

Grange wins trademark fight with Oregon hemp company

By **MATEUSZ PERKOWSKI**
Capital Press

An Oregon hemp company must stop using the “Grange” trademark and destroy advertisements and business cards using that name under a default judgment issued by a federal judge.

Last year, the National Grange organization filed a lawsuit alleging trademark infringement against the Hemp Grange, a manufacturer and retailer of hemp products in Grants Pass, Ore.

The organization claimed that during a phone call over the dispute, the hemp company claimed its name did not violate trademark protections and “invited plaintiff to bring a lawsuit to enjoin the use of the name.”

The Grange — formally called the National Grange of the Order of Patrons of Husbandry — was started in 1867 to promote farming interests.

The group has more than 2,000 local chapters that provide agricultural goods and services, including two operating in the same city as the Hemp Grange company.

The Grange argued that “despite being put on notice” of the organization’s rights, the hemp company’s continued use of the name has “unfairly



Mateusz Perkowski/Capital Press File

An Oregon hemp company was ordered to stop using the “Grange” trademark in a federal default judgment.

benefited from the Grange’s reputation and goodwill.”

The Grange’s official policy on hemp “opposes the production, processing and marketing” of the crop until the psychoactive THC compound can be fully removed from it, “reducing the potential misuse of

industrial hemp for illegal activities.”

A search of the federal court docket determined that the Hemp Grange company’s owner was legally served with the complaint last year but has not filed a response.

The magistrate judge said that “no evidence exists” that the Hemp Grange failed to respond to the complaint “due to excusable neglect” and the Grange “is not seeking monetary damages” from the company.

The national organization’s complaint sought an injunction prohibiting the hemp company from using the “Grange” trademark and ordering it to destroy materials that infringed on the trademark.

“Without an appearance by the defendants and their side of the facts or any other countervailing evidence, the factors weigh in plaintiff’s favor, and the court cannot find a reason to deny the motion for default judgment,” Clarke said.

After reviewing the case, U.S. District Judge Ann Aiken has now found “no clear error” with the magistrate judge’s decision and has ordered an injunction against the hemp company’s use of the “Grange” trademark.

The owner of the Hemp Grange did not respond to requests for comment. The company’s website is no longer functioning.

Washington court asked to change public land focus

By **DON JENKINS**
Capital Press

The Washington Supreme Court has been invited to change how the Department of Natural Resources manages state lands, deemphasizing logging and elevating recreation, wildlife and climate.

In a case to be heard Oct. 21, Conservation Northwest and other environmental groups contend DNR acts “like a private timber company,” ignoring a constitutional duty to manage land for “all the people.”

DNR and the timber companies, rural counties and rural schools that benefit from state timber sales are asking the court to reject Conservation Northwest’s reading of the state constitution.

They say the suit seeks to discard a 132-year-old mandate to generate revenue for schools and rural services and replace it with a vaguely defined “public interest.”

Conservation Northwest policy director Paula Sweden said Friday the lawsuit stems from decades of frustration over how DNR manages timberland.

Conservation Northwest has goals, such as less logging in wildlife habitat and older forests, but doesn’t believe that will mean eliminating logging or hurting rural communities, she said.

“We’re not walking into this lawsuit without thinking of the broader social and economic impacts,” Sweden said.

Critics of the lawsuit disagree. In an amicus brief, the Washington Council of Machinists said that if Conservation Northwest wins, jobs will be lost and forests turned into “theme parks for the affluent.”

Meanwhile, climate activists have rallied to support Conservation Northwest’s lawsuit, with one group suggesting that grazing and agriculture on DNR land contribute to climate change.

DNR manages 2.9 million acres of trust lands. Congress granted land when Washington became a state in 1889. Also, during the Depression, the state received tax-delinquent

timberland from counties.

The state constitution says the land is held in trust for “all the people.” DNR argues there is nothing to suggest the framers of the state constitution saw any conflict with the congressional act.

Timber sales account for most of the money generated by the land, though DNR leases 1.1 million acres for grazing and farming, too. Some grazing occurs on forestlands.

In amicus filings, climate activists suggest DNR should manage land to maximize carbon sequestration and reduce greenhouse gases.

Sweden said Conservation Northwest doesn’t see “the lawsuit as a cudgel to drive farmers and ranchers off their leases at all.”

Farmers and ranchers could have their claims to DNR leases strengthened, she said. “There’s no room now for a local community to say, ‘This land is important to our culture, important to our ranching industry.’”

The lawsuit has raised the expectations of some environmentalists. An environmental coalition told the court that “resource extraction and dominion over nature must yield.”

The Association of Washington Business, Washington State Association of Counties, Washington State School Directors Association and Skagit County have filed amicus briefs arguing against the lawsuit.

The Washington Forest Protection Association said in its brief that its members rely on a steady supply of timber from state lands, especially since the listing of the spotted owl as a threatened species caused much of the federal timberland in the state to be set aside as habitat three decades ago.

The Washington Environmental Council and Olympic Forest Coalition joined Conservation Northwest in filing the lawsuit. A Thurston County judge dismissed the suit, but the Supreme Court agreed to take up the constitutional issue.

Farm groups appeal for chance to speak about wolves

By **DON JENKINS**
Capital Press

Farm groups still hope to have their say Nov. 12 as U.S. District Judge Jeffrey White in Oakland, Calif., hears environmental organizations argue to restore federal protection to wolves across the West.

An agricultural coalition headed by the American Farm Bureau this week asked the 9th U.S. Circuit Court of Appeals to overrule White, who denied the farm groups a chance to participate in the hearing.

White ruled that two hunting groups, the National Rifle Association and Safari Club International, will adequately represent the interests of farmers and ranchers.

In a brief filed Sept. 13, the Farm Bureau, National Cattlemen’s Beef Associa-



ODFW

A federal judge in Oakland, Calif., is hearing three lawsuits that could lead to all gray wolves being returned to the federal list of endangered species. Agricultural groups want to take part in the cases.

tion, American Sheep Industry Association and the Public Lands Council said they want to protect livestock, not hunt wolves.

“It is the only group representing businesses and landowners whose interests may be affected by these suits,” the groups stated.

Easterday sentencing postponed to January

By **DON JENKINS**
Capital Press

The sentencing of Washington cattleman Cody Easterday for defrauding Tyson Fresh Meats out of \$233 million has been delayed until early next year to give him time to help liquidate his family’s ranches and farms in bankruptcy court.

U.S. District Judge Stanley Bastain in Richland, Wash., approved rescheduling sentencing to Jan. 24. Easterday, who pleaded guilty in March to wire fraud, had been scheduled to be sentenced in early October. He faces up to 20 years in prison, according to the Justice Department.

Easterday, in debt to Tyson and other creditors, filed for bankruptcy last February. He works daily on



Cody Easterday

the Chapter 11 bankruptcy, according to a filing by his attorney, Carl Oreskovich.

The bankruptcy involves separate companies, Easterday Ranches and Easterday Farms, as well as the property of family members. The bankruptcy is extraordinarily complex and requires Cody Easterday’s constant attention, according to Oreskovich.

“Mr. Easterday’s continued participation is essential to creating the best possible outcome for creditors,” Oreskovich stated.

The Justice Department did not object to postponing sentencing for the second

time. Easterday was originally scheduled to be sentenced in July, but sentencing was delayed because of the bankruptcy.

Easterday billed Tyson and another company to buy and feed what the Justice Department called “ghost cattle.” The fraud, committed between 2016 and 2020, totaled \$244 million, according to prosecutors.

In a plea deal, Easterday promised to pay restitution. Easterday also was in debt to major lenders and other businesses.

The Easterday estate continues to sell off property. Attorneys on Sept. 15 notified the U.S. Bankruptcy Court for Eastern Washington that no one topped a \$14 million bid by Agri Beef-affiliate Blue Tag Farms for more

than 600 pieces of equipment at Easterday farms and ranches.

Farmland Reserve Inc., owned by the Church of Jesus Christ of Latter-day Saints, bought several Easterday farms in Benton County in July for \$209 million.

Agri Beef bought Easterday’s feedlot in Pasco for \$14 million, though Tyson claims the price was too low, defrauding it and other creditors. Bankruptcy Judge Whitman Holt in Yakima will hear arguments Sept. 22 on whether Tyson has standing to contest the sale.

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