

Local

STATE SUPREME COURT WON'T REVIEW 2014 WILDFIRE SUIT

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The state's highest court will not review a lawsuit that sought to blame a destructive 2014 wildfire in Carlsbad on the resort where the fire is suspected to have started.

The mid-November decision by the California Supreme Court denying the plaintiff's request to look at their case, which had already lost in two lower courts, puts an end to the litigation.

At the center of the lawsuit was the cause of the Poinsettia fire, which roared into a 600-acre blaze as it hopscotched through an upscale neighborhood and chewed into a business park on May 14, 2014.

The Poinsettia fire destroyed five houses, 18 apartment units and one commercial building, leaving \$24.5 million in damage in its path, according to officials.

In September, a three-judge panel of the 4th District Court of Appeal found that the plaintiff, Axis Insurance Company, failed to show it had a case that could be tried as to whether Omni Hotels Management Corp. had caused or exacerbated the fire that started at Omni La Costa Resort and Spa.

Attorneys for Omni issued a statement last week, after the state Supreme Court declined to take up the case.

"We care deeply for everyone whose lives were impacted by this wildfire," attorney

Susan Oliver said. "However, the California Supreme Court denying review further validates that our client was not to blame."

The Poinsettia fire is believed to have begun in vegetation near a concrete golf cart path close to the seventh fairway of the Omni La Costa's golf course.

Fire investigators were unable to determine what caused the fire and could not rule out that it had been started by a cigarette.

Omni had allowed smoking on the course. On the morning of the fire, there had been two smokers — one who smoked cigarettes, the other smoked cigars — in a golf foursome on the course. However, there was no evidence that either person had been smoking on the seventh hole.

The initial suit, filed in October 2014, included several plaintiffs. Last year, San Diego Superior Court Judge Joan Lewis dismissed the case in favor of Omni.

Axis appealed, pointing to smoking or perhaps a spark from a beverage cart as possible causes.

The appellate decision was split 2-1. The majority found that Axis "could not establish Omni's actions or inactions were a substantial factor" in causing the fire. Presiding Justice Judith McConnell wrote the opinion.

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