

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

4 **Case 3:24-cv-00755-JR**

5 **David White, Pro Se**
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7 **Portland, Oregon**

8
9 dave@salmonprotectiondevice.com

10 **Plaintiffs Response to**
11 **Briefing Schedule Request.**
12 **United States Magistrate**
13 **Judge Jolie A. Russo**

14 **Pursuant to Fed. R. Civ. P. 16 and LR 16-3**

15 **vs.**

16 **Defendant 1. (D1)**
17 **Dave Coffman, as geoscientist**
18 **dcoffman@res.us, sburley@res.us**
19 **Resource Environmental Solutions,**
20 **Corporate Headquarters – Houston**
21 **6575 West Loop South, Suite 300**
22 **Bellaire, TX 77401**
23 **713.520.5400 x6134**

24 **Defendant 2. (D2)**
25 **Mark Bransom in his capacity as Chief Executive Officer of**
26 **Klamath River Dam Renewal Corp.**
27 **info@klamathrenewal.org**

28 **Defendant 3 (D3)**
29 **Klamath River Renewal Corporation**
30 **2001 Addison Street, Suite 317**
31 **Berkeley, CA 94704**
32 **Phone: 510-560-5079**

33 Legal Counsel for D2 and Klamath River Renewal Corporation (KRRRC),
34 (D3)

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 19 Telephone: 510.296.5589
 20 *Attorneys for Defendants Mark Bransom and*
 21 *Klamath River Renewal Corporation*

22

23

Table of Authorities

24

18 USC 3 accessory after the fact.

25

16 USCA § 1532(19); see also Goble, D. D.; George, S. M.; Mazaika, K.;

26

Scott, J. M. & Karl, J. (1999) "Local and national protection of endangered

27

species: An assessment," *Environmental Science & Policy*, 2, pp. 43-59.

28

18 U.S. Code § 41 - Hunting, fishing, trapping; disturbance or injury on

29

wildlife refuges.

30

The Endangered Species Act of 1973,

31

<https://www.fws.gov/laws/endangered-species-act/section-11>

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18 U.S.C. § 1001 False Statements, Concealment

33

1 This case is about David vs Goliath (KRRC). The legal counsel for D2 and
2
3 D3 are untruthful attorneys.

4
5 [https://www.uscourts.gov/about-federal-courts/types-cases/civil-](https://www.uscourts.gov/about-federal-courts/types-cases/civil-cases)
6 [cases](https://www.uscourts.gov/about-federal-courts/types-cases/civil-cases)

7 This says: Case Preparation

8 There may be “discovery,” where the litigants must provide information to
9 each other about the case, such as the identity of witnesses and copies of
10 any documents related to the case. The purpose of discovery is to prepare
11 for trial by requiring the litigants to assemble their evidence and prepare to
12 call witnesses. Each side also may file requests, or “motions,” with the
13 court seeking rulings on the discovery of evidence, or on the procedures to
14 be followed at trial.

15

16 Therefore, requesting Discovery now is not inappropriate at this stage of
17 the Proceedings. Especially when Defendants’ Legal Counsel stated they
18 don’t plan on honoring any of Plaintiffs discovery requests. Also after court

19

20 ordered discovery in the case. Plaintiff filed after the discovery request

21

22 was ordered by the court.

23

24 Background:

25

26 D2 and D3 Legal Counsel filed on May 17th, 2024 Case 3:24-cv-00755-JR

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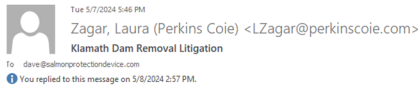
28 Document 18 Filed 05/16/24 Page 1 of 5. This document contains False

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Statements, Concealment—18 U.S.C. § 1001.

Plaintiff served by email the initial complaint filing to defendants on May 3rd, 2024 within 2 hours of filing it. Plaintiff has email delivery and read receipts to prove this.

On May 7th at 5:46 p.m. defendants D2 and D3 Legal Counsel sent an email to Plaintiff as follows.



Mr. White:

I represent the Klamath River Renewal Corporation. Our client is in receipt of your recent communications, including emails and voicemails. We are aware of the litigation and your request for a preliminary injunction, and we intend to appear and defend. Contrary to your communication, there is no court order that requires us to cease our activities. Indeed, the Renewal Corporation is complying with our obligations under the license surrender order and other regulatory authorizations.

Going forward, we request that any and all communication related to the Project or your litigation be directed to me, the Renewal Corporation's Counsel. Please cease and desist from contacting our employees or our contractors, including Resource Environmental Solutions.

Thank you in advance,
Laura Zagar

Laura Zagar | Perkins Coie LLP
SAN FRANCISCO OFFICE MANAGING PARTNER
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San Francisco, CA 94105
D: +1 415.344.7145
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“Mr. White:

I represent the Klamath River Renewal Corporation. Our client is in receipt of your recent communications, including emails and voicemails.”

In like fashion Plaintiff emailed defendants’ Legal Counsel the service of the two filings This response of D2 and D3 legal Counsel above proves that

1
2 defendants were served prior to the evening of May 7th, 2024.

3
4 Therefore, service to defendants occurred no later than the evening of

5
6 May 7th 2024 when Plaintiff delivered to legal counsel by email the

7
8
9 complaint and injunction, with delivery and read receipts. Truthful Plaintiff

10
11 will not stipulate the untruthful requested service date in the Briefing

12
13 Schedule document.

14
15 Plaintiff filed everything except item d. Defendants have not filed anything

16
17 within the allotted time in response to any of Plaintiff's filings to date. Any

18
19 filing against Plaintiffs Complaint and Preliminary Injunction was therefore,

20
21 due May 21, 2024 by midnight. This filing is May 22nd 2024. No filing

22
23 means Defendants agree with the complaint and injunction.

24
25 After delivering documents to the clerk in Portland for the federal Marshals

26

1 to serve defendants, Plaintiff sent the following offer by email on May
2
3
4 20th, 2024.

5
6 Good day legal Counsel for defendants in this case,

7
8 May 20th 2024, the Plaintiff, took 3 copies of the complaint, injunction,
9
10 Saturday's filing and the summons, USM285 for each defendant and a
11
12 copy of the Judge's order to the court clerk in Portland Federal Courthouse.

13
14 The federal Marshals will pick them up and certify mail them to your clients.

15
16 Also the federal prosecutor will file the charges against your clients. The
17
18 time to negotiate is now!

19
20 If the items below are accomplished, then Plaintiff will cancel the complaint.

21
22 Plaintiff's demands include this list and more based on the rulings
23
24 requested in the filings.

25
26 1. Cease destroying public property immediately, which is a violation of
27 the FERC document because mitigation was not performed by your clients.

28 2. Turn the project and funds over to Salmon Protection Device. We will
29

1 have Resource Environmental Solutions, Install fencing to prevent any
2 human or other animal from wandering into the quicksand silt.

3 A, Use a drone to plant native trees and shrubs.

4 B. Expedite removal of the silt after chemical analyses.

5 3. Install a fish ladder on Iron Gate dam. The digging so far could be
6 used to install it.

7 4. Close out the trusts and return the funds.

8 5. Pay Salmon Protection device the \$30 million plus whatever is
9
10 remaining in KRRC account. Provide last two year's account monthly
11
12 statements.

13

14 On May 21st, 2024 Plaintiff received this activity in the case:

15

16 Document Number: 23

17 Service Papers Received. Summons issued as to Mark Bransom, Dave Coffman,
18 Klamath River Renewal Corporation. Summons, USM 285 form(s), and copies of the
19 Complaint and Order to Proceed *in forma pauperis* forwarded to the U.S. Marshals
20 Service for service. (Attachments: # (1) Attachment USM 285 Form) (fp)

21

22 However, Defendants' Legal Counsel plans now to file an improper and

23

24 untimely motion to dismiss on May 31st.

25

26 1. Case facts.

27 a. Plaintiff filed the complaint 5/3/2024 and served it to defendants

28

29 by email with delivery and read receipts. Also filed Application

30

31 for Leave to Proceed IFP, in format Pauperis and case was

1
2 assigned to Judge Russo.

3
4 b. May 6th Defendants started removal of Iron Gate Dam.

5
6
7 c. May 7th Plaintiff filed Application for CM/ECF Registration as a
8
9 Self-Represented Party. Also, Motion for Preliminary Injunction
10
11 filed by Plaintiff.

12
13 d. May 8th some notices of appearances were filed and corporate
14
15 disclosure by Defendants' Legal Counsel.

16
17 e. May 10th ORDER: Granting Plaintiff's Application for CM/ECF
18
19 Registration as a Self-Represented Party.

20
21 f. ORDER: Granting Motion for Leave to Proceed in Forma
22
23 Pauperis.

24
25 g. May 13th Notice of Case Assignment to Magistrate Judge Jolie
26
27 A. Russo and Discovery and Pretrial Scheduling Order.
28
29 Discovery is to be completed by 9/10/2024.

30
31 h. May 13th Emergency Motion memo of points and rulings
32
33 requested. Expedited Hearing requested. Filed by Plaintiff. The
34
35 FERC document is untruthful and inadequate for the stated
36
37 purpose, particularly in regard to mitigation. For example, here

1
2 are some items.

3 i. Well documented facts in the FERC document. This

4
5 document is from 2018.

6
7 ii. The document required defendants to have and execute a

8
9 mitigation plan prior to removing any dam. Item (e) states

10
11 “the Renewal Corporation, the States, and PacifiCorp are

12
13 each assured that their respective risks associated with

14
15 facilities removal have been sufficiently mitigated

16
17 consistent with Appendix L.” However, grievances and

18
19 concerns of local stakeholders were ignored.

20
21 iii. Local stakeholders levied concerns about killing wildlife,

22
23 contamination blowing in the wind, and flooding. Items 24

24
25 to 30 in the FERC document.

26
27 [https://www.cityofwestsacramento.org/government/depart](https://www.cityofwestsacramento.org/government/departments/city-manager-s-office/flood-protection/know-your-flood-hazard/flood-history)
28 [ments/city-manager-s-office/flood-protection/know-your-](https://www.cityofwestsacramento.org/government/departments/city-manager-s-office/flood-protection/know-your-flood-hazard/flood-history)
29 [flood-hazard/flood-history](https://www.cityofwestsacramento.org/government/departments/city-manager-s-office/flood-protection/know-your-flood-hazard/flood-history)

30
31 iv. These concerns were not mitigated even though the

32
33 defendants had 5 years from 2018 to formulate and

34
35 execute mitigation plans.

36

1 i. May 15th Emergency Motion for Discovery and/or Inspection.

2
3 j. May 15th Emergency Motion. Expedited Hearing requested.

4
5 Filed by David White. Siskiyou County Votes Against Dam
6
7 Removal.

8
9
10 Items h, i and j above were correctly denied by the Court, but Plaintiff
11 has corrected and amended documents filing in the case.

12
13 On May 16th 2024 Plaintiff sent the debunking of the FERC document
14 to the FERC complaint hotline email (hotline@ferc.gov) and asked
15 them to make the FERC document 20180315-3093 is untruthful and
16
17 inadequate for the stated purpose, particularly in regard to mitigation.
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23 

24 David C. White Pro Se. 5/22/2024