

Witness Testimony Continues Wednesday in Class

Action Lawsuit Against City of Reno

UPDATE: Following jury selection Monday, trial for the class action lawsuit began against the City of Reno seeking damages for flooding of Swan Lake in 2017.

Monday, June 10th 2019, 7:18 PM PDT by Brandon Fuhs

Updated:

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UPDATE: Wednesday the court continued hearing witness testimony for the class action lawsuit filed by residents in Lemmon Valley against the City of Reno. The lawsuit alleges the city did multiple things to worsen flooding at Swan Lake in 2017. Fifty-six Lemmon Valley residents are signed on to the lawsuit.

Wednesday's first witness was Karen Johnson. She's a Lemmon Valley resident, and her husband Jeffery and son Jeffery Jr. are class action representatives.

She moved into an apartment for a year after Washoe County gave her house a yellow tag, or a notice a possible damage from flooding. She described the scene at her home in 2017, saying they had to put down wooden planks to access the home.

During cross-examination, the defense pointed out that the water never actually touched the foundation of her home, even though photos showed cracks were visible in the foundation.

The second witness was David Westhoff, and he's considered an expert witness. He's a hydrologist, and he reviewed the storm water study conducted in 2007 at the request of the Washoe County Regional Water Planning Agency and the City of Reno before it was published.

He explained that the study showed that development in the area would increase the amount of runoff that made its way to Swan Lake.

During cross-examination, the defense made it clear to the jury that Westhoff did not collect any of the data, and had little influence on the analysis in the study.

The defense also cited the 2007 study that states the water at the Reno-Stead Water Reclamation Facility was factored into the total volume of Swan Lake when they factored the risk of flooding during an extreme storm.

The third witness was Jeffery Johnson, who also testified on the condition of his home during the spring months of 2017.

UPDATE: Following jury selection Monday, trial for the class action lawsuit began against the City of Reno seeking damages for flooding of Swan Lake in 2017.

Prosecutors argued during opening statements Tuesday morning, that the City of Reno is responsible for raising the level of Swan Lake 1.7 feet.

They argue the city ignored a study conducted in 2007 that warned of flooding at existing homes around Swan Lake if development popped up in the area.

Prosecutors argue the city pumped water from Silver Lake in nearby Cold Springs to Swan Lake in Lemmon Valley. They also argue the city dumped water from the Reno-Stead Reclamation Facility (a water treatment plant) into Swan Lake.

A total of 56 Lemmon Valley residents are signed on to the CLA.

According to a pre-trial motion, the City of Reno argues the 2007 study did not give any specific examples of developments and their impacts on flooding.

Regarding Silver Lake water, they argue if they did not pump water from Silver Lake to Swan Lake, Silver Lake would've been contaminated with sewage. The pre-trial motion also states the city has an agreement with the State of Nevada to dump water from that Reno-Stead Reclamation Facility into Swan Lake.

The court heard multiple witnesses Tuesday, including class representative Mike Walls and Truckee Meadows Fire Protection District Battalion Chief Sam Hicks, who led the incident command team to help mitigate flooding in March 2017.

There are approximately 40 witnesses expected to testify, and the trial is expected to take two and a half weeks.

Original Story: Several residents in Lemmon Valley near Swan Lake are suing the City of Reno for damages to their property from flooding in 2017.

On Monday, lawyers on both sides chose 10 jurors to hear the case, and opening statements were scheduled to start on Tuesday.

The lawsuit alleges the City of Reno ignored a study conducted in 2007, that details the potential of flooding at existing homes if more development was built in the area. It also alleges the City of Reno pumped water from Silver Lake to Swan Lake, and pumped effluent from their Sewage Plant even after flooding occurred in early 2017.

The trial is expected to last about two and a half weeks. The prosecution did not comment, noting the judge was clear he did not want lawyers holding press conferences after every day.

City Attorney Karl Hall, leading the defense, did not comment further than saying they successfully chose a jury today.