



## **MEDIA ADVISORY**

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**Citizens of Weed, California who fought a corporate water grab are suing the Sacramento law firm and the lawyers who tried to intimidate them into silence.**

**California's untested 'SLAPPback' Statute Allows Citizens to Fight Back Against the Silencing of Free Speech**

**Location:** California Court of Appeals, 914 Capitol Mall, Sacramento, CA 95814

*This press conference will also be live streamed on Instagram. Follow @the\_cldc on Instagram.*

**What:** Members of the 'Weed 9' and their supporters will hold a press conference outside the California Court of Appeal immediately following oral arguments.

The advocacy group Water for Citizens of Weed California (WCWC) and its members were targeted after speaking out for trying to save Beaughan Springs, their town's main source of drinking water. Sacramento-based corporate law firm, Churchwell White LLP (now operating as White Brenner LLP) and its client Roseburg Forest Products, filed their lawsuit the day after the WCWC members spoke at a city council meeting about the community concerns about losing their water source to the logging corporation. The intent of the inch-thick complaint was to silence their constitutionally protected First Amendment rights by deploying a "SLAPP" suit (strategic litigation against public participation). The Weed 9 refused to be silenced, fought back and successfully defended themselves against this intimidation. Now they have turned the tables and are suing the lawyers who initiated the frivolous SLAPP action on behalf of their water-grabbing corporate clients.

SLAPPs are a popular bullying tactic for destructive corporations and other entities to silence community opposition. While the corporations rarely win these types of lawsuits, the money, time, and emotional toll

can be significant for the community advocates on the receiving end of them. Additionally, the law firms who file these frivolous complaints get paid by their rich clients whether they win or lose--the SLAPP-back statute was intended to serve as a deterrent to the profit motives of law firms like White Brenner. In recognition of this, California is one of the few states to have a "SLAPPback" law (CCP§ 425.18), under which SLAPP defendants can counter-sue their attackers for malicious prosecution. It has rarely been used, and the Weed case stands to set important precedent.

**Who:** Water for Citizens of Weed California (WCWC) members and their attorney Lauren Regan from the Civil Liberties Defense Center (CLDC). Marianne Dugan, a senior staff attorney for CLDC will also be present.

**When:** Tuesday, January 24, 2023. Oral arguments are scheduled to begin at 2:00pm and the press conference will immediately follow.

**Where:** California Court of Appeal, 914 Capitol Mall, Sacramento, CA 95814

*This press conference will also be live streamed on Instagram. Follow @the\_cldc on Instagram.*

**Background:** In an ongoing effort to stop corporate law firms from using strategic lawsuits against public participation (SLAPPs) to silence and punish people fighting to preserve their rights and environment, CLDC has filed a Superior Court of California appeal on behalf of the advocacy group Water for Citizens of Weed California (WCWC) and its members who were specifically targeted.

Roseburg Forest Products and their lawyers at Churchwell White (now operating as White Brenner) teamed up to seize a public water supply in Weed, California, a small timber-dependent town in California. In 2016, Roseburg Forest Products (RFP), using legal bullying, began an aggressive effort to deprive the City of Weed of its main source of public drinking water. RFP planned to sell the spring water to the Crystal Geysers Roxane bottled water company. The historic spring, originating on the flanks of nearby Mt. Shasta, has provided the community with high-quality drinking water for the entirety of its 110-year history under agreements with RFP's predecessors (timber companies).

When the citizens fought back, armed with strong evidence that International Paper had transferred the water right to the City before RFP bought the property, RFP brought in the SLAPP-happy Sacramento law firm Churchwell White LLP to sue not only the City of Weed but also WCWC and nine individual residents. The named people included several town elders, three of whom had previously served as mayor. None of these residents had asserted an individual claim over the water; all they had done was exercise their First Amendment rights in speaking out against RFP's water grab and asking state agencies to investigate. In 2017, a court agreed that the suit was a SLAPP and dismissed WCWC and the individuals. However, RFP and Churchwell White appealed, forcing WCWC and the nine residents to spend two additional years fighting the SLAPP charges. It was only after having successfully bullied the City of Weed into conceding its right to the water in late 2019 that RFP and Churchwell White finally agreed to withdraw their claims against the residents and WCWC.

CLDC and WCWC filed a SLAPPback suit against Churchwell White and two of its lead attorneys under the California SLAPP-back statute in April 2020. Sacramento based law firm Churchwell White succeeded in getting the case moved to a friendly Sacramento District Court venue, which pushed ahead with an inadequate virtual hearing during the pandemic and predictably ruled in Brenner White's favor. WCWC has appealed this flawed ruling to the California Court of Appeals and a hearing on the appeal will be held on January 24, 2023. A successful decision will allow the case to proceed towards a jury trial.

“We filed this appeal for the advocacy group Water for Citizens of Weed California (WCWC) and its members, who were specifically targeted by a corporate law firm and its client, simply for speaking out against an attempt to privatize the City of Weed’s water source. But this appeal has importance beyond the “Weed 9” who suffered through years of frivolous litigation harassment. If the lower court’s ruling is allowed to stand, others will be afraid to speak out for fear of facing similar “SLAPP” lawsuits,” asserted Lauren Regan, Executive Director and senior staff attorney at CLDC representing the Weed water activists.

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