

# CPM Files Government Claim Alleging the California Department of Water Resources Is Responsible for Damages from the Oroville Dam Spillway Flooding

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On **August 2, 2017**, Cotchett, Pitre & McCarthy, a law firm specializing in mass damages, submitted a Government Claim Form to the State of California, Department of General Services, on behalf of **JEM Farms** and **Chandon Ranch**. JEM Farms and Chandon Ranch operate a walnut farm on approximately 2,000 acres in Butte County. The farm runs on the East and West sides of the Feather River, downstream from the Oroville Dam spillway.

The Oroville Dam and Spillway Facility is operated by California's Department of Water Resources ("DWR") and Division of Safety of Dams ("DSOD"). DWR and DSOD are responsible for the safety, including maintenance and operation, of all California dams, including the Oroville Dam and Gated Spillway Facility. Several engineers have been critical of how the Dam was maintained and recent reports lay blame on the failure to correct the known problems. The Claim alleges that "DWR and DSOD acted recklessly and with intent, resulting in the progressive deterioration of the performance abilities of the Gated Spillway at the Oroville Facility." Niall McCarthy, one of the attorneys representing the farm, said: "Our investigation shows the Department of Water Resources used inappropriate standards and procedures to manage the risk of failure at the Gated Spillway."

In **February 2017**, Oroville sustained a heavy rainfall. Predictably, as a result of reckless action and inaction by DWR and DSOD, the farm sustained major damages when the dam and gated spillway failed at the Oroville Facility. "The damage includes lost acreage, lost production, and cleanup and remediation costs," said McCarthy. Another attorney, **Richard Harriman**, representing numerous other plaintiffs, said: "This

## Attorneys

Niall P. McCarthy

## Practice Areas

Commercial Litigation

Municipal & Public Entity  
Litigation

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was an avoidable catastrophe that harmed many businesses and thousands of Oroville and Butte County residents.”