

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 23-08-09-01

IN THE MATTER OF THE HOLIDAY FARM FIRE  
LITIGATION BY THE COUNTY AS AGAINST  
EUGENE WATER & ELECTRIC BOARD AND  
LANE ELECTRIC COOPERATIVE, INC. AND  
DELEGATING AUTHORITY TO COUNTY  
COUNSEL TO SEEK DISMISSAL OF THE SAME

**WHEREAS**, under the Laws and Constitution of Oregon, the Lane County Board of Commissioners has authority to act for the County in all general matters, as set forth under statute;

**WHEREAS**, Lane Manual Chapter 61 sets forth the County's procedures for legal services;

**WHEREAS**, the County, acting through its then-County Counsel at the direction of the Lane County Board of Commissioners initiated litigation related to the Holiday Farm Fire, a fire impacted the County and its residents in September 2020;

**WHEREAS**, the County, acting through its counsel filed a complaint for damages ("the Lawsuit") against Defendants Eugene Water & Electric Board ("EWEB") and Lane Electric Cooperative, Inc. ("LEC") (collectively, "Defendants") in September 2022 based on their alleged role in the cause and origin of the Holiday Farm Fire;

**WHEREAS**, the County, acting through its counsel, litigated the Lawsuit against Defendants EWEB and LEC over the course of approximately eleven months;

**WHEREAS**, during the course of litigating the Lawsuit, the County, through its counsel, became aware that the total amount of damages suffered by all impacted parties litigating against Defendants EWEB and LEC, including individuals and businesses who reside in the County, is estimated to be somewhere between \$500,000,000 and \$1,000,000,000;

**WHEREAS**, during the course of litigation, the County's recoverable damages were limited by the Court to physical property damage only, and as a result, the County's estimated share of the total damages would likely be less than five percent of overall damages;

**WHEREAS**, during the course of litigation, the County, through its counsel, became aware that the insurance funds available for Defendants EWEB and LEC to compensate Holiday Farm Fire related damages is extremely limited and significantly less than the total estimated damages suffered by all impacted parties;

**WHEREAS**, continued litigation against EWEB and LEC, even if successful in obtaining a judgement against Defendants, will likely result in a minimal recovery given the scope of the County's recoverable damages, the growing costs of litigation, the limited insurance funds available to Defendants to pay any judgment, the number of other impacted parties who are also seeking recovery from these

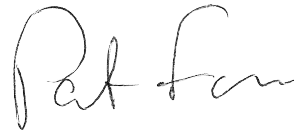
Defendants including local Lane County homeowners and businesses who similarly face a limited pool of resources; and

**WHEREAS**, based on the foregoing factors and the reasoned analysis of counsel, the County has determined that it is no longer commercially reasonable to pursue its claims against EWEB and LEC, and that, based on the diligent efforts of County staff, County Counsel and outside counsel, the County has fulfilled its Stafford Act obligations.

**NOW THEREFORE**, The Board of County Commissioners of Lane County **ORDERS** as follows:

Authority is hereby delegated to County Counsel to seek dismissal of the Lawsuit filed against EWEB and LEC as necessary and when appropriate.

**ADOPTED** this 9th day of August 2023.

A handwritten signature in cursive script that reads "Pat Farr".

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Pat Farr, Chair  
Lane County Board of Commissioners