

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF OREGON  
3 PORTLAND DIVISION  
4

David White, Pro Se. P1  
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**Case 1:24-CV-01395-IM  
1 MILLION DOLLARS**

**REQUEST FOR DEFAULT  
JUDGEMENT BY RULE 55**

5 Tom Doud Plaintiff Pro Se P2  
6 4254 Chevy Chase Dr, La Cañada  
7 Flintridge, CA, USA 97011  
8 213-248-7832  
9 tdoud4@gmail.com

10  
11 **vs.**

12 **Defendant 1. (D1)**

13 **Susana Dietrich**  
14 **601 Jackpine Dr,**  
15 **Grants Pass, OR 97526**  
16 **2140 Bobcat Ave SW**  
17 **Albany, OR 97321-4872**  
18 **mitt@dietrichconst.com**  
19 **541-974-3251**

20  
21 **Defendant 2. (D2)**

22 **Mary Lou Soscia in her**  
23 **Personal capacity as President of**  
24 **Water Watch of Oregon**

25  
26 **Defendant 3 (D3)**

27 **Bryan Sohlin in his Personal capacity as Vice**  
28 **President of Water Watch of Oregon**

29  
30 **Defendant 4 (D4)**

31 **Neil Brandt in his personal capacity as**  
32 **Executive Director of**  
33 **Water Watch of Oregon**

1 **503-295-4039x 101**  
2 [neil@waterwatch.org](mailto:neil@waterwatch.org)

3  
4 Melanie Klym (D5)  
5 River Design Group  
6 311 SW Jefferson Avenue  
7 Corvallis, Oregon 97333  
8 Phone: 541.738.2920  
9 [info@riverdesigngroup.com](mailto:info@riverdesigngroup.com)

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10  
11 Legal Counsel for Water Watch defendants  
12 Kaitlin Lovell  
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14 213 SW Ash St., Suite 208  
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21 Janette Brimmer  
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23 Molly Tack-Hooper  
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26

27  
28  
29

### **TABLE OF AUTHORITIES**

- 30  
31 1) 28 U.S.C. §191 Proceedings in forma Pauperis.  
32  
33 2) 8 U.S. Code § 1324c - Penalties for document fraud.

1 3) Rule 5. Serving and Filing Pleadings and Other Papers.

2  
3  
4 4) Rule 11. Signing Pleadings.

5  
6  
7 5) Rule 21 Writ of Mandamus.

8  
9  
10 6) Rule 56. Summary Judgment

11  
12  
13 7) Rule 55. Default Judgment

14  
15 8) Judges Code of Conduct, Canons 2 and 3;

16 [https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-](https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges)  
17 [judges,](https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges)

18  
19  
20 Federal Case Law:

21 9) Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002):

22 Pagtalunan

23 was Pro Se and made numerous mistakes in filing his complaint  
24 resulting in the case being dismissed. However, upon appeal,  
25 the  
26 higher Court ruled that the lower Court was in error because  
27 they did  
28 not give allowance for Pagtalunan's lack of legal training.

29  
30 10) 22–451 June 28, 2024 Loper Bright Enterprises v. Raimondo  
31 and

32 Relentless, Inc. v. Department of Commerce.

33 [https://www.supremecourt.gov/opinions/23pdf/22-451\\_7m58.pdf](https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf)  
34 US

35 Supreme Court Ruled on 6/28/2024 that courts can no longer  
36 function

37 as Administrative Law Courts. They must convene as Article III,

1 Section 2 Courts of the U.S. Constitution, in compliance with the  
2 judge's sworn oath of office. Also, Entities such as FERC are no  
3 longer allowed to cherry pick data to support a political agenda  
4 in defiance of Federal law. The Chevron document was voided.

5 Background:  
6  
7

8 Plaintiff heads a legal team of 3 professionals. One is a 40-year  
9  
10 veteran Federal Attorney, expert in the application of  
11  
12 Federal and Case law, environmental law in particular. Another is an  
13  
14 investigative journalist, providing legal research and serving as Legal  
15  
16 Editor for all Court Documents. Plaintiff holds a Degree in Chemical  
17  
18 Engineering and doctoral study in the field, to include hydrology and  
19  
20 advanced statistics.  
21  
22

23  
24 These shall demonstrate with clear and concise evidence that Defendants  
25  
26 have no legitimate pleadings before the court. By failing to respond to the  
27  
28 Injunction and Complaint, Defendants have lost by default and the Clerk  
29  
30 must enter judgment for the sum certain and costs, according to FRCP 55  
31  
32 and FRCP 56.  
33

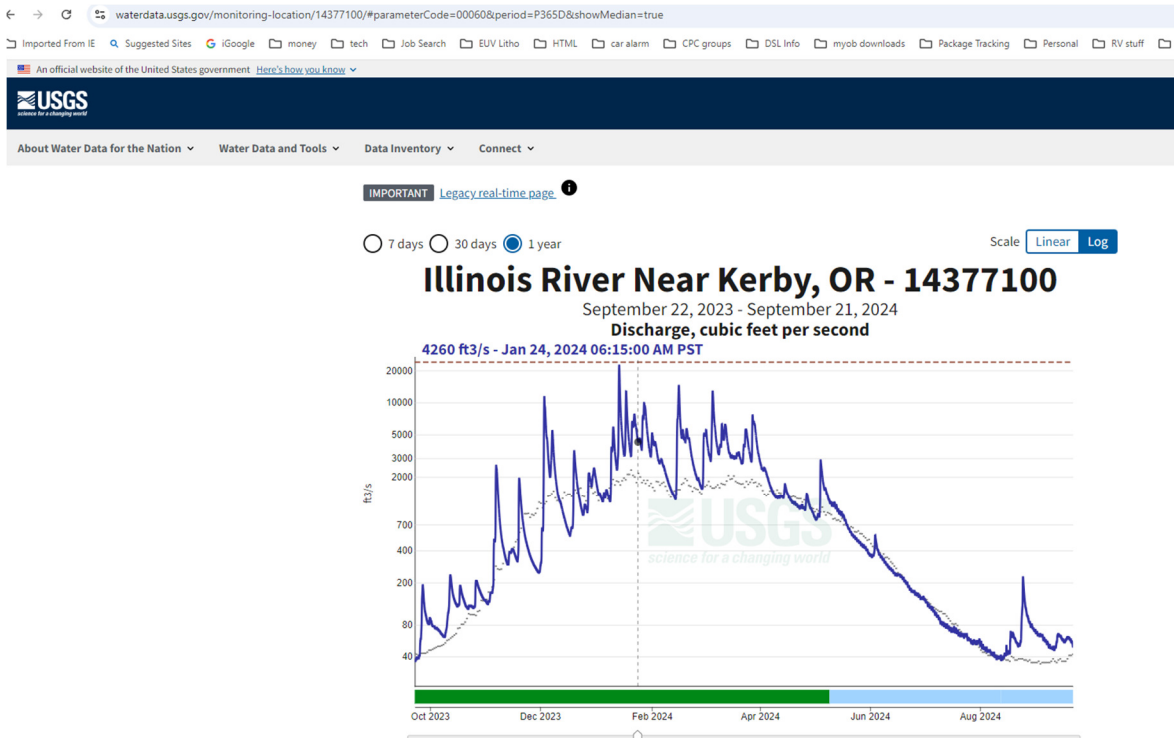
34 "The Court is reminded that any attempt by Defense to evade these  
35  
36 consequences via manipulation of Administrative Law, is an assault on  
37

1 your integrity and sworn obligation to execute justice under Federal law,  
2 Article III, Section 2 of the U.S. Constitution," the Canons (9) of the Judicial  
3 Code of Conduct.

4  
5 As articulated in Plaintiff's Complaint, Defendants had no scientific  
6  
7 or other reason to vandalize the Pomeroy Dam on the Detroit River, so they  
8  
9 were compelled to falsify information on their permit application to deceive  
10  
11 the government.

12  
13 [https://waterdata.usgs.gov/monitoring-](https://waterdata.usgs.gov/monitoring-location/14377100/#parameterCode=00060&period=P7D&showMedian=false)  
14 [location/14377100/#parameterCode=00060&period=P7D&showMedian=false](https://waterdata.usgs.gov/monitoring-location/14377100/#parameterCode=00060&period=P7D&showMedian=false)  
15 [se](https://waterdata.usgs.gov/monitoring-location/14377100/#parameterCode=00060&period=P7D&showMedian=false)

16



17

18

19 The graph above shows the upstream flow above the removed dam. It is

20

21 not difficult to see that the spring runoff (blue line) is around 4000 to 6000

1 cubic feet per second. Defendants' thoughtless vandalism and destruction  
2  
3 of this carefully engineered barricade has left the town of Cave Junction  
4  
5 completely vulnerable to the ravages of flooding during the February to  
6  
7 May timeframe. Flash floods will now easily overflow the riverbanks  
8  
9 creating inestimable damage to public and private property in the town.

10  
11 To mitigate as much damage as possible, Plaintiff has already applied for  
12  
13 an emergency Section 404 permit to build another dam with a water wheel  
14  
15 prior to Spring 2025 snow melt. Plaintiff is also in the process of filing an  
16  
17 emergency Joint Application as well. In hindsight, it would have been  
18  
19 incredibly easy to install a low-cost fish ladder to help the Salmon navigate  
20  
21 the dam. This was not needed because returning salmon could and do  
22  
23 easily jump over the current dam. The amended complaint has a image of  
24  
25 this. The current dam is around one foot thick. Plaintiff will make it two to  
26  
27 four feet thick with a water wheel generating 10 homes power day in and  
28

1 day out.

2

 Reply  Reply All  Forward



rrs@usace.army.mil

dave@salmonprotectiondevice.com

10:09 J

Department of the Army Jurisdictional Determination Request - Rebuild Pomeroy Dam and install a water wheel generating power. We won the lawsuit against water watch on salmonp...

The U.S. Army Corps of Engineers, Portland District has received your submission for a Jurisdictional Determination through the Regulatory Request System. The U.S. Army Corps of Engineers Regulatory program is committed to providing you with the highest level of public service.

Your request will be processed in the order it was received, and the assigned project manager will contact you if any additional information is required to complete the review of your request.

General information about the U.S. Army Corps of Engineers' Regulatory Program is available on the Regulatory Request System homepage at: <https://rrs.usace.army.mil>

Information specific for your region can be found at the Portland District District website at: <https://regulatory.ops.usace.army.mil/offices/>

This mailbox is not monitored. If you have any questions, please contact your assigned project manager or reach out the Portland District directly.

3

4 We urge the court to please not permit this kind of emotional and irrational

5

6 behavior be established as the norm. In the name of preserving the

7

8 environment this renegade group has presumed to flaunt the 7 carefully

9

10 conceived environmental values of the Wild and Scenic River Act

11

12 established by Congress.

13

14 True environmentalism is based on precepts of Environmental Science that

15

16 Does not wantonly destroy fish and aquatic life as these vandals have

17

18 done. At the same time it has regard for the life and property of human

19

20 caretakers who live in proximity to the wild. Their callous disregard for

21

1 these values is revealed in their arrogant refusal to submit themselves to  
2  
3 the authority of this Court. For these and other reasons it is incumbent  
4  
5 upon the Court to finalize the default ruling in this case with this document  
6  
7 and Rule 56 document both with Rule 21 Writ of Mandamus.

8  
9 From <https://www.rivers.gov/river/illinois>

10  
11 The Illinois River is a world-class native salmon and steelhead river. It is significant  
12  
13 in the variety and numbers of salmonid and other species, including coho and  
14  
15 chinook salmon, winter steelhead, cutthroat trout (three life histories), Pacific  
16  
17 lamprey, and green sturgeon.

18  
19 In the 1970's, approximately 25,000 salmon and steelhead were caught by sport  
20  
21 fisherman each year. The Illinois contributed another 85,000 salmon annually to  
22  
23 offshore commercial fisheries. However, as with all West Coast rivers, numbers  
24  
25 have declined. The Illinois is one of the few rivers on the West Coast where there  
26  
27 is no hatchery supplementation program. **On the Illinois River, you can still watch**  
28



1 **the age-old spectacle of wild salmon jumping natural barriers in their ritual**

2  
3 **return to natal spawning grounds, where they reproduce and die** (bold added).

4  
5 Argument:

6  
7 The relatively simple task of dredging and scrubbing silt contained behind the  
8  
9 Pomeroy dam to resolve the non-issue of fish migration has been overlooked  
10  
11 or ignored. Fish are dying because of the turbidity, easily mitigated by  
12  
13 dredging and scrubbing the silt. In their eagerness to remove the dam,  
14  
15 Defendants selfishly ignored these consequences.

16  
17 No legally obtained permit means that D23 has broken federal law,  
18  
19 punishable by 4 years in prison, for each violation of the 33 U.S.C. §1251 et  
20  
21 seq. (1972) Clean water act. The Oregon DEQ 401 permit is related to  
22  
23 turbidity only, not dam removal. Dam removal also requires D23 to have a  
24  
25 Clean Water Section permit 404.

26  
27 Consequently, in accordance with vandalism laws, Defendants are obligated  
28  
29 to restore everything at the dam to its original pristine condition and vacate  
30  
31 or delegate the task to Plaintiff. D23 permit was withdrawn March 12, 2024.

32  
33 D1 and D23 must cease and desist the vandalism of public property and  
34  
35 restore the dam to its original condition. Should they persist in their  
36  
37 vandalism, Plaintiffs have no choice but to file this Complaint in Medford  
38

1 Federal Court asking for adjudication of Federal law violations, with its much  
2 more punitive sanctions. Defendants have demonstrated that they are at  
3 best, pseudo-scientists (WW) with no appreciation of the scientific method.  
4

5  
6 The first step in the scientific method is thorough literature reviews to include  
7 existing reports of previous quantitative testing and surveys as well as  
8 qualitative reports such as public hearings or focus Groups. These were  
9 overwhelmingly against dam removal. However, Defendants did not  
10 perform this task and were thus untruthful in statements to the media and  
11 their permit applications. Plaintiff has demonstrated that Defendants' Joint  
12 Application was falsified. This included their application to Army Corp of  
13 Engineers and Oregon DEQ Section 401. The national or regional permits  
14 are for habitat restoration only, not Dam destruction.  
15

16 D23 Section 408 permit was withdrawn March 12, 2024.  
17

18 The decision to vandalize and destroy this incredibly valuable |  
19 public property was based entirely on ill-informed, and unscientific  
20 complaints of non-residents. Defendants are proceeding with no regard  
21 whatsoever for the water-rights of downstream users, and the far less  
22 draconian remedies that would have respected the environmental  
23 rights of everybody involved, upstream and downstream, in  
24 accordance with the 7 environmental values of the Wild and Scenic  
25

1  
2 Rivers Act.

3  
4 This debacle stands as testimony of compliance with half-baked,  
5  
6 emotion charged, “radical environmentalist” ideology, while  
7  
8 completely ignoring sound principles of environmental science.  
9

10  
11 Removal of the Pomeroy dam amounts to corporate insanity.

12  
13 To mitigate the damage, it is imperative that the project now be relicensed

14  
15 To salmonprotectiondevice.com to first, clean up the environmental

16  
17 disaster and second, rebuild the vandalized dam with fish ladders

18  
19 and Salmon Protection Devices, as necessary. Plaintiff’s legal team

20  
21 has followed all court procedures to the letter of Federal Law and

22  
23 Case Law rules in arriving at these conclusions. Plaintiff, with a

24  
25 lifetime of experience as a Chemical Engineer, knows how to build a dam

26  
27 with a water wheel power generator.

28 <https://www.heliosaltas.com/>

29  
30  
31 Time is of the essence because of the clear and present danger to which

32  
33 the public and native wildlife are now still exposed. No warning signs of

34  
35 any kind have been posted to warn of the unseen danger lurking at the

36  
37 River banks, and many locals are now led to assume “that all is well, and

1  
2 safe.”

3  
4  
5 Defendants have not disputed anything in Plaintiff’s complaint or  
6  
7 Injunction, thus in effect admitting their guilt and thumbing their nose at  
8  
9 the legal system. Defendants have not so much as logged into the case  
10  
11 within the required 21 days which expired on midnight, September 13,  
12  
13 2024.

14  
15 The service of the Complaint and Injunction by Federal Rule 3 was made  
16  
17 by third-party legal email service provider, thelawisyourattorney.com. If  
18  
19 needed, Plaintiff stands ready to request and  
20  
21 produce in a Pleading the delivery and read receipts from the service of  
22  
23 said third party system.

24  
25 Defendants were thus legally served the Complaint and  
26  
27 Injunction on August 8th, 2024.

28  
29 Therefore, a general summary judgment in Plaintiff’s favor is legally  
30  
31 required by Rule 21 Writ of Mandamus.

32  
33 Rule 55. Default Judgment

34  
35 (a) Entering a Default. When a party against whom a judgment for  
36  
37 affirmative relief is sought has failed to plead or otherwise defend, and  
that failure is shown by affidavit or otherwise, the clerk must enter the

1 party's default.

2  
3 (b) Entering a Default Judgment.

4  
5 (1) By the Clerk. If the plaintiff's claim is for a sum certain or a sum that  
6 can be made certain by computation, the clerk—on the plaintiff's request,  
7 with an affidavit showing the amount due—must enter judgment for that  
8 amount and costs against a defendant who has been defaulted for not  
9 appearing and who is neither a minor nor an incompetent person.

10  
11 (2) By the Court. In all other cases, the party must apply to the court for a  
12 default judgment. A default judgment may be entered against a minor or  
13 incompetent person only if represented by a general guardian,  
14 conservator, or other like fiduciary who has appeared. If the party against  
15 whom a default judgment is sought has appeared personally or by a  
16 representative, that party or its representative must be served with written  
17 notice of the application at least 7 days before the hearing. The court may  
18 conduct hearings or make referrals—preserving any federal statutory right  
19 to a jury trial—when, to enter or effectuate judgment, it needs to:

20  
21 (A) conduct an accounting;

22  
23 (B) determine the amount of damages;

24  
25 (C) establish the truth of any allegation by evidence; or

26  
27 (D) investigate any other matter.

28  
29 Therefore, by FRCP 55 the clerk—on the plaintiff's request, with an affidavit

30  
31 showing the amount due—must enter judgment for that amount and costs

32  
33 against a defendant who has been defaulted for not appearing and who is

34  
35 neither a minor nor an incompetent person. Plaintiffs request this document be

36  
37 accepted as the affidavit showing the amount due which the court clerk by

38

1 FRCP 55 b1 must enter.  
2  
3

4 **Conclusion**

5  
6 Defendants have filed no motions in response, thus conceding that they  
7  
8 agree with the Complaint and Injunction rulings and award of money in  
9  
10 said Complaint and Injunction.

11  
12  
13 Plaintiff therefore moves the Federal court to General Judgment in  
14  
15 Plaintiff's favor of one million dollars.

16  
17 Plaintiff contends that the facts are so indisputable that any Appeals Court  
18  
19 would grant the summary judgment without hesitation.

20  
21 Therefore, Plaintiff files this in the Federal Court with a Writ of  
22  
23 Mandamus which compels the Trial Court Judge to rule in Plaintiff's favor  
24  
25 because Plaintiffs have summoned all the Federal law and U.S. Constitution  
26  
27 to his cause.

28  
29 This FRCP Rule 55 conforms to Rule 55 a, b (1), (2) (ABCD).  
30

31  
32 FRCP Rule 60. Relief from a Judgment or Order does not apply in this  
33  
34 case. Plaintiffs following rulings are ordered.  
35

- 1 1. Plaintiff respectfully requests the Federal Court to acknowledge  
2 standing based on Federal Environmental laws broken with  
3 associated 7 Values denied to Plaintiff, class action members due to  
4 harms inflicted by D1, D23' malfeasance. Also Plaintiff P2 lives  
5 downstream of the removed dam and will most likely suffer flooding in  
6 the spring.  
7  
8
- 9 2. Plaintiff respectfully requests the Federal Court for strong  
10 adjudication of Defendants to the Federal Prosecutor for felony  
11 charges against them.  
12
- 13 3. Plaintiff hereby respectfully requests the Court by a Writ of  
14 Mandamus to issue Plaintiffs' team with the task of restoring the  
15 Illinois River back to its Original Wild and Scenic condition with dams  
16 and fish ladders as mandated by Congress, and grant Injunctive  
17 Relief to halt all further vandalism of the Pomeroy dam.  
18
- 19 4. Plaintiff hereby respectfully requests the Court, to issue a Summary  
20 Judgment because Defendants continue to ignore what they are  
21 legally required to do by the Army Corp of Engineers, and the federal  
22 Clean Water Act, Section 404. The gravity of this case requires a  
23 court order that commands a government official or entity to perform  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

1 an act it is legally required to perform as part of its official duties, or  
2  
3 refrain from performing an act the law forbids.

4  
5 5. Plaintiff hereby respectfully requests the Court, to an order that  
6  
7 WaterWatch must get permission from salmonprotectiondevice.com,  
8  
9 based on a cost-benefit analysis of dam removal and all other  
10  
11 alternatives prior to removing any dam. If dam removal is the only  
12  
13 viable alternative to a perceived problem,  
14  
15 Salmonprotectiondevice.com will ensure that all application forms are  
16  
17 filled out correctly and that all permits are issued prior to commencing  
18  
19 work.

20  
21 The study will include interviews of all local stakeholders to confirm  
22  
23 at a minimum 1) presence or absence of fingerling migration as  
24  
25 tangible evidence of dam impedance to fish spawning, and 2) likely  
26  
27 impact of dam removal on production of electricity, flooding, irrigation,  
28  
29 environmental toxicity, and capability of firefighters to protect local  
30  
31 wildlife in the environment. The goal of the study will be to determine  
32  
33 the most cost-effective and least disruptive strategy for mitigating any  
34  
35 real problem. Water Watch will pay Salmon Protection Device a fair  
36  
37 amount to conduct this study with copies issued to Water Watch, the



1  
2 permitting agencies, and all local governments.

3  
4 6. Plaintiff hereby respectfully requests the court to order Defendants  
5  
6 to immediately stop deconstruction and transfer all remaining control  
7  
8 and funds to Salmon Protection Device non-profit for remediation.

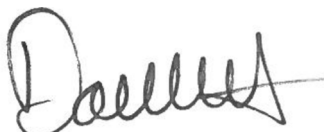
9  
10 Salmonprotectiondevice.com retains engineers and scientists who  
11  
12 know how to mitigate the contaminated silt, dredge behind the dam,  
13  
14 and install fish ladders if needed on Pomeroy Dam.

15  
16  
17 7. Plaintiff hereby respectfully requests the Court to provide relief with  
18  
19 and take judicial notice of the lethal environmental consequences of  
20  
21 D23's actions, which must cease immediately. Rule Salmon  
22  
23 Protection Device remediation team to the task of project mitigation  
24  
25 immediately, to avoid more lethal environmental consequences of  
26  
27 D23's gross negligence.

28  
29 8. Plaintiff again requests a writ of mandamus and a Summary  
30  
31 Judgment in Plaintiff's favor because Defendants are clearly biased  
32  
33 against Federal Environmental law, not doing what they are legally  
34  
35 required to do.

36  
37 9. Plaintiff respectfully requests the federal court to provide any cost up  
38  
39 to \$1 million to Plaintiff's mitigation team as the court sees fit.

1 Dated:  
2 Respectfully



3 Dated: 09/22/2024  
4

David White P1

5 **CERTIFICATE OF SERVICE**

6 I hereby certify that on September 22nd, 2024, a true and correct copy of  
7 the above document was electronically filed with the Clerk of the Court  
8 using paper. A copy of the document will be served to interested parties via  
9 the US mail and email. Additionally, a courtesy copy is being provided as  
10 follows:

11  
12 Defendant 1. (D1)  
13 Susana Dietrich  
14 mitt@dietrichconst.com

15  
16 Defendant 2. (D2)  
17 Mary Lou Soscia in her  
18 Personal capacity as President of  
19 Water Watch of Oregon

20  
21 Defendant 3 (D3)  
22 Bryan Sohlin in his Personal capacity as Vice  
23 President of Water Watch of Oregon

24  
25 Defendant 4 (D4)  
26 Neil Brandt in his personal capacity as  
27 Executive Director of  
28 Water Watch of Oregon  
29 503-295-4039x 101  
30 neil@waterwatch.org

31  
32 Melanie Klym (D5)  
33 River Design Group

1 Phone: 541.738.2920  
2 info@riverdesigngroup.com

3  
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12 info@waterwatch.org

13  
14 Janette Brimmer  
15 jbrimmer@earthjustice.org  
16 Molly Tack-Hooper  
17 [mtackhooper@earthjustice.org](mailto:mtackhooper@earthjustice.org)

- 18  
19 \_\_\_\_\_ Via hand delivery  
20 \_\_\_\_\_ Via U.S. Mail, 1st Class,  
21 Postage Prepaid  
22 \_\_\_\_\_ Via Overnight Delivery  
23 \_\_\_\_\_ Via Facsimile  
24 XX Via Email

25 XX Via CM/ECF notification to the extent registered DATED:  
26 9/22/2024. By: David White

27  
28 Fed. R. Civ. P. 4(e)". says (e)(1) "following state law for serving a summons  
29  
30 in an action brought in courts of general jurisdiction in the state where the  
31  
32 district court is located or where service is made; However, by Oregon law  
33  
34 email service is allowed. ORCP 9 G explains a document may be a  
35

1 pleading or many other documents.