

Legal fight over log work trudges along

Companies at odds over log handling deal

By EDWARD STRATTON
The Daily Astorian

Dueling lawsuits filed in July by Murphy Overseas USA and Westerlund Log Handlers against each other are trudging forward in federal court.

The cases, filed on the same day in state and federal court, were consolidated in U.S. District Court in August.

Deposition of witnesses is ongoing, and during a status conference in November, the

parties agreed to a new case schedule. They agreed to file any additional claims by Feb. 26, complete general discovery by July 31 and complete expert disclosures and submit any joint alternate resolutions in the case by Oct. 31.

The lawsuits stem from a log-handling contract entered nearly two years ago by the parties, in which Westerlund Log Handlers was to transport, store, process and prepare logs procured by Astoria Forest Products, a subsidiary of Murphy Overseas, for shipment.

Two days after the parties entered their contract, Roger Nance sent a letter to terminate Westerlund Log Handlers' ex-

isting partnership with China National Building Materials, a large, state-owned corporation for which Westerlund Log Handlers had been procuring and exporting logs since 2012. In the letter, he claimed irrevocable breaches of their agreement.

Murphy Overseas provided Nance and Westerlund money for their resulting litigation with China National, which was settled in late 2014.

Cut out?

David Westerlund and Nance, the CEO and vice president of Westerlund Log Handler's, claim they were cut out of the joint venture resulting

from the break with China National.

They allege agents from Murphy Overseas recommended Westerlund Log Handlers terminate its agreement with China National. In exchange, 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.

Murphy Overseas' suit against Nance, Westerlund and Westerlund Log Handlers alleges Astoria Forest Products covered expenses on behalf of Westerlund for its log-handling, vendors, stevedores, employees, legal fees with China National, rent on Westerlund Log Handler's Lewis and Clark log yard, a wastewater treatment plant on the log yard and past-due payments to the Port of Astoria.

To secure payments made on behalf of Westerlund Log Handlers, Murphy's case alleges, it entered into a co-tenancy agreement with Westerlund Log Handlers and the Port. The suit alleges the Port later terminated Westerlund Log Handler's lease and transferred it to Astoria Forest Products, in exchange for the company paying off past-due bills.

Port Commission vote

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

Astoria Forest Products still processes logs on Pier 3 and exports them off of Pier 1 at the Port.

Westerlund Log Handlers' former log yard in Lewis and Clark, put up for auction, is now owned by Warrenton Fibre Co.

Clamming approved for Long Beach Peninsula

Eight days of razor clam digs at Long Beach and Copalis

EO Media Group

OLYMPIA, Wash. — State shellfish managers have approved razor clam digs starting later this week at Long Beach and Copalis Beach.

The Washington Department of Fish and Wildlife confirmed the digs after marine toxin tests showed the clams on those two beaches are safe to eat. All other beaches remain closed to recreational razor clam digging.

Digs at both beaches are on evening tides and include a two-day opening — Friday and Saturday — at Copalis and an eight-day dig — Thursday to Jan. 14 — at Long Beach.

"The season opener at Copalis over the Christmas holiday was a huge success with most diggers filling their limits," said Dan Ayres, coastal shellfish manager for the Department of Fish and Wildlife.

"We're excited that we can open Long Beach for the first time this season."

Razor clam digging will remain closed on Washington's other coastal beaches until domoic acid levels drop below the threshold (20 parts per million) set by state public health officials.

Domoic acid posed a problem for shellfish fisheries along Washington's coast for much of 2015. The natural toxin produced by certain types of marine algae can be harmful or even fatal if consumed in sufficient quantities.



EO Media Group

After a three-month delay, razor clam digging will get off to a fast start this week with eight straight days approved by the state.

Cooking or freezing does not destroy domoic acid in shellfish.

The state is continuing to monitor toxin levels on all Washington beaches and will open other areas as soon as clams are safe to eat.

The upcoming dig is scheduled on the following dates, beaches, and low tides:

- Thursday, 4:57 p.m.; 0.1 feet, Long Beach
- Friday, 5:37 p.m.; -0.4 feet, Long Beach, Copalis
- Saturday, 6:16 p.m.; -0.8 feet, Long Beach, Copalis

- Sunday, 6:55 p.m.; -1.0 feet, Long Beach
- Monday, 7:34 p.m.; -1.0 feet, Long Beach
- Jan. 12, Tuesday, 8:14 p.m.; -0.8 feet, Long Beach
- Jan. 13, Wednesday, 8:56 p.m.; -0.4 feet, Long Beach
- Jan. 14, Thursday, 9:40 p.m.; 0.2 feet, Long Beach

Ayres noted the best digging usually occurs one to two hours prior to low tide. Under state law, diggers can take 15 razor clams per day and are required to keep the first 15 they dig. Each digger's clams must be kept in a

separate container.

All diggers age 15 or older must have an applicable 2015-16 fishing license to harvest razor clams on any beach. Licenses, ranging from a three-day razor clam license to an annual combination fishing license, are available on WDFW's website at <https://fishhunt.dfw.wa.gov> and from license vendors around the state.

More information about razor clams is available on WDFW's website at <http://wdfw.wa.gov/fishing/shellfish/razorclams/current.html>.

Suspect sought in armed robbery case

The Daily Astorian

Oregon State Police are investigating a reported armed robbery that occurred between 5:45 a.m. and 7:20 a.m. Dec. 21 at the Deer Island Scales on U.S. Highway 30 near milepost 33.

Police are seeking the public's assistance to identify those involved.

According to state police, a 60-year-old St. Helens man stopped his black Chevy pickup near the Deer Island Scales to assist a disabled motorist when he was robbed and assaulted. He was eventually helped by a good Samaritan.

The suspect's vehicle is described as a dark colored Toyota type SUV, with unknown Idaho license plates

and a decal with a stick figure family with an adult, an animal and two kids on the left corner of the rear window referencing a dysfunctional family, according to state police.

The suspect is described as a white man in his mid-20s, 5'10" tall, with slicked-back blond hair, a large round ear lobe piercing. He was wearing a camouflage jacket with dark fur around the hood and black cargo style pants.

State police are asking for the public's assistance with locating the suspect, the suspect's vehicle, the good Samaritan and anyone who may have seen the suspect vehicle parked at the Deer Island Scales. Contact the OSP dispatch center at 1-800-452-7888.

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State taking applications for recreational pot licenses

Associated Press

PORTLAND — Oregon residents looking to enter the recreational marijuana business can now apply for a license.

The Oregonian reported that the license paperwork became available Monday morning. At noon, 70 people had submitted the forms.

Oregon has no limit to the number of grower or retailer licenses it will issue. A report by the liquor control commis-

sion estimates the state will issue 850 recreational mar-

ijuana licenses by the end of 2017.

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A reception to celebrate the 50th wedding anniversary of

BOB & GERRY SWENSON

will be held on Saturday, January 9th, 2016 from 2 to 6pm

at the Astoria Elk's Ballroom,
453 11th Street

Old school chums, past co-workers, Gerry's former math students, neighbors and friends are invited to come share food, drink, and reminisce.

No gifts please.