

Daily Journal

MARCH 17, 2021



25TH ANNUAL CALIFORNIA LAWYER ATTORNEYS OF THE YEAR

*In re: Woolsey Fire,
In re: Thomas Fire*

ENVIRONMENTAL & ENERGY, CIVIL LITIGATION

Wildfires are nothing new to Simon, Ochoa, Pickett, Maycon and Caine, a quintet of veteran litigators with deep expertise in recovering from those responsible for causing major forest conflagrations the funds paid to policyholders by their insurance company clients. The five met and forged their working relationship in 2007 over a series of fires in San Diego County and settled on behalf of their clients for hundreds of millions of dollars from San Diego Gas & Electric, followed by \$12 million from Sprint, Verizon and AT&T over a Malibu Canyon blaze.

That was just the start of an insurance subrogation collaboration that led in 2020 to their \$2.2 billion settlement with Southern California Edison over the Woolsey Fire in Ventura and Los Angeles counties and the \$1.6 billion settlement for the Thomas Fire in Ventura and Santa Barbara counties and the resulting Montecito debris flow. *In re: Woolsey Fire, JCCP 5000 (L.A. Super. Ct., assigned Feb. 1, 2019); In re: Thomas Fire, JCCP 4965 (L.A. Super. Ct., assigned May 1, 2018).*

“We’ve been around the block a few times,” Simon said. “It’s been an interesting ride representing the top property insurers in the state.”

Insurance subrogation collaboration yields \$3.8B in settlements

When fires ignite, the team is often soon on the scene—sometimes inadvertently. By chance, most of the five were in Napa County at the Wine County wedding of a lawyer from Caine’s office when the Northern California wildfires broke out last year. “The couple had to evacuate their honeymoon suite so the new husband could go sign up clients,” Pickett said.

Maycon, who recently recorded a podcast for his firm titled “Subro on the Go,” said early access is crucial because “You get a pristine view of the physical evidence, you get eyewitness accounts and you see the layout of the topography.” In the Thomas Fire especially, he added, “It took a tremendous amount of forensic work to open the eyes of the mediator and the defense lawyers to the pinpoint origin” of the blaze.

Becoming a team took some give-and-take. “I’ve been at it for 45 years, and lawyers have egos,” Simon said. “Many of us are managing partners, and we’re all used to doing things our way. We had to learn to work together for the benefit of our clients. Leadership is not just about who is smart and good.”

“Knowing when to defer to others is key,” Ochoa said. Added Maycon, who emphasized the group’s strong cohesion, “We understand the dynamic our group brings to wildfire litigation and we do a very good job of leveraging it to maximize results for our clients.” Caine also spoke of the team effort involved and said, “My goal is to see wildfire risk mitigation become full-fledged wildfire



**HOWARD MAYCON,
COZEN O’CONNOR**

prevention. Hopefully, our efforts help and citizens are safer. Certainly the message couldn’t be more clear with these record payouts.”

The group credited others they worked with including Eric M. Schroeder of Schroeder Loscotoff Stevens LLP, C. Edwin Witt Jr. of Bauman Loewe Witt & Maxwell PLLC, Lexi J. Hazam of Lieff Cabraser Heimann & Bernstein LLP, Rahul Ravipudi of Panish Shea & Boyle LLP, Alexander Robertson IV of Robertson & Associates LLP and Gregory P. Waters of Engstrom, Lipscomb & Lack.

Simon said he and his colleagues also tip their hat to defense lawyers Douglas J. Dixon and John C. Hueston of Hueston Hennigan LLP for “making the plaintiff team bring their A game to the litigation.”

Quick response is a team hallmark, Pickett said. “When fires happen, we get out there to investigate

- HOWARD MAYCON,
Cozen O’Connor
- SHAWN E. CAINE,
Law Offices of Shawn E. Caine
APC
- MAURA WALSH OCHOA,
Grotefeld Hoffmann
- WAYLON J. PICKETT,
Grotefeld Hoffmann
- CRAIG S. SIMON,
Berger Kahn

immediately. There were helicopters still doing bucket drops while we were checking out the Tubbs Fire” in Northern California. “We’ve caught evidence walking away—utilities working to get the power back on sometimes haul key materials away from the scene, not always maliciously.”

Deal-making to reach settlement can stall and then restart with a new neutral, Simon said. The Thomas Fire presented “a Gordian Knot” of seemingly intractable arguments. “When it reached a stalemate we all agreed to go to Peter Lichtman,” a former judge who now works as an arbitrator. “He was able to push the warring parties to the settlement table,” and the deal that emerged led directly to the Woolsey settlement. “He’s a bulldog,” Pickett said of Lichtman. “Everybody had the back of his hand slapped by Lichtman.”

— John Roemer