

Lawsuit: Judge rejects city's motion to dismiss, lawsuit allowed to proceed



R.J. Marx

Warning sign at the entrance to the beach at 12th Avenue and the Prom in Seaside.

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In July 2016, the teenagers were visiting the North Coast for a family reunion.

Conner Moore and his cousin were in the ocean at the foot of Broadway when lifeguards saw the teenagers struggling. After a rescue attempt, Connor Moore was pronounced dead at Providence Seaside Hospital. His cousin survived.

The lawsuit, filed in July 2018, alleges the teens were swimming in waters next to an area that is "particularly dangerous and this extremely hazardous condition was not obvious to an ordinary person."

The suit said the teen was recovered in an area known to have a "precipitous drop-off."

According to Moore, who is representing herself, Seaside did not post appropriate warning signs and lifeguards did not alert the family to the potential danger.

The lawsuit seeks \$3 million in damages for the teen's death. The family is also asking for a \$691,200 penalty against the city for releasing the teen's name, age and medical information to the news media. The suit claims the disclosure was a violation of federal and state medical privacy laws.

The city asked the court to dismiss the lawsuit, arguing that Conner Moore should have exercised care in avoiding harm from an "activity that creates a hazardous condition."

The city argues it is also protected by recreational immunity, which applies if the principal purpose for entry upon the

land is for recreation.

Because the incident happened in the ocean or shore, the city is not the proper party to bring a claim of negligence, Richard Freud, an attorney with Citycounty Insurance Services, wrote in his motion for dismissal.

As 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," he wrote.

McIntosh rejected the city's motion to dismiss in May.

Moore "has pled sufficient facts" for her claims to proceed, McIntosh found. In a June response, the city again denied the allegations and asked the court to dismiss all claims. Moore did not reply to requests for comment.

Fireworks: Strategy for July Fourth fireworks safety

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They have people based at the Prom, north and south, and east and west of the highway. "When something happens, everybody doesn't have to rush from the same place."

Seaside Police rely on education and enforcement she said. "They tell them they're illegal and why they're illegal, then they either hand them over or we can confiscate them and hand over a \$500 ticket."

Most people hand over the illegal fireworks, she said, without receiving a fine.

Montero and officials came up with three suggestions for this Fourth of July, starting with public service announcements: "catchy friendly, quick and frequent." Messages would be reviewed by the police and fire chief.

She also asked for the city to announce "heavy enforcement" for the holiday. "It doesn't mean zero tolerance, but it also doesn't mean we're not going to be doing the job," she said.

The heavy enforcement would be directed by police, under the endorsement and direction of City Council.

Reader board messages along Highway 26 could reinforce those messages, she said.

KEEP IT LEGAL, KEEP IT SAFE!

"Keep it Legal and Keep it Safe" when using fireworks, reminds the Office of State Fire Marshal reminds area residents.

The Oregon fireworks retail sales season opened June 23 and runs through July 6.

Despite their regulated sale and use, fireworks in Oregon represent a public safety and health threat every year. For the last reported five years through 2018, there were 1,264 reported fireworks-related fires in Oregon, resulting in more than \$3.5 million in property damage. During that same period, fires resulting from fireworks resulted one death and 26 injuries.

The Oregon State Fire Marshal will also reach out to its fire service and other partners to share the information on their social media sites. OSFM's fireworks materials can be found on its website.

- Be prepared before lighting fireworks: keep water available by using a garden hose or bucket.

- Be safe when lighting fireworks: keep children and pets away from fireworks.

- Be responsible after lighting fireworks: never relight a dud. Wait 15 to 20 minutes then soak it in a bucket of water before disposal.

- Be aware: use only legal fireworks and use them only in legal places.

Officials may seize illegal fireworks and charge offenders with a class B misdemeanor, which could result in a fine of up to \$2,500 per violation and a civil penalty of up to \$500. Those who misuse fireworks or allow fireworks to cause damage are liable and may be required to pay fire suppression costs or other damage. Parents are also liable for fireworks damage caused by their children.

Cost for two mobile message boards is about \$1,000 for the Fourth of July event, McDowell said, and they could be installed the day before and taken down after the holiday.

In 2018, in Gearhart, two young people were hospitalized after illegal fireworks exploded.



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In Seaside, a visitor threw lit mortar fireworks into random fire pits before police were notified and the man was arrested and charged.

At the June 10 meeting, Mayor Jay Barber offered a motion in support for public works staff, police staff, lifeguard and fire depart-

ment staff, in advance of the holiday. The motion was unanimously endorsed by members of the council.

They also authorized the public service announcements and mobile reader boards for the holiday.

"This is important work," Barber said. "Thank you, Tita, for your good work."

Community Calendar

Saturday, June 29

Seaside Duplicate Bridge

9:30 a.m. to 1 p.m., Mary Blake Playhouse, across from 1225 Avenue A, Seaside. Come with a partner or call ahead for one; 503-791-9745.

Qi Gong

10 a.m., a mind-body-spirit practice that improves one's mental and physical health; Bob Chisholm Community Center, 1225 Avenue A; sunsempire.com.

Heart to Start

10-11 a.m., walk or run a 5K, family-friendly; Seaside High School track, presented by Seaside Providence; hearttostart.org.

Ten Ways to Better Enjoy The Beach

4:30 p.m., talk by Andre' GW Hagedstedt, to celebrate the opening of the Angi D. Wildt Gallery on Broadway Ave.; 737 Broadway #2. Oregon. 541-961-1229.

Miss Oregon Pageant Finals

7 p.m., Seaside Civic and Convention Center, 415 First Ave., Seaside; http://www.missoregon.org.

Sunday, June 30

And Then There Were None

7:30 p.m. Coaster Theatre Playhouse, 108 N. Hemlock; coastert theatre.com.

Monday, July 1

Dance Fitness

6:30-7:30 a.m., Bob Chisholm Community Center, 1225 Avenue A, Seaside; www.sunsempire.com/fitness.

Texas Hold 'em

6:30 p.m., Poker, Seaside American Legion #99, 1315 Broadway, Seaside; 503-738-5111.

Tuesday, July 2

Pickleball

10 a.m., free drop-in game on

the courts located behind the Seaside Youth Center, 1140 Broadway.

Taco Tuesday

5-7:30 p.m., Seaside American Legion #99, 1315 Broadway, Seaside; 503-738-5111.

Wednesday, July 3

Good Morning Seaside

8 a.m., Weekly coffee and networking; Seaside Chamber of Commerce; contact for details, www.seasidechamber.com.

Seaside Farmers Market

2-6 p.m., products grown, raised, produced or collected in Oregon or Washington; Broadway Middle School parking lot, U.S. Highway 101, Seaside.

Nunsense

7:30 p.m. Coaster Theatre Playhouse, 108 N. Hemlock, Cannon Beach; coastert theatre.com

Thursday, July 4

Cannon Beach Independence Day Celebration

Festivities include a charming small town parade and the Great Puffin Watch.

Parade

11 a.m., annual Fourth of July Parade, presented by Seaside Chamber of Commerce.

Fourth of July Old Fashioned Social

11 a.m.-3 p.m., Seaside Museum, 570 Necanicum Dr.

Friday, July 5

Celebrate Freedom Fireworks Show

10 p.m., Seaside Beach, annual fireworks show.

Friday, July 5

Dance Fitness

6:30-7:30 a.m., Bob Chisholm Community Center, 1225 Avenue A, Seaside; www.sunsempire.com/fitness.

Coffee and CASA

10 a.m., learn to be a court-appointed special advocate, Sea-



"Shades of Blue," by Sharon Abbott-Furze at the Fairweather Gallery in Seaside.

side Coffee House, 5 North Holladay, Seaside.

Book Sale

10 a.m.-5 p.m., Cannon Beach Library; 131 N. Hemlock; 503-436-1391.

Gearhart Street Dance

7:30-10:30 p.m., the event features DJ, dancing games and kids' activities; Pacific Way and Cottage, Gearhart.

And Then There Were None

7:30 p.m. Coaster Theatre Playhouse, 108 N. Hemlock; coastert theatre.com.

Karaoke

8 p.m., Seaside American Legion #99, 1315 Broadway, Seaside; 503-738-5111.

Saturday, July 6

Seaside Duplicate Bridge

9:30 a.m. to 1 p.m., Mary Blake Playhouse, across from 1225 Avenue A, Seaside. Come with a partner or call ahead for one; 503-791-9745.

Book Sale

10 a.m.-5 p.m., Cannon Beach Library; 131 N. Hemlock; 503-436-1391.

Heart to Start

10-11 a.m., walk or run a 5K,



Eve Marx

"The doll helps you relate to your inner wise woman," Jan Barber says.

Dolls: Barber's spirit dolls tell a layered story

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"The doll helps you relate to your inner wise woman," Barber said.

So far there are 18. They start as a few sticks bundled together to articulate an expression. Next comes moss for the head, and then the whole thing is wrapped in wool.

"After that they get a heart and then a face," Barber said. Up to now, she's been using faces she buys, but is thinking of casting her own.

As for each doll's expression, Barber smiled. "Interpreting her expression is up to the viewer."

Although in the past she's had an Etsy store, and a friend sells the ornately embellished books she makes at an upscale flea market, until now Barber hasn't exhibited her work in a gallery. She said one day she approached Cathy and Ray Tippin at Sun Rose Gallery in Seaside because she loves what they do, and because she said, "They're just so nice."

To no one's surprise, the spirit dolls began selling right away. Barber also has begun accepting custom orders. They are a one of a kind keepsake.

Each doll is unique and tells its own story.

A recent creation, "She Has Her Soul & Grace in Her Heart," includes a ribbon sewn on to the doll that says,

"Appearance doesn't matter with a beautiful heart." This doll has tattoos and a nose ring and is wearing leather, metal, and dreadlocks.

"These are all outward things people use to judge a person," Barber said. She told a story about wearing a blue wig and a fake nose ring out to dinner one night and experiencing the negative reaction of a fellow diner.

"It was pretty intense," she said.

"In the words of one of her local clients, Jan seems to be able to capture the essence of some element of a woman's experience and bring it into the material plane," said Cathy Tippin. "The client recently purchased a cocoon/butterfly doll for a friend starting a new phase of her life."

The client also commissioned Jan to create a Harry Potter doll for her daughter in the themes of being true to oneself and choosing good," Tippin said. "Another client purchased two dolls as heirlooms to pass down to future generations. No matter the theme of her spirit dolls, Jan's hope is they bring inspiration, encouragement, and comfort. Ray and I witness that every day."

Jan Barber's spirit dolls are for sale at Sun Rose Gallery located 606 Broadway in Seaside. Stop by and see which doll resonates with you.

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