

Judge declines to move pot explosion civil trial to Astoria

Building owner wanted lawsuit heard locally

By EDWARD STRATTON
The Daily Astorian

A Multnomah County Circuit Court judge has denied a motion by local property owner Richard Delphia to relocate a civil trial over an explosion at a marijuana processor in one of his buildings from Portland to Astoria.

Delphia owns a building at the corner of Portway and Industry streets, where he leased space in the basement to Higher Level Concentrates. The marijuana processor was gutted by an explosion and subsequent fire in October.

Jacob Magley, a contractor working for Higher Level who was burned in the fire, sued the company and its owners Jason Oei and William "Chris" West in Multnomah County Circuit Court in January. He claimed the two were making and consuming butane hash oil when the explosion occurred.

Oei and West have been indicted by Clatsop County District Attorney Josh Marquis on charges of felony assault and misdemeanor reckless endangerment.

Civil liability

Delphia and five of his companies were sued for premises liability and violations of employment law. Two of his companies have since been dismissed from the lawsuit.

Delphia's attorney filed a motion in April to move the case to Clatsop County, where he argued that all the actions giving rise to the law-



Danny Miller/The Daily Astorian

Multiple agencies responded to an explosion and fire in October at Higher Level Concentrates in Uniontown.

suit occurred. Magley's attorney argued the venue in Multnomah County was correct because that is where West and Oei's companies each have agents that receive court processes.

Delphia, 87, argued that it would be difficult for he and his partner, Carol Gearin, to travel to Portland for a trial. Magley's lawyer contested Delphia's claim, using as evidence articles showing Delphia and Gearin traveling to Hawaii and the couple's involvement with animal shelters.

Circuit Court Judge Kathleen Dailey met with the parties in the lawsuit, heard arguments and read pleadings before denying Delphia's motion to change the venue.

Co-defendants

Magley's lawsuit included a wide swath of individuals and companies associated with Oei and West's operation, including Delphia as the landlord.

Three of Oei and West's companies were named in the lawsuit. Local marijuana

store Sweet Relief Natural Medicine, which leases space in Delphia's building, was sued along with parent company G.O. Enterprises for premises liability.

Butane supplier Under the Bridge Cigarettes and related company UTB Investments, which helped finance the build-out of Higher Level and provided butane gas, were sued for violations of employer liability law, products liability and general negligence. Owner John Harper's lawyer has filed a motion arguing that any defects with the butane sold to Higher Level rest with the distributor or manufacturer of the product.

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State Legislature approved new public records laws

Brown praises reform plans

Associated Press

SALEM — The state Legislature passed four public records laws — pushed by the governor and attorney general — in the recently wrapped session.

Gov. Kate Brown said the laws are probably the "most significant reforms" to the state's public records laws in decades.

The bills passed amend Oregon's 1973 public records law, which established a presumption of openness. Citizens have the right to obtain government documents unless there's a specific legal exemption that prohibits them from doing so, the Statesman Journal reported.

The need for improving the records law during the session grew from frustration about getting documents from the administration of former Gov. John Kitzhaber, who resigned

in February 2015.

"The strength of our government institutions depend on the public trust, and public trust can be quickly eroded when people don't feel they have access to the work their government is doing or when they can't get answers to reasonable questions," Attorney General Ellen Rosenblum told lawmakers during the session.

The bills establish three new committees, a public records advocate and a chief

data officer. Separately, Secretary of State Dennis Richardson made state archivist Mary Beth Herkert the public records advocate by administrative fiat.

Brown's bill provides for the appointment of a public records advocate, an attorney who will mediate in public records disputes, train state agencies and district attorneys on public records laws and serve as chairperson of the Public Records Advisory Council.

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