

# DUELING LAWSUITS



Daily Astorian File

Westerlund Log Handlers and its President and CEO Dave Westerlund are concurrently suing and being sued by former estranged partner Murphy Overseas USA and its local log-export operation, Astoria Forest Products.

## Log exporters take beefs to federal court

By EDWARD STRATTON  
The Daily Astorian

Lawsuits are again flying and partnerships unraveling over log exports at the Port of Astoria.

On July 13, Westerlund Log Handlers' founders David Westerlund and Roger Nance filed suit in federal court against Murphy Overseas USA, local subsidiary Astoria Forest Products and owner Dennis Murphy.

The same day, Murphy Overseas filed suit in state court against Westerlund, Nance and Westerlund Log Handlers.

Both sides allege breaches of a contract they entered into in January 2014. The contract details an arrangement in which Westerlund was to transport, store, process and prepare logs procured by Astoria Forest Products for shipment overseas.

Meanwhile, logs keep being loaded at the Port, with the bulk carrier Erradale at Pier 1 taking on logs.

In March 2014, the Port Commission voted to make Astoria Forest Products a sublessee of Westerlund, taking over all its obligations in the case of default. By April 2014, Murphy Overseas and Astoria Forest Products had acquired Westerlund's leases, most of its operation and its employees.

### Breaking ties

Westerlund Log Handlers, which started in Bremerton,



Joshua Bessex/The Daily Astorian

Amid dueling lawsuits, Astoria Forest Products continues processing logs on Pier 3 and exporting them off Pier 1 at the Port of Astoria. Longshoremen are loading the bulk carrier Erradale.

Wash., came to Astoria in 2010, operating a log-export yard on Pier 1 and a log-sorting yard in Lewis and Clark. In August 2012, it entered a partnership with large, state-owned corporation China National Building Materials, which eventually devolved into a lawsuit starting in January 2014.

In late 2013, Nance and Westerlund's case alleges, Murphy met with them several times and agreed to form a new joint venture. During those meetings, the suit alleges, Murphy Overseas, Astoria Forest Products and its agents recommended Westerlund Log Handlers terminate its agreement with China National.

Westerlund Log Handlers and Murphy Overseas entered into their contract Jan. 13, 2014. Two days later, Nance sent a letter to terminate Westerlund Log Handlers' partnership with China National, claiming irrevocable breaches of their agreement.

On Jan. 31, 2014, Westerlund Log Handlers filed suit against China National, alleging breaches of the partnership and seeking more than \$30 million. Shortly thereafter, China National sent a notice of default to Westerlund seeking more than \$17 million.

Murphy provided Nance and Westerlund money for the litigation with China National, which was settled late last year.



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Roger Nance, a chief financial officer of Westerlund Log Handlers, is suing and being sued by former partner Murphy Overseas USA and Astoria Forest Products.

### Westerlund's beef

In exchange for ending the relationship with China National and forming a new partnership with Murphy Overseas, Westerlund's and Nance's suit alleges, they were to be paid \$21,000 and \$16,000 a month, respectively, along with \$107 per million board feet of timber sold by Astoria Forest Products and 30 percent of its net profits.

Their suit alleges they were only paid for two months. It further alleges that Murphy barred Westerlund and Nance from

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### DISTRICT ATTORNEY

## County is in mental health crisis

Focus came after suicide

By DERRICK DePLEDGE  
The Daily Astorian

Clatsop County District Attorney Josh Marquis said Wednesday that the county is in crisis on mental health and that law enforcement is frustrated by a limited ability to help people in urgent need of care.



Josh Marquis

"We are not doing a good job," Marquis said at a work session held by the county Board of Commissioners on Clatsop Behavioral Healthcare, the county's mental health contractor.

Law enforcement, he said, is "terribly frustrated" in dealing with people who are not criminals but who often pose danger to themselves and others.

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## Pelican Brewing flies to Cannon Beach

Craft brewery takes over Dooger's spot

By DANI PALMER  
EO Media Group

CANNON BEACH — Why add just one craft brewery when you can have two?

Pelican Brewing Co. intends to start construction soon and have a brewpub running in Cannon Beach by spring.

The city's Design Review Board unanimously approved the company's request for construction of a new building July 16.

But, Pelican won't be the only new craft brewery in town, either.

An application for modifications to the Lumberyard Rotisserie and Grill for a partial reconfiguration to a craft brewery was given a thumbs up.

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## Finding a fix for high C-section rates tough

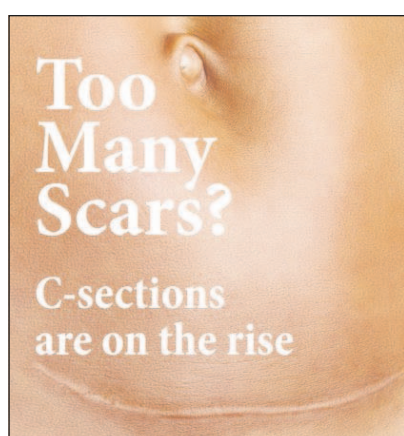
Midwives, doulas can also help in cases where surgery is not necessary

By KATHERINE LACAZE  
EO Media Group

Second of two parts

Giving birth by cesarean section can be a lifesaving operation. But with most of the nation hovering at about twice the number of recommended C-section births, questions arise as to why. Katherine Lacaze looks at the factors driving C-section births up. Part 1 ran in Wednesday's edition.

With cesarean birth rates around the nation mostly at more than double the World Health Organization's recom-



mended percentage, what are the other alternatives? What are the options for assisted child birth and the pros and cons?

Midwives and doulas provide a different role than hospitals in the birth process, but "everybody wants to pro-

vide good care; that's the bottom line," said Jennifer Childress of Nehalem. Childress, a certified professional midwife, has been in practice along the coast from Astoria to Tillamook since 2010, and has attended births for about 14 years.

Midwifery is targeted toward low-risk patients, which helps the profession have an overall lower C-section rate — or, rather, rate of transport to a hospital for a C-section to be performed, since midwives can't do the surgery. Licensed midwives must ascribe to risk-assessment-practice standards addressed in the Oregon Administrative Rules, which state, "Licensees must assess the appropriateness of an out-of-hospital birth taking into account the health and condition of the mother and baby according

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