

Steve Badger Quoted in Law360 on California Wildfire Ruling

February 10, 2025

Steven Badger, a partner in Zelle's Dallas, TX office, was quoted in the *Law360* article "Calif. Ruling Holds Wildfire Debris Not a Coverable Loss". The article addressed a recent decision authored by Justice Judith Ashmann-Gerst of California's Second Appellate District, holding that wildfire debris that infiltrated a California homeowners' property didn't alter the property in a lasting or persistent manner.

Badger noted that "the decision reflected litigation abuse in the context of smoke claims." He highlighted the court's decision to note that an attorney filed the claim and questioned why they were involved in that submission.

"Many of these claims are clearly lawyer-driven and supported by the same teams of experts with their boilerplate reports," Badger said. "The experts always find significant 'damage' and huge remediation estimates are always drafted. From its opinion, it was obvious the court could see what was going on here."

He also said the court's COVID-19 analysis was a huge consideration.

"While I personally believe that homes can sustain demonstrable damage from nearby fires and resulting ash, soot, and smoke, a large number of these claims are far, far away from the fires and involve nothing more than what is ordinary household dust," Badger said. "The reality is that the dust can be wiped off with simple cleaning, just like the courts found in the COVID matters."