



**PRESS RELEASE**

Colorado Department of Law  
Attorney General John W. Suthers

**FOR IMMEDIATE RELEASE**

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**ATTORNEY GENERAL REACTS TO COURT RULINGS ON LOWER NORTH  
FORK FIRE MOTIONS**

**DENVER** — Late yesterday, Judge Dennis Hall of the Jefferson County District Court ruled on a series of motions regarding the Lower North Fork Fire. The judge granted motions by the state to dismiss all but the negligence claims that had been authorized by the General Assembly in the weeks immediately following the Lower North Fork wildfire. Judge Hall found that homeowners failed to allege facts and circumstances in support of other theories that would permit them to exceed limitations on claims contemplated under Colorado law.

Judge Hall wrote, “Here, the homeowners do not, and in good faith cannot, allege that their losses were a ‘known or obvious consequence’ of the manner in which the Forest Service conducted the controlled burn. Conducting a controlled burn in a manner which would ‘obviously’ cause damage or injury to innocent persons would require a quantum of malevolence which is alleged in neither the homeowners’ original nor amended claims, and which all involved in the present litigation know was not present in the minds of Forest Service employees who started the fire.”

The following statement is to be attributed to Attorney General John Suthers.

“This has been an unnecessarily lengthy and arduous legal process because of the nature of the claims some of the plaintiffs have pursued. These orders recognize that the plaintiffs are limited to remedies provided by state law. The State Claims Board urges claimants to present their cases for compensation at the March meeting so that the Board may issue its recommendations to the General Assembly this session and while compensation beyond the statutory cap is still possible.”

On February 13, 2014, the Colorado Legislature appropriated \$2.06 million in compensation for five Lower North Fork Fire victims, bringing the total paid by the state to \$4.9 million among 16 claimants. There are 29 other landowners in the process of seeking compensation

from the state. The fire began on March 26, 2012 and was caused by embers from a prescribed burn.

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