



# FOR IMMEDIATE RELEASE

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**KLAMATH FALLS, OR – February 9, 2024.** On Friday January 19, 2024, Klamath County Circuit Court Judge Alycia E. Kersey granted multiple pretrial motions, resulting in the City of Klamath Falls’ dismissal from a lawsuit filed by Dan Martin Construction, Inc. The suit also included the City’s current Public Works Director Mark Willrett and former Development Services Director Scott Souders as defendants with the City. Both individual defendants were dismissed from the suit at the start of Friday’s hearing.

The lawsuit, filed in May of 2023, sought injunctive relief and 5.5 million dollars against the City and accused the City of various theories of breach of contract as well as tortious interference with a business relationship. The events relevant to the suit took place over several years. Dan Martin, the owner of Dan Martin Construction, Inc., presented a plan for the development of homes outside of the city limits and northeast of the junction of Highways 39 and 140. After signing documents for the City which acknowledged not only the need for certain infrastructure upgrades for water to be available to his development, but also his agreement to pay for those upgrades, Martin demanded that the City pay for the upgrades to subsidize his development. Since that time, the City proposed multiple methods to proceed, including various forms of cost sharing. Martin declined and filed suit.

In response, the City filed several pretrial motions, including a motion for summary judgment and an anti-SLAPP (Strategic Lawsuits Against Public Participation) motion. After a 45-minute hearing on January 19, Judge Kersey granted the City’s motion to dismiss under the anti-SLAPP statutes. She also granted the City’s motion for summary judgment, which resulted in a dismissal of the case. As part of the anti-SLAPP ruling, the City is statutorily entitled to recover fees and costs from Dan Martin Construction, Inc.

Casey Murdock of Frohnmayer, Deatherage, et al. represented the City of Klamath Falls. Chase Beguin of Cauble & Whittington represented Dan Martin Construction.