

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

JEANYNE JAMES, ROBIN COLBERT,
JANE DREVO, SAM DREVO, BROOKE
EDGE AND BILL EDGE, SR., LORI
FOWLER, IRIS HAMPTON, JAMES
HOLLAND, RACHELLE MCMASTER,
KRISTINA MONTOYA, NORTHWEST
RIVER GUIDES, LLC, SHARIENE
STOCKTON AND KEVIN STOCKTON,
VICTOR PALFREYMAN, PALFREYMAN
FAMILY TRUST, and DUANE BRUNN,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

PACIFICORP, an Oregon corporation; and
PACIFIC POWER, an Oregon registered
electric utility and assumed business name of
PACIFICORP,

Defendants.

Nos. 20CV33885 (Lead)
20CV37430, 21CV33595,
22CV13946, 22CV26326,
22CV29694, 22CV29976,
22CV30450, 22CV41640

**DECLARATION OF DOUGLAS DIXON
IN SUPPORT OF DEFENDANT
PACIFICORP'S REPLY IN RESPONSE
TO PLAINTIFFS' OPPOSITION TO
MOTION TO CLARIFY SCOPE OF
CLASS REPRESENTATION**

I, Douglas Dixon, declare as follows:

1. I am one of the attorneys for Defendants PacifiCorp and Pacific Power
(collectively "PacifiCorp" or "Defendant") in the above-referenced case. I submit this
declaration in support of Defendant PacifiCorp's Reply in Response to Plaintiffs' Opposition
to Motion to Clarify Scope of Class Representation ("Reply"). I am over eighteen years of
age, and this declaration is based on my personal knowledge or information that I believe to
be true and correct, and it is true and correct to the best of my knowledge and belief.

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1 2. Attached as **Exhibit 1** is a true and correct copy of excerpts from the court-
2 authorized class action notice in this case.

3 3. Attached as **Exhibit 2** is a true and correct copy of an archived version of the
4 class action website excerpting Frequently Asked Questions 18 and 22. The page is available
5 at <<https://www.pacificorpfirelitigation.com/faq>> and was last accessed on July 22, 2024.

6 4. I personally participated in the negotiations resulting in the settlement of the
7 claims of the more than 450 persons and businesses affected by the Echo Mountain, South
8 Obenchain, 242, and Beachie Creek fires (the “*James Class Fires*”) as well as claims related
9 to the Archie Creek, Slater, and McKinney fires. PacifiCorp has paid or agreed to pay
10 approximately \$250 million to settle the claims of persons and business affected by the
11 *James Class Fires*.

12 5. In all, the more than 450 persons and businesses affected by the *James Class*
13 *Fires* who have settled with PacifiCorp were represented by eight different law firms. Three
14 of those firms—Warren Allen LLP, Spreter Petiprin, and Swigart Law Group, APC
15 (“SSW”)—filed the Motion to Clarify.

16 6. All settlements were reached through arm’s length negotiations, facilitated by
17 a mediator. Many of these negotiations extended over several months. For the *James Class*
18 *Fire* claims, resolution was achieved with the assistance of retired Judges Karsten Rasmussen
19 and Peter Lichtman, and mediator Eric English. Depending on the unique circumstances of
20 the households, including factors such as extent and type of property damage, evacuation
21 experience, and existence of physical injuries, and excluding the wrongful death claimants,
22 claims have settled for between \$50,000 to more than a million dollars.

23 7. PacifiCorp is currently exploring settlement with additional firms representing
24 over 90 persons affected by the *James Class Fires*. A mediator is assisting with those
25 settlement discussions.

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Page 3 - DECLARATION OF DOUGLAS DIXON IN SUPPORT OF DEFENDANT
PACIFICORP'S REPLY IN RESPONSE TO PLAINTIFFS' OPPOSITION TO
MOTION TO CLARIFY SCOPE OF CLASS REPRESENTATION

Records indicate that you may have owned or resided on property as of September 7, 2020 in an area burned by one of the fires listed below (collectively, the “Fires”):

Echo Mountain Fire (including the Kimberling Fire)
South Obenchain Fire
242 Fire
Santiam Canyon Fire

A class action lawsuit may affect your rights.

A Court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.

- A class action lawsuit has been filed against PacifiCorp and Pacific Power (collectively, “PacifiCorp”) alleging that PacifiCorp’s acts and/or omissions caused or contributed to the Fires around Labor Day 2020 that damaged or destroyed homes and property of thousands of people. The lawsuit is pending in Multnomah County Circuit Court in Portland, Oregon and is presided over by Judge Steffan Alexander.
- PacifiCorp denies that it caused or contributed to the Fires, denies that its acts or omissions violated any law or legal requirement, and denies that it is liable to any plaintiff. Likewise, no judge or jury has concluded that PacifiCorp caused or contributed to the Fires, violated any law or legal requirement, or is liable to anyone.
- The Court has certified a class of certain owners and residents of real, mobile, and other property (the “Class”) for a trial of certain issues (the “Certified Issues”) related to PacifiCorp’s alleged responsibility for the fires. You are a member of the Class if you fall within either of the following criteria:
 - (A) Owners or residents, as of September 7, 2020, of any privately owned real property that is wholly or partially within the boundary of the maximum extent of burn for the Echo Mountain (including the Kimberling Fire), South Obenchain, or 242 fires, or for the Santiam Canyon fires, is wholly or partially within the boundary in Map 4a below, and experienced fire activity during those fires; or
 - (B) Owners of a motorhome, residential trailer, manufactured dwelling, other mobile home, or any other personal property that, as of September 7, 2020, was located on any property in the same area, experienced fire activity during the Fires, and whose personal property experienced fire damage during the Fires.

Maps showing the boundaries for the Fires covered by this case are contained in this Notice.

- A jury trial of the Certified Issues (the “Issues Trial”) has been scheduled to start on April 24, 2023. The Certified Issues to be decided at the Issues Trial are listed under Question 6 in this Notice.
- **There is no money or other benefit available now, nor is there any guarantee that there will be.** At the conclusion of the Issues Trial, depending on the result, any individual in the Class may have to commence their own lawsuit against PacifiCorp if they want to obtain any financial compensation. However, if you are a Class Member, your legal rights are affected by the upcoming Issues Trial, whether you act or don’t act, and **you have a choice to make now:**

15. Why would I ask to be excluded?

If you (i) already have your own lawyer and lawsuit against PacifiCorp related to the Echo Mountain Fire (including the Kimberling Fire), South Obenchain Fire, 242 Fire, or Santiam Canyon Fire, and you want to continue with that lawsuit without the benefit and risks of having the answers to the Certified Issues treated as binding on you, or (ii) otherwise do not want to be a part of this class-action lawsuit, then you must ask to be excluded by the **December 6, 2022** deadline.

If you exclude yourself—which is sometimes called “opting out”—you will not benefit from any beneficial ruling that may be reached on the Certified Issues. However, you may then be able to sue or continue to sue PacifiCorp without being bound by any adverse ruling on any of the Certified Issues. If you exclude yourself, you will not be automatically bound by the judgments in this action, whether favorable or unfavorable to the Plaintiffs.

If you start your own lawsuit against PacifiCorp after you exclude yourself, you will have to hire your own lawyer for that lawsuit, and you will have to prove your claims on your own. If you do exclude yourself so that you can start or continue your own lawsuit against PacifiCorp, then you should talk to your own lawyer soon to ensure you do not lose your ability to sue PacifiCorp, if you have a claim.

16. How do I ask the Court to exclude me from the Class?

To ask to be excluded, you must fill out and submit the “Exclusion Request” form, which can be found at www.PacifiCorpFireLitigation.com. You may also request that an Exclusion Request form be mailed to you by calling Lead Counsel at 503-217-6722 or 888-607-5808. The Exclusion Request must be mailed to the address below postmarked by **December 6, 2022**:

James, et al. v. PacifiCorp, et al.
c/o JND Legal Administration
PO Box 91348
Seattle, WA 98111

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case?

If you do not ask to be excluded, then in all proceedings on the Certified Issues, you will be represented by Lead Counsel: Stoll, Keller, and Edelson. The Court decided that these law firms are qualified to represent you and all Class Members. The law firms are experienced in handling similar class action and fire cases. More information about Lead Counsel is available at www.stollberne.com, www.KRComplexLit.com, and www.edelson.com.

18. Should I get my own lawyer?

You have the right to select a lawyer to represent you. If you have signed a retainer agreement with one or more of the law firms serving as Lead Counsel, you do not need to hire another lawyer for purposes of this lawsuit. If you have not signed an agreement with one or more of the law firms serving as Lead Counsel, you may choose to hire a different lawyer, *but you do not need to* because Lead Counsel is working on your behalf, so long as you do not ask to be excluded from the class, with respect to the Certified Issues.

If Plaintiffs are successful at the Issues Trial, you may want Lead Counsel to continue to represent you, or, if you wish, a different attorney who has not been involved in the litigation may be available to represent you in later proceedings to determine whether you are entitled to any damages and, if so, the amount of your damages. These later proceedings may or may not occur, depending on the outcome of the Issues Trial.

19. How will the lawyers be paid?

If Plaintiffs are successful at the Issues Trial and you subsequently obtain a financial judgment or settlement related to this case, they may ask the Court for fees and expenses. In that event, Class Members may be responsible for paying a portion of the financial award and reasonable case costs to Lead Counsel.

If you hire a different lawyer, you will have to pay for that lawyer.

THE ISSUES TRIAL

The Court has scheduled an Issues Trial to decide the fourteen Certified Issues for all members of the Class.

20. How and when will the Certified Issues be decided?

As long as the case is not otherwise resolved, Lead Counsel will have to prove at trial that some or all of the Certified Issues should be answered in Plaintiffs' favor.

During the Issues Trial, a jury will hear evidence and make a decision on some or all of the Certified Issues. There is no guarantee that the Plaintiffs will win on any or all of the Certified Issues. The Court has scheduled the Issues Trial to start on April 24, 2023.

21. Do I have to come to the Issues Trial?

You do not need to attend the Issues Trial. Lead Counsel will present the case for the Plaintiffs, and PacifiCorp will present the defense. You and/or your own lawyer are welcome to attend at your own expense.

22. Will I get money as a result of the Issues Trial?

No. The Issues Trial is only meant to answer the Certified Issues and the amount of damages for the class representatives. After the Certified Issues are answered, each Class Member will be responsible for proving, if they so choose, whether they are entitled to any damages and, if so, the amount of damages. PacifiCorp is also entitled to present its defenses to liability and to individual Class Members' claims. This may be done by mini-trials, a contested claims process, the appointment of a special master, or some other procedure to be later established by the court overseeing this lawsuit.

If you have previously signed a retainer agreement to be represented by an attorney regarding the claims in this lawsuit, you and your attorney will make a determination as to whether and how to proceed after the Issues Trial. There is no guarantee that any money will ever be awarded.

GETTING MORE INFORMATION

23. How do I get more information?

Visit the website www.PacifiCorpFireLitigation.com where you will find the Court's Opinion and Order Granting Plaintiffs' Motion for Issues Class Certification, the Complaint that the Plaintiffs filed, the Answer that PacifiCorp filed, as well as the Exclusion Request Form. You may also speak to someone about the case by calling 503-217-6722 or 888-607-5808, by emailing PacifiCorpFireLitigation@edelson.com or by writing to: Stoll Berne, c/o Cody Berne, 209 SW Oak Street, Suite 500, Portland, OR, 97204. Before doing so, however, please read this full Notice carefully.

Please do not call or write the Court or PacifiCorp for information or advice.

Document title:	FAQ Jeanyne James, et al. v. PacifiCorp, et al.
Capture URL:	https://www.pacificorpfirelitigation.com/faq
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Browser engine:	Mozilla/5.0 (X11; Linux x86_64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/124.0.0.0 Safari/537.36
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Capture ID:	dodYCBAA9YWpVZZwAr21Fx
User:	hh-bbrownlee

PDF REFERENCE #: mSiqU62z1RMMDRFqQdxhj2

FREQUENTLY ASKED QUESTIONS

[Expand/Collapse All](#)

BASIC INFORMATION

- + 1. Why did I get a notice?
- + 2. What is this lawsuit about?
- + 3. What is a class action and who is involved?
- + 4. Why is this lawsuit a class action?
- + 5. What is a Certified Issue?
- + 6. What are the Certified Issues in this lawsuit?

THE CLAIMS IN THE LAWSUIT

- + 7. What does the lawsuit complain about?
- + 8. How does PacifiCorp answer the allegations?
- + 9. Has the Court decided who is right?
- + 10. What are the Plaintiffs asking for?
- + 11. Is there any money available now?

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WHO IS IN THE CLASS?

You need to decide whether you are affected by this lawsuit.

- + 12. Am I part of the Class?
- + 13. I am still unsure if I am included.

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YOUR RIGHTS AND OPTIONS

- + 14. What happens if I do nothing at all?

THE LAWYERS REPRESENTING YOU

+ 17. Do I have a lawyer in this case?

- 18. Should I get my own lawyer?

You have the right to select a lawyer to represent you. If you have signed a retainer agreement with one or more of the law firms serving as Lead Counsel, you do not need to hire another lawyer for purposes of this lawsuit. If you have not signed an agreement with one or more of the law firms serving as Lead Counsel, you may choose to hire a different lawyer, but you do not need to because Lead Counsel is working on your behalf, so long as you did not ask to be excluded from the class, with respect to the Certified Issues.

If Plaintiffs are successful at the Issues Trial, you may want Lead Counsel to continue to represent you, or, if you wish, a different attorney who has not been involved in the litigation may be available to represent you in later proceedings to determine whether you are entitled to any damages and, if so, the amount of your damages. These later proceedings may or may not occur, depending on the outcome of the Issues Trial.

+ 19. How will the lawyers be paid?

+ THE ISSUES TRIAL

+ 20. How and when will the Certified Issues be decided?

+ 21. Do I have to come to the Issues Trial?

- 22. Will I get money as a result of the Issues Trial?

No. The Issues Trial is only meant to answer the Certified Issues and the amount of damages for the class representatives. After the Certified Issues are answered, each Class Member will be responsible for proving, if they so choose, whether they are entitled to any damages and, if so, the amount of damages. PacifiCorp is also entitled to present its defenses to liability and to individual Class Members' claims. This may be done by mini-trials, a contested claims process, the appointment of a special master, or some other procedure to be later established by the court overseeing this lawsuit.

If you have previously signed a retainer agreement to be represented by an attorney regarding the claims in this lawsuit, you and your attorney will make a determination as to whether and how to proceed after the Issues Trial. There is no guarantee that any money will ever be awarded.

GETTING MORE INFORMATION

+ 23. How do I get more information?

FOR MORE INFORMATION

Visit this website often to get the most up-to-date information.

Call 1-844-633-0692
Email info@PacifiCorpFireLitigation.com
Mail PacifiCorp Fire Litigation
c/o JND Legal Administration
P.O. Box 91348
Seattle, WA 98111



1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served a true and correct copy of the foregoing document titled
3 **DECLARATION OF DOUGLAS DIXON IN SUPPORT OF DEFENDANT**
4 **PACIFICORP'S REPLY IN RESPONSE TO PLAINTIFFS' OPPOSITION TO**
5 **MOTION TO CLARIFY SCOPE OF CLASS REPRESENTATION** on the following
6 named person(s) or party(ies) on the date and by the method(s) indicated below.

- 7 ☐ mailing with postage prepaid. ☐ email. (courtesy copy only)
8 ☐ hand delivery. ☒ email pursuant to agreement among
9 parties/counsel dated October 29, 2020,
10 consenting to service via email.
11 (Plaintiffs James, et al. only)
12 ☐ overnight delivery. ☒ eService via OJD eFile. (if registered)

12 If by mail or overnight delivery, a true copy of the above referenced document(s) was served
13 upon said person(s) or party(ies), contained in a sealed envelope or package, addressed to
14 said person(s) or party(ies) at their last-known address(es) indicated below.

15 **Service List Attached**

16 DATED: July 24, 2024

17 /s/ Per A. Ramfjord
18 PER A. RAMFJORD, OSB 934024
19 Of Attorneys for Defendants PacifiCorp and
20 Pacific Power
21
22
23
24
25
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