

Judge rules Schnitzer is not sole legal parent of boy

Child has a mother, too

By AIMEE GREEN
The Oregonian

A Portland judge dealt a crushing blow to one of Portland's most prominent real-estate developers, Jordan Schnitzer, by denying his attempt to keep his former girlfriend from seeing the baby they created using his sperm, her egg and a surrogate. Multnomah County Circuit Judge Amy Holmes Hehn on Tuesday declared Cory Sause the legal mother of their nearly 2-year-old son. That means Sause could get to see the toddler, Samuel, by January at the latest.

The judge must first meet with the lawyers to decide on a plan for parenting time. "I get to be a mom," said a beaming Sause, 39, moments after leaving the courtroom. "I'm just speechless. After two years. I just want to see my son."

Schnitzer, 66, briefly shook his head as the judge announced her ruling. A representative told The Oregonian that Schnitzer would not issue any statements Tuesday.

Schnitzer's attorneys told the judge they plan to ask the Oregon Supreme Court to intervene immediately to prevent Sause from seeing the boy. That would create time to appeal the judge's decision without letting

Sause start to build a relationship with the boy.

Schnitzer has allowed Sause to see the boy once — on the day he was born in an Albany hospital in December 2015. He has barred her from the boy's life since.

Sause contended it had always been the plan for Schnitzer to have custody, while she would spend time with him and let him know he had a mother. Her attorneys have argued that Schnitzer was retaliating against her because she broke off their romantic relationship and refused his proposals to marry him.

Schnitzer, however, contended that Sause had donated her eggs and relinquished all parental rights by signing a set of legal documents and was only to carry out the role of mother if the two had a long-term commitment or were married.

The trial began in September. It was spread out over nine days since.

'Credible'

Holmes Hehn sided with Sause, saying she found Sause's testimony to be "credible." While the judge didn't directly critique Schnitzer's testimony, she said she believes that all along — through the in vitro fertilization process and surrogate's pregnancy — the father had agreed Sause would be the boy's mother.

The judge said it was only immediately after the birth that

'I get to be a mom. I'm just speechless. After two years.'

Cory Sause,
moments after leaving the courtroom

Schnitzer changed his mind — prompted by a set of "highly offensive" texts Sause sent him. Sause testified she was upset with Schnitzer's plan to send the baby to live with the surrogate for the first weeks of his life instead of taking the boy home to introduce him to Schnitzer's two teenage daughters.

Sause believed Schnitzer was buying time because he hadn't told his daughters he'd hired a surrogate to have a son.

"You are sending him to (expletive) Siberia to live with the Clametts," Sause wrote in one of the texts, in a reference to family in the 1960s and early '70s TV show "The Beverly Hillsbillies."

"It was this moment and not before that Schnitzer made the decision to cut Samuel out of Sause's life," Holmes Hehn said.

Sause later said she was deeply sorry.

But by then, the relationship with Sause and her family had clearly deteriorated. The judge found credibility in the testimony of Sause's parents, who said that days after the boy was born, Schnitzer told them in a phone call they were not

the boy's grandparents and he was still trying to decide how to refer to them. Schnitzer was considering the option of calling them "godparents," they said.

Within days — unbeknownst to Sause — Schnitzer also successfully asked a judge to declare him the boy's sole, legal parent.

Sause learned that the next month. She also found out her name wasn't on the boy's birth certificate. Shortly after, she filed legal action.

The judge determined legal forms Sause had signed set forth contradictory statements about Sause's rights — or non-existent rights — as a parent.

Verbal agreement

The judge found the verbal agreement between the couple told the real story: That Schnitzer had intended Sause to be the boy's mother.

The judge referred to various texts, including one in which Schnitzer referred to their future child as "our baby." In another text, Schnitzer told Sause's mother that they should raise the child together, the judge said.

Although Schnitzer had wanted to keep his plan to expand his family quiet, it became public after Sause filed legal action to secure her parental rights.

That's in part because Schnitzer only wanted boys. He instructed medical professionals to select only male embryos for implantation into a surrogate. Schnitzer later explained that although he loves his two daughters, he wanted to balance his family out with boys.

Since the birth of Samuel in December 2015, he's become a father to a second son, who was born by surrogate in June 2017.

Sause said she's spent about \$600,000 in attorneys fees and other costs fighting for the right to see her son. She says Schnitzer has spent far, far more. Under Oregon law, she can ask the judge to order Schnitzer to pay a large portion of her legal expenses.

"It was David fighting Goliath," Sause said.

Sause comes from a prominent and well-to-do Oregon family. Today she works as a vice president at Sause Bros., her family's fourth-generation tugboat and barge business, with operations up and down the West Coast. But Sause said the costs of trial have wiped out her savings, and her resources pale in comparison to Schnitzer's.

Affluent family

Schnitzer comes from one of Oregon's most afflu-

ent and philanthropic families. His father, Harold Schnitzer, branched off from his family's steel empire in 1950 to found his own booming real estate business, the one Jordan Schnitzer now leads. His father died in 2011. His mother, an avid arts philanthropist, is the namesake of the Arlene Schnitzer Concert Hall in downtown Portland.

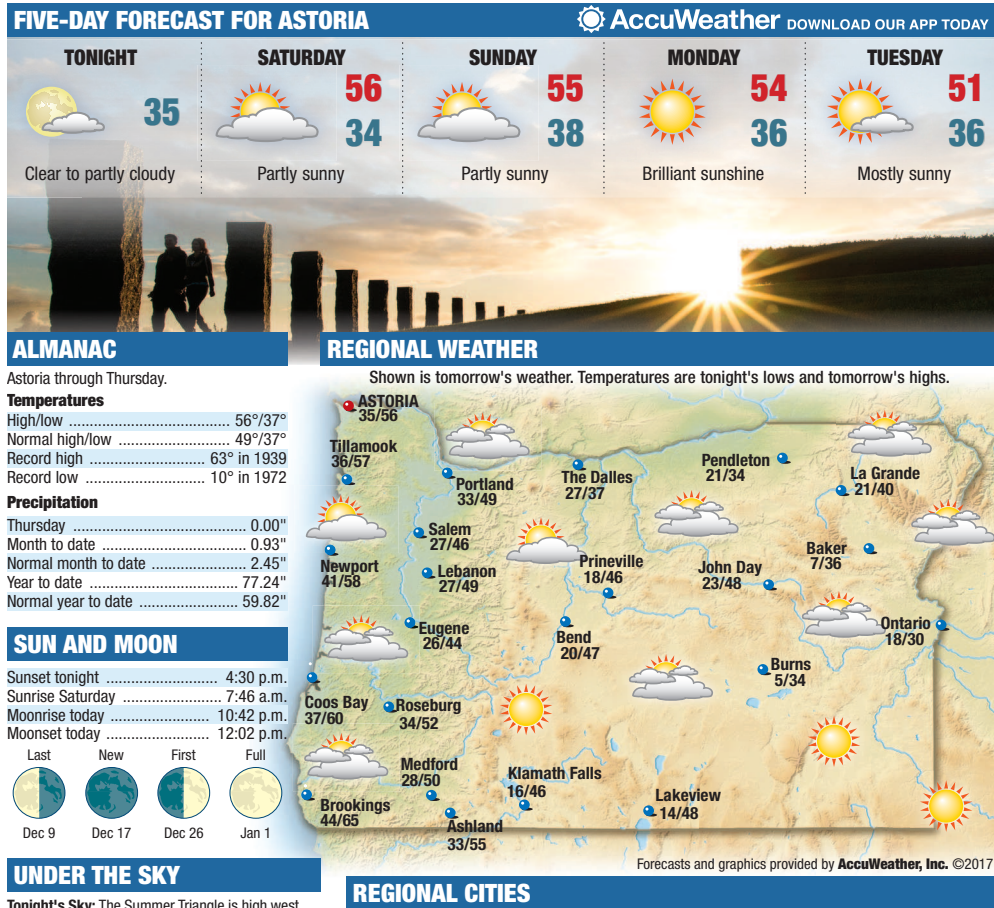
Jordan Schnitzer has grown the real-estate empire to now span six states. He has a private jet and at least four homes worth at least \$15 million. He also has been generous by giving away millions — especially to Oregon's arts community. An art museum bears his name. He is a major benefactor of the Astoria Column.

Schnitzer and his attorneys had previously told The Oregonian that they believed his fight to remain Samuel's only parent was about the sanctity of egg donor contracts, modern families and the rights of a single man to be a father if he chooses.

On Tuesday, Holmes Hehn, however, said Sause never knowingly and unambiguously relinquished her parental rights.

The judge said Sause "seems to me to be a delightful person and a kind and loving human being." The judge said she thought both Sause and Schnitzer have "tremendous" things to offer Samuel.

"The court wishes them and Samuel all the best," the judge said.



PUBLIC MEETINGS

MONDAY
Knappa School Board, 5:30 p.m., Knappa High School library, 41535 Old U.S. Highway 30.
Youngs River Lewis & Clark Water District Board, 6 p.m., 34583 U.S. Highway 101 Business.
Cannon Beach Rural Fire Department Board, 6 p.m., Fire-Rescue Main Station, 188 Sunset Ave.
Seaside City Council, 7 p.m., City Hall, 989 Broadway.

LOTTERIES

OREGON
Thursday's Pick 4:
1 p.m.: 1-3-4-1
4 p.m.: 1-1-9-1
7 p.m.: 9-4-2-0
10 p.m.: 2-2-4-6
Thursday's Lucky Lines: 03-06-09-14-17-23-25-32
Estimated jackpot: \$17,000
WASHINGTON
Thursday's Daily Game:

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Astoria's Rollin' Thunder BBQ will close its doors at Pier 11 this month

The Daily Astorian
After more than a decade outlasting a rotating cast of businesses in Astoria's Pier 11, the one-man operation Rollin' Thunder BBQ is closing Dec. 22 as owner Bruce McBride returns to California. McBride started in April 2006 after relocating to the North Coast from California's Sierra Nevada mountains. The business has helped facilitate various clubs, including the North Coast Ukulele Strummers, motorcycling groups and a chess club.



Edward Stratton/The Daily Astorian
Bruce McBride has operated Rollin' Thunder BBQ in Pier 11 since 2006.

"It's just a time in my life when I need to make a change," McBride said. "My daughter's been shouldering the burden of caring for my folks. Now it's just my dad left. She's gradu-

ated from college and is working full time. I had my good times here, 20 years of what I would consider paradise, and it's time to go home and take care of business."

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