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10 **SUPERIOR COURT OF STATE OF CALIFORNIA**  
11 **COUNTY OF LOS ANGELES**

12 Coordination Proceeding Special Title  
13 (Rule 3.550)

JCCP Case No. 4965  
For Filing Purposes: BC698429

14 **SOUTHERN CALIFORNIA FIRE CASES**

**DECLARATION OF COUNSEL IN  
SUPPORT OF THE OPT-OUT  
PLAINTIFFS' MOTION TO LIFT STAY  
AND SET A TRIAL DATE**

15 Date: February 15, 2022  
16 Time: 1:45 p.m.  
17 Dept: 1 (Spring Street Courthouse)  
18 Judge: Hon. Daniel J. Buckley

19  
20 I, Gerald Singleton, state the following:

21 1. I am an attorney licensed to practice law in all courts in the state of California. I am  
22 the managing partner of Singleton Schreiber, LLP. I have personal knowledge of the facts of this  
23 case and all the facts stated here. With respect to any facts alleged on information and belief, I  
24 believe them to be true. If called as a witness, I would competently testify to the following.

25 2. The Butte Fire started on September 9, 2015. The case was coordinated before the  
26 Hon. Allen Sumner (Superior Court, County of Sacramento) in January 2016 (JCCP 4853). The first  
27 settlements occurred in June 2016. My firm represented the largest number of individual plaintiffs in  
28 the Butte Fire case, and I served as one of the liaison counsel for the individual plaintiffs.

1           3.       Initially, the individual plaintiffs were satisfied with the pace of settlements by PG&E  
2 in the Butte Fire cases and did not request a trial date. However, in early 2017, many plaintiffs  
3 believed the pace of settlements was too slow and asked Judge Sumner to set two trial dates for the  
4 summer of 2017, which he did. After Judge Sumner set the trial dates, settlements for other cases  
5 continued to take place, as PG&E’s attorneys (the Los Angeles based firm of Quinn Emanuel  
6 Urquhart & Sullivan) continued to both mediate and settle cases and prepare for back-to-back  
7 liability and damages trials. All the cases settled before trial. To the best of my knowledge, all the  
8 settlements in the Butte Fire were arrived at individually (i.e., they were not group settlements).

9           4.       In January 2019, PG&E announced that it was going to declare bankruptcy and  
10 stopped settling Butte Fire cases. As of the last date for which information is available, January 11,  
11 2019, roughly three years and four months (40 months) after the fire had occurred, 3,045 of 4,019  
12 individual plaintiffs (roughly 75%) had settled their cases.

13           5.       The 2019 Kincade Fire (JCCP 5127) and the 2020 Zogg Fire (JCCP 5165) – both of  
14 which are alleged to have been started by PG&E – have both been coordinated in front of the Hon.  
15 Andrew Cheng in the Superior Court of San Francisco. I am one of the liaison counsel for the  
16 individual plaintiffs in both of these cases.

17           6.       In both the Kincade and Zogg Fire cases, Judge Cheng also ordered each plaintiff to  
18 submit a mediation demand to PG&E’s counsel within 60 days of the date of that plaintiff’s adoption  
19 of the master complaint.

20           7.       The first settlements in the Zogg Fire took place roughly ten months after the fire, and  
21 several law firms have already settled cases.

22           8.       In the Kincade Fire case, Judge Cheng set a trial date of November 7, 2022, slightly  
23 over 3 years after the date the fire started (October 2019). Because PG&E was still in bankruptcy  
24 when the Kincade Fire occurred and did not emerge from bankruptcy until July 1, 2020, the Kincade  
25 Fire case was not coordinated until April 2021. In the Kincade Fire cases, the parties currently are  
26 conducting liability discovery and engaging in mediations. PG&E’s defense counsel (the New York  
27 based firm of Cravath, Swaine & Moore) has never argued that they are not capable of both  
28 conducting mediations and preparing for a liability trial.

1           9.       In the Zogg Fire case, Judge Cheng has set a trial date of February 6, 2023 (roughly  
2 two years and four months after the fire) so that any remaining unsettled cases may be tried. Here  
3 again, the parties currently are conducting liability discovery and engaging in mediations. PG&E’s  
4 defense counsel (Cravath, Swaine & Moore) has never argued that they are incapable of both  
5 conducting mediations and preparing for a liability trial.

6           10.       In this case (Southern California Fire cases, JCCP 4965), Edison retained Murchison  
7 & Cumming (led by experienced fire litigator Friedrich Seitz) to handle the Rye Fire while Hueston  
8 Hennigan focused on mediating the Thomas Fire cases.

9           11.       Mr. Seitz and his team have handled other fire cases in the past and are among the  
10 most experienced lawyers in Southern California at defending utilities in fire cases. According to the  
11 firm’s website, Mr. Seitz has over 100 jury trials, chairs the “Wildland Fire Litigation” group, and  
12 “is a specialist in defending wildland fire cases.” To the best of my knowledge, Mr. Seitz and his  
13 team are available to assist Edison regarding liability discovery and/or mediations if Hueston  
14 Hennigan is unable to both continue the mediation protocol and prepare for trial.

15           12.       Since agreeing to represent Edison in this case in 2017 and in the 2018 Woolsey Fire,  
16 Hueston Hennigan has agreed to serve as lead defense counsel in at least four other utility wildfire  
17 cases in two states: the 2020 Silverado and 2020 Bobcat Fire cases (both of which involve Edison as  
18 the primary defendant); the 2020 Slater Fire case (in which Hueston Hennigan represents PacifiCorp  
19 in a fire that is being litigated in both California and Oregon); and the 2020 Santiam/Beachie Creek  
20 Fire, which is being litigated in Oregon.

21           13.       Hueston Hennigan’s website proclaims, among other things, that the firm is “a force  
22 to be reckoned with,” “the go-to firm for bet-the-farm litigation,” a “national powerhouse,” and a  
23 “maximum trial threat.” It lists 75 lawyers and states that its attorneys are among the finest litigators  
24 in the nation. The website also lists an impressive array of recent major cases that the firm is  
25 involved in all over the country.

26           14.       One of the cases featured on the website is a complex patent case, *Acorn Semi, LLC v.*  
27 *Samsung Electronics Co., Ltd. et al.*, in the Eastern District of Texas. According to the website, in  
28

1 May 2021, Hueston Hennigan (whose trial team was led by Doug Dixon, one of Edison’s two lead  
2 counsel here) won a \$25 million verdict for Acorn after a five-day jury trial.

3 15. In November 2021, Mr. Dixon and a team of attorneys from Hueston Hennigan  
4 (including Christy Rayburn, Christine Woodin, Sourabh Mishra, Neil Anderson, Dan Sheehan,  
5 Michael Acquah and Joseph Aronsohn) successfully defended a patent infringement case in the U.S.  
6 District Court for the District of Delaware, *Shure Incorporated et al., v. Clearone Inc.* (See  
7 <https://www.law360.com/articles/1437854>.)

8 16. Another of the cases featured prominently on the Hueston Hennigan website is the  
9 California Opioid Trial, *People of the State of California v. Purdue Pharma LP et al.*, in Orange  
10 County Superior Court.

11 17. In *Purdue Pharma*, several California counties sought \$50 billion in damages from  
12 four companies that the counties claimed were responsible for exacerbating the opioid epidemic.  
13 According to an article on the website, in November 2021, after a several-month trial, Hueston  
14 Hennigan “notched a landmark win” and “a major entry in the win column” on behalf of Endo  
15 Pharmaceuticals.

16 18. Relevant here, one of Endo’s two lead trial lawyers, John Hueston, is also one of  
17 Edison’s two lead counsel in this case. According to Hueston, the firm has another opioid case set  
18 for trial in April in San Francisco,” as well as others “that we have been invited to try” and that  
19 “we’re focused on fitting [] within our trial schedule for 2022.” (See  
20 <https://www.hueston.com/law360-how-hueston-hennigan-notched-a-landmark-opioid-trial-win/>.)

21 19. Hueston Hennigan clearly has the bandwidth, then, to prepare for trial in this case  
22 while mediating at the same time. In any event, the victims of the Thomas Fire should not be forced  
23 to wait another year to accommodate Hueston Hennigan’s desire to try more opioid cases in 2022.

24 20. Edison has argued from time to time, primarily in the Woolsey Fire case, that Doug  
25 Dixon and John Hueston are the only partners available to represent Edison during mediations and at  
26 significant hearings. While I am not familiar with other mediations, in our firm’s cases, both Andrew  
27 Walsh and Michael Purpura, both partners at Hueston Hennigan, have also represented Edison.

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1           21.     Finally, PG&E’s ability to find competent and available counsel in similar wildfire  
2 cases is instructive.

3           22.     PG&E has hired the firm of Munger, Tolles & Olson to handle the liability litigation  
4 in two fires: the 2017 Tubbs Fire and the 2021 Dixie Fire.

5           23.     Munger Tolles has a national reputation, offices in Los Angeles, and has several very  
6 experienced and high-quality attorneys who could represent Edison in this case if Hueston Hennigan  
7 is unable to simultaneously manage the mediation protocol and prepare for trial.

8           24.     The New York law firm of Cravath Swayne & Moore represents PG&E in the 2019  
9 Kincade Fire and the 2020 Zogg Fire. In both these fires, Cravath is both mediating cases and  
10 litigating liability.

11          25.     At the close of business on January 18, 2022, Edison International had a market cap  
12 of over \$24.2 billion. It therefore has the resources to employ other law firms capable of representing  
13 it in this case.

14          26.     Like the Thomas Fire, the 2007 San Diego Fire Cases<sup>1</sup> involved a number of large,  
15 commercial avocado groves that were damaged or destroyed. My group of attorneys represented the  
16 largest number of commercial avocado growers in the 2007 San Diego Fires, and I personally  
17 handled the majority of the mediations in these cases.

18          27.     Although all of the commercial avocado cases ultimately settled, the process took a  
19 significant amount of time. The lead mediator in the San Diego Fire Cases, Justice John K. Trotter,  
20 Jr. (Ret.), set up the procedure used to resolve these cases and presided over the majority of them.

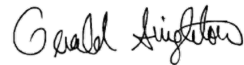
21          28.     The mediations in these large commercial avocado cases typically would last multiple  
22 days. Justice Trotter generally would begin by conducting joint sessions attended by both parties and  
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25 <sup>1</sup>           The 2007 San Diego Fires involved three separate fires (the Witch Creek and Guejito Fires,  
26 which later combined, and the Rice Canyon Fire) all of which were started by San Diego Gas &  
27 Electric Company’s equipment. The fires collectively burned over 200,000 acres, destroyed over  
28 1,300 homes, and caused over \$2 billion in damages. They were consolidated in front of the Hon.  
Richard E.L. Strauss in San Diego Superior Court. The Los Angeles Firm of Quinn Emanuel  
Urquhart & Sullivan was the lead defense counsel for SDG&E.

1 their experts. The experts would give presentations explaining their reports and would be questioned  
2 by Justice Trotter, the opposing party's experts, and opposing counsel. These sessions typically  
3 would last 1-2 mediation sessions, after which Justice Trotter would then separate the parties and  
4 discuss numbers. Ultimately, most of the larger cases took 2-3 mediation sessions to resolve.

5 I declare under penalty of perjury pursuant to the laws of the State of California that the  
6 foregoing is true and correct to the best of my knowledge and belief. Executed in San Diego,  
7 California, on January 19, 2022.

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