

Snohomish County dismissed from Oso mudslide lawsuit

By [Noah Haglund](#)

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EVERETT — Snohomish County has been dismissed from a lawsuit brought by people harmed in the [Oso mudslide](#).

Plaintiffs' attorneys signed paperwork Wednesday agreeing to the dismissal but reserved their right to appeal.

The case remains active against the State of Washington and the Grandy Lake Forest Associates timber company, with a trial set to begin next month. The plaintiffs are trying to prove that the defendants, through action or inaction, contributed to the catastrophe.

Family members of people who were killed in the slide, along with others who were injured or lost property, had sought to hold county officials liable for failing to adequately warn them of the dangers posed by the hillside that loomed over their neighborhood. The slope gave way in March 2014, killing 43 people when debris surged over the North Fork Stillaguamish River and the Steelhead Haven community.

A judge issued a ruling in June that [barred most plaintiffs in the case from pursuing claims](#) against the county. King County Superior Court Judge Roger Rogoff said that only those who attended [a March 2006 meeting](#), or those "who relied on the substance" of information shared at that meeting, could press claims that they received insufficient warning. County officials had called the meeting with people who lived in Steelhead Haven to discuss flooding and other risks after a slide blocked the river.

The county's dismissal from the case is not a settlement. No money was paid out. Plaintiffs can try to bring the county back into the case if they appeal Rogoff's pre-trial rulings.

"The value of that claim weighed against the cost of trial and expenditure of judicial resources makes it inadvisable to pursue at this time," wrote Karen Willie, a Seattle attorney representing some of the plaintiffs, in court paperwork.

Snohomish County chief civil deputy prosecutor Jason Cummings issued a statement emphasizing the human toll of the mudslide and the community's response to it.

"The 2014 landslide was a tragic, natural disaster and many suffered the loss of loved ones, significant personal injuries, and the destruction of their properties," Cummings wrote. "The County recognizes the tremendous efforts of the citizen volunteers and the

local, state, and federal employees who were involved in the immediate rescue efforts and the long-term recovery efforts.”

The county’s lawyers expect an appeal and are preparing for it.

“The County believes the trial court’s rulings were well-reasoned and in accordance with Washington state law, and will continue its defense in the appellate court,” Cummings wrote.

John Phillips, a lawyer for the injured parties, said they intend to appeal and prove that the county shares in the blame.

The Oso lawsuit is believed to be the state’s largest-ever wrongful death case.

In August, plaintiffs’ attorneys [asked for sanctions](#) after discovering that the state’s expert witnesses had decided to regularly delete emails that should have been turned over during pre-trial discovery. A judge is reviewing internal emails to decide whether to impose sanctions.

Attorney General Bob Ferguson has acknowledged the mistake and vowed to turn over any deleted emails that can be recovered. Ferguson also has promised an internal investigation of what went wrong.

Noah Haglund: 425-339-3465; nhaglund@heraldnet.com. Twitter: [@NWhaglund](https://twitter.com/NWhaglund).