

Lawsuit: Judge will hear motions next month; trial is scheduled for May

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Harper filed a complaint against Rich & Rhine, a distributor of Whip-It Premium butane, and manufacturer United Brands Products Design Development and Marketing Inc., alleging they were responsible for any defects with the product.

Lawyers for Rich & Rhine, United Brands, Delphia, Harper and Sweet Relief recently filed motions for summary judgment. They claim Magley had been helping Oei and West make the oil, carrying bags of marijuana and pots of hot water into the concentrates room shortly before the explosion.

Magley "was not licensed to make cannabinoid extracts," United Brands attorney George Pitcher wrote in his motion. "He was initially hired by the Astoria Trading defendants to perform construction work at their extraction site. However, he would sometimes stay at the site after hours to 'facilitate' the extraction process."

The marijuana processor was using an "open" system with pressurized butane to dissolve the cannabinoid crystals from marijuana, in

contradiction of state law requiring a closed-loop system preventing butane from escaping into the air, the lawyers argued. Because Magley had been involved in what was considered a Class B felony at the time of his injuries, his claims are barred, they contend.

Lawyers for Sweet Relief, Delphia and Harper have filed their own motions for summary judgment based on the argument that Magley was involved in felonious conduct. A judge will hear the motions next month. A trial is scheduled for May.

Since their convictions, Oei and West have both

sought bankruptcy protection to establish a payment plan for damages and prevent home foreclosure and property seizure. A federal judge recently ruled the state lawsuit against them could move forward, albeit without a monetary award, while they seek bankruptcy protection.

District Attorney Josh Marquis, who prosecuted West and Oei, has been critical of the state for not inspecting licensed marijuana manufacturers like Higher Level.

"If I thought he had committed a crime, I would have charged him with one," Marquis said of Magley. "I don't think he did."



Multnomah County Circuit Court

Lawyers for the defendants in a butane hash oil lawsuit claim testimony and video footage proves the plaintiff, Jacob Magley, helped illegally manufacture the butane hash oil that led to an explosion that badly burned his body.

Regulators:

'We are going to be writing a lot more violations in the near future'

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Those challenges, in conjunction with the infancy of the legal marijuana market and the explosion of people interested in entering the industry, appear to be prompting the Oregon Liquor Control Commission to ask for more funding in the middle of the two-year budget cycle.

The agency is asking for \$2.7 million for 17 new positions, including a chief information officer, and its director supports more funding targeted toward illegal marijuana activity.

A potential amendment to a bill before the Senate Rules Committee would create grants distributed by the Oregon Criminal Justice Commission to law enforcement activity for investigations targeting illegal marijuana cultivation or distribution.

Although a specific amount of funding hasn't been decided, Steve Marks, the liquor commission's director, told lawmakers this week that it could be in the neighborhood of \$3 million, funded by marijuana tax dollars.

"I actually believe this is the singular most important thing you'll do to help us regulate marijuana in the state of Oregon," Marks said of the proposed program.

Additionally, enforcing violations in the legal marijuana system "is going to be an intense area of growth for us," Marks said. "We are going to be writing a lot more violations in the near future."

The hires, if approved by the Legislature, will include 13 regulatory specialists and three administrative support staff. Regulatory specialists inspect and investigate marijuana businesses for compliance, similar to the state's regulatory specialists for alcohol.

The requested administrative support staff would work to process license applications and renewals.

Marks also said his agency would be more transparent and provide a report to the Legislature on enforcement of illegal marijuana activity before the start of the long legislative session in 2019.

According to the Oregon Liquor Control Commission, consumers bought about \$520 million worth of recreational marijuana in Oregon last year. Sales are expected to generate \$150 million in tax revenues in the state's two-year budget.

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