

HOOD RIVER NEWS

Judge gives third 'no' to HRVRC land suit

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By RaeLynn Ricarte

Hood River County attorney Will Carey is relieved that local taxpayers won't have to bear the cost of a trial over a disputed land exchange.

On Thursday, Carey learned that Hood River Circuit Court Judge Donald Hull had dismissed a lawsuit brought against the county and Mt. Hood Meadows, Ltd., by the Hood River Valley Residents Committee and Mike McCarthy, one of its members.

"This ruling saves the county a very costly and lengthy trial that would have had the same outcome," Carey said.

This week Hull determined that the Cascades Resources Advocacy Group (CRAG), plaintiffs' attorneys, had not followed the correct legal procedure for instigating its latest round of court action. His decision was based on "claim preclusion," the fact that CRAG had made the same arguments in a different venue that had already been overturned twice last year.

Both CRAG and the HRVRC declined comment on the court ruling.

Before rendering his verdict, Hull reviewed briefs on the issue that had been submitted by both legal teams. In April, he had given a homework assignment to all of the involved lawyers after the defendants asked to have the case dismissed because of that issue.

Under claim preclusion, a plaintiff is prevented from bringing unnecessary delays to the resolution of a legal matter, by consolidating all matters into one complaint whenever possible.

"They should have filed the alternative cases at the same time, not waited until they got a ruling on one and then filed a brand new case using the same facts in a different theory," Carey said.

Dave Riley, Meadows general manager, said he was not surprised by the judge's decision.

"The HRVRC claims have been baseless from the beginning, they have had to be told three times now that this is a legal land exchange," Riley said.

The HRVRC and McCarthy were seeking to reverse the county's trade of 640 acres near the southern border for 785 acres owned by Meadows. The deal also included a \$1 million payment by the county to offset the value different in merchantable timber on its newly acquired property.