

Coal Industry Attorneys Threaten to Sue Oakland Over Records

By [Darwin BondGraham](#)

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The City of Oakland voted to ban coal last summer, but that hasn't stopped coal industry attorneys from continuing to dig for information they can use for a lawsuit, possibly to revive plans for a massive coal export terminal on the city's waterfront. But the coal attorneys are now accusing Oakland of withholding records, and they're threatening to sue the city over what they describe as non-compliance with the state Public Records Act.

In July and August, attorneys with the Holland & Hart law firm requested emails, documents, and even text messages and voicemail recordings from councilmembers, the mayor, and city staff regarding the coal controversy. The city responded by posting thousands of pages of documents online.

But in [an October 24 letter](#) sent by Kristin Nichols, a Holland & Hart attorney, to the Oakland City Attorney's Office, Nichols wrote that "the City of Oakland has failed to comply with its statutory obligation to 'make the records promptly available' in accordance with the California Public Records Act." Her letter concludes by referencing the section of the law that allows private parties to sue to force their production.

As the *Express* reported last year, the Holland & Hart law firm counts coal, oil, and gas companies among its major clients. According to [Nichols' website](#), she specializes in representing coal companies.

Nichols did not return a phone call seeking comment about who she is representing in her efforts to uncover records related to the Oakland coal controversy. But [according to news reports](#), Holland & Hart attorneys represented the Kentucky-based company Bowie Resource

Partners last year when it was trying to acquire coal mines from the Peabody Energy Corporation. [Bowie was the company quietly backing a plan last year](#) to invest \$43 million of Utah taxpayer funds in the Oakland Bulk and Oversized Terminal in order to dedicate the facility as a coal export hub. The plan involved Bowie mining and shipping coal to California from Utah, and possibly other western states, and exporting the coal to overseas markets.

Bowie's Senior Vice President Brian Settles did not return a phone call seeking comment for this story.

In March, Bowie's CEO John Siegel [told the Salt Lake City Tribune](#) that his company owned part of [TLS](#), the Oakland-based firm run by former Port of Oakland Executive Director Jerry Bridges that has the exclusive rights to develop the bulk commodity terminal.

Activists with the No Coal In Oakland Coalition said the attorneys are on a "fishing expedition." In a statement released yesterday, the coalition wrote:

"The city council relied on thousands of pages of evidence and three teams of scientists working independently to find that there was substantial evidence that failure to act to ban coal would lead to substantial danger to the health and safety of Oakland residents. Courts give cities great deference in cases like this and will not second guess their findings. So Bowie is taking another tack –a legal attack on the process by which the city adopted the ban coal ordinance. They're not going to get anywhere with that approach either. Evidence is evidence and the city had way more than it needed to support its ban on coal."