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First lawsuit filed in Mill Fire alleging lumber company knew of hazardous conditions for years

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A destroyed warehouse smolders Sept. 3 on Roseburg Forest Products property in Weed, one day after the Mill fire burned through the adjacent Lincoln Heights neighborhood. (Ryan Sabalow/Sacramento Bee/TNS)

Ryan Sabalow/TNS

A Weed family filed the first lawsuit Thursday stemming from the deadly Mill Fire, alleging the logging company at the center of the fire investigation ignited the blaze and ignored hazards.

The lawsuit was filed in Sacramento County Superior Court on behalf of five members of the Hammond family who lost their home on Sept. 2 after the Mill Fire raced through the small town near the Oregon border. It comes a day after Roseburg Forest Products released a lengthy statement saying it was probing whether equipment at its veneer mill's cogeneration plant failed to adequately cool the ash from wood burning.

"Defendants were well aware of the hazards of the operations for many years," the Hammonds claimed in the lawsuit which alleged negligence, trespassing, and private and public nuisance. "Despite the knowledge of a substantial fire risk, defendants ignored the hazards and continued to engage in dangerous practices."

The Siskiyou County fire has burned nearly 4,000 acres, killing two women, injuring three others and destroying 118 structures. No cause has been determined for the fire, which is 75% contained, but firefighters first saw flames at a storage warehouse on the mill's massive property.

On Wednesday, Roseburg released a statement saying they are investigating whether a water-spraying machine failed to cool ash byproduct sufficiently and potentially ignited the deadly blaze.

"When we looked near the origin of the fire that piece of machinery is one of the few elements in that area that may be the cause of it," Pete Hillan, a public relations expert hired to speak for the company, told The Chronicle on Thursday.

The ash byproduct must have a certain level of moisture and pH to be in the stable range, he said.

"We have to determine if the machine was working properly and if it was or wasn't, what impact did that potentially have on the fire," he said.

Hillan said the company had not seen the lawsuit, so he could not comment on the allegations. A Cal Fire spokesperson on Thursday said she could not comment on the company's comments about the possible faulty equipment causing the fire.

James Frantz, the Hammonds' Sacramento-based attorney, said he is representing additional fire victims and plans to file more lawsuits over the coming weeks. He said he was "disturbed" to see the statement the company released which vowed to create a \$50 million community restoration fund.

"They're trying to nip it in the bud," he said. "Throw \$50 million in the air and see if that will be the end of it."

"We're gonna find out exactly who's at fault," Frantz continued. "These folks who suffered need justice and answers to what happened and we need to change the behavior of Roseburg."