

Appellate court bars class-action suit in Lake Davis poisoning

By Denny Walsh, Sacramento Bee

The state's Herculean effort to wipe the northern pike out of Lake Davis in Plumas County wreaked havoc on the economy in and around Portola, but the city and owners and operators of businesses and property may not proceed in court against the state as a class, an appellate court has ruled.

The character and interests of the proposed plaintiffs are far too varied to allow them to press a single lawsuit as a class, a three-justice panel of the 3rd District Court of Appeal in Sacramento decided.

The justices struck down class certification granted by Plumas Superior Court Judge Janet Hilde. Their ruling means the plaintiffs will have to sue the state individually.

In 1997 and 2007, the California Fish and Game Department dumped thousands of gallons of rotenone – a naturally occurring poison deadly to gilled creatures – into the scenic mountain reservoir and its tributaries to rid them of the invasive, voracious fish.

After the 1997 poisoning, which was unsuccessful, the Legislature determined the area's residents had suffered economic harm and appropriated more than \$9.1 million to compensate them.

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