

THE PRESS-ENTERPRISE

AUGUST 16, 2005

Use of anti-racketeering law costs attorneys **\$267,000: A judge rules a developer's lawyers must pay an activist's legal bills. An appeal is planned.**

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The Press-Enterprise

Lawyers who leveled racketeering allegations last year against three U.S. Forest Service employees and a Big Bear-area environmentalist were sanctioned Monday in federal court for filing a frivolous lawsuit, attorneys said.

Wayne Rosenbaum and Suzanne Washington of Foley and Lardner, a San Diego-based firm, will have to pay attorneys fees and costs amounting to \$267,000, according to Monday's ruling by U.S. District Judge Manuel Real.

Jon Wilson, who heads litigation for Foley and Lardner, said the firm plans to appeal.

The suit, filed on behalf of developers of a disputed condominium project in Fawnskin, was the first known attempt by builders to use the federal Racketeer Influenced and Corrupt Organizations Act to combat opposition to such a project.

Also known as the RICO Act, the law was passed in 1970 as a weapon against organized crime.

The 132-condo Marina Point project has been planned in Fawnskin -- a town of fewer than 400 residents in the San Bernardino Mountains -- for more than

a decade, but it is currently stalled by a court-ordered injunction.

The injunction was borne out of allegations that Marina Point's developers had violated the federal Clean Water Act and Endangered Species Act.

Rosenbaum had argued that environmentalist Sandy Steers conspired with Forest Service biologists Scott and Robin Eliason and San Bernardino National Forest Supervisor Gene Zimmerman to provide agencies with phony information about the bald-eagle population around Big Bear Lake in order to stop the project.

He argued in the November lawsuit that the offense amounted to a violation of the RICO Act.

In subsequent months, several environmental groups, the First Amendment Project and the state attorney general's office joined sides with Steers and the Forest Service employees.

The unprecedented use of the anti-racketeering law, they said, threatened the constitutional right of private citizens to speak out and petition the government in whatever way they choose.

The judge agreed in March and tossed out the case. Steers' attorneys later sought to recoup the lost fees, which

they were awarded on Monday.

"I hope today's order sends a message to all community members to stay active, not to be silenced, and not to fear retribution for exercising their rights," Steers said in a statement released after the ruling.