

OREGON

Willamette Valley Vineyards files lawsuit against PacifiCorp over 2020 Labor Day wildfires

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Willamette Valley Vineyards has filed an \$8.1 million lawsuit against PacifiCorp for smoke and soot damage from the 2020 Labor Day wildfires the vineyard claims negatively impacted its grapes, harvest, wine sales and profits.

The winery in Turner filed the lawsuit against the utility in Marion County Circuit Court late last month.

In all, Willamette Valley Vineyards claim it lost more than \$2 million in economic and property damage.

"I'd like to see PacifiCo stand up and admit what they did and be held accountable for it," said Willamette Valley Vineyards CEO Jim Bernau.

Founded in 1983, the vineyard is one of the most well known in the Willamette Valley, with tasting rooms located throughout the valley.

A jury in June found PacifiCorp owes around \$90 million in damages to 17 named plaintiffs part of a lawsuit against the utility after finding PacifiCorp's power lines, actions and vegetation management caused or made worse the four fires Labor Day night of 2020. It also found PacifiCorp could owe money to all owners of the 2,500 properties damaged in the Santiam, Echo Mountain, 242 and South Obenchain

fires. PacifiCorp, owned by multinational corporation Berkshire Hathaway, said it plans to pursue appeals.

What the Willamette Valley Vineyards lawsuit against PacifiCorp says

Like the lawsuit filed against PacifiCorp by wildfire survivors, the vineyard also claims the utility bears responsibility for the fires because it did not shut off power in the face of high wind warnings and increased fire danger on Labor Day 2020, according to court filings. The lawsuit also claims unsafe electrical equipment combined with unmaintained vegetation sparked the fires.

Smoke and soot generated by the fires caused the winery damage for several reasons, according to the lawsuit. Willamette Valley Vineyards is suing PacifiCorp for alleged negligence, gross negligence, inverse condemnation, private nuisance, public nuisance, trespass, spoliation of evidence and injunction.

“Pacific Power has resolved and will continue to resolve reasonable claims,” PacifiCorp said in a statement. “Pacific Power’s ability to provide such essential utility services is being threatened by spurious lawsuits like these and excessive wildfire damages pursued by out-of-state plaintiff attorneys who have a substantial financial stake in these outcomes.”

'These fires came very close to home'

A study by Oregon State University researchers published in April explains how [wildfire smoke affects vineyards](#). Using smoke-tainted grapes to make wine can affect the aroma and flavor. The process to remove the smoke is expensive and doesn’t always work.

“Each (fire) damaged plaintiff’s grapes, grape harvest, and wine sales, and caused plaintiff to incur expenses dealing with the damage, and to lose revenues and profits during the succeeding years,” according to the lawsuit.

For Bernau, the wildfires' impact goes beyond damages to the vineyards and lost profits.

“In the end we're hoping that this will never happen again,” Bernau said. “These fires came very close to home. And the grief that our community suffered is extreme in our case, but it's real. It costs our company and our employees a lot.”

Statesman Journal reporter Zach Urness contributed to this report.

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