

THE CANYON WEEKLY

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Jury awards record damages in latest PacifiCorp trial



Multnomah County Circuit Court Judge Steffan Alexander reads a verdict March 31 in the fourth damages trial of James et al vs. PacifiCorp. The jury awarded \$48 million to seven plaintiffs. (Image from cvn.com.)



Stephen Floyd

Reporter for *The Canyon Weekly*

A Portland jury has awarded \$48 million to seven claimants in the latest damages trial in *James et al vs. PacifiCorp*, including record sums to individual plaintiffs.

The jury's decision was announced Monday in Multnomah County Circuit Court following a week-long trial that began March 24.

Awards totaled \$2.52 million in economic damages, \$33.85 million in non-economic damages, \$9 million in punitive damages and \$2.52 million for a wildfire caused by recklessness.

This included a record \$15.8 million to South Obenchain Fire survivor Denise Dake, who lost a homestead she and her husband had shared for six decades in Eagle Point.

Dake testified about the painstaking effort she and her family took over the years to turn the undeveloped property into a haven, and the impact of losing a lifetime of work and memories to the fire.

Another record was \$13.3 million to John Wagner for the loss of his home in the Santiam Fire.

Wagner retired to an idyllic wooded property near Lyons, he told jurors, and planned to add a house for his son's family to move there. The night of the disaster, a neighbor awoke Wagner while his house was on fire, and he had time to leave with only the clothes he was wearing, his truck and his dog.

The previous record had been \$12.1 million awarded Jan. 23, 2024, in an initial damages trial to Cory Staniforth for the loss of his home and possessions in the South Obenchain Fire.

Damages proceedings have been under way since PacifiCorp was found liable in 2023 for negligently causing the Santiam, South Obenchain, Echo Mountain Complex and 242 fires in 2020. The latest proceeding was the fourth damages trial.

Other awards on Monday included \$9.8 million to Michele Pfohl and \$703,251 to the Estate of Darrell Huber for the Santiam Fire; and \$464,165 to Justin Hall, \$6.77 million to Ron Wick, and \$119,960 to the Bette Carter Living Trust for the Echo Mountain Complex Fire.

The exceptional individual awards came after plaintiffs took a novel approach to eliciting juror empathy during closing arguments on Friday.



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Plaintiff attorneys asked jurors to envision a classified ad seeking subjects to endure the psychological, emotional and financial harm of a catastrophic fire, including the lasting trauma. They asked jurors what level of compensation the ad should offer to encourage subjects to sign up, and to think about this when determining non-economic damages.

This argument had not been made in prior trials when the focus instead was on asking jurors to connect with the specific traumatic experiences of plaintiffs.

PacifiCorp's closing arguments were more consistent with prior trials. Company attorneys urged jurors to not use non-economic damages as a way to punish PacifiCorp, or make plaintiffs independently wealthy, but rather to restore plaintiffs to a pre-fire lifestyle.

PacifiCorp asked for no more than \$2.2 million in total economic damages and \$1.6 million in total non-economic damages.

PacifiCorp's defense did differ from previous trials after the company called no witnesses, resting its case Thursday shortly after plaintiffs rested their case. PacifiCorp attorneys said they already made their case through the cross-examination of plaintiff witnesses.

According to court records, PacifiCorp had been prepared to call expert witnesses to refute plaintiff testimony about the trauma they experienced from the fires. In previous trials, PacifiCorp witnesses testified that humans naturally overcome trauma over time, and that certain plaintiffs had already moved on in their professional opinions.

Damages in the case now total \$306 million across 50 plaintiffs, an average of \$6.12 million per person. Roughly 1,580 claims are still pending before the court and could be worth more than \$9.6 billion total.

Additional trials are scheduled throughout 2025, with the next set for April 21 for nine class members. Meanwhile settlement talks continue between plaintiffs and PacifiCorp, with trial outcomes being used as standards for negotiations.

Access to trial proceedings provided by cvn.com.

Article updated 12 p.m. April 1.

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Log: Jan. 2 – 7

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