

ALERT

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SUBROGATION AND RECOVERY

News Concerning
Recent Subrogation and Recovery Issues



FIRE ON THE MOUNTAIN **Rapidly Growing Fire on Casper Mountain Near Casper, Wyoming**

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A rapidly spreading wildfire, the Sheep Herder Hill fire, that broke out on the afternoon of Sunday, September 9, 2012, has now burned at least six structures, more than seven-square-miles, and forced some 500 people to evacuate from Casper Mountain, according to the Associated Press on Monday. The Sheep Herder Hill fire is on the east side of Casper Mountain about 10 miles south of the Casper city limits. More than 150 homes and cabins remain evacuated as of yesterday. Wyoming State Forester Bill Crapser says more structures may have been lost and three-quarters of the structures are year round homes; the rest are seasonal cabins.

Dry weather and high winds have contributed to the spread of the fire, which remains uncontained. The cause of the fire has not been determined. Dry, windy weather throughout the entire State of Wyoming has prompted the National Weather Service to put all of Wyoming under a wildfire alert.

In an effort to evaluate recovery opportunities, Cozen O'Connor has retained a wildfire investigator who is currently coordinating with public investigators, including various local and state fire authorities. In conjunction with our

investigator we are also continuing to monitor all news reports and investigations regarding these fires. As further information is developed, legal theories of recovery will be considered, including negligence, inverse condemnation, and violation of any applicable regulations, ordinances or regulations.

<http://maps.google.com/maps?q=42.7186+-106.303&ll=42.787842,-106.32225&spn=0.186699,0.444603&t=m&z=12>

Since the Associated Press report, our investigator has reported to us the following up to date information:

- Containment is not imminent and due to weather conditions fire growth is anticipated to remain high;
- Most of the fuel is Lodge Pole pine, Ponderosa pine and beetle kill timber, all of which are susceptible to fire and quick burn;
- Twenty-plus-mile-per-hour wind speeds are occurring. No moisture is in the imminent forecast but a front is coming in with cooler temperatures, but also bringing winds;

- County resources have been fighting the fire, but national assistance is forthcoming including a Type 2 incident commander and management, which is significant in that it will involve national resources.
- The commander/management transition occurred Tuesday (Sept. 11) morning;
- The cause is currently classified as “unknown”;
- Shortly after the command transition takes place we anticipate that a significant updated report of the status of the fire will occur;
- The fire has now burned more than 10,000 acres, indicating significant growth since the start



Our investigator is reporting that the next step in his further investigation will be to continue to get updates as to the spread of the fire and any other investigative details. Once he is able to get access to the site, he will inspect the damaged structures to confirm the fire was

external to the structure and attacked the structure. After obtaining the GPS coordinates for the suspected area of origin, the investigator will go to those coordinates to confirm whether the surrounding damage supports the public investigators' suspected area of origin. Depending on



whether he is able to confirm that as the area, or whether he has to investigate the area or origin, the investigation proceeds to those matters that are common in any fire investigation – potential ignition sources and first fuels ignited and consumed.

Cozen O'Connor will continue to monitor the rapidly evolving situation in Wyoming, and will report on any significant developments from the subrogation and recovery perspective. Should you need any additional information regarding this fire or any other related claim, please feel free to contact us.

To discuss any questions you may have regarding the opinion discussed in this Alert, or how it may apply to your particular circumstances, please contact Richard R. Rardin at rrardin@cozen.com or 720.479.3915.

Richard is licensed to practice in Wyoming and Colorado.