

Seaside challenges drowning lawsuit

By R.J. MARX
Seaside Signal

Seaside shouldn't be liable for a \$3.6 million claim filed by the family of an Oklahoma teenager who drowned in July 2016, lawyers for the city argue.

They have asked the Circuit Court to dismiss the lawsuit.

"The city denies any liability here, and doesn't believe the plaintiff has pled sufficient facts to state a claim," said Richard P. Freud, an attorney for City-county Insurance Services, representing the city.

At the time of the drowning, the teenager was visiting the North Coast for a family reunion. Conner Miguel Wu Moore, 14, of Tulsa, and his cousin were in the ocean at the foot of Broadway when lifeguards saw the teenagers



A lawsuit has been filed over a drowning in Seaside in 2016.

struggling. L. Nicole Moore seeks to hold the city liable for the wrongful death of her son, alleging the city did not post appropriate warn-

ing signs and lifeguards did not alert the family to the potential danger. After a res-

cue attempt, Moore was pronounced dead at Providence Seaside Hospital. His cousin survived.

Moore also alleges an invasion of privacy after her son's name was publicly released by the city after his death. The disclosure was a violation of federal and state medical privacy laws, she said.

In a response this month, the city argued Conner Moore should have exercised care in avoiding harm from an "activity that creates a hazardous condition."

The city is further protected by recreational immunity, which applies if the principal purpose for entry upon the land is for recreation.

Since the incident happened in the ocean or shore, the city is not the proper party to bring a claim of negligence. "The state owns the shore, but nobody owns

the ocean," Freud said.

Since the city's statements after the incident were done in an official capacity, the city is entitled to "absolute privilege from this (defamation) claim and cannot be held liable for the comments at issue."

Moore responded in a memorandum of opposition to the request for dismissal, filed Tuesday.

Moore said the city fails to establish facts necessary for recreational immunity, and the city should be liable "if the defendant can reasonably foresee that there is an unreasonable risk of harm ... and the plaintiff is injured as a result of the failure to warn."

The city will respond to Moore's latest motion within the timeline provided by the court.

"I need a little more time to digest it and we will respond soon," Freud said.

OBITUARIES

Elmo L. Frame

Astoria

Oct. 29, 1938 — Feb. 21, 2019

Mr. Elmo L. Frame, a resident of Astoria, Oregon, passed away peacefully, with his family by his side, on Feb. 21, 2019.

Elmo was born Oct. 29, 1938, to Elmo M. and Dorothy Frame in Seaside, Oregon. He grew up in the rural area of Hamlet Route outside Seaside, Oregon, and graduated from Seaside High School.

Elmo followed in his father's footsteps, working 28 years for the Crown-Zellerbach Logging Co. as a surveyor and timber faller. After leaving Crown, Elmo started a private fencing business called Frame's Fencing, which he successfully ran in the Clatsop County area for 18 years until retirement in 2004.

He is survived by his wife of 51 years, Bettie Frame; brother Roland Murry and his wife, Judy Frame; brother-in-law Rod-

ger; son Rick Frame and his wife, Angelia; daughter Evelind and her husband, Dean Larson; daughter Meridith and her husband, Jerry Griffin; 15 grandchildren, Kurstin, Rachel, Wyatt, Lauren, Isaac, Alisha, Amirae, Jordan, Karah, Jerod, Megan, Jonah, Judah, Jaden and Anna; and four great-grandchildren Carson, Kira, Cohen and Yuri. He is preceded in death by his sister, Dorothy Gregerson.

His hobbies included gardening, fishing and home improvement projects. Elmo cherished his family, and set a wonderful example for each of us as a strong man of integrity and hard work. We will miss him, his laughter and jokes.

Family and friends are invited to join us March 2, at 2 p.m. at The Loft at the Red Building, 20 Basin St, Suite F, in Astoria, Oregon, for a memorial service.



Elmo Frame

Sandra Claire Foushée

Brunswick, Maine

Feb. 8, 1937 — Feb. 2, 2019

Sandra Claire Foushée, mother, grandmother, poet, and artist passed away in Brunswick, Maine, after a brief illness, on Feb. 2, 2019, at the age of 81. She was born on Feb. 8, 1937, in Danville, Illinois, to Nelson Smith and Helen Baird Smith.

Sandra graduated from the University of Missouri with a bachelor's degree in journalism, and received a master's degree in English from the St. Louis University. Her poems have been published in Ploughshares, Prairie Schooner, Rosebud, West Wind Review, The Seattle Review, the eleventh muse, The Southern Poetry Review, and Runes.

Sandra received a Walden Fellowship from the Northwest Writing Institute, has been a MacDowell Colony Fellow, and was an associate of the Rocky Mountain Women's Institute. In 2010 she won the William Stafford Poetry Award from Rosebud, and a Merit Award in poetry from Atlanta Review.

An avid teacher, Sandra shared her passion for creative writing, literature and

Native American literature at Tillamook Bay Community College as well as Clatsop Community College on the Oregon Coast. She conducted writing workshops for over 30 years, and inspired numerous writers and poets.

Each day was an adventure, and full of wonder for Sandra. She loved to write, dance, sing and paint. Sandra lived life on her own terms, always wanting to be near the ocean. She made friends easily, and approached people with joy, warmth, and a smile.

Sandra is survived by her son, Eric Foushée, and his wife, Nancy Eckel Foushée; grandchildren Connor, Martha, Lane and Asher; former spouse Richard Foushée; and her beloved cat, Sir Guy. She is preceded in death by her partner of 30 years, Alwyn Scott Turner.

An open house celebration of her life was held Thursday, Feb. 28, at People Plus in Brunswick, Maine.

In lieu of flowers, donations may be made to People Plus, 35 Union St., Brunswick, ME 04011.



Sandra Foushée

Two treated after Explorer hits Rite Aid

By Seaside Signal



This Ford Explorer hit the exterior of Rite Aid in Seaside.

A Ford Explorer crashed into the Rite Aid building at 313 South Roosevelt Drive in Seaside on Friday, Feb. 15.

At 12:34 p.m., police responded to a call of an elderly driver whose car had struck the exterior of the building. Two people were taken to Providence Seaside Hospital with possible injuries.

SEASIDE POLICE LOG

Feb. 8

8:17 p.m., Forest Drive: Police respond to a report of a female threatening self harm and harm to others. After speaking with police, she agrees to calm down for the night.

Feb. 9

3:37 a.m., Police headquarters: Police respond to a call from a man who says he is unable to locate his fiancé after she left a bar intoxicated. He called back later to say she returned.

3:44 p.m., Fisherman's Fish and Chips: Sex crimes are reported.

3:56 p.m., 700 block 16th Avenue: Caller reports possible drug activity in the neighborhood. Police say they will increase patrols to the area.

Feb. 10

4:52 a.m., 1800 block S. Roosevelt: Burglary, theft and criminal mischief are reported.

Feb. 11

11:42 a.m., Police headquarters: A person came in to register as a sex offender.

Feb. 12

9:41 a.m., 1900 block N. Holladay: Police respond to a report of a male loitering in the area of the high school. Subject entered the school looking for a restroom; he inquired about talking to students about drugs. He was trespassed in future from all school properties.

2:28 p.m., Eighth and Necanicum: A person is arrested and charged with possession of methamphetamine.

Feb. 13

3:41 a.m., N. Wahanna: A deceased person is reported.

8:15 a.m., 300 block S. Columbia: Caller reports adult son with a knife; caller and another family member report feeling threatened. Officers responding say no crime was committed and son unwilling to seek help at this time.

Feb. 14

9:25 a.m., F Street, Gearhart: Police assist Seaside police with locating a subject in a harassment case.

3:37 p.m., Avenue T: Police respond to report of someone digging a cave on the beach. Unable to locate subject or cave.

Feb. 15

10:53 a.m., 300 block Eighth Avenue: A burglary in the second degree is reported, as well as theft in the second degree.

Feb. 16

12:29 a.m., 300 block Fifth Street: An assault in the fourth degree is reported.

3:41 p.m., Pocket Park: Caller reports bubble artists causing a traffic hazard. Artists say they are ready to move along.

5:34 p.m., Holladay Drive: A subject is arrested and charged with violating a restraining order.

Feb. 17

7:46 p.m., Seaside: Police assist Portland police with missing juveniles believed to be intoxicated in the area. Youths are located and turned over to a responsible party.

MEMORIAL NOTICE

Saturday, March 9
MOORE, Wanda Mae — Celebration of life at 1 p.m., Our Saviour's Lutheran Church, 320 First Ave. in

Seaside; reception follows at the American Legion, 1216 S. Hemlock St. in Cannon Beach. Moore, 70, of Manzanita, formerly of Seaside,

died Saturday, Feb. 2, 2019, at home.

Waud's Funeral Home in Tillamook was in charge of the arrangements.

IT MAY SEEM LIKE YOU FAILED ON YOUR RELAPSING MS TREATMENT.

If other treatments have failed you, learn about another option. Hear experts discuss an infusion treatment for relapsing MS.

EVENT TITLE:
Could LEMTRADA be right for you?

WHERE:
Baked Alaska
1 12th Street #1
Astoria, Oregon 97103

WHEN:
March 2nd, 2019 at 11:30am

SPEAKER(S):
Leah Gaedeke
Portland, Oregon

Please RSVP so we can reserve your seat. Use event code PEP-10966
Visit RMStreatmentevent.com or call 1.877.895.1136

This special event is for people with relapsing MS and their Care Partners to learn about an infusion treatment option. You'll also hear from an RMS patient.

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