

Weed 9: fortunate to have ‘legal dream team’

Guest opinion by Bruce Shoemaker

In May of this year, I found myself, along with eight of my fellow Weed citizens, being sued by Roseburg Forest Products just for speaking out against their attempt to take away our community’s main source of water – all so that they can turn around and sell it to Crystal Geyser for export water bottling. Our crime was asking state agencies to look into the issue and restore the City of Weed’s water right and then asking the Weed City Council to endorse our request.

It is difficult, until you are in the middle of something like this, to understand how intimidating and scary it is to be named in a lawsuit by a huge company with lots of money to spend on lawyers and, in this case, acting in cahoots with an even bigger well-resourced multinational corporation.

For many of my co-defendants this was the first time they had been active in anything like this. It was a huge shock to have an eight-pound subpoena land on our doorsteps. There was a fear among many of us that we could end up being liable for huge legal penalties.

One co-defendant mentioned to me his wife was worried they might lose their house. This is exactly what “SLAPP” (Strategic Lawsuit Against Public Participation) suits are intended to do – intimidate people against speaking out.

Despite our fear there was also an anger that we had been targeted just for speaking up. We decided to stick together and fight this for the sake of our community. We were very fortunate to gain the support of The First Amendment Project, a non-profit law firm that specializes in defending the victims of SLAPP suits.

I wrote last May that Roseburg will rue the day they sued us. This week Roseburg is most certainly regretting its ill-conceived and hasty action. On Thursday, December 7th the company went down in an embarrassing defeat and left court badly bloodied, in more ways than one.

The presiding Superior Court Judge Karen Dixon ruled that our actions were indeed protected speech under the US constitution, the California State Constitution and California’s anti-SLAPP statute. She also noted that Roseburg is “on thin ice” in its wider legal action against the City of Weed.

During the hearing we witnessed Roseburg’s lawyers trying to make a convoluted argument that just didn’t make any sense, going around in circles, digging themselves in deeper and deeper. It became very clear, to everyone in the packed courthouse including the judge, that Roseburg had no Plan B once their Plan A of intimidating us into silence didn’t work.

As our attorney Jim Wheaton from The First Amendment Project put it, “Roseburg acted like a bully in suing these citizens, and they hired some thugs with law licenses to scare them off. It didn’t work and now it’s backfired because the case against Roseburg is stronger than ever, both in the street and in the court.”

The battle to secure the water our community has relied on for over 100 years continues but legally is now a battle between the City of Weed and Roseburg. Our group, the “Weed 9” no longer have to defend ourselves just for speaking out on the issue.

These unethical tactics of large companies trying to intimidate people just for speaking out is on the increase all over the country. In our case we were extremely fortunate to get access to a legal dream team of SLAPP and water rights experts. Not everybody is so fortunate.

Thanks to our legal team, our many supporters in the community and my codefendants for an inspiring victory!

Bruce Shoemaker Weed
