

## Civil Settlement For Lawsuits Over Deadly Ka Loko Dam Burst



Reported by: [Gina Mangieri](#)

Email: [gmangieri@khon2.com](mailto:gmangieri@khon2.com)

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The state and a Kauai private landowner will pay an undisclosed amount of money to settle lawsuits over the deadly Ka Loko Dam burst.

The settlement required court approval which was granted Thursday, bringing a degree of closure to the victims' families.

After a series of heavy rainstorms in March 2006, the Ka Loko Dam on James Pflueger's property in Kauai burst, sending a torrent of mud and water downstream and drowning seven people, including a pregnant woman and causing massive property damage along the way.

About 60 plaintiffs in all filed suit against Pflueger, the state, Kauai county and others, alleging a series of negligence including unauthorized alteration of the dam's spillway by the landowner and knowledge of that by the county plus lack of dam inspection oversight by the state.

Pflueger also faces criminal charges for which he comes up on trial next year.

His attorney says the civil settlement is not an admission of any kind.

"But we thought as I think everybody did this is a matter of social responsibility and to address the concerns of the people who lost loved ones and property if we could all come together," said Pflueger's attorney Bill McCorriston.

"It's our expectation, it's our hope that the legislature will have no reservations about appropriating the funds for the state's portion of the settlement," said attorney for the state Ken Robins.

"It's been very emotional case. They lost loved ones, their lives were completely upended and this day is a great day for justice. It finally brings closure to their lives," said the plaintiff's attorney Teri Tico.

The terms of the settlement are strictly confidential and the judge reminded all parties of that before adjourning today.

However, the state's portion of the settlement will become public because the legislature must review it for its approval in order to fund the payout.

That will come sometime in the next legislative session.

The settlement means no civil trials. However, still to come, Pflueger's criminal trial for manslaughter and reckless endangerment.

That's set to get underway next April though his attorney said Thursday he expects various motions will be taken up as soon as January.



