

**IN THE CIRCUIT COURT OF THE STATE OF OREGON**  
**FOR THE COUNTY OF LANE**

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**KAREN ANDERSON**, individually and as trustee for **T&K ANDERSON TRUST**; **CHARLOTTE ARCHER**, individually and as trustee for **ARCHER FAMILY TRUST**; **MARGO BARRANTI**; **BASH RESIDENTIAL, LLC**, an Oregon Limited Liability Company; **SANDRA BATES & ALAN BATES, JR.**; **BATES CATERING, INC.**, an Oregon corporation; **MARK BEAUBIEN**; **LAURIE BETHELL**; **RAFE BETHELL**; **SARA & MURRAY BOOTH**; **EDWARD BUTLER**; **JIM & SHERRIE CANFIELD**; **STEVEN CERVI-SKINNER**; **CHERYL COURTNAGE**; **CYNTHIA COURTNEY**; **TERENCE COVENY**, individually and as trustee for **CARLETON T COVENY REVOCABLE LIVING TRUST**; **GEORGE & VIVAN COX**; **ALAN CURRY**; **CHRIS & LEIAN DELEON**; **DEVINE RESTORATIONS INVESTMENT TRUST**, Marisa Aieta, trustee; **EARTHSCAPES OF OREGON, LLC**; **CHRIS ERDAHL**; **JEANNE FAGER**; **GARY FAIR**; **FINN ROCK TIMBER LLC**, an Oregon Limited Liability Company; **TRACY FORREST**; **QUENTON FRASER**; **NAILAH GARNER**; **ROBERT HORAN**; **HELEN HUTCHINSON**, individually and as trustee for **HELEN A. HUTCHINSON LIVING TRUST**; **STEVE & ELLEN JOHNSON**; **DANIEL KANE**; **M&M LAND AND CATTLE CO., LLC** an Oregon Limited Liability Company; **MARK MCINNIS**; **MCKENZIE TRUST**; **CYNTHIA MCNABB**; **RONALD & ELLEN MINER**; **CHARLES MORDEN**; **DENNIS CHARLES MORTIMER**; **CYNTHIA & JERRY MYHRVOLD**; **KATHLEEN NESSLIN**; **SHAUN NUGENT**; **NUGENT HOLDING LLC**, an Oregon Limited

**Case No.**  
**COMPLAINT**  
1. Wildfire Liability - ORS 477.092  
2. Negligence  
3. Trespass  
4. Trespass – ORS 105.815  
5. Nuisance

**CLAIM OVER \$10,000, NOT SUBJECT TO MANDATORY ARBITRATION**

**Prayer: \$102,544,945**

**Filing fee: \$1,178 (ORS 21.160(1)(e))**

1 Liability corporation; **SUSAN O'BRIEN,**  
2 **MARION O'LEARY; MARION O'LEARY**  
3 **LIVING TRUST; LINDA PROUT; HOWARD**  
4 **SIEGEL, II; JARED & KATHRYN SIMMONS;**  
5 **GLENN SIMS; MARK & ROBIN SLETTEN;**  
6 **MELISSA SNYDER; PATRICIA SPADY; SETH**  
7 **SUGHROUE; TAYLOR BROTHERS TIMBER,**  
8 **LLC, an Oregon limited liability company; THE**  
9 **OREGON CLIFF HOUSE LLC, an Oregon**  
10 **Limited Liability corporation; ORVILLE E.**  
11 **WILKERSON; LINDA K. WILLIAMS; CRAIG**  
12 **VAN YOUNG; CARL ZEITZ, individually and as**  
13 **trustee for ZEITZ LIVING TRUST; KELLY**  
14 **ZIMMERMAN,**

9 Plaintiffs,

11 v.

12 **LANE ELECTRIC COOPERATIVE, INC.,** an  
13 **Oregon cooperative corporation; EUGENE**  
14 **WATER & ELECTRIC BOARD,** a political  
15 subdivision of the City of Eugene, a municipal  
16 corporation,

15 Defendants.

**JURY TRIAL REQUESTED**

18 Plaintiffs through counsel allege:

19 **I. Introduction**

20  
21 1. Plaintiffs are victims of the Holiday Farm Fire ("Holiday Farm Fire" or "The  
22 Fire"), which began on September 7, 2020, at or around Mileposts 47 and 43.5 on Oregon's  
23 Route 126 ("McKenzie Highway"). The Fire burned westward to approximately Milepost 21  
24 and areas to the north and south of McKenzie Highway. ("Holiday Farm Fire Area" or "Fire  
25 Area").  
26

II. The Parties

Plaintiffs

2. Each of the Plaintiffs owned or occupied real property and maintained personal property at the locations shown below within Lane County that was damaged, destroyed, and/or substantially diminished in value by the Holiday Farm Fire:

Plaintiff	Tax Map	Tax Lot	Acreage	Ownership
a. Karen Anderson	16452920	712	1.00	Trustee
b. Charlotte Archer	17250210	2001	2.77	Own
c. Charlotte Archer	17250210	1900	2.35	Own
	16253400	1802	2.04	Trustee
d. The Archer Family Trust	16253400	1802	2.04	Own
e. Margo Barranti	16252800	1000	9.41	Own
f. Bash Residential LLC	16551733	201	0.76	Own
	16552022	300	0.21	Own
	16551733	301	1.33	Own
	16552022	400	1.83	Own
	16551733	401	0.68	Own
	16552022	600	0.28	Own
g. Sandra & Allen Bates, Jr.	16552022	100	6.53	Own
		100	6.53	Rent
h. Bates Catering, Inc.	16552022	100	6.53	Rent
i. Mark Beaubien	16252700	800	1.71	Own
		801	4.03	Own
j. Laurie Bethell	16452820	3300	0.147	Co-own
k. Rafe Bethell	16452820	3300	0.147	Co-own
l. Sara & Murray Booth	16353230	2400	1.37	Own
m. Edward Butler	16252842	500	0.76	Lease to buy option
n. Jim & Sherrie Canfield	16252700	601	14.19	Own

1	<b>o. Steven Cervi-Skinner</b>	16552022	90015	0.03	Own
2	<b>p. Cheryl Courtnage</b>	16552022	1200	0.29	Own
3	<b>q. Cynthia Courtney</b>	16452200	1100	1.85	Lease
4	<b>r. Carleton T. Coveny</b>	16551600	800	1.00	Tenant
5	<b>s. Carleton T. Coveny Revocable Living Trust</b>	16551600	800	1.00	Own
6	<b>t. George &amp; Vivien Cox</b>	16552022	90038	0.042	Own
7	<b>u. Alan Curry</b>	16252800	1000	9.41	Tenant
8	<b>v. Christopher &amp; Leian DeLeon</b>	16252800	3301	6.50	Own
9		16252700	1200	0.27	Own
10		16252700	1201	5.81	Own
11	<b>w. Divine Restorations Investment Trust, Marisa Aieta, trustee</b>	16552022	500	1.802	Own
12	<b>x. Earthscapes of Oregon, LLC</b>	16452000	1100	3.52	Own
13		16452920	408	0.97	Own
14		16452000	804	0.18	Own
15		17351100	200	22.52	Own
16	<b>y. Chris Erdahl</b>	16252700	500	3.62	Own
17	<b>z. Jeanne Fager</b>	16552022	901	0.253	Own
18	<b>aa. Gary Fair</b>	17250210	2001	2.77	Tenant
19	<b>bb. Finn Rock Timber, LLC</b>	16350000	2600	132.49	Own
20	<b>cc. Tracy Forrest</b>	16253600	815	1.16	Lease
21	<b>dd. Quenton Fraser</b>	16353230	2800	1.01	Own
22	<b>ee. Nailah Garner</b>	16252842	500	0.76	Lease to buy option
23	<b>ff. Robert Horan</b>	16252800	3203	0.247	Own
24	<b>gg. Helen A. Hutchinson</b>	16253600	815	1.16	Trustee
25	<b>hh. Helen A. Hutchinson Living Trust</b>	16253600	815	1.16	Own
26	<b>ii. Steve &amp; Ellen Johnson</b>	16252700	903	3.58	Own

1	<b>jj. Daniel J. Kane</b>	16552022	1703	0.289	Own
2	<b>kk. M&amp;M Land and Cattle Co LLC</b>	16452200	1100	1.846	Own
		16452200	1300	8.08	Own
3	<b>ll. Mark McGinnis</b>	16452920	712	1.00	Tenant
4	<b>mm. Cynthia McNabb</b>	16353230	1601	0.78	Tenant
5	<b>nn. Ronald &amp; Ellen Miner</b>	16452700	500	11.69	Own
6	<b>oo. Ellen Miner</b>	16452700	508	0.598	Own
7	<b>pp. Scott R. Monroe</b>	17250600	200	1.58	Own
8	<b>qq. Dennis Charles Mortimer</b>	16452400	1003	0.687	Own
9	<b>rr. Charles Morden</b>	16252800	1100	1.55	Own
10	<b>ss. Cynthia Myhrvold</b>	17350100	400	0.385	Own
11	<b>tt. Kathleen Nesslin</b>	16252930	2202	2.45	Own
12	<b>uu. Shaun Nugent</b>	17350400	606	1.25	Own
13	<b>vv. Shaun Nugent</b>	16353230	3100	1.0	Own
14		16353230	3200	0.50	Own
15		16353230	3201	0.50	Own
16		<b>ww. Nugent Holdings, LLC</b>	16353230	3100	1.0
17		16353230	3200	0.50	Lease
18		16353230	3201	0.50	Lease
19	<b>xx. Frances Grazer O'Brien Trust</b>	16452820	7800	0.43	Own
20	<b>yy. Susan O'Brien</b>	16452820	7800	0.43	Tenant
21	<b>zz. Marion O'Leary</b>	16252700	102	3.92	Tenant
22		16252700	700	1.21	Tenant
23		16252700	702	5.11	Tenant
24		16252700	703	0.82	Tenant
25	<b>aaa. Marion O'Leary Living Trust</b>	16252700	102	3.92	Own
26		16252700	700	1.21	Own
		16252700	702	5.11	Own
		16252700	703	0.82	Own
27	<b>bbb. Linda Prout</b>	16253143	1500	1.19	Own
28	<b>ccc. Glenn Sims</b>	16253143	1500	1.19	Tenant
29	<b>ddd. Jared &amp; Kathryn Simons</b>	16453040	1100	36.04	Own
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1	eee.	Mark & Robin Sletten	16353230	800	0.521	Trustees
2	fff.	McKenzie Trust (Mark & Robin Sletten, trustees)	16353230	800	0.521	Own
3	ggg.	Melissa Snyder	16452820	6800	0.184	Own
4	hhh.	Patricia Spady	16452000	1100	3.52	Tenant
5			16452920	408	0.97	Tenant
6			16452000	804	0.18	Tenant
7	iii.	Seth Sughroue	17351100	200	22.52	Tenant
8	jjj.	T & K Trust, Karen Anderson, trustee	16252700	800	1.71	Lease
9	kkk.	Taylor Brothers Timber, LLC	16452920	712	1.00	Own
10	lll.	The Oregon Cliff House, LLC	16453000	300	239.91	Own
11	mmm.	Orville E Wilkerson	17350400	606	1.25	Lease
12	nnn.	Linda K. Williams	16252940	500	0.816	Own
13	ooo.	Craig Van Young	16253220	1201	0.870	Own
14	ppp.	Carl Zietz	17350100	306	1.56	Own
15			16452134	100	9.62	Trustee
16				400	0.55	Trustee
17	qqq.	Zietz Living Trust		401	0.14	Trustee
18				402	0.14	Trustee
19			16452134	100	9.62	Own
20				400	0.55	Own
21				401	0.14	Own
22				402	0.14	Own
23	rrr.	Kelly Zimmerman	16252930	2202	2.45	Lease

**Defendants**

3. Defendant **Lane Electric Cooperative, Inc.** ("LANE") is a rural electric cooperative within Oregon. It serves approximately 13,000 electric accounts and over 1,479 miles of overhead electrical facilities, including 54 miles of energized transmission line.

1 4. Defendant **Eugene Electric and Water Board** ("EWEB") is a political  
2 subdivision of the City of Eugene, a municipal corporation. EWEB is Oregon's largest  
3 customer-owned utility and provides electricity and water service to more than 200,000  
4 customers in and around Eugene, Oregon, and has over 13,000 miles of overhead power lines.

5 **III. Relevant Facts**

6 **Conditions at the time of the Holiday Farm Fire**

7 5. Throughout the summer of 2020, like most of Oregon the Holiday Farm Fire Area  
8 experienced historically dry conditions. Records from Oregon State University show that the  
9 area had less than 1/10 inch of rain in July 2020, less than 2/10 inch in August 2020, and a  
10 similar rainfall deficit during the first week of September 2020.  
11

12 6. According to the United States Department of Commerce, National Oceanic and  
13 Atmospheric Administration's Storm Prediction Center's *Fire Weather Outlook* for Monday,  
14 September 7, 2020, the Holiday Farm Fire Area was at a "critical" risk level for wildfire.  
15

16 7. On September 6, 2020, the *Fox 12 Weather Blog* (kptv.com) was titled: "*Extreme*  
17 *Fire Weather Next 48 Hours Includes Damaging Wind For Some.*" The author noted the  
18 following about the next day's weather in and around the Holiday Farm Fire Area:

- 19 • "we've got some serious fire weather ahead";
- 20 • "We get gusty easterly wind sometimes in September, nothing unusual, but this time  
21 is different. **MODELS ARE FORECASTING A "HISTORICALLY STRONG"**  
22 **EASTERLY WIND EVENT BEGINNING MONDAY EVENING AND**  
**CONTINUING THROUGH TUESDAY"** [capitals in original text];
- 23 • "Sometime around 5 pm or so, a strong easterly wind will start coming over the  
24 Cascades, through the Gorge, and down into the lower elevations. Wind will be  
25 around through Wednesday."  
26

- “The problem?”

“1. TERRIBLE TIMING: Forests are at the driest of the season...ready to burn. In fact a bit drier than average for early September. If this was May, we might be okay.

“2. DRY AIR: Relative humidity will plunge into the single digits to teens all across Oregon as dry air arrives Monday night. Almost unheard of west of the Cascades in September.

“3. STRONG WIND: Wind gusts 30-60 mph (depending on location) could whip any spark into a massive fire in a few hours in these conditions. Imagine if a Douglas fir branch drops onto a power line, bringing it down & starting a fire. 30-40 mph gusts could spread a fire many miles with downwind spotting. The Eagle Creek Fire on this date in 2017 spread 15 miles through the Gorge in one night! That COULD happen somewhere along the west slopes of the Cascades tomorrow night or Tuesday.

“4. HISTORIC SEPTEMBER FIRE TIME: The largest fires west of the Cascades have blown up under these conditions; Tillamook Burn in 1933, Yacolt Burn in 1902, Eagle Creek Fire in 2017 etc...” [capitals in original text].

8. A study of fires in Southern California dating back to 1960 found that wildfires caused by power lines are, on average, ten times larger than other wildfires. (Mitchell, Joseph W; *Power Lines and Catastrophic Wildland Fire in Southern California*; Fire & Materials 2009, San Francisco CA, Jan 26, 2009).

9. Several factors determine when an electrical power provider should de-energize its power lines because of the risk of wildfire. These include:

- Has the National Weather Service issued a red flag warning?;
- Are there low humidity levels?;
- Are winds forecasted to gust in excess of approximately 45 mph?;
- Are there accumulations of dry fuel and vegetation on the ground?;



- Are there on-the-ground, real-time observations indicating potential problems?

10. Each of these factors was present throughout the afternoon of September 7, 2020, in the Holiday Farm fire area.

11. On Sunday, September 6, at approximately 6:02 pm, Portland General Electric issued an “Emergency Alert” to cellular telephone users in various parts of Oregon, including within the Holiday Farm Fire Area. It stated:

**Emergency Alert**  
PGE Alert: Wildfire danger may  
require temp. power shutoff within  
24 hours.

12. By approximately 5 pm on Monday, September 7, the Holiday Farm Fire Area experienced high winds with gusts up to 50 miles per hour, falling branches, and sparking associated with nearby power lines and equipment.

13. Residents living along the McKenzie Highway near the origin of the Holiday Farm Fire began calling Defendants, warning them of high winds and other conditions.

14. Even so, Defendants failed to turn off power to their electrical circuits in the area.

15. High winds and falling branches soon compromised the integrity of Defendants’ power system. Because Defendants failed and refused to de-energize their electric circuits, these compromised lines started wildfires near McKenzie Highway mileposts 47 and 43.5.

16. The high winds and dry conditions caused the wildfire to spread rapidly and out of control in generally westerly, northwesterly, and southwesterly directions.

**Plaintiffs’ losses – (Landowner Plaintiffs)**

**T & K Anderson Trust**

17. At the time of the Holiday Farm Fire, the T & K Anderson Trust (“TKA Trust”)

1 owned real and personal property located at 51290 McKenzie Highway, Vida, Oregon, and  
2 within the Holiday Farm Fire Area.

3 18. The TKA Trust's property destroyed in the Fire included a home, shop, three-car  
4 garage, a significant amount of timber, landscaping, decorative trees, and other beneficial  
5 foliage. The TKA Trust has been denied use of the described real and personal property since  
6 the time of the Fire, it has incurred costs to inspect, clean, repair, replant, and/or restore the  
7 property to its original condition. The market value of the property has been significantly  
8 reduced.  
9

10 19. The T & K Trust's economic losses are currently estimated to total \$1,500,000.

11 **Charlotte Archer**

12 20. At the time of the Holiday Farm Fire, Charlotte Archer owned real and personal  
13 property located at 90121 Gale Creek Road and 90197 Gale Creek Road, Vida, Oregon, and  
14 maintained personal property at real property owned by the Archer Family Trust located at  
15 46141 Goodpasture Road, Vida, Oregon, and within the Holiday Farm Fire Area.  
16

17 21. The Holiday Farm Fire destroyed Archer's real and personal property, including  
18 two houses, a shop, a carport, a boat shed, structures, other personal property, and a significant  
19 amount of timber, landscaping, decorative trees, and other beneficial foliage. Archer has been  
20 denied use of the described real and personal property since the time of the Fire, and she has  
21 incurred costs to inspect, clean, repair, replant, and/or restore her real and personal property to  
22 its original condition. The market value of her property has been significantly reduced.  
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24 22. Archer's economic losses are currently estimated to total \$1,500,000.

25 23. Archer also suffered stress, fear, inconvenience, and emotional distress because of  
26

1 the Holiday Farm Fire.

2 24. Archer's non-economic losses are currently estimated to total \$500,000.

3 **Archer Family Trust**

4 25. At the time of the Holiday Farm Fire, the Archer Family Trust ("AF Trust")  
5 owned real and personal property located at 46141 Goodpasture Road, Vida, Oregon, and within  
6 the Holiday Farm Fire Area.

7 26. The Holiday Farm Fire destroyed the AF Trust's property, including two houses, a  
8 shop, carport, boat shed, other structures, and a significant amount of timber, landscaping,  
9 decorative trees, and other beneficial foliage. The Trust has been denied use of the described  
10 real and personal property since the time of the Fire and has incurred costs to inspect, clean,  
11 repair, replant, and/or restore its real and personal property to its original condition. The market  
12 value of its property has been significantly reduced.

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14 27. Archer Family Trust's economic losses are currently estimated to total  
15 \$1,500,000.

16 **Margo Barranti**

17  
18 28. At the time of the Holiday Farm Fire, Margo Barranti owned real and personal  
19 property located at 45457 McKenzie Highway, Leaburg, Oregon, and within the Holiday Farm  
20 Fire Area.

21 29. The Holiday Farm Fire damaged or destroyed Barranti's real and personal  
22 property, including a woodshed and contents, pumphouse and tank, other structures, and a  
23 significant amount of timber, landscaping, decorative trees, and other beneficial foliage.  
24 Barranti's residence and personal property were also damaged or destroyed by smoke and soot,  
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1 and she has been partially or completely denied use of the described real and personal property  
2 since the time of the Fire, and has incurred costs to inspect, clean, repair, replant and/or restore  
3 her real and personal property to its original condition. The market value of her property has  
4 been significantly reduced.

5 30. Barranti's economic losses are currently estimated to total \$750,000.

6 31. Barranti also suffered stress, fear, inconvenience, and emotional distress because  
7 of the Holiday Farm Fire.

8 32. Barranti's non-economic losses are currently estimated to total \$500,000.

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10 **Bash Residential, LLC**

11 33. At the time of the Holiday Farm Fire, Bash Residential, LLC ("Bash") owned real  
12 property located near McKenzie Highway milepost 46.5, and within the Fire Area.

13 34. The Holiday Farm Fire destroyed Bash's real and personal property, including a  
14 significant amount of timber, landscaping, decorative trees, and other beneficial foliage. Bash  
15 has been denied use of its real and personal property since the time of the Fire and has incurred  
16 costs to inspect, clean, repair, replant, and/or restore its real and personal property to its original  
17 condition. The market value of its property has been significantly reduced.

18 35. Bash's economic losses are currently estimated to total \$1,500,000.

19  
20 **Sandra Bates and Alan Bates, Jr.**

21 36. At the time of the Holiday Farm Fire, Sandra Bates, and Alan Bates, Jr. ("the  
22 Bates") owned real and personal property located at 54455 McKenzie River Drive, Blue River,  
23 Oregon, and within the Holiday Farm Fire Area.

24 37. The Holiday Farm Fire destroyed the Bates' real and personal property, including  
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1 a significant amount of timber, landscaping, decorative trees, and other beneficial foliage. The  
2 Bates have been denied use of their real and personal property since the time of the Fire and  
3 have incurred costs to inspect, clean, repair, replant, and/or restore their real and personal  
4 property to its original condition. The market value of their property has been significantly  
5 reduced.

6 38. The Bates' economic losses are currently estimated to total \$1,500,000.

7 39. Both also suffered stress, fear, inconvenience, and emotional distress because of  
8 the Holiday Farm Fire.

9 40. The Bates non-economic losses are currently estimated to total \$500,000 each.

10  
11 **Mark Beaubien**

12 41. At the time of the Holiday Farm Fire, Mark Beaubien owned real and personal  
13 property located at 46014 Gate Creek Road., Vida, Oregon, and within the Holiday Farm Fire  
14 Area.

15 42. The Holiday Farm Fire destroyed Beaubien's real and personal property,  
16 including houses and residences on the property, numerous structures and outbuildings, tools  
17 and equipment, a motorcycle, other personal property, and a significant amount of timber,  
18 landscaping, decorative trees, and other beneficial foliage. Beaubien has been denied use of his  
19 real and personal property since the time of the Fire and has incurred costs to inspect, clean,  
20 repair, replant, and/or restore his real and personal property to its original condition. Beaubien's  
21 right and ability to replace or rebuild destroyed structures and residences on his property has  
22 been substantially and materially impaired because of the fire. The market value of his property  
23 has been significantly reduced.  
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1 43. Beaubien's economic losses are currently estimated to total \$2,500,000.

2 44. Beaubien has also suffered stress, fear, inconvenience, and emotional distress  
3 because of the Holiday Farm Fire.

4 45. Beaubien's non-economic losses are currently estimated to total \$500,000.

5 **Laurie Bethell**

6 46. At the time of the Holiday Farm Fire, Laurie Bethell co-owned real and personal  
7 property located at 51807 Echo Street, Blue River, Oregon, and within the Holiday Farm Fire  
8 Area.

9 47. The Holiday Farm Fire destroyed Bethell's real and personal property including a  
10 home, various structures and outbuildings, personal property, and a significant amount of  
11 timber, landscaping, decorative trees, and other beneficial foliage. She has been denied use of  
12 her real and personal property since the time of the and has incurred costs to inspect, clean,  
13 repair, replant, and/or restore her real and personal property to its original condition. The market  
14 value of her property has been significantly reduced.  
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16 48. Her economic losses are currently estimated to total \$750,000.

17 49. Laurie Bethell has also suffered stress, fear, inconvenience, and emotional distress  
18 because of the Holiday Farm Fire.  
19

20 50. Her non-economic losses are currently estimated to total \$500,000.

21 **Rafe Bethell**

22 51. At the time of the Holiday Farm Fire, Rafe Bethell co-owned real and personal  
23 property located at 51807 Echo Street, Blue River, Oregon, and within the Holiday Farm Fire  
24 Area.  
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1           52.     The Holiday Farm Fire destroyed Rafe Bethell’s real and personal property,  
2 including a home, various structures, and outbuildings, personal property including but not  
3 limited to a seed collection and a card collection, and a significant amount of timber  
4 landscaping, decorative trees, and other beneficial foliage. He has been denied use of his real  
5 and personal property since the time of the Fire and has incurred costs to inspect, clean, repair,  
6 replant, and/or restore his real and personal property to its original condition. The market value  
7 of his property has been significantly reduced.

8           53.     His economic losses are currently estimated to total \$750,000.

9           54.     Rafe Bethell has also suffered stress, fear, inconvenience, and emotional distress  
10 because of the Holiday Farm Fire.

11           55.     His non-economic losses are currently estimated to total \$500,000.

12                   **Sara & Murray Booth**

13           56.     At the time of the Holiday Farm Fire, Sara & Murray Booth (“the Booths”)  
14 owned real and personal property located at 48011 McKenzie Highway, Vida, Oregon, and  
15 within the Holiday Farm Fire Area.  
16

17           57.     The Holiday Farm Fire destroyed the Booth’s real and personal property,  
18 including a home, various structures and outbuildings, a pump house and water well equipment,  
19 personal property, and a significant amount of timber, landscaping, decorative trees, and other  
20 beneficial foliage. The Booths have been denied use of their real and personal property since the  
21 time of the Fire and have incurred costs to inspect, clean, repair, replant, and/or restore their real  
22 and personal property to its original condition. The market value of their property has been  
23 significantly reduced.  
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1           58.     The Booths' economic losses are currently estimated to total \$1,500,000.

2           59.     The Booths have also suffered stress, fear, inconvenience, and emotional distress  
3 because of the Holiday Farm Fire.

4           60.     Their non-economic losses are currently estimated to total \$500,000 each.

5                   **Edward Butler**

6           61.     At the time of the Holiday Farm Fire, Edward Butler resided at real property  
7 located at 45560 S. Gate Creek Road, Vida, Oregon, and within the Holiday Farm Fire Area  
8 pursuant to a rental contract with an option to purchase the property. He also had a substantial  
9 amount of personal property at the residence.  
10

11           62.     The Holiday Farm Fire destroyed the real property under purchase option and  
12 Butler's personal property, and a significant amount of timber, landscaping, decorative trees,  
13 and other beneficial foliage. Butler has been denied use and enjoyment of the described real and  
14 personal property since the time of the Fire, will incur costs to inspect, clean, repair, replant,  
15 and/or restore his real and personal property to its original condition. The market value of the  
16 real property under option has been significantly reduced. This reduction in value also reduced  
17 the equity Butler had accumulated through his lease-purchase option.  
18

19           63.     Butler's economic losses are currently estimated to total \$750,000.

20           64.     Butler has also suffered stress, fear, inconvenience, and emotional distress  
21 because of the Holiday Farm Fire.

22           65.     Butler's non-economic losses are currently estimated to total \$500,000.

23                   **Jim & Sherrie Canfield**

24           66.     At the time of the Holiday Farm Fire, Jim & Sherrie Canfield ("the Canfields")  
25  
26



1 owned real and personal property located at 46025 Gate Creek Road, Vida, Oregon, and within  
2 the Holiday Farm Fire Area.

3 67. The Holiday Farm Fire destroyed the Canfield's real and personal property,  
4 including a home, various structures and outbuildings, personal property, and a significant  
5 amount of timber, landscaping, decorative trees, and other beneficial foliage. The Canfields  
6 have been denied use of their real and personal property since the time of the Fire and have  
7 incurred costs to inspect, clean, repair, replant, and/or restore their real and personal property to  
8 its original condition. The market value of their property has been significantly reduced.  
9

10 68. The Canfields' economic losses are currently estimated to total \$1,500,000.

11 69. The Canfields have also suffered stress, fear, inconvenience, and emotional  
12 distress because of the Holiday Farm Fire.

13 70. Their non-economic losses are currently estimated to total \$500,000 each.

14 **Steven Cervi-Skinner**

15 71. At the time of the Holiday Farm Fire, Steve Cevi-Skinner owned real and  
16 personal property located at 54432 McKenzie Highway, Lot #15 and within the Holiday Farm  
17 Fire Area.

18 72. The Holiday Farm Fire destroyed the Cervi-Skinner's real and personal property,  
19 including a shed, personal property including tools, hoses, extension cords, and timber,  
20 landscaping, decorative trees, and other beneficial foliage. Cervi-Skinner has been denied use of  
21 his real and personal property since the time of the Fire and has incurred costs to inspect, clean,  
22 repair, replant, and/or restore his real and personal property to its original condition. The market  
23 value of his property has been significantly reduced.  
24  
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1           73.     Cervi-Skinner’s economic losses are currently estimated to total \$250,000.

2           74.     Cervi-Skinner has also suffered stress, fear, inconvenience, and emotional distress  
3 because of the Holiday Farm Fire.

4           75.     His non-economic losses are currently estimated to total \$500,000.

5                   **Cheryl Courtnage**

6           76.     At the time of the Holiday Farm Fire, Cheryl Courtnage owned real and personal  
7 property located at 54400 Rainbow Drive, Blue River, Oregon, and within the Holiday Farm  
8 Fire Area.

9           77.     The Holiday Farm Fire destroyed the Courtnage’s real and personal property,  
10 including a home, various structures and outbuildings, personal property, and a significant  
11 amount of timber, landscaping, decorative trees, and other beneficial foliage. Courtnage has  
12 been denied use of her real and personal property since the time of the Fire and has incurred  
13 costs to inspect, clean, repair, replant, and/or restore her real and personal property to its  
14 original condition. The market value of her property has been significantly reduced.

15           78.     Courtnage’s economic losses are currently estimated to total \$1,500,000.

16           79.     Courtnage has also suffered stress, fear, inconvenience, and emotional distress  
17 because of the Holiday Farm Fire.

18           80.     Her non-economic losses are currently estimated to total \$500,000.

19                   **Carleton T. Coveny Revocable Living Trust, Carleton T. Coveny, trustee**

20           81.     At the time of the Holiday Farm Fire the Carleton T. Coveny Revocable Living  
21 Trust (“Coveny Trust”) owned real property with structures, timber, and other beneficial foliage  
22 located at 55140 McKenzie River Drive, Blue River, Oregon and within the Holiday Farm Fire  
23  
24  
25  
26

Area.

1  
2 82. The Holiday Farm Fire significantly reduced the marketability of the Coveny  
3 Trust's real and personal property and caused loss of revenue from tenants and rentals. The  
4 Coveny Trust has been denied beneficial use of the described real and personal property at  
5 various times since the time of the Fire, it has incurred costs to inspect, clean, repair, and/or  
6 restore the property to its original condition. The market value of the property as an income-  
7 producing rental property and as a real property asset has been significantly reduced.

8 83. The Coveny Trust's economic losses are currently estimated to total \$500,000.

9  
10 **George & Vivian Cox**

11 84. At the time of the Holiday Farm Fire, George & Vivian Cox ("the Coxes") owned  
12 real and personal property located at 54432 McKenzie Highway, # 38, Blue River, Oregon, and  
13 within the Holiday Farm Fire Area.

14 85. The Holiday Farm Fire destroyed the Coxes' real and personal property, including  
15 but not limited to a shed, water, and electrical hook-ups, a picnic table, timber, landscaping,  
16 decorative trees, and other beneficial foliage. The Coxes have been denied use of their real and  
17 personal property since the time of the Fire and have incurred costs to inspect, clean, repair,  
18 replant, and/or restore their real and personal property to its original condition. The market  
19 value of their property has been significantly reduced.

20 86. The Coxes' economic losses are currently estimated to total \$250,000.

21 87. The Coxes have also suffered stress, fear, inconvenience, and emotional distress  
22 because of the Holiday Farm Fire.  
23

24 88. Their non-economic losses are currently estimated to total \$500,000 each.  
25  
26

**Chris and Leian DeLeon**

1  
2 89. At the time of the Holiday Farm Fire, Chris and Leian DeLeon owned real and  
3 personal property located at 45667 McKenzie Highway, Vida, Oregon, and within the Holiday  
4 Farm Fire Area.

5 90. The property contained both residences, structures, and a finished barn that served  
6 as a venue for a wedding services business owned by the DeLeons.

7 91. The Holiday Farm Fire destroyed a significant amount of timber, landscaping,  
8 decorative trees, and other beneficial foliage and substantially reduced the ability of the  
9 DeLeons to lease the property for weddings and other events. The DeLeons have been partially  
10 denied use of their real and personal property since the time of the Fire and have incurred costs  
11 to inspect, clean, repair, replant, and/or restore their real and personal property to its original  
12 condition. The market value of their property has been significantly reduced.

13  
14 92. The DeLeons' economic losses are currently estimated to total \$1,500,000.

15 93. The DeLeons also suffered stress, fear, inconvenience, and emotional distress  
16 because of the Holiday Farm Fire.

17  
18 94. Their non-economic losses are currently estimated to total \$500,000 each.

19 **Divine Restorations Investment Trust, Marisa Aieta trustee**

20 95. At the time of the Holiday Farm Fire, the Divine Restorations Investment Trust  
21 ("Divine Trust") owned developable real property with marketable timber and other beneficial  
22 foliage located near McKenzie Highway milepost 46.3 and within the Holiday Farm Fire Area.

23 96. The real property was platted to allow development into multiple residential lots.

24 97. The Holiday Farm Fire destroyed the Divine Trust's real and personal property,  
25  
26

1 including a significant amount of timber, landscaping, decorative trees, and other beneficial  
2 foliage. The Divine Trust has been denied use of the described real and personal property since  
3 the time of the Fire, and it has incurred costs to inspect, clean, repair, replant, and/or restore the  
4 property to its original condition. The market value of the property, including its value for use as  
5 developable lots has been significantly reduced.

6 The Divine Trust’s economic losses are currently estimated to total \$1,500,000.

7 **Earthscapes of Oregon, LLC**

8 98. At the time of the Holiday Farm Fire, Earthscapes of Oregon, LLC  
9 (“Earthscapes”) owned real and personal property located at 49536 McKenzie Highway, 51190  
10 Blue River Drive, 91326 Eck Pierce Drive, and 51503 Blue River Drive, Vida, Oregon, and  
11 within the Holiday Farm Fire Area.  
12

13 99. The Holiday Farm Fire destroyed Earthscapes’ real and personal property,  
14 including but not limited homes, buildings, structures, timber, landscaping, decorative trees, and  
15 other beneficial foliage. Earthscapes has been denied use of its real and personal property since  
16 the time of the Fire and has incurred costs to inspect, clean, repair, replant, and/or restore its real  
17 and personal property to its original condition. The market value of its property has been  
18 significantly reduced.  
19

20 100. Earthscapes’ economic losses are currently estimated to total \$6,000,000.

21 **Chris Erdahl**

22 101. At the time of the Holiday Farm Fire, Chris Erdahl owned real and personal  
23 property located at 45828 N Gate Creek Road, Vida, Oregon, and within the Holiday Farm Fire  
24 Area.  
25  
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1           102. The Holiday Farm Fire destroyed Erdahl's real and personal property, including a  
2 home, various structures and outbuildings, other personal property, and a significant amount of  
3 timber, landscaping, decorative trees, and other beneficial foliage. Erdahl has been denied use of  
4 his real and personal property since the time of the Fire and has incurred costs to inspect, clean,  
5 repair, replant, and/or restore his real and personal property to its original condition. The market  
6 value of his property has been significantly reduced.

7           103. Erdahl's economic losses are currently estimated to total \$1,500,000.

8           104. Erdahl has also suffered stress, fear, inconvenience, and emotional distress  
9 because of the Holiday Farm Fire.  
10

11           105. His non-economic losses are currently estimated to total \$500,000.

12           **Jeanne Fager**

13           106. At the time of the Holiday Farm Fire, Jeanne Fager owned real and personal  
14 property located at 54380 McKenzie River Drive, Blue River, Oregon, and within the Holiday  
15 Farm Fire Area.  
16

17           107. The Holiday Farm Fire destroyed Fager's real and personal property, including a  
18 home, various structures and outbuildings, water well equipment, personal property, and a  
19 significant amount of timber, landscaping, decorative trees, and other beneficial foliage. Fager  
20 has been denied use of her real and personal property since the time of the Fire and has incurred  
21 costs to inspect, clean, repair, replant, and/or restore her real and personal property to its  
22 original condition. The market value of her property has been significantly reduced.  
23

24           108. Fager's economic losses are currently estimated to total \$1,500,000.

25           109. Fager has also suffered stress, fear, inconvenience, and emotional distress because  
26

1 of the Holiday Farm Fire.

2 110. Her non-economic losses are currently estimated to total \$500,000.

3 **Finn Rock Timber, LLC**

4 111. At the time of the Holiday Farm Fire, Finn Rock Timber owned 132.49 acres of  
5 harvestable timberland within the Holiday Farm Fire Area.

6 112. All 132.49 acres of timber on the Finn Rock LLC property were burned and  
7 destroyed by the Holiday Farm fire.

8 113. To mitigate its damages, Finn Rock LLC logged the burned timber from its  
9 property and sold the salvage timber in a commercially reasonable sale.

10 114. The damage caused by the Holiday Farm Fire also required inspection, clean-up,  
11 and other services necessary to remove and dispose of unmarketable burned timber remaining  
12 on the site.

13 115. Finn Rock LLC's economic losses are currently estimated to total \$1,500,000.

14 **Quenton Fraser**

15 116. At the time of the Holiday Farm Fire, Quenton Fraser owned real and personal  
16 property located at 48065 McKenzie Hwy, Vida, Oregon, and within the Holiday Farm Fire  
17 Area.

18 117. The Holiday Farm Fire destroyed Fraser's real and personal property, including  
19 five structures consisting of a home, two sheds, a greenhouse, and a cargo container storage  
20 shed, personal property, and a significant amount of timber, landscaping, decorative trees, and  
21 other beneficial foliage. Fraser has been denied use of his real and personal property since the  
22 time of the Fire and has incurred costs to inspect, clean, repair, replant, and/or restore his real  
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1 and personal property to its original condition. The market value of his property has been  
2 significantly reduced.

3 118. Fraser's economic losses are currently estimated to total \$1,500,000.

4 119. Fraser has also suffered stress, fear, inconvenience, and emotional distress  
5 because of the Holiday Farm Fire.

6 120. His non-economic losses are currently estimated to total \$500,000.

7 **Nailah Garner**

8 121. At the time of the Holiday Farm Fire, Nailah Garner resided at real property  
9 located at 45560 S. Gate Creek Road, Vida, Oregon, and within the Holiday Farm Fire Area  
10 pursuant to a rental contract with an option to purchase the property. She also had a substantial  
11 amount of personal property at the residence.  
12

13 122. The Holiday Farm Fire destroyed the real property under purchase option and  
14 Garner's personal property, and a significant amount of timber, landscaping, decorative trees,  
15 and other beneficial foliage. Garner has been denied use and enjoyment of the described real  
16 and personal property since the time of the Fire, will incur costs to inspect, clean, repair, replant,  
17 and/or restore her real and personal property to its original condition. The market value of the  
18 real property under option has been significantly diminished. This reduction in value also  
19 reduced the equity Garner had accumulated through her lease-purchase option.  
20

21 123. Garner's economic losses are currently estimated to total \$750,000.

22 124. Garner has also suffered stress, fear, inconvenience, and emotional distress  
23 because of the Holiday Farm Fire.  
24

25 125. Garner's non-economic losses are currently estimated to total \$500,000.  
26



**Robert Horan**

1  
2 126. At the time of the Holiday Farm Fire, Robert Horan owned real and personal  
3 property located at 45706 N Gate Creek Road, Vida, Oregon, and within the Holiday Farm Fire  
4 Area.

5 127. The Holiday Farm Fire destroyed Horan’s real and personal property and a  
6 significant amount of timber, landscaping, decorative trees, and other beneficial foliage. Horan  
7 has been denied use of his real and personal property since the time of the Fire and has incurred  
8 costs to inspect, clean, repair, replant, and/or restore his real and personal property to its original  
9 condition. The market value of his property has been significantly reduced.  
10

11 128. Horan’s economic losses are currently estimated to total \$1,500,000.

12 129. Horan has also suffered stress, fear, inconvenience, and emotional distress  
13 because of the Holiday Farm Fire.

14 130. His non-economic losses are currently estimated to total \$500,000.  
15

**Helen A. Hutchinson Living Trust**

16  
17 131. At the time of the Holiday Farm Fire, the Helen A. Hutchinson Living Trust  
18 owned real and personal property located at 47015 Goodpasture Road, Vida, Oregon, and within  
19 the Holiday Farm Fire Area.

20 132. The Holiday Farm Fire destroyed the Trust’s property, including a house and a  
21 significant amount of timber, landscaping, decorative trees, and other beneficial foliage. The  
22 Trust has been denied use of its real and personal property since the time of the Fire and has  
23 incurred costs to inspect, clean, repair, replant, and/or restore its real and personal property to its  
24 original condition. The market value of its property has been significantly reduced.  
25  
26

1 133. The Trust's economic losses are currently estimated to total \$1,500,000.

2 **Steve and Ellen Johnson**

3 134. At the time of the Holiday Farm Fire, Steve and Ellen Johnson owned real and  
4 personal property located at 46008 N. Gate Creek Road, Vida, Oregon, and within the Holiday  
5 Farm Fire Area.

6 135. The Holiday Farm Fire destroyed substantial portions of the Johnsons' real and  
7 personal property, including 12' x 16' garden shed and all contents, 350 feet of fencing, other  
8 various structures and outbuildings, personal property, and a significant amount of timber,  
9 landscaping, decorative trees, and other beneficial foliage. The Johnsons were and have been  
10 denied use of their real and personal property since the time of the Fire and have incurred costs  
11 to inspect, clean, repair, replant, and/or restore their real and personal property to its original  
12 condition. The market value of their property has been significantly reduced.

13  
14 136. The Johnsons' economic losses are currently estimated to total \$750,000.

15 137. The Johnsons have also suffered stress, fear, inconvenience, and emotional  
16 distress because of the Holiday Farm Fire.

17  
18 138. Their non-economic losses are currently estimated to total \$500,000 each.

19 **Daniel Kane**

20 139. At the time of the Holiday Farm Fire, Daniel Kane owned real and personal  
21 property located at 54391 Rainbow Drive, McKenzie Bridge, Oregon, and within the Holiday  
22 Farm Fire Area.

23 140. The Holiday Farm Fire destroyed Kane's real and personal property, including a  
24 home, personal possessions, a substantial collection of antiques, and timber, landscaping,  
25  
26

1 decorative trees, and other beneficial foliage. Kane has been denied use of his real and personal  
2 property since the time of the Fir, and has incurred costs to inspect, clean, repair, replant, and/or  
3 restore his real and personal property to its original condition. The market value of his property  
4 has been significantly reduced.

5 141. Kane's economic losses are currently estimated to total \$1,500,000.

6 142. Kane has also suffered stress, fear, inconvenience, and emotional distress because  
7 of the Holiday Farm Fire.

8 143. Kane's non-economic losses are currently estimated to total \$500,000.

9  
10 **M&M Land and Cattle Co, LLC**

11 144. At the time of the Holiday Farm Fire, M&M Land and Cattle Co, LLC ("M&M")  
12 owned real and personal property located at 52508 and 52511 McKenzie Highway, Blue River,  
13 Oregon, and within the Holiday Farm Fire Area.

14 145. The Holiday Farm Fire destroyed M&M's real and personal property, including a  
15 home, structures, timber, landscaping, decorative trees, and other beneficial foliage. M&M has  
16 been denied use of its real and personal property since the time of the Fire and has incurred  
17 costs to inspect, clean, repair, replant, and/or restore its real and personal property to its original  
18 condition. The market value and rental income from its property has been significantly reduced.

19 146. The M&M's economic losses are currently estimated to total \$1,500,000.

20  
21 **McKenzie Trust**

22 147. At the time of the Holiday Farm Fire, the McKenzie Trust owned real and  
23 personal property located at 47930 McKenzie Highway, Vida, Oregon, and within the Holiday  
24 Farm Fire Area.  
25  
26

1           148. The Holiday Farm Fire destroyed the McKenzie Trust's real and personal  
2 property, including but not limited to a home, detached garage, large shed, timber, landscaping,  
3 decorative trees, and other beneficial foliage. The McKenzie Trust has been denied use of its  
4 real and personal property since the time of the Fire and has incurred costs to inspect, clean,  
5 repair, replant, and/or restore its real and personal property to its original condition. The market  
6 value of its property has been significantly reduced.

7           149. The McKenzie Trust's economic losses are currently estimated to total  
8 \$1,500,000.  
9

10                   **Ronald and Ellen Miner**

11           150. At the time of the Holiday Farm Fire, Ronald and Ellen Miner owned real and  
12 personal property located at 91160 Yager Road, Blue River, Oregon, and within the Holiday  
13 Farm Fire Area.

14           151. The Miners owned and operated the U.S. Cavalry and American Indian Museum  
15 on their property. The Museum consisted of several buildings and structures and a valuable  
16 collection of rare and high-quality artifacts.  
17

18           152. The Holiday Farm Fire destroyed the Miners' real and personal property,  
19 including all structures, their home, the museum, and all items within it, timber, landscaping,  
20 decorative trees, and other beneficial foliage.

21           153. The Miners have been denied use of their real and personal property since the  
22 time of the Fire and have incurred costs to inspect, clean, repair, replant, and/or restore their real  
23 and personal property to its original condition. The market value of their property has been  
24 significantly reduced. They have also lost income from visitor donations to the museum.  
25  
26

1 154. The Miners' economic losses are currently estimated to total \$2,500,000.

2 155. The Miners have also suffered stress, fear, inconvenience, and emotional distress  
3 because of the Holiday Farm Fire.

4 156. Their non-economic losses are currently estimated to total \$500,000 each.

5 **Scott Monroe**

6 157. At the time of the Holiday Farm Fire Scott Monroe owned real and personal  
7 property located at 90397 Mountain View Lane, Walterville, Oregon, and within the Holiday  
8 Farm Fire Area.

9  
10 158. The Holiday Farm Fire destroyed Monroe's residence, other structures and  
11 outbuildings, personal property, and a significant amount of timber, landscaping, decorative  
12 trees, and other beneficial foliage. He has been denied use of his real and personal property  
13 since the time of the Fire and has incurred costs to inspect, clean, repair, replant, and/or restore  
14 his real and personal property to its original condition. The market value of his property has  
15 been significantly reduced.

16 159. Monroe's economic losses are currently estimated to total \$1,500,000.

17  
18 160. Monroe has also suffered stress, fear, inconvenience, and emotional distress  
19 because of the Holiday Farm Fire.

20 161. His non-economic losses are currently estimated to total \$500,000.

21 **Charles Morden**

22 162. At the time of the Holiday Farm Fire, Charles Morden owned real and personal  
23 property located at 45441 McKenzie Highway, Leaburg, Oregon, and within the Holiday Farm  
24 Fire Area.  
25  
26

1           163. Morden owned and operated the Riverside Inn Restaurant on the property. The  
2 Riverside Inn consisted of buildings and structures used for a restaurant and lodging.

3           164. The Holiday Farm Fire damaged Morden's real and personal property, including  
4 portions of the structures, timber, landscaping, decorative trees, and other beneficial foliage.

5           165. Morden has been denied use of his real and personal property since the time of the  
6 Fire and has incurred costs to inspect, clean, repair, replant, and/or restore his real and personal  
7 property to its original condition. The market value of his property has been significantly  
8 reduced. Morden has also lost income from the inability to operate the restaurant and lodging  
9 business, or to successfully market or sell the Riverside Inn property.  
10

11           166. Morden's economic losses are currently estimated to total \$750,000.

12           167. Morden has also suffered stress, fear, inconvenience, and emotional distress  
13 because of the Holiday Farm Fire.

14           168. His non-economic losses are currently estimated to total \$250,000 each.

15           **Dennis Charles Mortimer**

16           169. At the time of the Holiday Farm Fire, Dennis Charles Mortimer owned real and  
17 personal property located at 53198 McKenzie Highway, Blue River, Oregon, and within the  
18 Holiday Farm Fire Area.  
19

20           170. The Holiday Farm Fire destroyed Mortimer's residence, other structures, and  
21 outbuildings, personal property, including but not limited to tools and a significant amount of  
22 timber, landscaping, decorative trees, and other beneficial foliage. Mortimer has been denied  
23 use of his real and personal property since the time of the Fire and has incurred costs to inspect,  
24 clean, repair, replant, and/or restore his real and personal property to its original condition. The  
25  
26

1 market value of his property has been significantly reduced.

2 171. Mortimer's economic losses are currently estimated to total \$1,500,000.

3 172. Mortimer has also suffered stress, fear, inconvenience, and emotional distress  
4 because of the Holiday Farm Fire.

5 173. His non-economic losses are currently estimated to total \$500,000.

6 **Cynthia and Jerry Myhrvold**

7 174. At the time of the Holiday Farm Fire, Cynthia and Jerry Myhrvold owned real and  
8 personal property located at 50464 McKenzie Highway, Vida, Oregon, and within the Holiday  
9 Farm Fire Area.

10  
11 175. The Holiday Farm Fire destroyed the Myhrvolds' residence, numerous other  
12 structures and outbuildings, personal property, and a significant amount of timber, landscaping,  
13 decorative trees, and other beneficial foliage. The Myhrvolds have been denied use of their real  
14 and personal property since the time of the Fire and have incurred costs to inspect, clean, repair,  
15 replant, and/or restore their real and personal property to its original condition. The market  
16 value of their property has been significantly reduced.

17  
18 176. The Myhrvolds' economic losses are currently estimated to total \$1,500,000.

19 177. The Myhrvolds have also suffered stress, fear, inconvenience, and emotional  
20 distress because of the Holiday Farm Fire.

21 178. Their non-economic losses are currently estimated to total \$500,000 each.

22 **Kathleen Nessler**

23  
24 179. At the time of the Holiday Farm Fire, Kathleen Nessler owned real and personal  
25 property located at 90953 Angels Flight Road, Waltherville, Oregon, and within the Holiday  
26

1 Farm Fire Area.

2 180. The Holiday Farm Fire destroyed Nesslin's residence, detached garage, barn,  
3 personal property, and a significant amount of timber, landscaping, decorative trees, and other  
4 beneficial foliage. Nesslin has been denied use of her real and personal property since the time  
5 of the Fire and has incurred costs to inspect, clean, repair, replant, and/or restore her real and  
6 personal property to its original condition. The market value of her property has been  
7 significantly reduced.

8 181. Nesslin's economic losses are currently estimated to total \$1,500,000.

9 182. Nesslin has also suffered stress, fear, inconvenience, and emotional distress  
10 because of the Holiday Farm Fire.

11 183. Her non-economic losses are currently estimated to total \$500,000.

12 **Shaun Nugent**

13 184. At the time of the Holiday Farm Fire, Shaun Nugent owned real and personal  
14 property located at 48520 and 48083 McKenzie Highway, Vida, Oregon, and within the Holiday  
15 Farm Fire Area.  
16

17 185. The Holiday Farm Fire destroyed Nugent's real and personal property, including a  
18 rental residence, outbuildings, fences, decks, and most of the timber, landscaping, decorative  
19 trees, and other beneficial foliage. Nugent has been denied use of his real and personal property  
20 since the time of the Fire and has incurred costs to inspect, clean, repair, replant, and/or restore  
21 his real and personal property to its original condition. The market value of his property has  
22 been significantly reduced.  
23

24 186. Nugent's economic losses are currently estimated to total \$1,500,000.  
25  
26



1 187. Nugent has also suffered stress, fear, inconvenience, and emotional distress  
2 because of the Holiday Farm Fire.

3 188. His non-economic losses are currently estimated to total \$500,000.

4 **Frances Grazer O'Brien Trust**

5 189. At the time of the Holiday Farm Fire, the Frances Grazer O'Brien Trust ("O'Brien  
6 Trust") owned real and personal property located at 51790 McKenzie Highway, Blue River,  
7 Oregon, and within the Holiday Farm Fire Area.

8 190. The Holiday Farm Fire destroyed the O'Brien Trust's property, including homes,  
9 other structures, personal property, and a significant amount of timber, landscaping, decorative  
10 trees, and other beneficial foliage. The Trust has been denied use of the described real and  
11 personal property since the time of the Fire and has incurred costs to inspect, clean, repair,  
12 replant, and/or restore its real and personal property to its original condition. The market value  
13 of its property has been significantly reduced.

14 191. The O'Brien Trust's economic losses are currently estimated to total \$1,500,000.

15 **Marion O'Leary Living Trust**

16 192. At the time of the Holiday Farm Fire, the Marion O'Leary Living Trust ("O'Leary  
17 Trust") owned real and personal property located at 46064 Gate Creek Road, Vida, Oregon, and  
18 within the Holiday Farm Fire Area.

19 193. The Holiday Farm Fire destroyed the O'Leary Trust's property, including a home,  
20 other structures, personal property, and a significant amount of timber, landscaping, decorative  
21 trees, and other beneficial foliage. The Trust has been denied use of the described real and  
22 personal property since the time of the Fire and has incurred costs to inspect, clean, repair,  
23  
24  
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1 replant, and/or restore its real and personal property to its original condition. The market value  
2 of its property has been significantly reduced.

3 194. The O’Leary Trust’s economic losses are currently estimated to total \$1,500,000.

4 **Linda Prout**

5 195. At the time of the Holiday Farm Fire, Linda Prout owned real and personal  
6 property located at 90405 Mountain View Lane, Walterville, Oregon, and within the Holiday  
7 Farm Fire Area.

8 196. The Holiday Farm Fire destroyed Prout’s residence, numerous other structures  
9 and outbuildings, personal property, and a significant amount of timber, landscaping, decorative  
10 trees, and other beneficial foliage. Prout has been denied use of her real and personal property  
11 since the time of the Fire and has incurred costs to inspect, clean, repair, replant, and/or restore  
12 her real and personal property to its original condition. The market value of her property has  
13 been significantly reduced.

14 197. Prout’s economic losses are currently estimated to total \$1,500,000.

15 198. Prout has also suffered stress, fear, inconvenience, and emotional distress because  
16 of the Holiday Farm Fire.

17 199. Her non-economic losses are currently estimated to total \$500,000.

18 **Jared and Kathryn Simmons**

19 200. At the time of the Holiday Farm Fire, Jared and Kathryn Simmons (“Simmons”)  
20 owned 36.04 acres of harvestable timber land within the Holiday Farm Fire Area.

21 201. All 36.04 acres of timber on Simmons’ property were burned and destroyed by the  
22 Holiday Farm fire.  
23  
24  
25  
26

1           202. To mitigate their damages, Simmons logged the burned timber from the property  
2 and sold the salvage timber in a commercially reasonable sale.

3           203. The damage caused by the Holiday Farm Fire also required inspection, clean-up,  
4 replanting, and other services necessary to remove and dispose of unmarketable burned timber  
5 remaining on the site and return it to its original condition.

6           204. Simmons' economic losses are currently estimated to total \$2,000,000.

7                   **Melissa Snyder**

8           205. At the time of the Holiday Farm Fire, Melissa Snyder owned real and personal  
9 property located at 51771 Blue River Drive, Blue River, Oregon, and within the Holiday Farm  
10 Fire Area.  
11

12           206. The Holiday Farm Fire destroyed the Snyder's residence, numerous other  
13 structures and outbuildings, and personal property, two 1964 Falcons (one of these was  
14 salvaged), two 1968 King Cobras, a 1972 Camaro, 1969 Mustang, 1965 Mustang, 1966 Chevy  
15 pickup, 1988 Camaro, eight other vintage and classic vehicles, and a significant amount of  
16 timber, landscaping, decorative trees, and other beneficial foliage. Snyder has been denied use  
17 of her real and personal property since the time of the Fire and has incurred costs to inspect,  
18 clean, repair, replant, and/or restore her real and personal property to its original condition. The  
19 market value of her property has been significantly reduced.  
20

21           207. Snyder's economic losses are currently estimated to total \$1,500,000.

22           208. Snyder has also suffered stress, fear, inconvenience, and emotional distress  
23 because of the Holiday Farm Fire.  
24

25           209. Her non-economic losses are currently estimated to total \$500,000.  
26

**Taylor Brothers Timber, LLC**

1  
2 210. At the time of the Holiday Farm Fire, Taylor Brothers Timber, LLC (“Taylor  
3 Timber”) owned 242.6 acres of timberland described as Lane County Tax Map 16453000, Lot  
4 300 and alternatively as Section 25 30 Township 16S Range 3 4, Blue River, OR 97413 (“Fern  
5 Creek Tree Farm”).

6 211. All 242.6 acres of marketable timber on Fern Creek Tree Farm were burned and  
7 destroyed by the Holiday Farm fire.

8 212. As of August 2020, the timber on Fern Creek Tree Farm had a net present value of  
9 \$1,337,255.  
10

11 213. On or about October 27, 2020, to mitigate its damages, Taylor Timber sold the  
12 Fern Creek Tree Farm, including all burned timber and the underlying land, to a third party in a  
13 commercially reasonable sale for \$200,000.

14 214. The purchase price represented a value of \$157,690 for the land and \$42,310 as  
15 salvage value for the timber.  
16

17 215. The value of the real property at Taylor Timber’s Fern Creek Tree Farm was  
18 reduced by \$1,294,945.

19 **Orville and Tina Wilkerson**

20 216. At the time of the Holiday Farm Fire, Orville and Tina Wilkerson owned real and  
21 personal property located at 45141 McKenzie Highway, Leaburg, Oregon, and within the  
22 Holiday Farm Fire Area.

23 217. The Holiday Farm Fire destroyed the Wilkerson’s residence, numerous other  
24 structures and outbuildings, and personal property, a significant amount of timber, landscaping,  
25  
26

1 decorative trees, and other beneficial foliage. The Wilkersons have been denied use of their real  
2 and personal property since the time of the Fire and have incurred costs to inspect, clean, repair,  
3 replant, and/or restore their real and personal property to its original condition. The market  
4 value of their property has been significantly reduced.

5 218. The Wilkerson's economic losses are currently estimated to total \$1,500,000.

6 219. The Wilkersons have also suffered stress, fear, inconvenience, and emotional  
7 distress because of the Holiday Farm Fire.

8 220. Their non-economic losses are currently estimated to total \$500,000 each.

9  
10 **Linda Williams**

11 221. At the time of the Holiday Farm Fire, Linda Williams owned real and personal  
12 property located at 44949 Leaburg Dam Road, Leaburg, Oregon, and within the Holiday Farm  
13 Fire Area.

14 222. The Holiday Farm Fire destroyed Williams' residence, damaged or destroyed  
15 numerous other structures and outbuildings and personal property, destroyed a significant  
16 amount of timber, landscaping, decorative trees, and other beneficial foliage. Williams has been  
17 denied use of her real and personal property since the time of the Fire and has incurred costs to  
18 inspect, clean, repair, replant, and/or restore her real and personal property to its original  
19 condition. The market value of her property has been significantly reduced.

20 223. Williams' economic losses are currently estimated to total \$1,500,000.

21 224. Williams has also suffered stress, fear, inconvenience, and emotional distress  
22 because of the Holiday Farm Fire.  
23

24 225. Her non-economic losses are currently estimated to total \$500,000.  
25  
26

**Craig Van Young**

1  
2 226. At the time of the Holiday Farm Fire Craig Young owned real and personal  
3 property located at 50463 McKenzie Highway, Vida, Oregon, and within the Holiday Farm Fire  
4 Area.

5 227. The Holiday Farm Fire destroyed Young’s residence, damaged or destroyed  
6 numerous other structures and outbuildings and personal property, destroyed a significant  
7 amount of timber, landscaping, decorative trees, and other beneficial foliage. Young has been  
8 denied use of his real and personal property since the time of the Fire and has incurred costs to  
9 inspect, clean, repair, replant, and/or restore his real and personal property to its original  
10 condition. The market value of his property has been significantly reduced.  
11

12 228. Young’s economic losses are currently estimated to total \$1,500,000.

13 229. Young has also suffered stress, fear, inconvenience, and emotional distress  
14 because of the Holiday Farm Fire.

15 230. His non-economic losses are currently estimated to total \$500,000.  
16

**Zietz Living Trust**

17  
18 231. At the time of the Holiday Farm Fire, the Zietz Living Trust (“Zietz Trust”)  
19 owned real and personal property located at 91260 Blue River Road, Blue River, Oregon, and  
20 within the Holiday Farm Fire Area.

21 232. The Holiday Farm Fire destroyed the Zietz Trust’s property, including a residence  
22 and a significant amount of timber, landscaping, decorative trees, and other beneficial foliage.  
23 The Zietz Trust has been denied use of its real and personal property since the time of the Fire  
24 and has incurred costs to inspect, clean, repair, replant, and/or restore its real and personal  
25  
26

1 property to its original condition. The market value of its property has been significantly  
2 reduced.

3 233. The Trust's economic losses are currently estimated to total \$1,500,000.

4 **Plaintiffs' losses – (Non-Landowner Plaintiffs)**

5 **Karen Anderson**

6 234. At the time of the Holiday Farm Fire, Karen Anderson resided and maintained  
7 personal property at 51290 McKenzie Highway, Vida, Oregon, property owned by the TKA  
8 Trust and within the Holiday Farm Fire Area.

9  
10 235. Anderson's personal property destroyed in The Fire included a 1969 Volkswagen  
11 truck, motorcycle, professional photography equipment, hard drives containing valuable  
12 photographic work, collectible books, and other personal property. Anderson has also been  
13 denied use and enjoyment of the described real and personal property since the time of the Fire.

14 236. Anderson's economic losses are currently estimated to total \$500,000.

15 237. Anderson has also suffered stress, fear, inconvenience, dislocation, and emotional  
16 distress because of the Fire.

17  
18 238. Anderson's non-economic losses are currently estimated to total \$500,000.

19 **Bates Catering, Inc.**

20 239. At the time of the Holiday Farm Fire, Bates Catering, Inc. was an Oregon  
21 corporation owned and operated by Sandra Bates and Alan Bates, Jr. as a catering and wedding  
22 services business on their property located at 54455 McKenzie River Drive, Blue River,  
23 Oregon, and within the Holiday Farm Fire Area.

24  
25 240. As a direct and proximate result of the Holiday Farm Fire, Bates Catering, Inc.  
26

1 has lost a substantial amount of business, bookings, and income and will continue to incur  
2 losses in the future.

3 241. Bates Catering, Inc.'s past and future economic losses are currently estimated to  
4 total \$250,000.

5 **Cynthia Courtney**

6 242. At the time of the Holiday Farm Fire, Cynthia Courtney leased real property  
7 owned by M&M Land and Cattle Co., LLC and owned personal property, all located at 52508  
8 McKenzie Highway, Space #9, Blue River, Oregon, and within the Holiday Farm Fire Area.

9 243. The Holiday Farm Fire destroyed Courtney's personal property, including  
10 possessions and antiques obtained over four family generations, clothes, and other personal  
11 items. Courtneyage has been denied use and enjoyment of the described leased real property and  
12 her personal property since the time of the Fire.  
13

14 244. Courtneyage's economic losses are currently estimated to total \$250,000.

15 245. Courtney has also suffered stress, fear, inconvenience, and emotional distress  
16 because of the Holiday Farm Fire.  
17

18 246. Her non-economic losses are currently estimated to total \$500,000.

19 **Carleton T. Coveny**

20 247. At the time of the Holiday Farm Fire, Carleton T. Coveny operated a property  
21 rental business and maintained personal property at real property owned by the Carleton T.  
22 Covney Revocable Living Trust, all located at 55140 McKenzie River Drive, Blue River,  
23 Oregon.  
24

25 248. Because of the Holiday Farm Fire, prospective property rentals were canceled,  
26



1 and Coveny’s ability to attract and secure future rentals has been substantially diminished for  
2 the foreseeable future.

3 249. Coveny’s economic losses are currently estimated to total \$500,000.

4 **Alan Curry**

5 250. At the time of the Holiday Farm Fire, Alan Curry resided at real property owned  
6 by Margo Barranti located at 45457 McKenzie Highway, Leaburg, Oregon, and within the  
7 Holiday Farm Fire Area. Curry had a substantial amount of personal property at the residence.

8 251. The Holiday Farm Fire damaged Curry’s personal property and denied him the  
9 use and enjoyment and his right to occupy the described real personal property since the time of  
10 the Fire.  
11

12 252. Curry’s economic losses are currently estimated to total \$500,000.

13 253. Curry has also suffered stress, fear, inconvenience, and emotional distress because  
14 of the Holiday Farm Fire.

15 254. Curry’s non-economic losses are currently estimated to total \$500,000.

16 **Gary Fair**

17 255. At the time of the Holiday Farm Fire, Gary Fair resided at real property owned by  
18 Charlotte Archer located at 90197 Gale Creek Road, Vida, Oregon, and within the Holiday Farm  
19 Fire Area. He had a substantial amount of personal property, including tools and business-  
20 related property at the residence.  
21

22 256. The Holiday Farm Fire destroyed Curry’s personal property and denied him the  
23 use and enjoyment and his right to occupy the described real personal property after the Fire.  
24

25 257. Fair’s economic losses are currently estimated to total \$250,000.  
26

1           258. Fair has also suffered stress, fear, inconvenience, and emotional distress because  
2 of the Holiday Farm Fire.

3           259. Fair's non-economic losses are currently estimated to total \$500,000.

4                   **Tracy Forrest**

5           260. At the time of the Holiday Farm Fire, Tracy Forrest occupied real property and  
6 maintained personal property at a residence owned by the Helen A. Hutchinson Living Trust  
7 located at 47015 Goodpasture Road, Vida, Oregon, and within the Holiday Farm Fire Area.

8           261. The Holiday Farm Fire destroyed Forrest's personal property, and Forrest has  
9 been denied use and enjoyment of the described real and personal property since the time of the  
10 Fire.

11           262. Forrest's economic losses are currently estimated to total \$500,000.

12           263. Forrest also suffered stress, fear, inconvenience, and emotional distress because of  
13 the Holiday Farm Fire.  
14

15           264. Forrest's non-economic losses are currently estimated to total \$500,000.

16                   **Helen Hutchinson**

17           265. At the time of the Holiday Farm Fire, Helen Hutchinson occupied a residence  
18 located on real property owned by the Helen A. Hutchinson Living Trust and owned personal  
19 property located within the residence, all at 47015 Goodpasture Road, Vida, Oregon, and within  
20 the Holiday Farm Fire Area.  
21

22           266. The Holiday Farm Fire destroyed the residence and Hutchinson's personal  
23 property. Hutchinson has been denied use and enjoyment of the described real and personal  
24 property since the time of the Fire.  
25  
26

1           267. Hutchinson's economic losses are currently estimated to total \$500,000.

2           268. Hutchinson also suffered stress, fear, inconvenience, and emotional distress  
3 because of the Holiday Farm Fire.

4           269. Hutchinson's non-economic losses are currently estimated to total \$500,000.

5                   **Mark McInnis**

6           270. At the time of the Holiday Farm Fire, Mark McInnis resided at real property  
7 owned by the T&K Anderson Trust located at 51290 McKenzie Highway, Vida, Oregon, and  
8 within the Holiday Farm Fire Area. McInnis had a substantial amount of personal property at  
9 the residence.  
10

11           271. The Holiday Farm Fire destroyed McInnis's personal property and denied him the  
12 use and enjoyment and his right to occupy the described real personal property since the time of  
13 the Fire.

14           272. McInnis's economic losses are currently estimated to total \$500,000.

15           273. McInnis has also suffered stress, fear, inconvenience, dislocation, and emotional  
16 distress because of the Fire.  
17

18           274. McInnis's non-economic losses are currently estimated to total \$500,000.

19                   **Cynthia McNabb**

20           275. At the time of the Holiday Farm Fire, Cynthia McNabb resided at real property  
21 owned by Robert L. Lafont, located at 48160 Conley Road, Vida, Oregon, and within the  
22 Holiday Farm Fire Area. McNabb had a substantial amount of personal property at the  
23 residence.  
24

25           276. The Holiday Farm Fire destroyed McNabb's personal property, including a fifth-  
26

1 wheel trailer and substantially all her personal possessions. McNabb has been denied use and  
2 enjoyment of her personal property since the time of the Fire.

3 277. McNabb's economic losses are currently estimated to total \$500,000.

4 278. McNabb has also suffered stress, fear, inconvenience, and emotional distress  
5 because of the Holiday Farm Fire.

6 279. McNabb's non-economic losses are currently estimated to total \$500,000.

7 **Nugent Holdings, LLC**

8 280. At the time of the Holiday Farm Fire, Nugent Holdings managed real property,  
9 and owned personal property located at 48520 McKenzie Highway, Vida, Oregon, and within  
10 the Holiday Farm Fire Area.

11 281. The Holiday Farm Fire destroyed the real property managed by Nugent Holdings,  
12 and destroyed its personal property. Nugent Holdings has been denied income from  
13 management of the real property and use of its personal property since the time of the Fire.  
14

15 282. Nugent Holdings' economic losses are currently estimated to total \$250,000.

16 **Susan O'Brien**

17 283. At the time of the Holiday Farm Fire, Susan O'Brien resided at real property  
18 owned by the Frances Grazer O'Brien Trust ("O'Brien Trust") located at 51790 McKenzie  
19 Highway, Blue River, Oregon, and within the Holiday Farm Fire Area.  
20

21 284. O'Brien had a substantial amount of personal property at the residence.

22 285. The Holiday Farm Fire destroyed O'Brien's personal property and denied her the  
23 use and enjoyment and her right to occupy the described real personal property since the time of  
24 the Fire.  
25  
26

1 286. O'Brien's economic losses are currently estimated to total \$500,000.

2 287. O'Brien also suffered stress, fear, inconvenience, dislocation, and emotional  
3 distress because of the Fire.

4 288. O'Brien's non-economic losses are currently estimated to total \$500,000.

5 **Marion O'Leary**

6 289. At the time of the Holiday Farm Fire, Marion O'Leary resided at real property  
7 owned by the Marion O'Leary Living Trust located at 6064 Gate Creek Road, Vida, Oregon,  
8 and within the Holiday Farm Fire Area.

9 290. O'Leary had a substantial amount of personal property at the residence.

10 291. The Holiday Farm Fire destroyed O'Leary's personal property and denied her the  
11 use and enjoyment and her right to occupy the described real personal property since the time of  
12 the Fire.  
13

14 292. O'Leary's economic losses are currently estimated to total \$500,000.

15 293. O'Leary has also suffered stress, fear, inconvenience, dislocation, and emotional  
16 distress because of the Fire.  
17

18 294. O'Leary's non-economic losses are currently estimated to total \$500,000.

19 **Mark and Robin Sletten**

20 295. At the time of the Holiday Farm Fire, Mark and Robin Sletten maintained  
21 personal property, and resided at real property owned by the McKenzie Trust, all located at  
22 47930 McKenzie Highway, Vida, Oregon, and within the Holiday Farm Fire Area.

23 296. The Holiday Farm Fire destroyed all of the Slettens' personal property, including  
24 but not limited to a drift boat and a trailer. They have also been denied use and enjoyment of the  
25  
26

1 described real and personal property since the time of the Fire.

2 297. The Sletten's economic losses are currently estimated to total \$500,000.

3 298. The Slettens have also suffered stress, fear, inconvenience, and emotional distress  
4 because of the Holiday Farm Fire.

5 299. Their non-economic losses are currently estimated to total \$500,000 each.

6 **Glenn Sims**

7 300. At the time of the Holiday Farm Fire, Glenn Sims resided at real property owned  
8 by Linda Prout, located at 90405 Mountain View Lane, and within the Holiday Farm Fire Area.  
9 Sims maintained a substantial amount of personal property at the residence.  
10

11 301. The Holiday Farm Fire damaged Sims' personal property and denied him the use  
12 and enjoyment and his right to occupy the described real personal property since the time of the  
13 Fire.

14 302. Sims' economic losses are currently estimated to total \$250,000.

15 303. Sims has also suffered stress, fear, inconvenience, and emotional distress because  
16 of the Holiday Farm Fire.  
17

18 304. Sims' non-economic losses are currently estimated to total \$500,000.

19 **Patricia Spady**

20 305. At the time of the Holiday Farm Fire, Patricia Spady resided at real property  
21 owned by Earthscapes of Oregon, LLC, and within the Holiday Farm Fire Area. Spady  
22 maintained a substantial amount of personal property at one or more of the properties.  
23

24 306. The Holiday Farm Fire damaged Spady's personal property and denied her the use  
25 and enjoyment and her right to occupy the described real personal property since the time of the  
26

1 Fire.

2 307. Spady's economic losses are currently estimated to total \$500,000.

3 308. Spady has also suffered stress, fear, inconvenience, and emotional distress  
4 because of the Holiday Farm Fire.

5 309. Spady's non-economic losses are currently estimated to total \$500,000.

6 **Seth Sughroue**

7 310. At the time of the Holiday Farm Fire, Seth Sughroue resided at real property  
8 owned by Mark Beaubien, located at 46024 Gate Creek Road, and within the Holiday Farm Fire  
9 Area.

10  
11 311. Sughroue and his family maintained a substantial amount of personal property at  
12 the residence.

13 312. The Holiday Farm Fire damaged Sughroue's personal property and denied him  
14 the use and enjoyment and his right to occupy the described real personal property since the  
15 time of the Fire.

16 313. Sughroue's economic losses are currently estimated to total \$500,000.

17  
18 314. Sughroue has also suffered stress, fear, inconvenience, and emotional distress  
19 because of the Holiday Farm Fire.

20 315. Sughroue's non-economic losses are currently estimated to total \$500,000.

21 **The Oregon Cliff House, LLC**

22 316. At the time of the Holiday Farm Fire, The Oregon Cliff House, LLC ("Cliff  
23 House") was a limited liability corporation involved in the management and leasing of real and  
24 personal vacation property owned by Shaun Nugent, located at 48520 McKenzie Highway,  
25  
26

1 Vida, Oregon, and within the Holiday Farm Fire Area.

2 317. The Holiday Farm Fire substantially destroyed the real and personal property  
3 managed and leased by Cliff House, causing it to lose income from the time of the Fire until the  
4 present.

5 318. The Cliff House's economic losses are currently estimated to total \$500,000.

6 **Carl Zietz**

7 319. At the time of the Holiday Farm Fire, Carl Zietz resided at real property owned by  
8 the Zietz Living Trust and maintained personal property, all at 91260 Blue River Road, Blue  
9 River, Oregon, and within the Holiday Farm Fire Area.  
10

11 320. The Holiday Farm Fire destroyed all Zietz's personal property. Zietz has also been  
12 denied use and enjoyment of the described real and personal property since the time of the Fire.

13 321. Zietz's economic losses are currently estimated to total \$500,000.

14 322. Zietz has also suffered stress, fear, inconvenience, and emotional distress because  
15 of the Holiday Farm Fire.

16 323. His non-economic losses are currently estimated to total \$500,000.

17 **Kelly Zimmerman**

18 324. At the time of the Holiday Farm Fire, Kelly Zimmerman resided at real property  
19 owned by Kathleen Nesslin and maintained personal property, all located at 90953 Angels  
20 Flight Road, Walterville, Oregon, and within the Holiday Farm Fire Area.  
21

22 325. The Holiday Farm Fire damaged Zimmerman's personal property and denied him  
23 the use and enjoyment and his right to occupy the described real personal property since the  
24 time of the Fire.  
25  
26



1 326. Zimmerman’s economic losses are currently estimated to total \$250,000.

2 327. Zimmerman has also suffered stress, fear, inconvenience, and emotional distress  
3 because of the Holiday Farm Fire.

4 328. Zimmerman’s non-economic losses are currently estimated to total \$500,000.

5 **IV. First Claim for Relief**

6 **(ORS 477.089(2)(a), 477.092 - Recovery for Property Damage)**

7 **(Negligence)**

8 329. Plaintiffs reallege and incorporate by reference Sections I. through III. and further  
9 allege:  
10

11 330. The Holiday Farm Fire was a “wildfire” as defined by ORS 477.089(1)(e).

12 331. Defendants’ acts and omissions occurred when each knew or should have known  
13 the following hazardous conditions existed in and around their power distribution systems and  
14 within the Holiday Farm Fire Area that caused the area to be highly susceptible to the start and  
15 spread of wildfires:

- 16 a. The absence of wildfires in the area during the preceding decades  
17 contributing to an abnormally high fuel load consisting of dry trees,  
18 underbrush, grass, and other highly flammable organic matter;
- 19 b. An unseasonably dry summer and severe drought conditions;
- 20 c. High temperatures, low humidity, and low dew point during the preceding  
21 weeks;
- 22 d. The September 6, 2020, and other weather forecasts and data forecasting  
23 high winds, high temperatures, low humidity, and high fire risk on  
24  
25  
26

September 7, 2020;

- e. Phone calls and reports hours before the fires began informing Defendants of high wind, falling trees, sparking power lines, and/or other dangerous conditions at or near their power distribution systems, and;
- f. That a fire under the current conditions and within the Holiday Farm Fire Area posed a high risk of loss of life, loss of homes, structures, and substantial loss of timber and personal property.

332. Acting under these circumstances, Defendants were negligent in one or more of the following ways that caused the Holiday Farm Fire and Plaintiffs' damages:

- a. failed and neglected to de-energize their electrical circuits after high winds and surrounding trees began to compromise their safety and integrity;
- b. failed and neglected to de-energize their electrical circuits after they received reports of dangerous conditions and high winds;
- c. failed and neglected to implement or follow a plan that included de-energizing their electrical circuits when dangerous conditions were, existing, forecast and/or discovered;
- d. failed and neglected to de-energize their electrical circuits after they received phone calls from customers warning of dangerous conditions;
- e. failed and neglected to install and maintain system protection devices within their electrical circuits designed to eliminate or substantially reduce the chance of wildfires from downed powerlines, such as fast curve reclosers, synchro-phasor sensor systems, or other broken-line-detection and control systems;
- f. failed and neglected to have appropriately trained and/or adequately experienced operators on duty or readily available for consultation or duty on the day of the Holiday Farm Fire;
- g. failed and neglected to maintain their equipment in a way that would withstand foreseeable high-wind conditions; and/or

1 h. failed and neglected to maintain adequate vegetation management around  
2 their power lines, equipment, and facilities.

3 333. As a direct and proximate result of Defendants' negligence, Plaintiffs suffered the  
4 injuries and damages described in Sections II. and III above.

5 **V. Second Claim for Relief**

6 **(ORS 477.089(2)(b), 477.092 - Recovery for Property Damage)**

7 **(Recklessness / Gross Negligence)**

8 334. Plaintiffs reallege and incorporate by reference Sections I. through IV. above and  
9 further allege:

10 335. Defendants' act and/or omissions described above constituted gross negligence  
11 and/or recklessness.

12 336. As a direct and proximate result of Defendants' gross negligence and/or  
13 recklessness, Plaintiffs suffered the injuries and damages described herein.

14 **VI. Third Claim for Relief**

15 **(Public Nuisance - ORS 477.064)**

16 Plaintiffs reallege and incorporate by reference Sections I. through IV. and further allege:

17 337. Plaintiffs owned and/or legally occupied real property harmed by the Holiday  
18 Farm Fire. At all times relevant, those Plaintiffs had a right to occupy, enjoy, and/or use their  
19 property without interference by the Defendants.  
20

21 338. Plaintiffs owned and/or occupied their land and property in an ordinary and lawful  
22 manner prior to the Defendants' interference with their use of it.  
23

24 339. Defendants' interference with Plaintiffs' use of property they owned and/or  
25 occupied was unreasonable in one or more of the following ways:  
26

- 1 a. The destruction of the land and improvements by the Holiday Farm Fire  
2 was extensive, resulting in substantial losses;
- 3 b. As a provider of electrical services, Defendants were engaged in an ultra-  
4 hazardous activity and were under a heightened duty of care to avoid  
5 foreseeable risks related to this activity, including the risk of wildfire in  
6 areas of heavy dry vegetation and timber;
- 7 c. Defendants could have reasonably prevented or avoided the harm to  
8 Plaintiffs by properly inspecting or maintaining their overhead electrical  
9 facilities, performing a public safety power shutoff to circuits in high fire  
10 risk areas during Red Flag weather conditions, and other measures alleged  
11 above.  
12

13 340. Defendants' negligent acts and omissions, as alleged herein, constituted culpable  
14 conduct; and Defendants' culpable conduct was a substantial factor in causing Plaintiffs'  
15 damages stated above.  
16

17 341. Defendants acted with a reckless and outrageous indifference to a highly  
18 unreasonable risk of harm to Plaintiffs and acted with a conscious indifference to the health,  
19 safety, and welfare of the Plaintiffs. Plaintiffs currently intend to move to amend their claim for  
20 punitive damages before trial.  
21

## 22 **VII. Fourth Claim for Relief**

### 23 **(Common Law Trespass)**

24 342. Plaintiffs reallege Sections I. through IV. and further allege:

25 343. During all relevant times herein, Plaintiffs were the owners and/or lawful  
26

1 occupiers of real property damaged by the Holiday Farm Fire.

2 344. Defendants had a duty to use reasonable care not to enter, intrude on, or invade  
3 the Plaintiffs' ownership and/or use of real property.

4 345. As an operator and supplier of electrical service, Defendants were engaged in an  
5 ultra-hazardous activity. Defendants' negligent acts and omissions in carrying out this ultra-  
6 hazardous activity allowed the Holiday Farm Fire to ignite and/or spread out of control, enter  
7 land owned and/or occupied by Plaintiffs, and cause destruction to both the land and  
8 improvements.  
9

10 346. Plaintiffs did not grant permission to Defendants to cause or allow the Holiday  
11 Farm Fire to enter onto the land.

12 347. As a result of Defendants' trespass, Plaintiffs have suffered and will continue to  
13 suffer damages set forth above, including but not limited to damage to real and personal  
14 property, discomfort, annoyance, and emotional distress.  
15

16 **VIII. Fifth Claim for Relief**

17 **(Trespass – ORS 105.815)**

18 **(Landowner Plaintiffs Only)**

19 348. Plaintiffs reallege Sections I. through IV. and further allege:

20 349. During all relevant times herein, Plaintiffs were the owners of real property and  
21 owners of personal property, timber, trees, produce, shrubs, landscaping, and other beneficial  
22 foliage (“Beneficial Foliage”) damaged by the Holiday Farm Fire.  
23

24 350. Defendants’ trespass onto and damage of Plaintiffs’ real and personal property  
25 was casual or involuntary.  
26



**SALEM FIRE LAWYERS**

/s/ Rick Klingbeil

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Rick Klingbeil, OSB #93332  
Attorney for Plaintiff

Trial Attorneys:

Rick Klingbeil  
Brady Mertz  
Robert Curtis, *pro hac vice* forthcoming  
Alexander Robertson, *pro hac vice* forthcoming

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