



Grotefeld Hoffmann

Press Release

July 9, 2024 - Last week, the United States Court of Appeals for the Sixth Circuit issued a landmark ruling in *American Reliable Insurance Company, et al. v. United States* – a case arising from the Chimney Tops 2 Fire that started in the Great Smoky Mountains National Park in November 2016, resulting in the destruction of over 2,500 structures and the death of 14 people.

The insurance companies filed claims under the Federal Tort Claims Act (“FTCA”) against the National Park Service, alleging that the NPS negligently failed to follow multiple mandatory fire-management protocols and failed to issue mandatory warnings to the public.

The government filed a motion to dismiss for lack of subject-matter jurisdiction, claiming immunity under the discretionary-function exception to the FTCA. The district court granted the motion on the claims relating to fire-management protocols but denied it on claims relating to the duty to warn. The Sixth Circuit reversed the district court’s order granting the government’s motion to dismiss the negligent wildfire management claim that the NPS failed to follow the incident-command structure required for every wildland fire and affirmed the district court’s denial of the government’s challenge to the duty to warn claims.

Mark Grotefeld and Jonathan Tofilon led the briefing team with the assistance of Amy Dvorak, Emma Gaddipati, Mark McGuire, and Adam Romney.

This is a significant legal victory for our clients and others involved in the litigation. Congratulations to the entire legal team for their hard work and dedication!