

Daily Journal

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25TH ANNUAL CALIFORNIA LAWYER ATTORNEYS OF THE YEAR

In re: Ghost Ship Fire Litigation

PLAINTIFFS PERSONAL INJURY, WRONGFUL DEATH, PREMISES LIABILITY

Three and a half years after a catastrophic fire at an Oakland warehouse called the Ghost Ship killed 36, injured others and left a legacy of grief, a coalition of 45 attorneys from 25 firms representing 78 plaintiffs—led by liaison council Alexander and executive committee members Bale, Brandi and Dolan—hammered out a \$32.7 million settlement with Oakland officials. PG&E will pay an undisclosed amount and the building’s owners will add millions more.

“Public entities have a range of immunities, and we were often advised that suing Oakland just couldn’t be done,” said Alexander, who filed one of the first wrongful death suits shortly after the 2016 tragedy. Indeed, Oakland’s lawyers demurred to the consolidated complaint seven times. Each effort at ending the case, including one appeal to the state Supreme Court, failed.

“We discovered they never officially inspected the building. If they had, immunity might have kicked in,” she added. The plain-

Executive committee leads settlement discussions for plaintiffs in Oakland warehouse fire

tiff team’s investigation showed that city police and firefighters had had hundreds of contacts with the Ghost Ship over more than two years before the fire, learning that artists and others lived there, that unpermitted musical events took place and that conditions were unsafe. “We were able to hold the city in [the case] and we proved they knew what was going on but turned a blind eye.” By the time of the fire the 10,000-square-foot warehouse was a cluttered maze that amounted to a death trap. *In re Ghost Ship Fire Litigation*, RG16843631 (Alameda Co. Super. Ct., filed Dec. 23, 2016).

Bale, a veteran personal injury lawyer with a background in corporate marketing, said his experience in the business world was key in dealing with the property owner Chor N.S. Ng and the family trust involved. “When owners tell you they had no idea what was going on, you know that isn’t true,” Bale said. He and Brandi’s negotiations led to a deal in which the family will liquidate the trust’s properties in bankruptcy and pay victims \$7 million in cash plus the proceeds of the liquidation, which is expected to amount to at least \$4.8 million and likely more, he said.

“It was one of the most heart-wrenching and tragic cases I’ve been involved in,” Bale said. He,



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Alexander, Brandi and Dolan—who dealt with most of the PG&E depositions—bonded as the case progressed. “The four of us forged a core friendship,” Bale said. He credited others on the team, including his law partner Roger A. Dryer, who conducted many of the police and firefighter depositions. “Roger was a heat-seeking missile here,” Bale said. Brian J. Malloy of Brandi’s firm was “a word warrior,” Bale said, who drafted the responses that successfully batted away Oakland’s demurrers. Brendan D.S. Way of Alexander’s office “was like a mad dog on PG&E who dug through state codes and case law to craft the negligence offenses that brought them to the table.”

Alexander noted that another

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defendant, an electrical contractor, settled for an additional \$1 million. And she singled out several colleagues for credit, including Dryer, Malloy and Way plus Robert W. Thompson of Thompson Law Offices PC and Sandra Ribera Speed of Ribera Law Firm PC.

Alexander said a key moment in the case that weakened Oakland’s defenses and promoted settlement talks was the discovery that days before the fire a chief from a fire station a block away came by to take a look. “He questioned up the line whether an artists’ collective should be on the official city inspection list—and he never heard back. Then the place went up like a matchbox.”

— John Roemer