

Judge reverses key ruling in \$1.4B timber class action

Counties can't seek financial damages from state, judge rules

By MATEUSZ PERKOWSKI
Capital Bureau

A judge has ruled that counties can't sue the State of Oregon for financial damages, potentially undermining a \$1.4 billion class action lawsuit over state logging practices.

Linn County Circuit Court Judge Daniel Murphy has reversed an earlier ruling in the case, which held that Oregon's "sovereign immunity" doesn't bar counties from seeking such damages.

In his most recent June 20 decision, Murphy has agreed with Oregon's attorneys that counties — as subdivisions of the state — cannot sue the state government for money.

Murphy said he's "well aware this interpretation contradicts" his earlier opinion, but he will provide the plaintiff counties with "the opportunity to re-plead their case in such a manner that is supported by the law if they can."

"Like peeling a very large onion this case contains complex layers of legal issues and theory that can take time to unravel," he said.

The judge has left open the possibility for the plaintiffs to seek an "equitable" remedy, such as an injunction or order that requires the state government to take certain actions without paying financial damages.

However, the counties have repeatedly said they're not aiming for Oregon to change its logging practices, but instead seek compensation for insufficient timber revenues.

The class action lawsuit was filed on behalf of 14 counties that donated forestland to the state government in exchange for a portion of logging proceeds.

The counties argue that a 1998 rule change emphasizes environmental and recreational values over timber harvest, thereby violating



EO Media Group

Fourteen counties and roughly 130 tax districts are involved in a \$1.4 billion lawsuit that accuses Oregon's government of insufficiently logging state forests.

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— Daniel Murphy, Linn County Circuit Court Judge

a contract that required logging to be maximized.

John DiLorenzo, attorney for the counties, said his clients may decide to recharacterize their complaint or seek clarification from an appellate court regarding sovereign immunity and other issues.

In the long term, such an opinion would provide a "road map" for the litigation, DiLorenzo said.

"Maybe we're better off having clear declarations from the appellate courts on what the law is," he said.

The EO Media Group/Pamplin Media Group Capital Bureau was unable to reach an attorney representing Oregon in the case.

Ralph Bloemers, an environment attorney with the Crag Law Center, said that Murphy's latest ruling

has effectively "torpedoed" the counties' lawsuit.

"In essence, he's granting the motion to dismiss for sovereign immunity," Bloemers said, adding that he expected the state's attorneys to refile a motion for the complaint to be thrown out.

"The case should be dismissed," he said.

The plaintiffs face an uphill battle if they decide to seek an equitable remedy, Bloemers said.

It's tough enough to win an injunction, let alone an order requiring the state government to manage its forests a certain way, he said.

The Capital Bureau is a collaboration between EO Media Group and Pamplin Media Group.

Private consultant indicted in Oregon energy scandal

Associated Press

SALEM — A private consultant in Oregon was indicted this week in connection with a widening corruption scandal that already has ensnared a former Oregon Department of Energy manager.

The 78-count indictment against Martin Shain includes allegations of bribery, racketeering, theft and tax evasion, *The Oregonian/OregonLive* reported. The indictment comes two days after the former agency manager, Joe Colello, pleaded guilty to accepting \$291,017 in kickbacks.

The 60-year-old Shain

was both a consultant on energy projects and a tax credit broker. Prosecutors accuse the Seattle-based businessman of sending cashier's checks to Colello on more than 50 occasions during a period of 2 1/2 years.

In return, Colello said he helped Shain arrange the sale of tax credits the agency issued to developers and owners of renewable energy and conservation projects.

Shain was arraigned Friday in Marion County Circuit Court. On his way out of court, Shain said he had no comment then stopped briefly. "My life has been ruined," he said. "I

lost everything."

His lawyer, Jim McDermott, said Shain denies being a part of any racketeering enterprise. Shain also denies bribing any government officials, McDermott said.

The indictment listed 29 witnesses, including state officials, tax credit recipients, project developers, accountants and others.

Shain was previously indicted in August 2016 on charges of forging documents to improperly obtain nearly \$12 million in energy tax credits to support the construction of solar arrays at Oregon State University and the Oregon Institute of Technology.

BRIEFLY

Grand jury says officer justified in fatal shooting

PORTLAND (AP) — A grand jury has cleared a Portland police officer who used deadly force last month against a man who was armed with a utility knife.

The Multnomah County District Attorney's Office said Friday the grand jury found Officer Samson Ajir used a "lawful exercise of self-defense" in the fatal shooting of 24-year-Terrell Johnson.

Officers responded May 10 after a 9-1-1 caller reported that a man was acting erratically and threatening people at a light-rail station.

Johnson ran off, but was tracked down by Ajir. Police say Johnson showed the knife, prompting the officer to fire multiple shots.

Transcripts of grand jury testimony will likely be released to the public in July.

Carcass of 250-pound fish found at Keno Dam

KLAMATH FALLS (AP) — A worker checking the spill gate at an Oregon dam for obstructions thought he found a log.

After a closing inspection, hydro foreman Todd Engelbrecht discovered it was the carcass of a fish.

The Herald and News reports the white sturgeon found Thursday at Keno Dam is an estimated 9 1/2-foot long and 250 pounds.

Oregon Department of Fish and Wildlife biologist Bill Tinniswood says it's the

biggest freshwater fish he's ever touched.

He says sturgeon from the Columbia River were taken to Klamath County in 1958. They have long lifespans, and fish like the specimen found Thursday are believed to be from the original transplant group.

An examination of the carcass revealed the fish to be a female laden with what Tinniswood estimated to be millions of eggs.

Police: Man refused hospital trip for seizure before death

CORVALLIS (AP) — Authorities say a man who was found dead in downtown Corvallis last month refused to go to a hospital after he had a seizure at a jail before his death.

Benton County Sheriff Scott Jackson told the *Gazette-Times* that jail officials called an ambulance and paramedics examined Jose Semadeni for the seizure he had the morning before his death.

Authorities say he had been arrested for criminal trespassing.

Jackson says jail deputies offered to drive Semadeni to the hospital while they were releasing him, but he turned them down.

Semadeni died May 19 shortly after leaving the jail. He was 34 years old and homeless at the time of his death.

Corvallis police completed their investigation of Semadeni's death. They say there was no crime.

Corrections

The *East Oregonian* works hard to be accurate and sincerely regrets any errors. If you notice a mistake in the paper, please call 541-966-0818.

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AccuWeather.com Forecast

TODAY	SUNDAY	MONDAY	TUESDAY	WEDNESDAY
Sunny; hot this afternoon	Blazing sunshine and hot	A t-storm around in the p.m.	Lots of sun; breezy, not as hot	Pleasant with clouds and sun
91° 58°	98° 69°	95° 64°	84° 55°	81° 55°

HERMISTON TEMPERATURE FORECAST
96° 57° 102° 69° 99° 65° 88° 57° 87° 57°

ALMANAC

PENDLETON through 3 p.m., yesterday

TEMPERATURE

HIGH	LOW
Yesterday 84°	47°
Normals 81°	54°
Records 102° (1992)	40° (1920)

PRECIPITATION

24 hours ending 3 p.m.	0.00"
Month to date	1.05"
Normal month to date	0.97"
Year to date	10.20"
Last year to date	6.45"
Normal year to date	7.48"

HERMISTON through 3 p.m., yesterday

TEMPERATURE

HIGH	LOW
Yesterday 89°	46°
Normals 82°	55°
Records 106° (1958)	40° (2009)

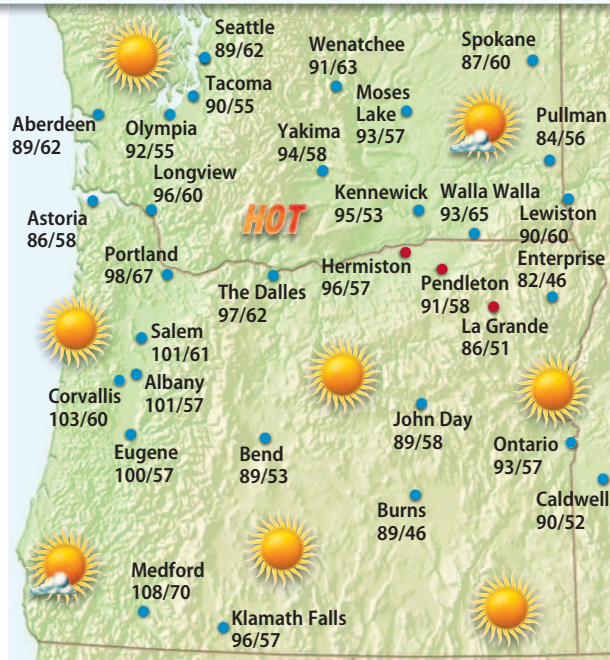
PRECIPITATION

24 hours ending 3 p.m.	0.00"
Month to date	0.28"
Normal month to date	0.49"
Year to date	6.59"
Last year to date	4.64"
Normal year to date	5.60"

SUN AND MOON

Sunrise today	5:07 a.m.
Sunset tonight	8:49 p.m.
Moonrise today	6:00 a.m.
Moonset today	9:24 p.m.

First	Full	Last	New
June 30	July 8	July 16	July 23



REGIONAL FORECAST

Coastal Oregon: Brilliant sunshine today; pleasant in the south. Clear tonight. Not as warm tomorrow.

Eastern and Central Oregon: Very warm today with plenty of sunshine. Clear tonight. Sunshine tomorrow; hot.

Western Washington: Plenty of sunshine today. Clear tonight. Mostly sunny tomorrow.

Eastern Washington: Mostly sunny today. Clear tonight. Sunny much of the time tomorrow.

Cascades: Very warm today with plenty of sunshine. Mainly clear and mild tonight.

Northern California: Very hot in central parts today; areas of low clouds and fog at the coast.

REGIONAL CITIES

	Today			Sun.		
	Hi	Lo	W	Hi	Lo	W
Astoria	86	58	s	72	55	s
Baker City	85	45	s	92	51	s
Bend	89	53	s	97	61	s
Brookings	67	54	s	63	54	pc
Burns	89	46	s	94	52	s
Enterprise	82	46	s	91	55	s
Eugene	100	57	s	90	56	s
Heppner	89	55	s	96	62	s
Hermiston	96	57	s	102	69	s
John Day	89	58	s	96	64	s
Klamath Falls	96	57	s	93	56	s
La Grande	86	51	s	94	60	s
Meacham	84	49	s	93	58	s
Medford	108	70	s	103	69	s
Newport	80	54	s	64	54	s
North Bend	76	56	s	67	56	pc
Ontario	93	57	s	96	60	s
Pasco	95	55	s	100	64	s
Pendleton	91	58	s	98	69	s
Portland	98	67	s	99	64	s
Redmond	93	50	s	100	58	s
Salem	101	61	s	96	60	s
Spokane	87	60	s	94	66	s
Ukiah	84	47	s	94	57	s
Vancouver	96	65	s	97	62	s
Walla Walla	93	65	s	100	73	s
Yakima	94	58	s	99	67	s

WORLD CITIES

	Today			Sun.		
	Hi	Lo	W	Hi	Lo	W
Beijing	78	64	r	87	67	pc
Hong Kong	89	84	c	89	83	t
Jerusalem	83	64	s	87	66	s
London	72	57	pc	71	56	pc
Mexico City	77	58	pc	69	57	t
Moscow	66	51	pc	67	58	c
Paris	80	63	pc	81	59	sh
Rome	84	67	s	84	68	s
Seoul	85	70	pc	83	69	pc
Sydney	64	46	s	64	47	s
Tokyo	81	71	pc	76	71	r

WINDS

(in mph)	Today	Sunday
Boardman	ENE 4-8	NE 4-8
Pendleton	NE 4-8	NE 4-8

UV INDEX TODAY

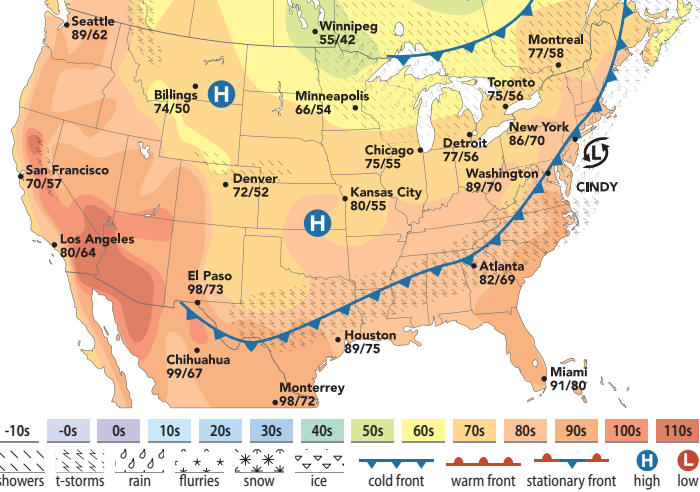
2	5	7	7	5	2
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8 a.m. 10 a.m. Noon 2 p.m. 4 p.m. 6 p.m.
0-2, Low 3-5, Moderate 6-7, High; 8-10, Very High; 11+, Extreme
The higher the AccuWeather.com UV Index™ number, the greater the need for eye and skin protection.

Forecasts and graphics provided by AccuWeather, Inc. ©2017

NATIONAL WEATHER TODAY

Shown are noon positions of weather systems and precipitation. Temperature bands are highs for the day.



NATIONAL CITIES

	Today			Sun.		
	Hi	Lo	W	Hi	Lo	W
Albuquerque	90	66	t	86	65	t
Atlanta	82	69	t	84	63	c
Atlanta City	83	68	r	81	64	s
Baltimore	88	64	r	84	60	s
Billing	74	50	pc	81	55	s
Birmingham	81	68	t	83	63	c
Boston	89	60	s	96	66	s
Boston	87	66	r	82	63	s
Charleston, SC	92	76	pc	87	71	t
Chicago, IL	82	59	pc	76	55	pc
Chicago	75	55	pc	71	54	pc
Cleveland	79	60	pc	75	58	pc
Dallas	82	72	t	85	71	pc
Denver	72	52	c	79	55	pc
Detroit	77	56	pc	73	54	pc
El Paso	98	73	t	95	71	c
Fairbanks	73	51	c	73	50	pc
Fargo	63	47	r	68	45	c
Honolulu	86	72	sh	86	74	pc
Houston	89	75	t	88	73	t
Indianapolis	76	55	s	73	53	c