IN THE SUPREME COURT OF THE STATE OF OREGON

JEANYNE JAMES, *et al*., individually and on behalf of
all others similarly situated,
Plaintiffs-Respondents, Cross-Appellants,
Petitioner on Review,

and

MARY KATHLEEN BECHERER, *et al.*,
Plaintiffs,

and

OREGON DEPARTMENT OF JUSTICE,
Creditor-Respondent,

v.

PACIFICORP, an Oregon Corporation, and PACIFIC POWER, an Oregon registered electric utility and assumed business name of PACIFICORP,
Defendants-Appellants, Cross-Respondents,
Respondents on Review.

Multnomah County Circuit Court
Case No. 20CV33885

CA No. A183140

SC No. S072933

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On Petition for Review of a Decision of the Court of Appeals
Date of Court of Appeals Decision: April 8, 2026
Author of Decision: JOYCE, J.
Concurring in Opinion: ORTEGA, P.J.; HELLMAN, J.

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# BRIEF OF *AMICUS CURIAE* THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA IN SUPPORT OF RESPONDENTS ON REVIEW

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SEPTEMBER 2026

Elizabeth H. White, OSB No. 204729
One SW Columbia Street, Suite 1900
Portland, Oregon 97204
(503) 228-3200
elizabeth.white@klgates.com

David R. Fine (*pro hac vice* pending)
17 North Second Street, 18th Floor
Harrisburg, Pennsylvania 17101
(717) 231-4500
david.fine@klgates.com

*Attorneys for* Amicus Curiae *The Chamber of Commerce of the United States of America*

Keith A. Ketterling, OSB No. 913368
Timothy S. DeJong, OSB No. 940662
Cody Berne, OSB No. 142797
Emily Johnson, OSB No. 183791
Erin E. Roycroft, OSB No. 184371
Carsen Nies, OSB No. 224623
STOLL STOLL BERNE LOKTING & SHLACHTER P.C.
209 SW Oak Street, Suite 500
Portland, Oregon 97204
(503) 227-1600
kketterling@stollberne.com
tdejong@stollberne.com
cberne@stollberne.com
ejohnson@stollberne.com
eroycroft@stollberne.com
cnies@stollberne.com

Alexander G. Tievsky
Nicholas Rosinia
Megan Delurey
Schuyler Daum
Landon Webster
EDELSON PC

Per A. Ramfjord, OSB No. 934024
Brad S. Daniels, OSB No. 025178
Reilley D. Keating, OSB No. 073762
STOEL RIVES LLP
760 SW 9th Avenue, Suite 3000
Portland, Oregon 97205
(503) 224-3380
per.ramfjord@stoel.com
brad.daniels@stoel.com
reilley.keating@stoel.com

Alison L. Plessman
Rajan S. Trehan
Stephanie W. Xiao
Khoa D. Nguyen
HUESTON HENNIGAN LLP
523 West 6th Street, Suite 400
Los Angeles, California 90014
(213) 788-4340
aplessman@hueston.com
rajan.trehan@hueston.com
sxiao@hueston.com
knguyen@hueston.com

Douglas J. Dixon
Craig A. Fligor
HUESTON HENNIGAN LLP
620 Newport Center Drive, Suite 1300
Newport Beach, California 92660
(949) 229-6840
ddixon@hueston.com
cfligor@hueston.com

Theodore J. Boutrous, Jr.
GIBSON, DUNN & CRUTCHER LLP
333 S Grand Avenue
Los Angeles, CA 90071-3197
(213) 229-7804
tboutrous@gibsondunn.com

350 North LaSalle Street, 14th Floor
Chicago, Illinois 60654
(312) 589-6370
atievsky@edelson.com
nrosinia@edelson.com
mdelurey@edelson.com
sdaum@edelson.com
lwebster@edelson.com

Todd Logan, OSB No. 261139
Patrick Ntchobo
EDELSON PC
150 California Street, 18th Floor
San Francisco, California 94111
(415) 212-9300
tlogan@edelson.com
pntchobo@edelson.com

Ali Moghaddas
EDELSON PC
11601 Wilshire Boulevard, Suite 1970
Los Angeles, California 90025
(310) 694-0331
amoghaddas@edelson.com

Matthew J. Preusch, OSB No. 134610
KELLER ROHRBACK L.L.P.
801 Garden Street, Suite 301
Santa Barbara, California 93101
(805) 456-1496
mpreusch@kellerrohrback.com

Daniel Mensher, OSB No. 074636
Benjamin Gould, OSB No. 256994
Natida Sribhibhadh
KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
Seattle, Washington 98101
(206) 623-1900
dmensher@kellerrohrback.com

Blaine H. Evanson
GIBSON, DUNN & CRUTCHER LLP
3161 Michelson Drive
Irvine, California 92612
(949) 451-3800
bevanson@gibsondunn.com

*Attorneys for Defendants-Appellants, Cross-Respondents, Respondents on Review*

Robert Koch, OSB No. 072004
Denise Fjordbeck, OSB No. 822578
Senior Assistant Attorney General
OREGON DEPARTMENT OF JUSTICE
400 Justice Building
1162 Court Street, NE
Salem, Oregon 97301-4096
(503) 378-4402
denise.fjordbeck@doj.oregon.gov
Robert.a.koch@doj.oregon.gov

*Attorneys for Creditor-Respondent*

Matthew Kirkpatrick, OSB No. 083820
Zoe B. Saccio**,** OSB No. 240402
Oregon Consumer Justice Law PC
850 SE 3rd Avenue, Suite 302
Portland, Oregon 97214
mk@ocjlaw.com
zs@ocjlaw.com

*Attorneys for* Amicus Curiae *Oregon Consumer Justice*

Elizabeth Savage
Elizabeth Savage Law LLC
100 SW Main Street, Suite 400
Portland, Oregon 97204

bgould@kellerrohrback.com
natidas@kellerrohrback.com

Yoona Park, OSB No. 077095
Sarah R. Osborn, OSB No. 222119
KELLER ROHRBACK L.L.P.
601 SW 2nd Avenue, Suite 1900
Portland, Oregon 97204
(206) 623-1900
ypark@kellerrohrback.com
sosborn@kellerrohrback.com

Derek C. Johnson, OSB No. 882340
Marilyn A. Heiken, OSB No. 923308
JOHNSON JOHNSON LUCAS & MIDDLETON, PC
975 Oak Street, Suite 1050
Eugene, Oregon 97401
(541) 484-2434
djohnson@justicelawyers.com
mheiken@justicelawyers.com

Nicholas A. Kahl, OSB No. 101145
NICK KAHL, LLC
2246 E Burnside Street, Suite A
Portland, Oregon 97214
(971) 634-0829
nick@nickkahl.com

*Attorneys for Plaintiffs, Plaintiffs Respondents, Cross-Appellants, Petitioners on Review*

(971) 430-4030
elizabeth@savage-attorney.com

*Attorneys for* Amicus Curiae *Oregon Trial Lawyers Association*

Jesse A. Buss, OSB No. 122919
WILLAMETTE LAW GROUP, PC
411 Fifth Street
Oregon City OR 97045-2224
503-656-4884
jesse@WLGpnw.com

*Attorney for* Amici Curiae *After the Fire USA and Go Alliance*

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## STATEMENT OF INTEREST OF *AMICUS CURIAE*

The **Chamber of Commerce of the United States of America** (the "Chamber") is the world's largest business organization. As the nation's leading advocate for business, the Chamber represents companies and professional organizations of every size, in every industry sector, and from every region of the country. An important function of the Chamber is to represent the interests of its members in matters before Congress, the Executive Branch, and the courts. To that end, the Chamber regularly files *amicus curiae* briefs in cases, like this one, that raise issues of concern to the nation's business community.

The Chamber submits this brief to highlight the significant economic and business ramifications of this Court's decision. The use of issues classes that allow plaintiffs to escape their evidentiary obligations would only lead to protracted litigation, undermining the purpose of class actions, violating defendants' due process rights, and slowing resolution for plaintiffs. The increased costs of such protracted litigation would be passed on to Oregon businesses and consumers alike.

The Chamber urges this Court to affirm the Court of Appeals' decision in favor of PacifiCorp and Pacific Power. That decision faithfully applied Oregon's class-action law by ensuring that plaintiffs are held to their burden in class litigation just as they would be in individual suits. Concerns about delaying

recovery for plaintiffs are better addressed through alternative frameworks for resolution of wildfire claims than by altering bedrock class-action law.

## INTRODUCTION & SUMMARY OF ARGUMENT

Errors on class certification and jury instructions in this case resulted in Plaintiffs, now Petitioners on Review, being held to a lower standard of proof than would be required in every other similarly situated case. The jury was allowed to "assume" that proof for one member of the class was proof for all. But that instruction was demonstrably wrong where the evidence presented related to the causes and courses of four distinct fire boundaries in different locations across Oregon in 2020. Every member of a class, named and unnamed, must prove its claims.

Six years later, the case continues, and Oregon businesses and residents will be the worse for it if these errors persist in this case and repeat in future wildfire class-action litigation. Class certification and evidentiary requirements protect the due process rights of both the defendants and the class members whose claims will be definitively resolved by the suit. They also help guard against *in terrorem* settlements whose costs are inevitably passed on to Oregonians. Given the unique circumstances surrounding wildfire litigation—individualized and complex questions of causation among them—this Court and all Oregon courts may wish to

consider alternative approaches in the future to allow faster recovery for fire victims while also protecting due process rights.

## ARGUMENT

### I. Weakening evidentiary requirements through issues classes harms both plaintiffs and defendants.

The trial court's certification of 14 issues classes (and its ultimate decision to adjudicate the case as a single liability class) ultimately led to the erroneous instruction that allowed the jury to improperly "assume that the evidence at the trial applies to all class members." *James v. PacifiCorp*, 348 Or App 347, 350, 590 P3d 618, 622 (2026). That instruction made no sense when there was discrete evidence about multiple fires that had different causes and burned miles apart. Even within fire boundaries, multiple ignition sites meant that the evidence presented at trial could not have been common to all class members.

The circumstances of this case demonstrate the pitfalls that can arise with issues classes, particularly in cases involving complex and unique circumstances such as wildfires. Indeed, this case demonstrates that some litigation is simply not suited to be handled on a class basis, whether using issues classes or not. As discussed *infra*, Section III, there are workable alternatives to class-action litigation for wildfires that have been adopted elsewhere and that should be considered in Oregon.

**A. The trial court should not have used issues classes.**

The trial court's undeniably inaccurate instruction that the jury could treat all evidence as applicable to the entire class was, at bottom, rooted in its improper certification of *14 different issues classes* in this case. *James v. PacifiCorp*, No 20CV33885, 2022 WL 2680240, *3-4, 25 (Multnomah Cnty Cir Ct May 23, 2022). Certification of so many issues classes should have been the first clue that this litigation should not have proceeded as a class action. Even though issues classes are permitted under ORCP 32 G, the fact that the trial court had to break up the case into more than a dozen fragments to find issues common to all class members shows there was simply not enough commonality among the class.

The piecemeal treatment indicated, as proved true, that there were significant and complex outstanding issues that were *not common* to all class members, thus undermining the wisdom of using the class-action mechanism in the first place. These included causation questions about the four disparate fire areas and as to one of those fire areas in particular. It is beyond doubt that similar causation questions will rear their heads in future wildfire litigations. *See Downing v. San Diego Gas & Elec. Co.*, No D055820, 2010 WL 4233033, at *3 (Cal Ct App Oct 27, 2010) (unpublished) (affirming denial of class certification in case involving three fires because "numerous and substantial legal and factual questions

remain to be resolved, on an individualized basis about the substantial factor causation of injury in fact").

The use of issues classes in this way may make the entire class-action exercise unfair, a waste of time, or both. "Certification of an issues class is appropriate only if it permits fair presentation of the claims and defenses and materially advances the disposition of the litigation as a whole." *Role of Issues Classes*, Ann. Manual Complex Lit. § 21.24 (4th ed.) (addressing federal rule). If the issues class (or classes) "leave[] a large number of issues requiring individual decisions, the certification may not meet this test." *Id.*; s*ee also Downing*, No D055820, 2010 WL 4233033, at *3 (rejecting liability-only class because individualized inquires meant it would "not promote judicial economy"). In other words, the issues class action's "very limited scope may undermine its utility" such that ultimately, "something * * * may not actually be better than nothing." Laura J. Hines, *The Dangerous Allure of the Issue Class Action*, 79 Ind LJ 567, 604 (2004); *id.* at 605 (noting that as a practical matter resolution of even "common" issues "breaks down into an unmanageable variety of individual legal and factual issues" (quoting *Andrews v. Am. Tel. & Tel. Co.*, 95 F3d 1014, 1023 (11th Cir 1996), *overruled on other grounds by Bridge v. Phoenix Bond & Indem. Co.*, 553 US 639, 128 S Ct 2131, 170 L Ed 2d 1012 (2008))).

### B. Collapsing the issues classes into one liability class without recertification was error.

Using issues classes may also result in an end-run around certification requirements, as it did here, when the trial court transformed the issues classes into a single "liability" class at trial.

Rather than having the jury address the 14 certified issues one-by-one at trial, the trial court lumped the issues together into a single liability inquiry. Resp'ts' Resp to Pet for Rev, *20 n1. Petitioners make the same error in their brief to this Court, rejecting with a wave of the hand the differences among the 14 issues classes that were certified and the liability class that was ultimately presented to the jury, arguing that "under that framework" of a single liability class, the trial court's actions were correct. Pet'rs' Merits Br, *2, *6.

But the new "liability class" was never recertified under ORCP 32, and indeed it could not have been. When the trial court certified the 14 issues classes, it focused on the predominance factor under ORCP 32 B(3) and discussed the other seven factors under ORCP 32 B only briefly. *James*, No 20CV33885, 2022 WL 2680240, at *5-11 (as to predominance), *11-13 (as to the remaining factors). Indeed, the predominance factor "frequently drives class certification decisions." *Pearson v. Philip Morris*, *Inc.*, 358 Or 88, 106, 361 P3d 3 (2015). The inquiry is "designed to determine if proof as to one class member will be proof as to all, or whether dissimilarities among the class members will require individualized

inquiries." *Id.* at 111; *Delgado v. Del Monte Fresh Produce, N. A., Inc.*, 260 Or App 480, 491, 317 P3d 11 419 ("[T]he class certification question requires us to look at whether the claimed common issues are susceptible to and appropriate for proof by common evidence."), *rev den*, 355 Or 380 (2014). And here it is plain that proof was not common to class members across the four fire areas or even within each fire area.

For similar reasons, the putative "liability" class also would not have met ORCP 32 B's requirement that "a class action is superior to other available methods for the fair and efficient adjudication of the controversy." As discussed further, *infra* Section III, alternative methods of resolution are superior to class-action treatment in wildfire litigation.

### C. Courts cannot dispense with the requirement that the entire class must prove its claims, and doing so harms plaintiffs and defendants alike.

Moving the class forward first under 14 issues classes and then under a single liability inquiry occasioned the jury instruction that allowed the jury to improperly "assume that the evidence at the trial applies to all class members." *James v. PacifiCorp*, 348 Or App at 350. Evidence may be applied to the entire class only if "each class member could have relied on that [evidence] to establish liability if he or she had brought an individual action." *Tyson Foods, Inc. v. Bouaphakeo*, 577 US 442, 455, 136 S Ct 1036, 1046, 194 L Ed 2d 124 (2016). If a

piece of evidence were indeed common to all class members, an instruction that such proof applies to everyone, including those who are absent, might be appropriate. But where evidence is not of the sort that could be applied in an individual action, then it cannot substitute for the plaintiffs' evidentiary burden. *Cf. Strawn v. Farmers Ins. Co.*, 350 Or 336, 359, 258 P3d 1199 (2011) (individual evidence applies to entire class only when there is no "material variation" to class members).

The error was stark in this case. "[M]uch of the evidence introduced during the Phase I trial related to particular issues concerning particular wildfires—and for the Santiam Canyon, to particular ignitions at particular locations in the Santiam Canyon." *James v. PacifiCorp*, 348 Or App at 372. Not all of this evidence related to all persons. Instead, with concededly different ignition sites and causes affecting the different properties, the evidence was not common to all. For some class members, it was not even relevant.

The impacts on Defendants are not theoretical. Allowing jurors to assume non-common proof applies to all members of the class "deprive[s] the defendants of valuable procedural and substantive rights by preventing them from asserting what appears to be a bona fide defense." *Bernard v. First Nat. Bank of Oregon*, 275 Or 145, 159-60, 550 P2d 1203, 1212-13 (1976) (collecting cases where courts "refuse[d] to erode the substantial rights of parties in preference to permitting class

action proceedings"). Such an approach will also increase the already substantial pressure on defendants to settle class actions even when they have meritorious defenses. *See* Section II, *infra*.

Allowing this approach may also harm plaintiffs, to the extent it encourages class lawyers to take shortcuts in proving their cases. Once a class is certified and proceeds to trial, unnamed class members will be bound by the results of the litigation. They are entitled to diligent representation that comes forward with the best evidence for their claims, not to representation that relies upon evidence of other class members' claims. Appeals in such cases take years,[1] and courts ultimately may reverse, narrow the class definition, or decertify the class. A short-cut on the front end may end up leading to a much longer and less efficient process in the end.

## II. Allowing class actions that relieve plaintiffs of their evidentiary burden will harm Oregon businesses and consumers.

Flawed class actions like this one will harm Oregon's economy more broadly. Class-action litigation is costly. In 2025, U.S. corporate spending on class

[1] This case has been drawn out nearly six years, with the owners and residents of more than 2,000 properties still awaiting resolution of their claims related to the Labor Day 2020 fires. *James v. PacifiCorp*, 348 Or App at 354. PacifiCorp has settled approximately 4,500 claims for $2.2 billion. PacifiCorp reports that those claims represent about 90 percent of the individual claims related to the fires. Ryan Flynn, *A Message to Our Customers*, https://www.pacificorp.com/about/information-wildfire/information-wildfire-litigation.html (last visited Sep 16, 2026).

actions increased to $4.53 billion while companies faced an average of 7.3 class-action matters, with the figure projected to grow to 9.4 this year. *See 2026 Carlton Fields Class Action Survey*, 7, 18 (2026), available at https://www.carltonfields.com/insights/class-action-survey. Improper class certifications can lead to years of costly discovery or litigation.

Worse, they can force defendants to decide between risking crushing liability at trial or capitulating to "blackmail settlements." *See*, *e.g.*, *In re Rhone-Poulenc Rorer, Inc.*, 51 F3d 1293, 1298 (7th Cir 1995) (quoting Henry J. Friendly, *Federal Jurisdiction: A General View* 120 (1973)). For many, the prospect of protracted litigation and the risk of massive, class-wide judgments are enough to persuade defendants to abandon even meritorious defenses and give in to "*in terrorem*" settlement pressures. *AT&T Mobility LLC v. Concepcion*, 563 US 333, 350, 131 S Ct 1740, 1752, 179 L Ed 2d 742 (2011); *see also Coopers & Lybrand v. Livesay*, 437 US 463, 476, 98 S Ct 2454, 2462, 57 L Ed 2d 351 (1978) ("Certification of a large class may so increase the defendant's potential damages liability and litigation costs that he may find it economically prudent to settle and to abandon a meritorious defense.").

Even where a class action leads to a settlement that properly values the cases, the actual recovery to plaintiffs may be substantially reduced by large attorney's fee awards. *See Unfair, Inefficient, Unpredictable: Class Action Flaws*

*and the Road to Reform*, U.S. Chamber of Commerce Inst for Legal Reform (Aug 2022) (explaining that "[e]ven when class actions are 'successful' (e.g., by way of settlement), most of the recovery does not end up in the hands of consumers" but rather "in the pockets of class counsel or other parties").

Defendants will not be the only ones harmed by these economic realities. The costs of extended class-action litigation and extortionate settlements are inevitably passed downstream in the form of lower wages to employees, higher costs to consumers, or both. The courts, too, feel the pinch as improperly certified class actions consume judicial resources that are needed for other priorities in the State.

## III. Wildfire litigation's unique circumstances weigh in favor of a different adjudicatory method that protects all parties.

Wildfire litigation is a unique, but important, context, in which to consider these bedrock class-action principles. In May 2026, Gov. Tina Kotek previewed this year's fire season, warning, "[a]ll indications suggest a more challenging fire season ahead of us" and citing National Oceanic and Atmospheric Administration forecasts for above-normal temperatures and below-average precipitation through October. Gov. Tina Kotek, *Wildfire Briefing Remarks*, Office of Oregon Governor Tina Kotek (May 5, 2026), https://www.oregon.gov/gov/speeches/pages/wildfire-briefing-remarks.aspx. As of September 1, 2026, the National Interagency Fire Center categorized the vast majority of Oregon as having an above-average

wildland fire potential for the month. National Interagency Fire Center, *Significant Wildland Fire Potential Outlook: September 2026* (Sep 1, 2026), https://www.nifc.gov/nicc-files/predictive/outlooks/month1_outlook.png.

When wildfires unfortunately happen, they present complex issues for litigation to unravel. There may be multiple fires, multiple ignition points, variations in when and how a fire (or fires) spread—Did it jump fire breaks? Was there additional dry fuel? What were the wind speeds in one area of the fire versus another? How did one homeowner or renter react versus another? These and other questions make it virtually impossible to treat class members alike, and issues classes are therefore likely to complicate matters or result in wasted time.

In light of these challenges, courts may deny motions for class certification due to the "myriad of individual issues" that must be resolved. *Park et al. v. Southern California Edison Company et al.*, No BC691146 / JCCP4965, Order re: Pls' Mot for Class Certification and Defs' Mots to Exclude Expert Test, at *98 (App-17) (LA Super Ct Nov 21, 2025) (denying certification of putative class in connection with 2017 Thomas Fire) ("Thomas Fire Class Certification Order"). And yet it may be impossible, in light of judicial and party resources, for every individual suit filed by fire victims to go to trial.

If the goal in resolving wildfire litigation is to do so efficiently without depriving parties of their rights, there are alternatives available. Over the past

several years, California courts and stakeholders have established at least two such methods.

### A. Settlement funds result in faster payments while allowing individualized inquiries.

One pathway to more efficient resolution of wildfire claims is a settlement fund through which victims can submit individual claims for payment. PG&E established such a settlement fund in 2020 to compensate victims of the 2015 Butte Fire, 2017 North Bay Fires, and 2018 Camp Fire. The Fire Victim Trust was initially a $13.5 billion fund that has, as of August 31, 2026, paid out more than $13.7 billion to more than 66,000 claimants by "evaluat[ing] and resolv[ing] individual claims and determin[ing] award amounts based on the evidence submitted by claimants, the Trust Distribution Procedures, and applicable California law." Fire Victim Trust, *Latest Progress* (Aug 31, 2020), https://www.firevictimtrust.com/Home.aspx and Fire Victim Trust, *A Message from Trustee Cathy Yanni* (Aug 24, 2026) ("Aug 24, 2026 Message from Trustee") (URL in footnote[2]). By November 2023, three years after the trust was established, more than $6.35 billion had been paid out to victims of the Camp Fire, the most destructive of the wildfires. JAMS, *The Fifth Anniversary of the Camp Fire* (Nov

[2] https://www.firevictimtrust.com/ViewPDFDoc.aspx?letter%20from%20the%20trustee%20(8-24-26).pdf

28, 2023), https://www.jamsadr.com/insight/2023/the-fifth-anniversary-of-the-camp-fire.[3] The Fire Victim Trust was not the result of a class-action settlement, so no money was paid to attorneys except "based on fee agreements between individual claimants and their counsel." *See* Aug 24, 2026 Message from Trustee.

These settlement funds use an infrastructure that allows victims to submit documentation supporting their individual claims, provides for an appeal process, and results in earlier pro rata payments, followed by additional later payments depending on the total number of claims made. Fire Victim Trust, *Claims Process Overview* (URL in footnote[4]). Oregon courts should approve and encourage this superior method for resolving wildfire litigation because it eliminates the

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[3] A similar process was followed in connection with the August 2023 Maui Wildfires in Hawaii. There, a separate individual settlement program was "established to fairly and efficiently allocate a limited settlement fund to victims of the Maui Fires, allowing them to rebuild their lives and restore the Maui community without the financial and emotional toll of prolonged litigation." Maui Individual Settlement Fund, *Maui Wildfire Cases Portal*, https://www.mauiwildfirecases.com/ (last visited Sep 16, 2026). The individual settlement fund was approved less than two years after the fire and contains more than $3.9 billion for the more than 10,000 plaintiffs who filed lawsuits, while a separate class action fund of $135 million "is meant to act as a catchall for people who do not want to go through the individual claims process" or those who suffered more minor impacts, such as canceled hotels or flights. Ashley Mizuo, *2 years after the Maui wildfires, here's how the $4B settlement will be divided*, Hawai'i Public Radio (Aug 7, 2025), https://www.hawaiipublicradio.org/local-news/2025-08-07/2-years-after-the-wildfires-4b-settlement-will-be-divided.

[4] https://www.firevictimtrust.com/AboutTheTrust.aspx#claimsprocess (last visited Sep 16, 2026).

drawbacks of a drawn-out class certification process, and the attendant issues at trial that end up in years-long appeals. Courts need not distort careful limits on class actions to achieve relief for wildfire claimants.

### B. Bellwether trial settings result in early settlement discussions and limited litigation.

A second path to resolution in California wildfire litigation involves coordinating the individual actions in front of a single judge, grouping them by category of plaintiff (individuals, insurance companies seeking subrogation, and public entities) and establishing early bellwether cases. Each group has liaison counsel or a steering committee to coordinate and prepare for trial, with "the duties and responsibilities of a spokesperson and coordinator generally." *Gursey v. Southern California Edison Co., et al.*, No 25STCV00731, Joint Case Management Order No 1, at *10 (App-4) (LA Super Ct Mar 17, 2025). Each group may file a master complaint that individuals or entities may adopt as their own. *Id.* at *13-14 (App-5-6). As to individuals, the court may set smaller groups of plaintiffs for bellwether trials based on fact sheets and damages questionnaires they submit regarding their claims, with the goal being to identify plaintiffs whose early trials will provide useful information to all parties about subsequent cases. *Id.* at *22 (App-7).

The proceedings following the Eaton Fire, which burned in the Los Angeles area in January 2025, are instructive. The court has largely stayed the class actions

that had been filed, with the first bellwether trials scheduled to begin in January 2027, two years after the fire, and additional bellwether trials set for May and September 2027. *Gursey*, No. 25STCV00731, Min Order, at *2 (App-10) (Aug. 19, 2025); *Gursey*, No. 25STCV00731, Min Order, at *1-2 (App-12-13) (Aug. 17, 2026). This streamlined process is aimed at lower use of judicial and party resources and more certainty for parties about the way cases will proceed. In contrast, for example, nearly eight years passed from the January 2018 filing of the putative class action over the December 2017 Thomas Fire in Southern California and the January 2018 filing of the putative class action to the denial of class certification in November 2025, leaving some fire victims without a clear path forward. Thomas Fire Class Certification Order at *1-2, 99 (App-15-16, 18).

Setting bellwether trials has an additional positive impact on wildfire litigation, where the results open avenues for earlier settlement and quicker payment. Plaintiffs, in small groups or individually, can choose to participate in established settlement frameworks that are conducted through mediators and often lead to early resolution. *See generally*, Daily Journal, *Inside Mass Tort Resolution: Lessons From California's Wildfire Settlements* (Nov 10, 2025), https://www.jamsadr.com/insight/2025/inside-mass-tort-resolution-lessons-from-californias-wildfire-settlements. These settlement structures are a reason that wildfire cases, including bellwethers, generally do not reach trial in California. *See,*

*e.g.*, Tony Saavedra, *Judge sets 2027 trial date for first set of lawsuits against SCE for Eaton fire*, Los Angeles Daily News (Aug 18, 2025) (plaintiffs' counsel noting that wildfire cases rarely go to trial because bellwethers are an early catalyst for settlement talks).

Oregon can and should take notice of these alternatives and adopt those aspects of them that will help wildfire victims, defendants, and the courts resolve these unique and complex events fairly and promptly.

## CONCLUSION

The Chamber urges this Court to affirm the Court of Appeals' decision in favor of PacifiCorp and Pacific Power, while encouraging the judiciary and Oregon bar to weigh implementation of approaches that can in significant ways account for the unique nature of wildfire litigation without the drawbacks of class-action treatment.

Respectfully submitted this 17th day of September, 2026.

K&L GATES LLP

By: *s/Elizabeth H. White*

Elizabeth H. White, OSB #204729
One SW Columbia Street, Suite 1900
Portland, Oregon 97204
elizabeth.white@klgates.com
Telephone: 503-228-3200

David R. Fine (*pro hac vice* pending)
17 North Second Street, 18th Floor
Harrisburg, Pennsylvania 17101
david.fine@klgates.com
Telephone: 717-231-4500

*Attorneys for* Amicus Curiae
*The Chamber of Commerce of the United States of America*

# APPENDIX

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**PANISH | SHEA | RAVIPUDI LLP**
Rahul Ravipudi (SBN 204519)
11111 Santa Monica Blvd, Ste 700
Los Angeles, CA 90025
Phone: (310) 477-1700
ravipudi@panish.law

**COREY, LUZAICH, DE GHETALDI & RIDDLE LLP**
Amanda L. Riddle (SBN 215221)
700 El Camino Real
Millbrae, CA 94030
Phone: (650) 871-5666
alr@coreylaw.com

**SINGLETON SCHREIBER LLP**
Gerald Singleton (SBN 208783)
591 Camino De La Reina, Ste 1025
San Diego, CA 92108
Phone: (619) 771-3473
gsingleton@singletonschreiber.com

***Proposed* Liaison Counsel for Individual Plaintiffs**

*(Additional Counsel listed on next page)*

**FILED**
Superior Court of California
County of Los Angeles

**MAR 17 2025**

David W. Slayton, Executive Officer/Clerk of Court
By: N. Navarro, Deputy

**HUESTON HENNIGAN LLP**
Douglas J. Dixon, State Bar No. 275389
ddixon@hueston.com
Michael A. Behrens, State Bar No. 284014
mbehrens@hueston.com
Brittani A. Jackson, State Bar No. 320897
bjackson@hueston.com
620 Newport Center Dr # 1300
Newport Beach, CA 92660
Telephone: (213) 788-4340
Facsimile: (888) 866-4825

**Attorneys for Defendants Southern California Edison Company and Edison International**

**SUPERIOR COURT OF CALIFORNIA**

**COUNTY OF LOS ANGELES**

JEREMY GURSEY, an individual,

Plaintiffs,

v.

SOUTHERN CALIFORNIA EDISON COMPANY, a California Corporation; EDISON INTERNATIONAL, a California Corporation; and DOES 1-200, inclusive,

Defendants.

**Lead Case No.: 25STCV00731**
and Related Cases

Assigned for all purposes to:
Judge: Hon. Laura A. Seigle
Dept: 17

**JOINT CASE MANAGEMENT ORDER NO. 1**

Case Management Conference
Date: March, 17, 2025
Time: 10:00 a.m.
Dept: 17

03172025

**GROTEFELD HOFFMANN**
Jordan B. Everakes (SBN 251371)
5535 Balboa Boulevard, Suite 219
Encino, CA 91316
(747) 233-7150
JEverakes@ghlaw-llp.com

**SCHROEDER LOSCOTOFF STEVENS LLP**
Amanda R. Stevens (SBN 252350)
502 Mace Blvd., Suite 11
Davis, CA 95618
Phone: (916) 438-8300
astevens@calsubro.com

**COZEN O'CONNOR**
Howard D. Maycon (SBN 183766)
601 S. Figueroa Street, Suite 3700
Los Angeles, CA 90017
Phone: (213) 892-7900
hmaycon@cozen.com

**BAUMAN LOEWE WITT & MAXWELL, PLLC**
Matthew E. Delinko (SBN 302832)
8765 E Bell Road, Suite 210
Scottsdale, AZ 85260
Phone: (480) 502-4664
mdelinko@blwmlawfirm.com

***Proposed* Liaison Counsel for Subrogation Plaintiffs**

**BARON & BUDD, P.C.**
John P. Fiske (SBN 249256)
Victoria E. Sherlin (SBN 312337)
11440 West Bernardo Court, Suite 265
San Diego, CA 92127
Phone: (858) 251 -7424
fiske@baronbudd.com
tsherlin@baronbudd.com

**DIAB CHAMBERS LLP**
Ed Diab (SBN 262319)
Kristen Barton (SBN 303228)
10089 Willow Creek Road, Suite 200
San Diego, CA 92131
Phone: (619) 658-7010
ed@dcfirm.com
kbarton@dcfirm.com

***Proposed* Liaison Counsel for Public Entity Plaintiffs**

**SOUTHERN CALIFORNIA EDISON COMPANY**
Belynda B. Reck, State Bar No. 163561
belynda.reck@sce.com
Patricia A. Cirucci., State Bar No. 210574
patricia.cirucci@sce.com
Brian Cardoza, State Bar No. 137415
brian.cardoza@sce.com
2244 Walnut Grove Avenue
Rosemead, CA 91770
Telephone: (626) 302-6628

**Attorneys for Defendants Southern California Edison Company and Edison International**

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## I. GENERAL PROVISION

### A. Complex Action

On January 13, 2025, Plaintiffs filed a complaint in *Jeremy Gursey, et al. v. Southern California Edison Company, et al.* Case No.: 25STCV00731 ("Lead Action"). Since then, at least 130 other actions have been filed, as further discussed in Section B below. The Court has designated *Jeremy Gursey, et al. v. Southern California Edison Company, et al.* Case No.: 25STCV00731, as complex within the meaning of the California Standards of Judicial Administration for Complex Litigation Section 3.10, and California Rule of Court ("Rule") 3.400 (specifically, Rule 3.400(b)(2), (b)(3), and (b)(4)), and Rule 3.502.

Additionally, to the extent that they have not yet been deemed complex, the Court hereby deems the matters referenced in Section B below (and listed in **Exhibit A**, attached) complex and related under the Lead Action. Furthermore, the Court orders the matters identified in Exhibit A, attached, consolidated for pre-trial purposes only, as these matters arise out of the same general set of facts and circumstances and these cases seek damages caused by the same fire.

The present Parties anticipate that plaintiffs will fall into three broad categories: individual plaintiffs, which include cases brought on behalf of persons and business entities ("Individual Plaintiffs"), subrogation plaintiffs, which include cases brought by insurance companies ("Subrogation Plaintiffs"), and public entity plaintiffs, which include cases brought by various government entities, special districts and/or agencies ("Public Entity Plaintiffs"). While investigation of the matter is ongoing, the defendants currently include Southern California Edison Company and Edison International (collectively, "Edison Defendants"). Individual Plaintiffs, Subrogation Plaintiffs, and Public Entity Plaintiffs are collectively referred to herein as "Plaintiffs."

Pursuant to Code of Civil Procedure §§ 1010.6 and 187 and California Rules of Court, Rules 2.250, et. seq. and 3.751, and the stipulation of the Parties, the Court makes this Order to reduce the costs of litigation and to facilitate case management, document retrieval, and case organization. The Court finds that entry of this Order is necessary for the just, expeditious, and efficient litigation of this action and that compliance with the terms herein will not result in unnecessary hardship or significant prejudice to any of the parties in this matter.

Entity Plaintiffs designate John Fiske and Torri Sherlin of Baron & Budd P.C., and Ed Diab and Kristen Barton of Diab Chambers LLP as liaison counsel for Public Entity Plaintiffs in the Eaton Fire Litigation.

**vii. Role of Liaison Counsel**

Liaison Counsel for Individual Plaintiffs, Subrogation Plaintiffs, and Public Entity Plaintiffs shall have the duties and responsibilities of a spokesperson and coordinator generally.

The Court does not appoint Liaison Counsel with the authority to make decisions to bind significant issues in the cases of others. Liaison Counsel are not Lead Counsel, and the designation of Liaison Counsel confers no benefits or right to attorney's fees or other rights.

Each attorney in this case is representing their own client(s), and the designation of particular attorneys as Liaison Counsel confers no rights or responsibilities from a lawyer to people who are not their clients. The purpose is purely for there to be a smaller group of people within the three Plaintiff Groups with whom Defense Counsel can coordinate to move the case along and keep the Court and their respective groups informed of the progress in filings and during Court proceedings.

Should Defendants need an extension of time to take an act (for example an extension on a filing or deposition), Defense Counsel may rely upon a communication from Individual Plaintiffs' Liaison Counsel to bind the entire group of Individual Plaintiffs, a communication from Subrogation Plaintiffs' Liaison Counsel to bind the entire group of Subrogation Plaintiffs, and a communication from the Public Entity Liaison Counsel to bind the entire group of Public Entity Plaintiffs. Liaison Counsel for Individual Plaintiffs is instructed to attempt to meet and confer with all Individual Plaintiffs as time permits but Liaison Counsel for Individual Plaintiffs may bind the Individual Plaintiffs' group to extensions when there are time constraints that do not allow a meeting of the entire group. Liaison Counsel for Subrogation Plaintiffs is instructed to attempt to meet and confer with all Subrogation Plaintiffs as time permits but Liaison Counsel for Subrogation Plaintiffs may bind the Subrogation Plaintiffs' group to extensions when there are time constraints that do not allow a meeting of the entire group. Liaison Counsel for Public Entity Plaintiffs is instructed to attempt to meet and confer with the Public Entity Plaintiffs as time permits but Liaison Counsel for

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The Parties will confer with CCROLA regarding arrangements to the mutual satisfaction of CCROLA and the Parties. Upon reaching such an agreement, the Parties will provide a related proposed Order to the Court.

## II. MASTER PLEADINGS

### A. Master Complaints

Liaison Counsel for each of the Plaintiffs groups shall file a Master Complaint for their respective group ("Master Complaints"). Master Complaints for Individual Plaintiffs, Subrogation Plaintiffs, and Public Entity Plaintiffs shall be filed within 60 days of the entry of this Case Management Order ("Master Complaint Date"). Section C on Master Answer or Responsive Pleading below details the deadlines on Defendants' Answers or challenges to Master Complaints.

### B. Individual Plaintiffs' Notices of Adoption

Individual Plaintiffs and Defendant SCE will meet and confer regarding the Notice of Adoption and Notice of Potential Add-On Cases and Request for Consolidation for Pre-Trial purposes, which will be addressed in a future Case Management Order that will be submitted to the Court by April 15, 2025. Individual Plaintiffs will be required to generate their Notice of Adoption in the BrownGreer portal, as further discussed in Section V.A, below.

Individual Plaintiffs with a case already filed and consolidated under the Lead Action as of the date that the Master Complaint is filed, shall file their Notice of Adoption with the Court and e-serve a Notice of Adoption within 30 days of the Master Complaint Date.[1] The Notice of Adoption shall be filed in the original individual case, not the Lead Action. The Notice of Adoption shall contain, at a minimum, the following information: (1) the name, address and household of each Plaintiff; (2) the causes of action each Plaintiff is joining and against which Defendant(s) they are pled; and (3) the categories of damages allegedly incurred by each Plaintiff and for which that Plaintiff is seeking recovery and from which Defendant(s), including, for any claimed damage to real property, an address and such other description of the property as necessary to identify it with specificity.

[1] Individual Plaintiffs shall file one Notice of Adoption per household.

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For existing Individual Plaintiffs, the filing of a Notice of Adoption shall not require the payment of an additional filing fee or a new case number. Each Notice of Adoption shall constitute an amended complaint for all purposes. Upon filing the Notice of Adoption, the Master Complaint, as amended by the Plaintiff's Notice of Adoption, shall be the operative pleading for that Plaintiff. The date on which the Master Complaint is filed shall have no bearing on whether any Plaintiff has satisfied the applicable statute of limitations. Rather, the date on which each Plaintiff properly filed the complaint (whether standard complaint or Notice of Adoption) initiating that Plaintiff's action shall be the operative date for statute of limitations purposes.

**C. Subrogation Plaintiffs and Public Entity Plaintiffs' Notice of Adoption of Master Complaint**

For matters filed prior to the entry of this Case Management Order, Public Entity Plaintiffs and Subrogation Plaintiffs, will file their respective Notice of Adoption of Master Complaint. Public Entity Plaintiffs and Subrogation Plaintiffs will file their respective Notices of Adoption through Case Anywhere.

Plaintiffs with a case already filed and consolidated under the Lead Action as of the date that the Master Complaint is filed, shall file their Notice of Adoption of Master Complaint with the Court and e-serve a Notice of Adoption of Master Complaint within 30 days of the Master Complaint Date.[2] The Notice of Adoption shall be filed in the original individual case, not the Lead Action. The Notice of Adoption shall contain, at a minimum, the following information: (1) the name and address of each Plaintiff; (2) the causes of action each Plaintiff is joining and against which Defendant(s) they are pled; and (3) the categories of damages allegedly incurred by each Plaintiff and for which that Plaintiff is seeking recovery and from which Defendant(s). Subrogation Plaintiffs do not need to provide a loss or policy address, or a description of property necessary to identify it,

[2] Subrogation Plaintiffs, if any, represented by the same law firm, and whose responses in each notice of adoption would otherwise be identical, may file one notice of adoption identifying all Subrogation Plaintiffs who adopt the Subrogation Master Complaint. Public Entity Plaintiffs, if any, represented by the same law firm, and whose responses in each notice of adoption would otherwise be identical, may file one notice of adoption identifying all Public Entity Plaintiffs who adopt the Public Entity Master Complaint. For the avoidance of doubt, all Notices of Adoption must contain the information specified in this section.

questioning. Counsel for any individual plaintiff can make suggestions to Individual Plaintiff Liaison Counsel that Liaison Counsel undertake certain discovery, but only Individual Plaintiff Liaison Counsel can propound discovery on Defendants for the Individual Plaintiff group, unless counsel for any individual plaintiff obtains permission from the Court.

Similarly, rather than serving each Plaintiff with redundant discovery requests, Defendants shall propound each set of written liability discovery to the Subrogation Plaintiffs, the Individual Plaintiffs, or the Public Entity Plaintiffs as a "Master Set." Plaintiffs shall respond to the Master Set of written discovery jointly by serving a Master Response (i.e., one set of Master Responses for Subrogation Plaintiffs, one set of Master Responses for the Individual Plaintiffs, and one set of Master Responses for the Public Entity Plaintiffs).

Master responses shall be deemed adopted and binding, unless an Individual Plaintiff, Subrogation Plaintiff, or a Public Entity Plaintiff serves an objection to the respective master response within 35 days. Any Plaintiff who serves an objection to any Master Response must serve their own response to the specific discovery requests within 30 days of stating their objection.

Defendants will provide document productions by email via a secured FTP.

**G. Damages Discovery**

**i. Individual Plaintiff Fact Sheets**

The Parties will meet and confer on the form of an Individual Plaintiff Fact Sheet and Damages Questionnaire, which will be completed and verified by each Individual Plaintiff – either individually or together with other members of the same household. The Damages Questionnaire will include a list of documents. The Parties will meet and confer regarding timelines for completion and service of completed and verified Individual Plaintiff Fact Sheets and Damages Questionnaires. The Parties will meet and confer regarding the specific format and timing of the Individual Plaintiff Fact Sheets and Damages Questionnaire and will address the same in a future Case Management Order that will be submitted to the Court by April 15, 2025.

**ii. Subrogation Damages Discovery**

03172025

**IT IS SO ORDERED.**

Dated: March 17, 2025

Laura Seigle

Hon. Laura A. Seigle
Judge of the Superior Court

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

**Civil Division**

Central District, Spring Street Courthouse, Department 17

**25STCV00731** August 19, 2025
**JEREMY GURSEY vs SOUTHERN CALIFORNIA EDISON COMPANY** 10:00 AM

Judge: Honorable Laura A. Seigle
Judicial Assistant: Nancy Navarro
Courtroom Assistant: Tearah Carter

CSR: Alexander Joko, CSR # 12272
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): Douglas Dixon,Esq (X); Brittani Alexandria Jackson (X); Belynda Bridgeland Reck (X)

**NATURE OF PROCEEDINGS:** Status Conference

Pursuant to Government Code sections 68086, 70044, California Rules of Court, rule 2.956, and the stipulation of appearing parties, Alexander Joko, CSR # 12272, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The following Liaison Counsel appear on behalf of Plaintiffs: Rahul Ravipudi (X); Amanda L. Riddle (X); Gerald Singleton (X); Bill Robins (X); Torri E. Sherlin (X); Kristen Barton (X); Howard D. Maycon (X); Todd Schneider (X); Adam M. Romney (X); Kiley Grombacher (X); Edward Diab (Telephonic); Amanda Stevens (Telephonic).

The following Liaison Counsel appear on behalf of Defendants: Douglas J. Dixon (X); Brittani A. Jackson (X); and Belynda Reck (X).

The matter is called for hearing concurrently with various other related Eaton Fire Cases, for a Status Conference.

The Court addresses the conflict issue regarding Plaintiff Wendy Chang in case number 25STCV20461, Alvarenga vs. Southern California Edison. The Court recuses itself on this case. Judge Seigle has determined that she is disqualified from that case under Code of Civil Procedure section 170.1, subdivisions (a)(6)(A)(ii) and (iii) because of her friendship with plaintiff Wendy Chang. The case is ordered transferred to Judge Samantha Jessner in Department 7 at the Spring Street Courthouse for reassignment purposes only.

Court and counsel discuss issues set forth in the parties' Joint Case Management Statement filed 8/18/2025, and as more fully reflected in the notes of the Official Court Reporter.

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

**Civil Division**

Central District, Spring Street Courthouse, Department 17

**25STCV00731** August 19, 2025
**JEREMY GURSEY vs SOUTHERN CALIFORNIA EDISON COMPANY** 10:00 AM

Judge: Honorable Laura A. Seigle
Judicial Assistant: Nancy Navarro
Courtroom Assistant: Tearah Carter

CSR: Alexander Joko, CSR # 12272
ERM: None
Deputy Sheriff: None

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The Court will set a Hearing on Demurrer and Motion to Strike on the consolidated class action cases (25STCV03334, Roche vs. Southern California Edison) for the first week in December 2025. Moving papers are to be filed 10/03/2025. Opposition is to be filed 11/03/2025. Reply is to be filed 11/18/2025. Counsel is to contact the Court to obtain a hearing date when the Demurrer and Motion to Strike are ready to be filed.

The parties in the Diaz class action are ordered to meet and confer regarding the amended complaint and to include a proposed plan for filing a response. This plan shall be addressed at the Status Conference scheduled for September 3, 2025. Class liaison counsel is to give notice regarding the class cases only.

The deadline to file Complaint/Cross-Complaint regarding new parties is set for 1/16/2026.

The Court sets the following hearings:

Jury Trial is scheduled for 01/25/2027 at 10:00 AM in Department 17 at Spring Street Courthouse.

Final Status Conference is scheduled for 01/11/2027 at 10:00 AM in Department 17 at Spring Street Courthouse.

Status Conference set for 9/03/2025 at 10:00 a.m. in Department 17, Spring Street Courthouse, remains on calendar. Joint Status Report is to be filed by 12:00 p.m. on 9/02/2025.

Parties are to file a 5-page Statement Regarding Discovery Issues by 12:00 p.m. on 9/02/2025.

**Unless otherwise ordered by the Court, all hearings and conferences will be set in the lead case (25STCV00731, Gursey vs. Southern California Edison) ONLY.**

**For the purpose of registering for LA Court Connect, the parties must register for any future scheduled hearing or conference as a Non-Party under the lead related case 25STCV00731, as the scheduled hearings will be set in the lead case ONLY.**

**The Judicial Assistant is to give notice to Counsel for Defendant, who is ordered to give further and formal notice to ALL parties in ALL related cases, and to provide ALL orders issued in the lead case 21STCV00731.**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Spring Street Courthouse, Department 17

**25STCV00731** August 19, 2025
**JEREMY GURSEY vs SOUTHERN CALIFORNIA EDISON COMPANY** 10:00 AM

Judge: Honorable Laura A. Seigle
Judicial Assistant: Nancy Navarro
Courtroom Assistant: Tearah Carter

CSR: Alexander Joko, CSR # 12272
ERM: None
Deputy Sheriff: None

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Clerk's Certificate of Service by Electronic Notification is attached.

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

**Civil Division**

Central District, Spring Street Courthouse, Department 17

**25STCV00731** August 17, 2026
**JEREMY GURSEY vs SOUTHERN CALIFORNIA EDISON COMPANY** 10:00 AM

Judge: Honorable Laura A. Seigle
Judicial Assistant: G. Hall
Courtroom Assistant: T. Carter

CSR: Estrella Herman, CSR # 13865
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Donald James Magilligan (Telephonic); Howard David Maycon (X); Rahul Ravipudi (X); Kristen Barton (X); Torri Sherlin (X); Ed Diab (X) -- See additional appearances below.

For Defendant(s): Justin Matthew Goldstein (X); Ashlee Lin (X); Jennifer Mira Hashmall (X); Claire-Lise Y. Kutlay (X); Brittani A. Jackson (X) -- See additional appearances below.

**NATURE OF PROCEEDINGS:** Status Conference; Hearing on Motion to Bifurcate Cross-Complaint ; Hearing on Motion - Other to File Documents Under Seal

Pursuant to Government Code sections 68086, 70044, and California Rules of Court, rule 2.956, Estrella Herman, CSR # 13865, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The matters are called for hearing.

The Defendants Southern California Edison Company and Edison International's Motion to File Documents Under Seal filed by Edison International, Southern California Edison Company on 07/23/2026 is Granted.

The Order Granting Defendants Southern California Edison Company and Edison International's Motion to File Documents Under Seal is signed and filed this date.

For the reasons stated on the record during the last two hearings and conferences, the Motion to Bifurcate the Cross-Complaints is Granted for the purposes of the bellwether trials only.

Non-Jury Trial (Second Bellwether) is scheduled for 05/24/2027 at 10:00 AM in Department 17 at Spring Street Courthouse.

Final Status Conference (Second Bellwether) is scheduled for 05/10/2027 at 10:00 AM in

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**
**Civil Division**
Central District, Spring Street Courthouse, Department 17

**25STCV00731** August 17, 2026
**JEREMY GURSEY vs SOUTHERN CALIFORNIA EDISON COMPANY** 10:00 AM

Judge: Honorable Laura A. Seigle
Judicial Assistant: G. Hall
Courtroom Assistant: T. Carter

CSR: Estrella Herman, CSR # 13865
ERM: None
Deputy Sheriff: None

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Department 17 at Spring Street Courthouse.

Non-Jury Trial (Third Bellwether) is scheduled for 09/27/2027 at 10:00 AM in Department 17 at Spring Street Courthouse.

Final Status Conference (Third Bellwether) is scheduled for 09/13/2027 at 10:00 AM in Department 17 at Spring Street Courthouse.

By August 24, 2026, the parties are to randomly select 16 households for the first bellwether trial (8 households to participate in the trial and 8 backup households). Each set of 8 households is to include 4 total loss households, 2 partial loss households, and 2 smoke/ash households. One "preference" household is to be included in each of those three categories.

Informal Discovery Conference (IDC) is scheduled for 08/25/2026 at 10:00 AM in Department 17 at Spring Street Courthouse. The IDC is to finalize stipulations and orders on medical discovery. The parties are to file a joint report and drafts of the proposed orders and stipulations by 4:00 PM on August 20, 2026.

Status Conference is scheduled for 09/21/2026 at 10:00 AM in Department 17 at Spring Street Courthouse. A joint report is to be filed and delivered to Department 17 by September 17, 2026 at 4:00 p.m. The joint report and Status Conference will cover the status of the mediation protocol, the types of plaintiffs and claims to be included in the second and third bellwether trials and how they will be selected, and an update on motions for summary judgment/summary adjudication, as well as other matters the parties with to address.

The Judicial Assistant hereby gives notice via Case Anywhere.

Clerk's Certificate of Service by Electronic Notification is attached.

Additional appearances for Plaintiff(s):
Adam Michael Romney (X)
Gerald Blaine Singleton (X)
Amanda Racine Stevens (Telephonic)

Additional appearances for Defendant(s):
Kevin J. Orsini (X)
Brittany L. Sukiennik (X); Kristi Blackwell (Telephonic)

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Spring Street Courthouse, Department 17

**25STCV00731** August 17, 2026
**JEREMY GURSEY vs SOUTHERN CALIFORNIA EDISON COMPANY** 10:00 AM

Judge: Honorable Laura A. Seigle
Judicial Assistant: G. Hall
Courtroom Assistant: T. Carter

CSR: Estrella Herman, CSR # 13865
ERM: None
Deputy Sheriff: None

FILED
Superior Court of California
County of Los Angeles
11/21/2025
David W. Slayton, Executive Officer / Clerk of Court
By: J. Aguayo Deputy

***Superior Court of California***

***County of Los Angeles***

*Spring Street Courthouse, Department 9*

PETER PARK; KELLY PARK; SHANE BUTLER; MELISSA BURKETT; PATRICK NEUNUEBEL; SUSAN FRANK; *et al*.,

Plaintiffs,

vs.

SOUTHERN CALIFORNIA EDISON COMPANY; EDISON INTERNATIONAL.; *et al*.,

Defendants.

Case No.: BC691146 / JCCP4965

Hearing Dates: 8/13/25, 9/2/25, 9/11/25, 9/18/25, 10/16/25

**ORDER RE:**

**PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND DEFENDANT'S MOTIONS TO EXCLUDE THE EXPERT TESTIMONY AND OPINIONS OF DR. JAMES J.J. CLARK, DR. RANDALL BELL, AND CAMILLE SEARS**

***Background and Allegations of the Operative Complaint***

This is a putative class action which is part of the coordinated proceedings arising from the damage caused by the Thomas Fire. Plaintiffs Peter Park, Kelly Park, Patrick Neunuebel, Susan Frank (collectively "Plaintiffs"), Shane Butler, and Melissa Burkett allege that Defendants Southern California Edison Company ("Defendant") and Edison International improperly maintained electrical infrastructure that caused the Thomas Fire and resulting damage.

On January 24, 2018, Plaintiffs, Shane Butler, and Melissa Burkett filed the instant class action proceeding against Defendant and Edison International.

On June 22, 2023, Plaintiffs, Shane Butler, and Melissa Burkett filed the operative Third Amended Complaint ("TAC") against Defendant and Edison International. In the TAC, Plaintiffs, Shane Butler, and Melissa Burkett assert four causes of action for: (1) Negligence, (2) Inversion Condemnation, (3) Private Nuisance, and (4) Trespass.[1]

The TAC alleges, in relevant part, that:

"Beginning on or about December 4, 2017, the Thomas Fire ignited in Southern California, devastating the environment over the course of almost two weeks (the 'Thomas Fire' or the 'Fire'). The Thomas Fire raged in the mountains and steep slopes surrounding Lake Casitas and the City of Ojai. Driven by the Santa Ana winds, the fire consumed over 280,000 acres, including large portions of the Los Padres National Forest." (TAC ¶ 1.) "Ash from the fire covered the land like a gray snow, including Plaintiffs' properties, and smoke filled the air and brought a dark pall over the sky. The Thomas Fire denuded the landscape of the dense thickets of chaparral, brush, and tall grass that normally cover the region. U.S. Highway 101, and California State Routes 33 and 150, remained closed on and off during the fire, severely restricting access to and from the area and causing businesses to close or go without customers and employees. Two lives were lost." (TAC ¶ 2.)

"The Thomas Fire disaster was caused by unsafe electrical infrastructure owned, operated, and improperly maintained by defendants Southern California Edison Company and Edison International (collectively, 'SCE' or 'Defendants')." (TAC ¶ 3.) "SCE had a duty to maintain its electrical infrastructure properly and to ensure surrounding trees and vegetation were trimmed and kept at a safe distance. SCE violated that duty by knowingly operating aging, overloaded, and/or improperly maintained infrastructure. In fact, SCE's violations had caused

[1] On March 7, 2024, the Court – presided by the Honorable William F. Highberger – granted the parties' stipulation to dismiss Edison International from the action with prejudice. On April 12, 2024, the Court – presided by Judge Highberger – granted Plaintiffs, Shane Butler, and Melissa Burkett's request to dismiss Melissa Burkett from the action without prejudice. On April 15, 2025, the Court – presided by Judge Highberger – granted Plaintiffs and Shane Butler's request to dismiss Shane Butler from the action without prejudice.

(*Id*. at pp.31–32 [emphasis in original].) Under *Duran*, "[i]n wage and hour cases where a party seeks class certification based on allegations that the employer consistently imposed a uniform policy or de facto practice on class members, the party *must still demonstrate* that the illegal effects of this conduct can be proven *efficiently and manageably* within a class setting." (*Id.* at p.29 [italics added].)

> Trial courts must pay careful attention to manageability when deciding whether to certify a class action. In considering whether a class action is a superior device for resolving a controversy, the manageability of individual issues is just as important as the existence of common questions uniting the proposed class. If the court makes a reasoned, informed decision about manageability at the certification stage, the litigants can plan accordingly and the court will have less need to intervene later to control the proceedings.

(*Ibid*.)

Here, Plaintiffs fail to demonstrate that a class proceeding would be superior. As discussed above, a myriad of individual issues remain to be resolved. The first being whether any particular class member was harmed at all by the increased deposition of soot, ash, and/or particulate matter from the Thomas Fire. The second being what amount of damages each particular class member incurred due to this specific harm. Plaintiffs have failed to put forward a workable trial plan for adjudicating these issues on a class-wide basis.

Accordingly, Plaintiffs have failed to establish with substantial evidence that a class action is superior to individual lawsuits.

**CONCLUSION AND ORDER**

Defendant Southern California Edison Company's motion to exclude the testimony and opinion of James J. J. Clark is **GRANTED as to class certification only**.

Defendant Southern California Edison Company's motion to exclude the testimony and opinion of Camille Sears is **DENIED**.

Defendant Southern California Edison Company's motion to exclude the testimony and opinion of Randall Bell is **GRANTED as to class certification only**.

Plaintiffs Peter Park, Kelly Park, Patrick Neunuebel, and Susan Frank's motion for class certification is **DENIED.**

Pursuant to the Court's July 29, 2025 Order granting Plaintiffs' motion to transfer venue, this entire action is transferred to Ventura County Superior Court for further proceedings, including but not limited to motions in limine and trial. Plaintiff is ordered to pay all transfer fees within 30 days.

The matter is ordered transferred to said county upon payment of the transfer fee in the sum of $50.00 payable to the Los Angeles Superior Court and the submission of a separate check for the filing fee in the sum of $435.00 payable to Ventura Superior Court, within 30 days by Plaintiffs' Counsel Cappello & Noël LLP in the Clerk's Office at the Los Angeles Superior Court.

The Court's Judicial Assistant shall give electronic notice to all parties via CaseAnywhere.

DATED: November 21, 2025

Elaine Lu
Judge of the Superior Court
Elaine Lu / Judge

## CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the word-count limitation in ORAP 5.05, which word count is 3,889.

I certify that the size of the type in this brief is not smaller than 14-point for either the text of the brief or the footnotes.

K&L GATES LLP

By: *s/Elizabeth H. White*
Elizabeth H. White, OSB #204729
One SW Columbia Street, Suite 1900
Portland, Oregon 97204
elizabeth.white@klgates.com
Telephone: 503-228-3200

David R. Fine (*pro hac vice* forthcoming)
17 North Second Street, 18th Floor
Harrisburg, Pennsylvania 17101
david.fine@klgates.com
Telephone: 717-231-4500

*Attorneys for* Amicus Curiae *The Chamber of Commerce of the United States of America*

## CERTIFICATE OF FILING

I hereby certify that on September 17, 2026, I filed electronically with the Oregon Supreme Court the foregoing brief and appendix.

## CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing brief and appendix on the following attorneys on the date stated below by electronic delivery from the Court's e-filing system and by sending a courtesy e-mail to:

| | |
|---|---|
| Keith A. Ketterling, OSB No. 913368<br>Timothy S. DeJong, OSB No. 940662<br>Cody Berne, OSB No. 142797<br>Emily Johnson, OSB No. 183791<br>Erin E. Roycroft, OSB No. 184371<br>Carsen Nies, OSB No. 224623<br>STOLL STOLL BERNE LOKTING & SHLACHTER P.C.<br>209 SW Oak Street, Suite 500<br>Portland, Oregon 97204<br>(503) 227-1600<br>kketterling@stollberne.com<br>tdejong@stollberne.com<br>cberne@stollberne.com<br>ejohnson@stollberne.com<br>eroycroft@stollberne.com<br>cnies@stollberne.com<br><br>Alexander G. Tievsky<br>Nicholas Rosinia<br>Megan Delurey<br>Schuyler Daum<br>Landon Webster<br>EDELSON PC<br>350 North LaSalle Street, 14th Floor<br>Chicago, Illinois 60654 | Per A. Ramfjord, OSB No. 934024<br>Brad S. Daniels, OSB No. 025178<br>Reilley D. Keating, OSB No. 073762<br>STOEL RIVES LLP<br>760 SW 9th Avenue, Suite 3000<br>Portland, Oregon 97205<br>(503) 224-3380<br>per.ramfjord@stoel.com<br>brad.daniels@stoel.com<br>reilley.keating@stoel.com<br><br>Alison L. Plessman<br>Rajan S. Trehan<br>Stephanie W. Xiao<br>Khoa D. Nguyen<br>HUESTON HENNIGAN LLP<br>523 West 6th Street, Suite 400<br>Los Angeles, California 90014<br>(213) 788-4340<br>aplessman@hueston.com<br>rajan.trehan@hueston.com<br>sxiao@hueston.com<br>knguyen@hueston.com |

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|---|---|
| (312) 589-6370<br>atievsky@edelson.com<br>nrosinia@edelson.com<br>mdelurey@edelson.com<br>sdaum@edelson.com<br>lwebster@edelson.com<br><br>Todd Logan, OSB No. 261139<br>Patrick Ntchobo<br>EDELSON PC<br>150 California Street, 18th Floor<br>San Francisco, California 94111<br>(415) 212-9300<br>tlogan@edelson.com<br>pntchobo@edelson.com<br><br>Ali Moghaddas<br>EDELSON PC<br>11601 Wilshire Boulevard, Suite 1970<br>Los Angeles, California 90025<br>(310) 694-0331<br>amoghaddas@edelson.com<br><br>Matthew J. Preusch, OSB No. 134610<br>KELLER ROHRBACK L.L.P.<br>801 Garden Street, Suite 301<br>Santa Barbara, California 93101<br>(805) 456-1496<br>mpreusch@kellerrohrback.com<br><br>Daniel Mensher, OSB No. 074636<br>Benjamin Gould, OSB No. 256994<br>Natida Sribhibhadh<br>KELLER ROHRBACK L.L.P.<br>1201 Third Avenue, Suite 3200<br>Seattle, Washington 98101<br>(206) 623-1900<br>dmensher@kellerrohrback.com<br>bgould@kellerrohrback.com<br>natidas@kellerrohrback.com | Douglas J. Dixon<br>Craig A. Fligor<br>HUESTON HENNIGAN LLP<br>620 Newport Center Drive, Suite 1300<br>Newport Beach, California 92660<br>(949) 229-6840<br>ddixon@hueston.com<br>cfligor@hueston.com<br><br>Theodore J. Boutrous, Jr.<br>GIBSON, DUNN & CRUTCHER LLP<br>333 S Grand Avenue<br>Los Angeles, CA 90071-3197<br>(213) 229-7804<br>tboutrous@gibsondunn.com<br><br>Blaine H. Evanson<br>GIBSON, DUNN & CRUTCHER LLP<br>3161 Michelson Drive<br>Irvine, California 92612<br>(949) 451-3800<br>bevanson@gibsondunn.com<br><br>***Attorneys for Defendants-Appellants, Cross-Respondents, Respondents on Review***<br><br>Robert Koch, OSB No. 072004<br>Denise Fjordbeck, OSB No. 822578<br>Senior Assistant Attorney General<br>OREGON DEPARTMENT OF JUSTICE<br>400 Justice Building<br>1162 Court Street, NE<br>Salem, Oregon 97301-4096<br>(503) 378-4402<br>denise.fjordbeck@doj.oregon.gov<br>Robert.a.koch@doj.oregon.gov<br><br>***Attorneys for Creditor-Respondent*** |

| | |
|---|---|
| Yoona Park, OSB No. 077095<br>Sarah R. Osborn, OSB No. 222119<br>KELLER ROHRBACK L.L.P.<br>601 SW 2nd Avenue, Suite 1900<br>Portland, Oregon 97204<br>(206) 623-1900<br>ypark@kellerrohrback.com<br>sosborn@kellerrohrback.com<br><br>Derek C. Johnson, OSB No. 882340<br>Marilyn A. Heiken, OSB No. 923308<br>JOHNSON JOHNSON LUCAS & MIDDLETON, PC<br>975 Oak Street, Suite 1050<br>Eugene, Oregon 97401<br>(541) 484-2434<br>djohnson@justicelawyers.com<br>mheiken@justicelawyers.com<br><br>Nicholas A. Kahl, OSB No. 101145<br>NICK KAHL, LLC<br>2246 E Burnside Street, Suite A<br>Portland, Oregon 97214<br>(971) 634-0829<br>nick@nickkahl.com<br><br>***Attorneys for Plaintiffs, Plaintiffs Respondents, Cross-Appellants, Petitioners on Review*** | Matthew Kirkpatrick, OSB No. 083820<br>Zoe B. Saccio**,** OSB No. 240402<br>Oregon Consumer Justice Law PC<br>850 SE 3rd Avenue, Suite 302<br>Portland, Oregon 97214<br>mk@ocjlaw.com<br>zs@ocjlaw.com<br><br>***Attorneys for* Amicus Curiae *Oregon Consumer Justice***<br><br>Elizabeth Savage<br>Elizabeth Savage Law LLC<br>100 SW Main Street, Suite 400<br>Portland, Oregon 97204<br>(971) 430-4030<br>elizabeth@savage-attorney.com<br><br>***Attorneys for* Amicus Curiae *Oregon Trial Lawyers Association***<br><br>Jesse A. Buss, OSB No. 122919<br>WILLAMETTE LAW GROUP, PC<br>411 Fifth Street<br>Oregon City OR 97045-2224<br>503-656-4884<br>jesse@WLGpnw.com<br><br>***Attorney for* Amici Curiae *After the Fire USA and Go Alliance*** |

DATED this 17th day of September, 2026.

K&L GATES LLP

By: *s/ Elizabeth H. White*
Elizabeth H. White, OSB #204729

One SW Columbia Street, Suite 1900
Portland, Oregon 97204
elizabeth.white@klgates.com
Telephone: 503-228-3200

*Attorneys for* Amicus Curiae *The Chamber of Commerce of the United States of America*