

Judge suggests PG&E go 'to every trailer' for fire claimants

SAN FRANCISCO -- A federal judge who will estimate the extent of Pacific Gas and ElectricCo.'s damages from historically destructive wildfires the last two years, berated the utility Monday for allegedly failing to provide sufficient notice and avenues for victims to submit claims for damages.

PG&E has been engaging in "a lot of posturing," and its "litigation games are unacceptable," said U.S. District Judge [James Donato](#).

Kevin Orsini, representing the utility, responded its "notice program far exceeds anything that's ever been required before."

The deadline to submit claims against PG&E for wildfire damages was Monday. The response rate is roughly 40% to 50%, according to Orsini.

Robert Julian, representing the committee for wildfire victims, filed a motion last Friday for U.S. Bankruptcy Judge [Dennis Montali](#), who is handling PG&E's Chapter 11 reorganization, to extend the deadline to Dec. 5 or Jan. 31. The utility has maintained it has sent out more than sufficient notice to potential wildfire claimants in bankruptcy proceedings and is expected to oppose the request.

"That's just not right," Donato said of the claims response rate. He asked Orsini if PG&E has sent people to impacted areas to guide claimants through the process.

"People understand what their rights are," the Cravath, Swaine & Moore LLP partner said. "Millions of dollars have been spent."

Julian rejected PG&E's assertion, claiming there's mass confusion over the process. In addition to those who cannot submit claims because of emotional and physical injuries caused by the wildfires, who have been living in Federal Emergency Management Agency camps for months, many renters believe they cannot file as they did not own their property or were not insured, he said.

"They're just so impaired living like this," Julian said.

Donato said PG&E "should have gone to each trailer and asked 'How can we help you fill out the form?'"

In a process unique to bankruptcy court, Donato will estimate damages for property, personal injury, wrongful death and punitive damages. Proceedings are scheduled to begin Feb. 18. *In re PG&E Corporation and Pacific Gas and Electric Company*, 19-CV05257 (N.D. Cal., filed Aug. 22, 2019).

At a hearing Oct. 8, Donato told both sides to discuss a range in which the committee representing wildfire victims will be willing to discount its \$54 billion damages evaluation. Julian simply said they are currently apart in their evaluations in talks since then.

The state Public Utilities Commission fined PG&E \$1.6 billion for its part in the 2010 San Bruno pipeline explosion, which will be used as a benchmark for punitive damages, according to Julian.

Orsini challenged the method, claiming the "standard for a regulatory fine is fundamentally different."

Montali referred the matter to Donato in August for assistance in order to meet the June 30, 2020 deadline for the utility to emerge from reorganization imposed by state legislation passed this year, so it can participate in a multibillion-dollar wildfire mitigation fund.

PG&E has conceded its equipment caused the fires but denies it is liable for damages.

The Department of Forestry and Fire Protection found PG&E equipment responsible for the 2017 North Bay Fires and 2018 Camp Fire. A San Francisco Superior court trial on the 2018 Tubbs fire, which state investigators said was started by private power lines, is scheduled to start Jan. 7, 2020.