



January 21, 2025

The 10 “P’s” to Prepare for Wildfire Litigation

1. **Preservation Demand.** Send an evidence preservation notice to anyone you think may be liable or contributed to the fire (so the entity is on notice not to destroy, delete, or alter relevant evidence).
2. **Preserve Your Own Evidence.** Immediately save documents and backup all data you have that may be related to your fire damages. Take photos and videos of the damage for insurance and other claims.
3. **Prepare Your Insurance Claim.** File a claim with your insurance company as soon as possible. Be prepared to respond to a denial letter.
4. **Privileged Investigation.** Promptly set up a privileged investigation into the fire through your company’s legal counsel. If set-up the right way, this will help keep your investigation and analysis about the fire privileged from third-parties in discovery (who may sue you; or you may sue).
5. **Plan for Recovery.** Develop a recovery plan and business continuity plan early to minimize disruption and to restore operations as quickly as possible (and to mitigate damages).
6. **Probe Witnesses.** Interview your employees/witnesses about what they observed and conditions on the day and leading up to the fire. Employees frequently leave (and memories fade) making it hard to recover valuable information later.
7. **Prepare Employees.** Advise employees that there may be litigation and so future communications between employees about the fire may be discoverable. Put email protocols in place now.
8. **Prepare your Lawsuit/Complaint and get it on File Early.** If there is a lawsuit with a utility be ready for lots of plaintiffs and venue in San Francisco (a Court that public utilities often select for lawsuits). If you want venue to be closer to home, file quickly, be first, and choose a court that has a complex civil division.
9. **Prepare for Federal/Criminal Investigation.** Often the US Attorney’s Office or CALFIRE/CA AG will get involved. You need to be prepared to respond to their inquiries and document requests.
10. **Pick a Firm to Represent you with Experience and Expertise in Wildfire Litigation.** The Buchalter Wildfire Litigation Team (led by [Kevin Collins](#), [Gwenneth O’Hara](#), [Brandon Carr](#), [Adam Smith](#), [Alissa Pleau-Fuller](#) and [Buchalter Energy Group](#) (led by [Nora Sheriff](#) and [Gwenneth O’Hara](#)) have extensive experience litigating against the largest utilities including PG&E, have expertise in energy/transmission/utility-related issues, expertise in battling/recovering from insurance companies, and have retained wildfire experts who can help win your case!