



# 2017 North Bay Fire Cases Questions & Answers



## Free Case Review

Lieff Cabraser represents fire and disaster victims across America. To contact an experienced attorney for a free, no-obligation case review, please call us today at **1-415-956-1000** and ask to speak to attorney Lexi Hazam.

## Frequently Asked Questions about the 2017 North Bay Fires

Since our founding 45 years ago, Lieff Cabraser Heimann & Bernstein, LLP, has successfully represented thousands of individuals and families in lawsuits relating to fires, natural disasters, and toxic exposures. From our office in San Francisco, we offer our clients the substantial resources of a national plaintiffs' law firm that are critical to obtaining justice from the nation's most powerful corporations while providing each client with high-level, individualized representation.

### 1. When do I need to file a claim with my insurance?

You should file a claim with your insurer as soon as you are able in order to be sure you comply with legal deadlines and your policy's requirements. The legal deadline may be as soon as one year after your loss, though it may be suspended while your claim is being processed.

Though this is a difficult time, it is critical to document everything to make sure your insurance properly compensates you for your losses.

### 2. What will my insurance cover?

Specifics depend on your individual policy, but a typical homeowners' fire insurance policy provides coverage for the loss of your home, any auxiliary structures (such as a detached garage), any personal property in the home, and additional living expenses (ALE) or loss of use of your property. It may also cover debris removal costs and losses of trees/landscaping.

**Also, because Governor Brown declared the fires a state emergency,**

**your insurance is required by law to provide you advanced living expenses funds right away and for a period of up to 24 months.**

**Businesses:** If your business was damaged—or you have suffered loss of business income, incurred extra expenses, or lost valuable records as a result of the fires—you may be able to file a claim based on your insurance policy. Again, the specifics of what you can recover will depend on your individual policy.

### 3. Do I need to remove the debris on my property?

Yes, this is required under law and necessary to avoid health and environmental hazards. However, we strongly discourage you from doing it yourself. The debris may be very toxic or dangerous. Only trained professionals should be involved in the cleanup process.

Sonoma County is offering a program to clean up debris for no charge. The program does require home owners to assign any insurance they have for



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Newsletter from the national law firm of LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

debris cleanup to the County in return. Sonoma County and the City of Santa Rosa have had community meetings related to debris removal and other fire relief efforts. View recordings of past meetings at <https://lieffcabraser.com/sonoma>

## 4. What types of claims may I be eligible to bring?

The law in California provides individuals with legal claims including the right to compensation they suffered as a result of PG&E's negligence. Other causes of action available include inverse condemnation, trespass, public nuisance, private nuisance and premises liability. For those who were injured in the fires or lost relatives, personal injury and wrongful death actions can be brought.

## 5. Do I need a lawyer if I have insurance?

Depending on your policy, your insurance may not cover certain categories of property losses. Even with a good policy, what you ultimately receive from your insurance may not be enough to cover all of your losses, particularly if construction or temporary housing rental costs increase as a result of increased demand. This may be especially true if you are underinsured, i.e., if you have not updated your policy in light of expansions, renovations or increases in your home's value.

Additionally, there are certain types of losses that no homeowner's policy is able to cover. Property or homeowner's insurance will not

cover emotional distress you incurred as a result of the loss of your home.

It is important to understand that companies like PG&E and/or its insurers employ the services of lawyers who seek to minimize the

legal exposure and financial payments that will be made to those who suffered losses in this fire. In contrast, our duty is to maximize the compensation that our clients are entitled to receive.

Many attorneys, including Lief Cabraser, are willing to provide free consultations without obligations.

## 6. What recovery will I receive?

If PG&E is found liable or settles with you out-of-court through your attorneys' representation of you, you should expect a settlement or judgment that will compensate you for your property that was damaged or lost in the fire, costs you bore when you were unable to use your property, any lost rental incomes or business losses, and the emotional distress of losing your home or business.

We have economists and other experts who specialize in evaluating injuries and losses and in calculating the amounts necessary to determine a fair monetary compensation for your economic damages.

## 7. Can any money be advanced by my insurer without prejudicing my claim against PG&E?

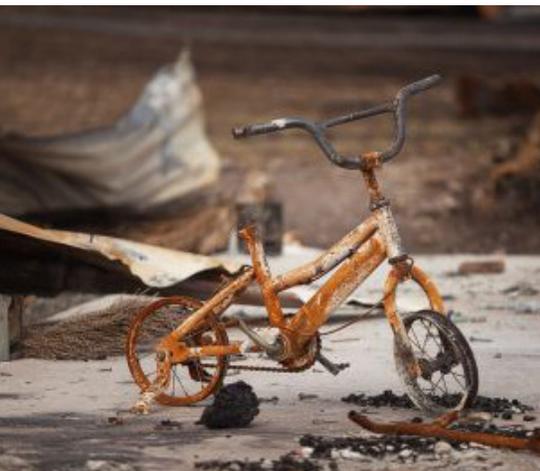
It is important to carefully read and study any insurance offers to make sure there are no waivers or assignment of rights against PG&E. Consulting with an attorney prior to signing any legal documents can help guide appropriate action and reveal potential problems.

## 8. Will I have to pay a fee for your review of my case?

There is no charge for Lief Cabraser's review of your case. If we decide we can represent you, we will discuss our contingent fees (calculated as a percentage of the recovery we obtain) and then provide a written contract to be agreed upon with you in writing.

## 9. How long will a lawsuit take?

We cannot give any guarantee as to when any case will be resolved. In some instances, a case will settle to our client's satisfaction quickly. In other cases, a final resolution may take two years or more.



"Their effective and caring advocacy for clients has earned Lief Cabraser its first-class reputation."

The Daily Journal

Lieff Cabraser works swiftly and efficiently to obtain the maximum compensation for our clients and to bring each case to a successful conclusion as quickly as possible, while at the same time ensuring that all legal steps are vigorously pursued. We do not charge our clients hourly fees and earn no compensation for ourselves until you receive your recovery.

#### **10. How do I select a lawyer to represent me?**

In deciding on representation, you should seek a reputable law firm with substantial experience in successfully prosecuting similar cases. It is important not only to verify the reputation and experience of the law firm as a whole, but to be sure that your case will be handled by lawyers with appropriate experience. You should choose a law firm with sufficient financial resources to conduct a thorough investigation to prosecute the case through trial if necessary.

#### **11. How quickly must I hire an attorney?**

You should not feel pressured to make an immediate decision about hiring counsel. Focusing on immediate necessities should take precedence over legal issues at this difficult time. However, keep in mind that there is a deadline for filing lawsuits, known as the statute of limitations.

#### **12. What is Lieff Cabraser's track record in fire and disaster litigation?**

Lieff Cabraser has a long history of successfully championing the rights of those injured or who have lost property and businesses as a result of fires and other environmental disasters. We have assisted our

clients in recovering over \$118 billion in verdicts and settlements. Our firm helped lead litigation against BP over the 2010 Gulf of Mexico Deepwater Horizon oil rig explosion and oil spill, successfully representing property owners, business owners, wage earners, and other harmed parties. We were also appointed by the court to lead litigation on behalf of homeowners, businesses and employees who suffered economic injuries relating to 2015 Plains pipeline oil spill in Santa Barbara, and also help lead two class action cases on behalf of homeowners and businesses who suffered losses from the 2015-2016 Porter Ranch gas leak in Southern California.

#### **13. How might PG&E be responsible for the fires?**

Early signs that may point to potential responsibility of PG&E for the fires include reports from multiple locations of downed power lines and exploding transformers as the fires were breaking out. The Public Utilities Commission (PUC) and the California Department of Forestry and Fire Protection (CalFire) have announced that they are investigating PG&E and asked it to preserve evidence.

PG&E has a long history of being implicated in wildfires and has paid large fines, verdicts and settlements for same. It has repeatedly been found to have failed to properly maintain trees near powerlines and/or to have failed to supervise its subcontractors who do such maintenance, and to have diverted funds for maintenance to profits and executive pay. In a similar fire from 2015, a California judge recently found that PG&E can be held strictly liable, and may also be liable for punitive damages. PG&E has warned

## Our Promise to You

- Our injury lawyers have successfully represented thousands of clients across America in personal injury cases involving mass disasters.
- We provide each client with high-level individualized representation.
- There is no charge or obligation for our review of your lawsuit.
- We have retained fire and economic experts to assist our clients with their claims.
- In addition to our experienced lawyers, we have teams of researchers, legal assistants, case clerks, and nurses assigned to the prosecution of fire claims.



## Contact a Fire Injury Lawyer at Lieff Cabraser

If you or a loved one have suffered losses due to the fires and wish to discuss a potential claim against PG&E, please visit us online at [lieffcabraser.com](https://lieffcabraser.com) or call us at 1-415-956-1000 and ask to speak to attorney Lexi Hazam. We will promptly review your case for no charge and without any obligation on your part.

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Attorneys at Law

its shareholders of potential liability for these fires and stated it has \$800 million in liability insurance for same.

### **14. Did Efforts By PG&E to Delay Mapping and Clearing Contribute to the Fires? How can I get legal help with insurance, FEMA, and repair or contracting issues?**

A 10/22 Mercury News report says California utilities helped delay efforts for nearly a decade to map where power lines posed the greatest risk of wildfires. State regulators have tried to tighten regulations since 2007's deadly San Diego fires sparked when wind downed power lines. PG&E and other utilities wouldn't agree to stricter construction standards until maps were completed, then repeatedly sought delays, arguing in July 2017 that proposed regulations would "add unnecessary costs to construction and maintenance projects in rural areas."

As Quartz.com has noted, PG&E successfully fought and won yet another delay against completing its mapping as late as October 6th. Two days later, the devastating fires began in and around Wine Country that would grow to burn more than 400 square miles and take at least 43 lives. As the fires began on October 8th, local fire crews visited more than 10 different PG&E power line locations in the wake of 911 calls reporting sparking wires and other problems. PG&E stated publicly back in July that the wider mapping would "add unnecessary costs to construction and maintenance projects in rural areas."

According to the San Francisco Chronicle, fieldwork auditors cited PG&E for late repairs and maintenance jobs "far more frequently than any other electric utility in the state." The most recent audit found 3,527 maintenance and repair jobs finished past their scheduled due dates, and a 2013 audit of PG&E's North Bay division counted over 9,500 repair or maintenance orders finished late and 3,270 that were still overdue.

### **15. How can I get legal help with insurance, FEMA, and repair or contracting issues?**

Detailed help information is available on our website at <https://lieffcabraser.com/legalhelp>

### **16. I lost many of my important documents, how can I get additional copies?**

Your insurance is required to provide you a copy of your policy upon request. Contact your insurer right away to get a copy of your policy to know what your benefits are. For information on tax returns, DMV materials, and birth, marriage, and death certificates, visit <https://lieffcabraser.com/legalhelp>

### **17. Be wary of scams!**

Unfortunately, after disasters people may try to take advantage. Be on the lookout for construction and insurance scams as well as identity theft.

You may wish to ask a lawyer to review any documents you need to sign in order to make sure you are not taken advantage of.

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