

KLAMATH FALLS

Doughnut shop sued by restaurant with similar name

BY TIM TRAINOR

(Klamath Falls) Herald and News

For many, a doughnut is both holy and holey.

But for Michelle and Chris Newton, the financial future of their downtown Klamath Falls bakery could have rested on a judge seeing a difference between the two.

The family-owned operation, known until last week as the Holy Donut, will no longer go by that moniker after its owners were sued by The Holy Donut, a Maine bakery located 3,100 miles away.

"You couldn't get any farther away from our business," said Michelle. "And to come after us and bully us over something like this ... it hurt."

The Newtons opened their eatery, located near Klamath Union High School, after a life of hard work.

For years Chris managed a Black Bear Diner in Alturas. His wife, Michelle, worked as a manager at Walmart and Dollar General. They moved their blended family to Diamond Lake for the summer of 2019, working night and day at the resort and saving every penny to fund their dream of owning their own business.

Together, they decided on doughnuts. And when enough money was saved, three generations of the family dragged a fryer out in the driveway to work on recipes and think up names. One grandchild stuck a finger into her doughnut and began to eat around it.

"They all got holes," she said.

Something sparked in Michelle. She had fond memories of the Holy Donut, a 1980s-era diner in Eugene that had long since closed down. The family voted and it was unanimous: They would call the restaurant Holy Donut. Chris registered the name with the state of Oregon and purchased holeydonut.co domain.

Then they found a battered old building in downtown Klamath Falls and got to work cleaning it out and cleaning it up.

Customers enjoyed the doughnuts, and the family

said the business was finding success until the coronavirus came calling. Six months after they opened the doors, Holy Donut was knocked sideways by the pandemic and then a phone call from across the country.

A man from a bakery in Maine demanded the Oregon business change its name. His operation was called "The Holy Donut," and he had it trademarked. The business had opened in 2012 in Portland, Maine, and by 2017 it expanded to three locations in the area.

To the Newtons, it seemed like a different operation located about as far across the country as you can get.

"At first, I was miffed about it but also scared," said Michelle Newton. "I felt like he was bullying me, but I also knew how much we had put into this thing."

She thought about how to respond and her possible courses of action, but then months passed and it slipped from her mind under the daily deluge of work.

"Maybe he was just trying to scare me," Michelle Newton said. "I thought it was just a threat and they'd forget about us."

To pivot in the pandemic, in June the Newtons purchased an old food truck to make fresh sweets at the farmers market and other events



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Michelle Newton poses with the Holy Donut Cafe sign on its last day in front of the store in downtown Klamath Falls.

around town. They took photos of the new paint job and spread the news on Facebook.

"I thought it was going to be a step forward for us," Michelle Newton said. "If people aren't going to come in as often, we wanted to come to them."

Weeks later, however, they got served. Legal papers, not doughnuts.

"Holy Donut learned through a Holy Donut social media post that Holy Donut is

not only continuing to advertise doughnuts using its confusingly similar mark, but also expanding its use of that mark through a mobile food truck" read the complaint. Holy Donut was ordered to appear in U.S. District Court in Medford.

"That's when we panicked," Michelle Newton said. "That's when it became real that this might break us."

She called around to lawyers and was eventually put in touch with a specialist in trademark law located in Eugene. The Newtons were told they had a "50/50 chance" of winning, because their doughnut shop's name was spelled differently, their business interests did not overlap, and there was no evidence that one was aware of the other when it was named.

Still, the risks to the family were high.

"Even if we won, we'd have to pay out thousands and thousands in court and lawyer costs," Michelle Newton said. "We agonized about it for a long time. We wanted to fight. We didn't do anything wrong."

But to fight and win may well have bankrupted the small business. So with a heavy heart the family came together one

more time to bid adieu to one name and come up with another. This time it was Michelle's daughter Becca Moore who came up with the winner: Holy Moley Cafe and Sand-

wishes.

The pandemic was tough on profits, but it helped Michelle realize that "you either change and move forward or go out of business."

OBITUARY



PHILIP ALAN MASTELLER

1981 - February 4, 2021

Philip Alan Masteller came into our world on a warm summer day in 1981. From his first breath, he was loved. He reciprocated by filling our lives with light, laughter, and joy. Phil never met a stranger, he could walk into a room and within minutes be the life of the party. Phil loved experiencing new things in new places, listening to new music, seeking out new food and new beverages. Phil's passion for living life to its fullest found him driving through dusty canyons in his convertible, swinging in a hammock next to a river or floating down it in a tube; he loved mastering a mountain on a bike, or floating around the Puget Sound on a sailboat with good friends then he spent the cold winters sliding down a slope on a snowboard, and heading back up to do it again. Phil's daughter Piper was the center of his world, her sparkle and playfulness will continue to remind us of his spirit and love of life and be a blessing to his loved ones.

Phil was taken from us on a snowy afternoon on highway 97 in Bend Oregon. Phil is survived by Piper, his father Craig, mother Susan, his girlfriend Kara, his sisters Jessica and Shawna, too many loving family members to list and so many friends, who became family. A celebration of his life (A "Philabration") will be planned, when we can all safely travel to be with one another. Phil's spirit of adventure will live on in every person who has known him; we will all remember to live life to its fullest - for Phil.

OBITUARY

Donald Lloyd Hickman

September 12, 1949 - February 2, 2021



Former Alaskan Resident, Donald Lloyd Hickman, 71, passed away suddenly on February 2nd 2021.

Don was born September 12th, 1949 in Hollis, OK, to Herman and Mary Hickman. Don was survived by his wife of 50 amazing years, Janice Jo Hickman. His children, Kody Herman Hickman, Cori Jo Hickman and son-in-law Bill Tallman. His grandchildren, Amanda Jo Hickman, and Blakley Herman Hickman. His four siblings and their spouses, Herb and Rhonda

Hickman, Sue and Jack Jones, Jan and Mike Sears, Dennis and Diana Hickman. His brother/sister in laws, Sandi and Clyde Smith, and Tammy and Mike Perry. Countless cousins, nieces and nephews. His mother in law, Betty Jo Rhoden. His dog, Lacy Hickman. He was preceded in death by his parents Herman and Mary Hickman, brother Joe Hickman and sister Brenda Kay Hickman.

Don and Jan fell in love during Jr High School and held hands ever since. They were best friends and you couldn't think of one without the other. Calling one of their phones meant both their phones would ring. Though he was taken too soon, they shared many wonderful years and created countless cherished memories.

Not in awe of fancy things, Don curated a meaningful life. Give him a campfire, wilderness and the stars, and he was at home. He was an avid outdoorsman and realized his dream of living on an Alaskan river, spending 15 years with Jan carving out a beautiful homestead, a flashlight and a pocketknife in his shirt pocket the whole time, as always.

Joy for Don could also be found in snacks, a road trip and a good hamburger on one of his many travels to spot wildlife or visit friends and loved ones far and wide. He didn't know a stranger and warmth, humor, story-telling and gigantic hugs were always in stock for those around him.

Don wore many hats. He was a gold miner, a furniture salesman, a restaurant owner and an RV Salesman to name a few. In the later role he adored helping people find an RV that would allow them to live their own dreams.

As a boy Don was a Cub Scout and member of the FFA. At Bend High School his athleticism and "quick as lightning" speed helped him excel in football and track. He played football at the University of Oregon and was a lifelong Duck fan known for his distaste for false starts and bad calls.

Don was the very definition of salt of the earth and his wonderful spirit has left all those around him better off.

A celebration of Don's life will be held at a later date for family and friends.

In lieu of flowers please consider donating to: Education Foundation for Bend-La Pine School (Fund: Activity Fee Scholarships) P.O. Box 1436, Bend, OR 97709 www.engagedminds.org

Please visit the online registry for the family at www.niswonger-reynolds.com

DEATH NOTICES

Cameron Michael Petz
of Redmond, OR
Feb 14, 1976 - Feb 09, 2021

Arrangements:
Autumn Funerals, Redmond 541-504-9485 www.autumnfunerals.net
Services:
A Celebration of life will be held at a later date.

OBITUARY DEADLINE

Call to ask about our deadlines
541-385-5809

Monday-Friday 10am-3pm

Email: obits@bendbulletin.com

MEMORIAL

In Memory of

Kristina Lynne Welsch

I have many fond memories of Kristina Lynne Welsch of Bend from the years I knew her, 2014 - 2017. This is a tribute to Kristina, the impression she made on me and my memories from her later years in Bend. Kristina, the kindest of souls, passed at the age of 43 on September 9, 2017.

Kristina loved discovery and adventure, experiences that show the depth and beauty of life. I'll never forget hikes on sunny days with her to places in the Cascades like Clear Lake, Lucky Lake, Chush Falls, the Metolius River, and Todd Lake. Sometimes she would take her Pomeranians, Chester and Faffy, with Chester riding in a doggy pack as he got older. Kristina was in great shape and could hike faster than most people. She never worried about not having a map or flashlight—she just set out on the trail to explore. She would find new spots in her hiking book, like Gearhart Mountain or Linton Falls, which takes a scramble to get to. With the promise of a pristine place, she wouldn't think twice about going. She also loved music, and loved listening to it in her house, in her car, or at concerts in Drake Park or other spots in Bend. She would often sing along, and she had great taste. A favorite song was John Prine's "Paradise." From where she lived close to Drake Park, she loved to walk downtown for community events and art walks. Beautiful spots in Bend like the River Trail or Shevlin Park were among her favorites too. She attended a church in Bend, had deep faith, and loved to share ideas about spirituality. She practiced yoga almost every day and was always interested in learning more about the world and herself, always trying to make the world a better place. She loved the environment, so it saddened her to hear of habitat destruction or of animals being mistreated. Her great love for furry creatures showed in the affection she gave her dogs and her cat, Walter, also known as "Boots."

Kristina had the affirming, gentle spirit of a truly special person, someone you will always hold in your heart. No one will forget her good-natured grin, her sincerity, or her desire to do good in the world. Every time we visit a beautiful, wild place or experience the kindness of a beloved pet or animal, we honor her memory. She is so dearly missed.

John Groves
February 2021

OBITUARY

Judith "Judy" Lynn Christopher

May 5, 1939 - January 30, 2021



Judy Christopher was a loving wife, mother and grandmother with a joyful laugh and beautiful smile. She was happiest on her ranch with her husband Pinky, taking care of their horses, cows, and adorable little dogs. She was born in Downers Grove, IL near Chicago, the youngest of three sisters. Her family relocated to Central Oregon when she was 19.

Judy was an accomplished horsewoman from an early age, winning over 200 awards in her lifetime. She belonged to many equine clubs, including AQHA, NWQHA, COQHA & COCHA. While her heart was always on the ranch, she was a career woman as well. After successfully starting the jobs program for Sunriver Resort, Judy went on to be a job counselor for the State of Oregon, until she retired. Always fashionable, Judy took a part-time job at Macy's during retirement. When she finally stopped working, she could often be found sitting on her porch, cocktail in hand and dog in her lap, after tending to her beloved yard.

Judy and Pinky married over 47 years ago, bringing together their two children, Kellie and Ron. The family grew larger, louder, and more full of fun as time went on. They loved going to the Pendleton Round Up with their dear friends, attending almost every year.

No one was closer to Judy than her only daughter Kellie, who was by her side during her final days. She is survived by her husband Gerald "Pinky", daughter Kellie (Lance), step son Ron (Lore) and grandchildren Alexis (Chris), Charlie (Sheryl) and Evan and great-grandchildren Eliot, Paisley and Callan.

She is preceded in death by her sisters, Georgia (Bob) Simmons and Patricia (Hoy) Fultz, and her parents, Waldo and Alice Bail.

Due to the ongoing COVID-19 pandemic a memorial is being postponed until friends and family can safely gather. In lieu of flowers, please direct donations to the Humane Society of Central Oregon (<https://hscso.org/>).

We will forever love Judy, and she will carry on through her stories and our memories.