TD AUTO FINANCE LLC

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COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR  
2020 MERZ GLC 4DR  
VIN = W1NOG8EB9LF819670  
Amount due on lien \$1435.00  
Reputed owner(s)  
NICHOLAS M MARTINEZ  
DAIMLER TRUST/DAIMLER TITLE CO

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2020 MERZ GLC 4DR  
VIN = W1NOG8EB9LF819670  
Amount due on lien \$1435.00  
Reputed owner(s)  
NICHOLAS M MARTINEZ  
DAIMLER TRUST/DAIMLER TITLE CO