



Civil Liberties Defense Center

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'Weed 9' Water Activists Present Legal Claim Against Sacramento Law Firm for Filing Malicious Lawsuit Aimed at Silencing Free Speech

The Weed, California, community members claim Churchwell White LLP knowingly filed meritless and illegal SLAPP suit against them on behalf of Roseburg Forest Products.

Eugene, OR — The CLDC has filed a lawsuit in the Siskiyou County Superior Court of California, alleging that the Sacramento law firm Churchwell White LLP and two of its attorneys engaged in malicious and unlawful conduct when they filed a lawsuit against nine local activists and their community organization, Water for Citizens of Weed, California (WCWC) in May of 2017. That suit was dismissed in December 2017 under California's anti-SLAPP law and the company was ordered to reimburse the activists and WCWC for legal fees. Such "strategic lawsuits against public participation," or "SLAPP suits," are frequently used by corporations to silence or intimidate critics.

The 2017 Churchwell lawsuit (Roseburg Forest Products Company, Inc. v. The City of Weed, Siskiyou County Superior Court Case No. SC CV CV 17-00532) was filed on behalf of an out of state timber company, Roseburg Forest Products, Inc. The suit was Roseburg's response to the nine citizen activists voicing their concerns about their city losing access to a vital public spring water source to the interests of a private logging company.

The Churchwell suit claimed to seek resolution to ownership issues regarding the water supply, yet neither WCWC nor the nine individuals named in the suit made any personal claim to the rights or title to the water supply—a fact known to and admitted by the law firm. Yet even with this knowledge, the firm appealed the court rulings and dragged the defendants through two more years of legal proceedings.

The nine activists had participated in town meetings and taken other grassroots actions as members of WCWC, to educate their community about the threat to their water supply. After writing a letter requesting assistance from a state agency, and speaking out during a local meeting, they found themselves in court being sued by a \$900 million timber company.

“Several of these people who were sued are the elders of this town—former mayors now in their 80s and 90s, city council and planning commission members—who were trying to look out for their neighbors,” said Lauren Regan¹, CLDC Executive Director and lead attorney on the case. “They saw something wrong and they spoke up in order to protect a vital resource to every community—drinking water. They never claimed any individual rights to this spring water, and the Churchwell firm knew this. Yet they were each named individually and hauled into court simply to try and shut them up. This is the classic definition of a SLAPP suit, using the courts to drown people in litigation and silence public participation. And it’s time law firms were put on notice that they can’t simply hide behind wealthy clients and say ‘That’s what we were hired to do.’ They cannot unleash these unethical, bullying tactics to strip away people’s First Amendment rights without repercussions.”

“The terrible truth is that, unless challenged, these tactics work.” said Jim Taylor, President of Water for Citizens of Weed California. “Think of all the people who did not get involved with this fight because they did not want to get sued by a vindictive billion-dollar timber company. Nobody has the resources to go through that. Our organization suddenly had to turn all of our energy, and our limited funds, to fight this lawsuit. We couldn’t focus on what actually mattered—protecting the water for our town. That’s the real lasting harm—to our reputations, our bank accounts, our community, and to everyone’s ability to speak up when something is wrong.”

The original water dispute focused on water from Beaughan Springs. The City of Weed has depended on the water from these springs for over 110 years, since the town was founded. For example, the former Weed fire chief has stated that the gravity-fed Beaughan Springs water was essential to fighting the wildfires that ravaged the area in 2014. Since 1966, the City has had an agreement to pay one dollar per year to the International Paper company for water rights. International Paper later sold the property to Roseburg Forest Products.

In 1997, when an international water bottling company came to town and spring water became a valuable commodity, Roseburg used legal bullying to intimidate the City to refrain from asserting its right to this water. Roseburg began selling water to Crystal Geyser Roxane in 1997. Then, when the old lease between International Paper and the City expired in 2016, Roseburg’s lawyers coerced the City into signing a new agreement aimed at forcing the City off its historic main source of water, so that more water could be sold to Crystal Geyser Roxane—which ships the water around the world in plastic bottles. Since then the City has been forced to pay almost \$100,000 per year for water that was previously practically free, and to agree to cease its use of the water completely within ten years.

¹ *Note: Lauren Regan is not admitted to the California Bar but is working with local counsel and awaiting to be admitted "pro hac vice." ("for this case only")*

WCWC and the Weed 9 activists also uncovered strong evidence that International Paper had taken steps to transfer the water right to the City in 1982.

In response to this looming crisis, WCWC and the nine plaintiffs began to raise concerns within their community and alerted officials. They wrote a letter to the Scott-Shasta Watermaster District (SSWD), asking it to correct its records to define the City of Weed's rights to the water. They also asked the Weed City Council to endorse this effort and the council agreed.

One of the named defendants in this new lawsuit, Barbara A. Brenner, is a partner at Churchwell White and one of three attorneys that represented Roseburg in their suit against the Weed citizens. In previous statements, Brenner claimed "We are not punishing them for asserting things." However, that is precisely what they did by naming the citizen activists and grassroots organization in the Roseburg suit and forcing them to defend themselves—and then appealing the court's decision dismissing the case as an unfounded SLAPP suit.

The new complaint, titled *Water for Citizens of Weed California et al. v. Churchwell White et al.*, was filed in California Superior Court for Siskiyou County, case number CVCV20-387. The complaint was marked as filed on April 22—but notification of the filing came today due to the impacts of the pandemic on the court's capacity. The complaint asserts that Churchwell White lawyers named WCWC and its members as defendants in the Roseburg suit as a way to "silence, intimidate, and prevent WCWC from engaging in conduct that is protected under the U.S. and California Constitutions."

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*The **Civil Liberties Defense Center** supports movements that seek to dismantle the political and economic structures at the root of social inequality and environmental destruction.*