

# Becerra wants to block release of Woolsey Fire origin report

4-5 minutes

---

Seven months before the first trial is scheduled to begin related to the Woolsey wildfire in Southern California, Attorney General Xavier Becerra is seeking to block the release of a fire department report on the cause of the blaze.

"Hastily allowing the premature disclosure of the contents of the criminal investigation file would significantly undermine the law enforcement process in this case," states a motion filed by Deputy Attorney General Alexander Fisch.

The Woolsey Fire burned 96,949 acres in Los Angeles and Ventura counties in November 2018. Southern California Edison Co.'s equipment has been blamed by some plaintiffs' attorneys for the fire, and the company is facing thousands of civil claims. All cases are coordinated and heard before Los Angeles County Superior Court Judge [William F. Highberger](#).

The Ventura County Fire Protection District, with the help of the California Department of Forestry and Fire Protection, investigated the cause and origin of the fire.

Fisch, who is representing Cal Fire, filed the motion to quash Aug. 30 and is joined by Baron & Budd PC lawyers Scott Summy, John P. Fiske and Victoria E. Sherlin, who are representing the county of Ventura, its fire protection district and other public entities.

They argued the report should remain confidential until the state completes its review and determines whether criminal charges should be brought against Edison.

The motion cited a case of parents who were suspects in the murder of their toddler and sued to get information relating to the investigation. An appellate panel ruled public disclosure of the information could significantly interfere with potential prosecution of a homicide case. *County of Orange v. Superior Court* 2000 DJDAR 3395.

Baron & Budd lawyers could not be reached for comment Monday. A spokesperson for the attorney general said they would not comment in order to protect the integrity of an ongoing or potential investigation.

A spokesperson for Edison declined to comment on Becerra's actions and said that while the company is aware of an active criminal investigation into the fire, "Edison is not aware of any basis for criminal felony liability."

Alexander Robertson of Robertson & Associates, co-lead counsel for individual plaintiffs in Woolsey, said Monday delaying the release of the report would complicate the litigation, noting Highberger already set an aggressive trial schedule, with the first trial scheduled to begin in April 2020.

"We're happy with the early trial date, but there's no way we'll be able to maintain the trial date if the report isn't released," Robertson said, adding he doesn't believe the release would jeopardize the criminal investigation.

Highberger must now conduct a balance test to determine whether the attorney general's need to maintain the secrecy of its criminal investigation outweighs the public interest in having the report released to move the civil litigation forward.

The same situation occurred earlier this year in litigation stemming from another Southern California blaze known as the Thomas Fire. In that case, Superior Court Judge [Daniel J. Buckley](#) ruled releasing the causation report wouldn't hinder the state's criminal probe.

The state, along with the County of Ventura and its fire district, agreed to release the Thomas Fire causation report anyway. That report, released in March, pointed to Edison equipment as the cause of the blaze.

Questioning why Becerra isn't taking the same approach in the Woolsey Fire litigation, the plaintiffs' opposition notes, "The position taken by the attorney general's office in the Thomas Fire can't be reconciled with its position taken in the Woolsey Fire case." The state hasn't identified a particular necessity to preserve the report other than to say a criminal probe is underway, plaintiffs argued.

Plaintiffs are also seeking to inspect the physical evidence collected at the scene of the fire that is stored inside a Cal Fire facility in Fresno. Nearly a year has passed since Woolsey began, but plaintiffs are still no closer to gaining access to either the investigation report or the evidence removed from the fire's origin, the opposition argued.

#354182