

# Plaintiffs urge Woolsey Fire judge to not stay deposition

3-4 minutes

---

LOS ANGELES -- Plaintiffs counsel are urging a superior court judge not to stay all depositions as requested by Southern California Edison Co., whose equipment has been blamed for starting a devastating wildfire in Southern California.

Edison faces thousands of claims linked to the November 2018 Woolsey fire that burned more than 96,000 acres in Los Angeles and Ventura counties. The utility faces claims for negligence, inverse condemnation, trespass, nuisance and other causes. Edison moved to stay all depositions until a causation report is released in April 2020. So far, plaintiffs only have a redacted version of the report after California Attorney General Xavier Becerra announced he opened a criminal probe of Edison.

Individual plaintiffs' leadership co-counsel Alexander Robertson of Robertson and Associates, with Craig S. Simon of Berger Kahn, who represents insurers, told Judge [William F. Highberger](#) during a conference Tuesday it would be shameful to waste time by delaying depositions. There are other witnesses, including first responders, who won't be interviewed by the attorney general, they argued.

Although the attorney general asked that the report be sealed until April, plaintiffs are continuing to gather other information, including calculating wind behavior during the incident, acreage and rate of fire progression, Robertson said.

While slowing down some depositions, like those of fire investigators, is fair, delaying the entire case would not be right, Simon added.

Highberger said he would make a decision Nov. 5.

Also on Tuesday, Highberger denied The Boeing Co.'s motion for stay pending a decision from the 9th U.S. Circuit Court of Appeals. Boeing is seeking to reverse a federal trial court's decision to send a group of cases against the company back to state court.

That group of plaintiffs, represented by Don Howarth and Suzelle M. Smith, opposed being subjected to the current state court case management order and plaintiffs leadership structure. *Southern California Fires*, JCCP 5000

None of the leadership plaintiffs are pursuing Boeing, nor the same theories of potential liability, Smith argued. It's clearly better for leadership to pursue Edison for all liability, as they are relying on inverse condemnation, which means they don't have to prove negligence, Smith wrote in her objection.

Peter J. McNulty of Heriaud, Genuin & Buggeman, one of the leadership plaintiffs' counsel, recently added Boeing as a co-defendant. Plaintiff lawyer Gerald B. Singleton of Singleton Law Firm said he too plans to pursue Boeing and be relieved from the current case management order, which he's fought for months.

Highberger said he will mull over creating a second alternative leadership group, which he jokingly referred to as "respectful dissenters" that will include others joining Howarth and Smith, allowing the group to directly deal with Boeing.

That decision will also be made Nov. 5.