

Flood Victims Granted Class Action Status In Lawsuit Against International Paper Co.

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Last week, homeowners in the Bristol Park, Bristol Creek, Bristol Woods, and Ashbury Hills Subdivisions in Cantonment, Florida had their claims of negligence, trespass, nuisance and strict liability certified as a class action against International Paper Company. The lawsuit alleges that about 160 homes, over one-half of the homes in the Subdivisions, flooded when an abandoned dam at International Paper Company's Cantonment Mill collapsed during a 2014 rainstorm.

Chief Judge M. Casey Rodgers, of the U.S. District Court for the Northern District of Florida, certified the property owners as a class to prove whether International Paper Company is liable for the damages suffered by around 300 homes when the dam collapsed. "Each of these claims is based on plaintiffs' contention that [International Paper] did not maintain or abandon the dam properly, which led to its failure during the storm, causing harm to the subject neighborhood and plaintiffs' homes as a result," Judge Rodgers said.

"Thus, the core factual and legal issues with respect to liability in this case – whether or not [International Paper's] conduct caused the dam to fail, whether or not the dam's failure caused flooding in the subject neighborhood, and, if so, to what extent defendant should be held liable – are resolvable by proof that is common to all class members." If that action is successful, damages for individual property owners will be determined separately.

Bailey Glasser attorneys James Kauffman of the firm's Washington, D.C., office and Jonathan Marshall of the firm's Charleston, West Virginia, office are Class Counsel representing the property owners.

Law 360 - Homeowners Get Class Cert. In Flood Suit Against Paper Co.

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