

COPY

Gerald Singleton (SBN 208783)
gsingleton@ssmsjustice.com
J. Ross Peabody (SBN 98190)
rpeabody@ssmsjustice.com
Kimberly S. Trimble (SBN 288682)
ktrimble@ssmsjustice.com
SINGLETON SCHREIBER McKENZIE & SCOTT, LLP
450 A Street, 5th Floor
San Diego, California 92101
Tel. (619) 771-3473

Attorneys for Plaintiffs

**CONFORMED COPY
ORIGINAL FILED**
Superior Court of California
County of Los Angeles

APR 14 2021

Sherri R. Carter, Executive Officer/Clerk of Court

By: Tanya Herrera, Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

BRUCE EDWIN AHO, ROBERTO
ALBARRAN, ABDULHADI ALBOUNI,
MICHAEL WAYNE ALEXANDER, JACK
BAGHDADLIAN, SOSSI BAGHDADLIAN,
TATIYANA BAGHDADLIAN, YOLANDA
BAILEY, CRYSTAL BALTHAZAR,
SHEANEA BALTHAZAR, MICHAEL BELL,
BRENDAN BERRY, CHRYSTAL BODDIE,
RUBEN BRETADO, ALEXIS BROWN,
SUSAN CALCAGNO, GUILLERMO
CERVANTES, JOANNE LIN CHAN,
RAFAELA CHAVEZ, LOUISE BIALIK
CHRISMAN, CAROLEE STEELE
COMFORT, COUGAR HILL RANCH
INCORPORATED, PETER JAMES COVERT,
LINDSAY CRARY, THOMAS CRARY,
AIDA DE LA TORRE, ANTONAE
DISMUKE, AHMED ELHAWARY, AUDY
JASMINE ELHAWARY, NADIA
ELHAWARY, ZEINAB SADE ELHAWARY,
LESLEY EMAS, STEVEN EMAS, BETTYE
ENGLISH, RICHARD ENGLISH, DANIELLE
RENEE FALZONE, JONNICA RAY
FALZONE, JOSEPH ANGELO FALZONE,
JENNA FERGUSON, LISA KATHERINE
FREEMAN, ANA GRISELDA GAITAN,
LINDA GODIN, GABRIELLA GONZALEZ,
SARAH GRAVES, ROGER GREENAWALT,
ROBIN GREENE, CHINA GRIFFIN,
ANDREW GUTTILLLA, ADOREIA
HAMPTON, GLORIA HAMPTON, JAZMINE
HARRIS, DALMARIE HARROD, MARK
HARROD, PAUL HERBERT, DARRYL
HERZON, KATHLEEN HERZON, JANE
HODGES, LEAH HOLCOMB, MALANI
JABRIL, KELVIN JANKINS, CHELSEA
JONES, MARYRUTH KREJCIR, RICHARD

No.

21STCV14453
COMPLAINT FOR DAMAGES

JURY TRIAL DEMANDED

KREJCIR, GILLIAN LATTATORRES,
JOSEPH LATTATORRES, EDWARD
RONALD LEE, LONDON LEE, DERRICK
LEWIS, BROWNIE LOFTON-LEWIS,
MARIA LOPEZ, GREG BOYD LUCAS,
MICHAEL MADRID, JESSE MALDONADO,
KAY MANESH, LUCILLE DAVIS MAY,
DANIELLE MCCANN, JOSEPH MCCANN,
RICARDO MENDOZA, NASH METRI,
SALWY METRY, BLANCA MICHEL,
BRANDON JAMES MILLER, BREANNA
RENAE MILLER, STACY WAYNE MILLER,
SUSAN DIANE MILLER, FRANSISCO
MONTEROSA, ANTONIO MORFIN, HANIF
MUHAMMED, DOROTHY NASH,
CHERAYE NEWTON, NATALIE NGUYEN,
KARISSA NOONAN, LORI NOONAN,
LOUIE NOONAN, JAMES BRIAN
O'BRAND, JOE-CELYN OJEDA-CARREON,
THIRKIEL L. PATTERSON, LAURA
QUEZADA, JAMES RACZ, JAMES I. RACZ,
JAMES M. RACZ, HUMBERTO RAMIREZ,
ARAMIS C. RAYFORD, CASANDRA
DAVIS REPP, MARCUS REPP, MARKEYDA
REPP, ERICA RHOADES, MICHAEL
RHOADES, LILLY RILEY, ILAN ROHM,
HADERREUS ROSS, EDWOINA ROYSTON-
BALTHAZAR, ELESE RUSSELL, CARLOS
A. SAICO, DAMERYS M. SAICO,
YOLANDA S. SAICO, VERONICA SALAS,
AALIYAH SCOTT, TAMARA SCOTT,
TAMERIN SCOTT, RICHARD SEYMOUR,
GABRIEL SHAHIN, SOPHIA SHAHIN,
CAROLINA SHELTON, LEAH SIMPSON,
RODNEY SMITH, DELPHINE SPICER,
LAILAH SPICER, LARRY JAMES SPICER,
EBONY TAYLOR, GAIL MARIE THOMAS,
JOSEPH TIJERINA, LEONARD TIJERINA,
MARIA TIJERINA, MONICA TIJERINA,
BRANDEN D. TORRES, GLEN R. TORRES,
ROBERT TORRES, TRACEY D. TORRES,
DEREK TOTH, KARI TOTH, NICHOLAS
TOTH, AUDY VASQUEZ-RAMIREZ,
FRANCISCO VELAZQUEZ, ALYSSA
VERDUGO, ANTHONY VERDUGO,
ALEXANDER WEDEEN, BENJAMIN
WEDEEN, GLENN WEDEEN, THOMAS
WILCOX, BLEAU WILLIAMS, JAMES
YSAIS, JR., DENA ZEPEDA,

Plaintiffs,

v.

SOUTHERN CALIFORNIA EDISON, a

California Corporation; EDISON
INTERNATIONAL, a California Corporation;
DOES 1-200, inclusive,

Defendants.

INTRODUCTION

1. This Complaint arises from a fire caused by Southern California Edison's powerlines in Los Angeles County on September 6, 2020, a wildfire now called the "Bobcat Fire."



Flames of Bobcat Fire Behind Firefighter Truck – Photo by Robert Gauthier of Los Angeles Times

2. The Bobcat Fire started when electrical equipment within Southern California Edison's utility infrastructure contacted, or caused sparks to contact, surrounding vegetation. This occurred because: (1) Southern California Edison's utility infrastructure was intended, designed, and constructed to pass electricity through exposed powerlines in vegetated areas; (2) Southern California Edison negligently, recklessly, and willfully failed to properly, safely, and prudently inspect, repair, maintain and operate the electrical equipment in its utility infrastructure; and/or (3) Southern California Edison negligently, recklessly, and willfully failed to maintain an appropriate clearance area between the electrical equipment in its utility infrastructure and surrounding vegetation.

1 3. The Bobcat Fire burned more than 115,000 acres, destroyed over 170 structures, resulted
2 in multiple injuries, and catastrophically impacted the local community. The Bobcat Fire was one of the
3 largest fires in Los Angeles County history.

4 4. Plaintiffs are homeowners, renters, business owners, and other individuals and entities
5 whose property and lives were, literally and figuratively, destroyed by the Bobcat Fire.



17 **Example of Destruction Caused by Bobcat Fire – Photo by Mike Meadows with the Los Angeles Daily News**

18 5. Plaintiffs now sue SOUTHERN CALIFORNIA EDISON and EDISON
19 INTERNATIONAL (jointly, “Edison”), and DOES 1-200 for just compensation, damages, and all other
20 available remedies arising from the takings and harms caused by the Bobcat Fire.

21 **JURISDICTION AND VENUE**

22 6. The Los Angeles County Superior Court, as a court of general jurisdiction, has subject-
23 matter jurisdiction over this unlimited civil case, as well as personal jurisdiction over each of the
24 Defendants. Venue is proper in Los Angeles County as a substantial part of the events, acts, omissions,
25 and/or transactions complained of herein occurred in Los Angeles County.

26 **PARTIES**

27 **A. PLAINTIFFS**

28 7. Plaintiffs are individuals and other legal entities who were, at all times relevant to this

pleading, homeowners, renters, business owners, residents, occupants, and/or had property located in Los Angeles County.

8. Plaintiffs have elected to join their individual lawsuits in a single action under rules of permissive joinder. Plaintiffs do not seek class certification or relief on any class-wide, collective, or other group basis, but instead seek the damages and other remedies identified herein on an individual basis according to proof at trial or through alternative dispute resolution efforts.

B. DEFENDANTS

9. Defendant EDISON INTERNATIONAL was, at all times relevant to this pleading, a California corporation authorized to do, and doing business, in California, with its headquarters in Rosemead, California. At all times relevant to this pleading, EDISON INTERNATIONAL acted to provide a utility, including electrical services, to members of the public in California, including those in Los Angeles County. EDISON INTERNATIONAL did so through its agents and subsidiaries, including SOUTHERN CALIFORNIA EDISON.

10. Defendant SOUTHERN CALIFORNIA EDISON was, at all times relevant to this pleading, a California corporation authorized to do, and doing business, in California, with its headquarters in Rosemead, California. At all times relevant to this pleading, SOUTHERN CALIFORNIA EDISON acted to provide a utility, including electrical services, to members of the public in California, including those in Los Angeles County. SOUTHERN CALIFORNIA EDISON is a subsidiary or other entity wholly controlled by EDISON INTERNATIONAL. SOUTHERN CALIFORNIA EDISON is one of the largest combination natural gas and electric utilities in the United States.

11. EDISON INTERNATIONAL and SOUTHERN CALIFORNIA EDISON are jointly and severally liable for each other's wrongful acts and/or omissions as alleged herein. These companies do not compete against one another but instead operate as a single enterprise, integrating their resources to achieve a common business purpose. These companies are so organized and controlled that one is a mere instrumentality, agent, and/or conduit of the other. Officers, managers, and directors are intertwined and not fully independent of one another. These companies share legal counsel, share unified policies and procedures, file consolidated financial statements and regulatory documents. Thus,

as used herein, “Edison” refers collectively to defendants EDISON INTERNATIONAL and SOUTHERN CALIFORNIA EDISON.

12. Edison is in the business of providing electricity to the residents of, among other places, Los Angeles County through a utility infrastructure, including a network of electrical transmission and distribution lines. Edison is a “public utility” under Public Utilities Code §§ 216(a)(1) and 218(a).

13. The true names and capacities of defendants DOES 1 through 200 are currently unknown to Plaintiffs who, therefore, sue these defendants under these fictitious names pursuant to Code of Civil Procedure section 474. These defendants are each directly and/or vicariously responsible, in some manner, for the harms alleged herein. If/when Plaintiffs learn these defendants’ true names and capacities, Plaintiffs will seek leave to amend this pleading accordingly.

14. “Defendants” refers collectively to Edison and DOES 1 through 200.

15. At all times relevant to this pleading, Defendants, and/or each of them, were the agents, servants, employees, partners, aiders and abettors, co-conspirators, and/or joint venturers of each of the other Defendants; and were operating within the purpose and scope of said agency, service, employment, partnership, enterprise, conspiracy, and/or joint venture; and each of Defendants has ratified and approved the acts of each of the remaining Defendants. Each of Defendants aided and abetted, encouraged, and rendered substantial assistance to the other Defendants in breaching their obligations and duties to Plaintiffs, as alleged herein. In taking action to aid and abet and substantially assist the commission of these wrongful acts and other wrongdoings alleged herein, each of the Defendants acted with an awareness of his/her/its primary wrongdoing and realized that his/her/its conduct would substantially assist the accomplishment of the wrongful conduct, wrongful goals, and wrongdoing.

FACTS

16. The U.S. National Forest reports that the Bobcat Fire ignited around 12:21 p.m. on September 6, 2020, at Cogswell Dam on the West Fork of the San Gabriel River in Angeles National Forest in Los Angeles County.

///

///

17. Edison has reported to the California Public Utilities Commission its equipment was involved in the ignition of the Bobcat Fire.

Reporting Date: 9/15/2020 8:22:44 PM

Incident Date: 9/6/2020 @ 12:20 p.m.

Reported By: Paul C. Pimentel, Senior Manager

Utility Name: Southern California Edison Company

Phone Number: (626)695-4705

Email Address: paul.pimentel@sce.com

Incident Location: Near Cogswell Reservoir (Angeles National Forest) Azusa, Los Angeles County

Reasons For Reporting:

- Fatalities? No (Utility: , Others:)
- Names of Fatalities:
- Injuries? (Utility: , Others:)
- Names of Injured:
- Damage? No (Utility: , Others:)
- Interruption? (Total Customers: , Total Hours:)
- Operator Judgement? Yes
- Media Coverage? No

18. More specifically, Edison reported that on September 6, 2020 at 12:16 p.m., its circuit experienced a relay operation and at approximately 12:10 p.m., a camera observed initial stages of the fire. United States Forest Service has taken the possession of the overhead conductor and three tree branches in the area. United States Forest Service are investigating whether vegetation is involved in the ignition of the Bobcat Fire.

A section of the Jarvis 12 kV circuit is located in the vicinity of Cogswell Dam and the circuit experienced a relay operation at 12:16 p.m. on September 6, 2020. The Mt. Wilson East camera (wildfirealert.org) captured the initial stages of the fire with the first observed smoke as early as approximately 12:10 p.m., prior to the relay operation.

On Tuesday, September 15, 2020, USFS personnel requested that SCE remove a specific section of SCE overhead conductor in the vicinity of Cogswell Dam. The following day, Wednesday, September 16, 2020, at the direction of the USFS investigators, SCE personnel were permitted into the subject area and removed an approximate 23-foot section of 1/0 ACSR conductor (south phase) that was situated between an H-Frame structure comprised of Pole Nos. 4786005E and 4786004E, which had been significantly damaged in the fire and was no longer erect, and another H-Frame structure comprised of Pole Nos. 2127468E and 1583439E. Although USFS

has not shared the details of its investigation with SCE, it appears that USFS is investigating whether vegetation was involved in the ignition of the fire. SCE understands that in addition to retaining SCE's overhead conductor, USFS also removed and retained three tree branches in the area. SCE is investigating the cause of the ignition and the 12:16 p.m. relay on its system, and evaluating whether vegetation in the area could have been a factor, including whether vegetation may have encroached within the minimum clearance distance or contacted the section of the overhead conductor retained by USFS. SCE is also investigating the impact an active fire might have had on our circuit, and is investigating other potential causes of the ignition such as customer-owned electrical facilities and human activity in the area.

19. Plaintiffs are informed and believe that the Bobcat Fire occurred because: (1) Edison's utility infrastructure was intended, designed, and constructed to pass electricity through exposed powerlines in vegetated areas; (2) Edison negligently, recklessly, and willfully failed to prudently and safely inspect, maintain and operate the electrical equipment in its utility infrastructure; and/or (3) Edison negligently, recklessly, and willfully failed to maintain the appropriate clearance area between the electrical equipment in its utility infrastructure and surrounding vegetation.

20. The conditions and circumstances surrounding the ignition of the Bobcat Fire, including the nature and condition of Edison's electrical infrastructure, low humidity, strong winds, and tinder-like dry vegetation were foreseeable by any reasonably prudent person and, therefore, were certainly foreseeable to Defendants—those with special knowledge and expertise as electrical services providers and their employees and agents.

21. The Bobcat Fire caused Plaintiffs to suffer substantial harms, including: damage to and/or destruction of real property; damage to and/or loss of personal property, including cherished possessions; out-of-pocket expenses directly and proximately incurred as a result of the fire; alternative living expenses; evacuation expenses; personal injuries; wrongful death; medical bills; lost wages; loss of earning capacity; loss of business income and/or goodwill; and various types of emotional distress, annoyance, inconvenience, disturbance, mental anguish, and loss of quiet enjoyment of property. The harms caused by the Defendants are extensive and ongoing.

///

///

///

1 **CAUSES OF ACTION**

2 **FIRST CAUSE OF ACTION**

3 **Inverse Condemnation**

4 **(Against All Defendants)**

5 22. All previous paragraphs are incorporated into this cause of action.

6 23. On September 6, 2020, Plaintiffs were the owners of real property located within Los
7 Angeles County that was affected by the Bobcat Fire.

8 24. Prior to and on September 6, 2020, Defendants had each designed, constructed,
9 installed, operated, controlled, used, and/or maintained the facilities, lines, wires, and/or other electrical
10 equipment within Edison's utility infrastructure, including the transmission and distribution lines in and
11 around the location of the Bobcat Fire, for the purpose of providing electrical services to large swaths
12 of the public.

13 25. On September 6, 2020, Defendants were actually aware of the inherent dangers and risks
14 that the electrical equipment within Edison's electrical-utility infrastructure (as deliberately designed
15 and constructed) would ignite a wildfire like the Bobcat Fire.

16 26. This inherent risk was realized on September 6, 2020, when electrical equipment within
17 Edison's utility infrastructure ignited the Bobcat Fire, which resulted in the taking of Plaintiffs' real
18 property and/or private property.

19 27. This taking was legally and substantially caused by Defendants' actions and inactions in
20 designing, constructing, installing, operating, controlling, using, and/or maintaining the facilities, lines,
21 wires, and/or other electrical equipment within Edison's utility infrastructure.

22 28. Plaintiffs have not been adequately compensated, if at all, for this taking.

23 29. Pursuant to the California Constitution, and any all applicable case and/or statutory law,
24 Plaintiffs seek just compensation for this taking, according to individual proof at trial.

25 30. Plaintiffs further seek, pursuant to Code of Civil Procedure §1036, to recover all
26 reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and
27 engineering fees, actually incurred because of this proceeding in the trial court and/or in any appellate
28 proceeding in which Plaintiffs prevails on any issue.

1 **SECOND CAUSE OF ACTION**

2 **Trespass**

3 **(Against All Defendants)**

4 31. All previous paragraphs are incorporated into this cause of action.

5 32. On September 6, 2020, Plaintiffs were the owners, tenants, and/or lawful occupiers of
6 real properties in the area of the Bobcat Fire.

7 33. Defendants negligently and/or recklessly allowed the Bobcat Fire to ignite and/or spread
8 out of control, which caused damage to Plaintiffs' property.

9 34. Plaintiffs did not grant permission for any fire to enter their property.

10 35. This trespass was a substantial factor in causing Plaintiffs to suffer damages including,
11 but not limited to, destruction of and/or damage to real property, destruction of and/or damage to
12 structures, destruction of and/or damage to personal property, discomfort, annoyance, inconvenience,
13 mental anguish, loss of quiet enjoyment, and emotional distress. Plaintiffs each seek damages to be
14 determined, on an individual basis, according to proof at trial.

15 36. Those of Plaintiffs whose real property was under cultivation or used for the raising of
16 livestock have hired and retained counsel to recover compensation for their losses and damages caused
17 by the Bobcat Fire. Thus, they also seek to recover all reasonable attorneys' fees, expert fees,
18 consultant fees, and litigation costs and expense, as allowed under Code of Civil Procedure §1021.9.

19 37. Defendants, including one or more Edison officers, directors, and/or managers, have
20 deliberately, and repeatedly, prioritized profits over safety. That is, Defendants have a history of acting
21 recklessly and with conscious disregard to human life and safety, and this history of recklessness and
22 conscious disregard was a substantial factor in bringing about the Bobcat Fire. This is despicable and
23 oppressive conduct. Plaintiffs thus seek punitive damages in an amount sufficient to punish
24 Defendants' long history of prioritizing profits over safety and to deter such conduct in the future.

25 **THIRD CAUSE OF ACTION**

26 **Nuisance**

27 **(Against All Defendants)**

28 38. All previous paragraphs are incorporated into this cause of action.

39. On September 6, 2020, Plaintiffs were the owners, tenants, and/or lawful occupiers of real properties in the area of the Bobcat Fire.

40. Defendants' actions and inactions created a condition and/or permitted a condition to exist that was harmful to health; offensive to the senses; an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life and property; unlawfully obstructed the free passage or use, in the customary manner, of public streets and highways; and a completely predictable fire hazard.

41. These conditions interfered with Plaintiffs' quiet enjoyment of their property.

42. These conditions also affected a substantial number of people at the same time.

43. At no time did Plaintiffs consent to Defendants' actions and inactions in creating these conditions.

44. An ordinary person would be reasonably annoyed and disturbed by Defendants' actions and inactions in creating these conditions.

45. Defendants' actions and inactions in creating these conditions were a substantial factor in causing Plaintiffs to suffer damages unique to each Plaintiff—and different from damages suffered by other Plaintiffs—including, but not limited to, destruction of and damage to real property, destruction of and damage to structures, destruction of and damage to personal property and cherished possessions, discomfort, annoyance, inconvenience, mental anguish, loss of quiet enjoyment, and emotional distress. Plaintiffs each seek damages to be determined, on an individual basis, according to proof at trial.

46. The seriousness of the harm Defendants have caused Plaintiffs outweighs any public benefit that Defendants may provide.

47. Defendants, including one or more Edison officers, directors, and/or managers, have deliberately, and repeatedly, prioritized profits over safety. That is, Defendants have a history of acting recklessly and with conscious disregard to human life and safety, and this history of recklessness and conscious disregard was a substantial factor in bringing about the Bobcat Fire. This is despicable and oppressive conduct. Plaintiffs thus seek punitive damages in an amount sufficient to punish Defendants' long history of prioritizing profits over safety and to deter such conduct in the future.

1 **FOURTH CAUSE OF ACTION**

2 **Public Utilities Code §2106**

3 **(Against All Defendants)**

4 48. All previous paragraphs are incorporated into this cause of action.

5 49. Edison was on September 6, 2020, and is, a “public utility” for purposes of the Public
6 Utilities Code. Edison was, therefore, required to comply with the Public Utilities Act.

7 50. Prior to and on September 6, 2020, Edison was also required to obey and comply with
8 every order, decision, direction, or rule made or prescribed by the Public Utilities Commission in the
9 matters specified under the Public Utilities Act, and any other matter in any way relating to or affecting
10 its business as a public utility, and was required to do everything necessary or proper to secure
11 compliance therewith by all of its officers, agents, and employees.

12 51. Defendants failed to furnish and maintain such adequate, efficient, just, and reasonable
13 service, instrumentalities, equipment, and facilities as are necessary to promote the safety, health,
14 comfort, and convenience of Edison patrons and the public, as required by Public Utilities Code §451.

15 52. Defendants failed to comply with the requirements for overhead line design,
16 construction, and maintenance, the application of which will ensure adequate service and secure safety
17 to persons engaged in the construction, maintenance, operation or use of overhead lines and to the
18 public in general, as required by Public Utilities Commission General Order 95, including Rules 31.2,
19 35, and 38, which set forth inspection, vegetation-management, and minimum-clearance requirements.

20 53. Defendants failed to comply with the requirements for electric distribution and
21 transmission facilities regarding inspections in order to ensure safe and high-quality electrical service,
22 as required by Public Utilities Commission General Order 165.

23 54. Defendants’ failure to comply with applicable provisions of the Public Utilities Act and
24 with applicable Public Utilities Commission orders and rules, was a substantial factor in causing
25 Plaintiff to suffer damages including, but not limited to, destruction of and damage to real property,
26 destruction of and damage to structures, destruction of and damage to personal property and cherished
27 possessions, discomfort, annoyance, inconvenience, mental anguish, loss of quiet enjoyment, and
28 emotional distress. Plaintiffs each seek damages to be determined, on an individual basis, according to

1 proof at trial.

2 55. Defendants, including one or more Edison officers, directors, and/or managers, have
3 deliberately, and repeatedly, prioritized profits over safety. That is, Defendants have a history of acting
4 recklessly and with conscious disregard to human life and safety, and this history of recklessness and
5 conscious disregard was a substantial factor in bringing about the Bobcat Fire. This is despicable and
6 oppressive conduct. Plaintiffs thus seek punitive damages in an amount sufficient to punish
7 Defendants' long history of prioritizing profits over safety and to deter such conduct in the future.

8 **FIFTH CAUSE OF ACTION**

9 **Health & Safety Code §13007**

10 **(Against all Defendants)**

11 56. All previous paragraphs are incorporated into this cause of action.

12 57. Defendants negligently, recklessly, and/or in violation of law, allowed the Bobcat Fire to
13 be set and allowed the Bobcat Fire to escape to Plaintiffs' properties.

14 58. Defendants' negligent, reckless, and/or illegal actions and inactions in allowing the
15 Bobcat Fire to be set and escape to Plaintiffs' properties was a substantial factor in causing Plaintiffs to
16 suffer damages including, but not limited to, destruction of and damage to real property, destruction of
17 and damage to structures, destruction of and damage to personal property and cherished possessions,
18 discomfort, annoyance, inconvenience, mental anguish, loss of quiet enjoyment, and emotional distress.
19 Plaintiffs each seek damages to be determined, on an individual basis, according to proof at trial.

20 59. Those of Plaintiffs whose real property was under cultivation or used for the raising of
21 livestock have hired and retained counsel to recover compensation for their losses and damages caused
22 by the Bobcat Fire. Thus, they also seek to recover all reasonable attorneys' fees, expert fees,
23 consultant fees, and litigation costs and expense, as allowed under Code of Civil Procedure §1021.9.

24 60. Defendants, including one or more Edison officers, directors, and/or managers, have
25 deliberately, and repeatedly, prioritized profits over safety. That is, Defendants have a history of acting
26 recklessly and with conscious disregard to human life and safety, and this history of recklessness and
27 conscious disregard was a substantial factor in bringing about the Bobcat Fire. This is despicable and
28 oppressive conduct. Plaintiffs thus seek punitive damages in an amount sufficient to punish

Defendants' long history of prioritizing profits over safety and to deter such conduct in the future.

SIXTH CAUSE OF ACTION

Negligence

(Against All Defendants)

61. All previous paragraphs, except those falling under Plaintiffs' cause of action for inverse condemnation, are incorporated into this cause of action.

62. Defendants each have special knowledge and expertise far beyond that of a layperson with regard to the safe design, engineering, construction, use, operation, inspection, repair, and maintenance of Edison's electrical lines, infrastructure, equipment, and vegetation management efforts. The provision of electrical services involves a peculiar and inherent danger and risk of wildfires.

63. Prior to and on September 6, 2020, Defendants had a non-delegable duty to apply a level of care commensurate with, and proportionate to, the inherent dangers in designing, engineering, constructing, operating, and maintaining electrical transmission and distribution systems. This duty also required Defendants to maintain appropriate vegetation management programs, for the control of vegetation surrounding Edison's exposed powerlines. This duty also required Defendants to consider the changing conditions Edison's electrical transmission and distribution systems, as well as changing geographic, weather, and ecological conditions. This duty also required Defendants to take special precautions to protect adjoining properties from wildfires caused by Edison's electrical equipment.

64. Defendants each breached these duties by, among other things:

- a. Failing to design, construct, operate, and maintain Edison's high-voltage transmission and distribution lines and associated equipment, in a way that would withstand the foreseeable risk of wildfires in the area of the Bobcat Fire;
- b. Failing to prevent electrical transmission and distribution lines from improperly sagging or making contact with other metal;
- c. Failing to properly inspect and maintain vegetation within proximity to energized transmission and distribution lines to mitigate the risk of fire;
- d. Failing to conduct reasonably prompt, proper, and frequent inspections of Edison's powerlines and associated equipment;

- e. Failing to promptly de-energize exposed powerlines during fire-prone conditions and reasonably inspect powerlines before re-energizing them;
- f. Failing to properly train and supervise employees and agents responsible for maintenance and inspection of powerlines; and/or
- g. Failing to implement and follow regulations and reasonably prudent practices to avoid fire ignition.

65. Defendants' failure to comply with applicable provisions of the Public Utilities Act and Public Utilities Commission General Orders and Rules, as alleged herein, is negligence per se because these statutes, orders, and rules are aimed at preventing the exact type of harm that Plaintiffs suffered because of Defendants' failure to comply with these statutes, orders, and rules. That is, Plaintiffs are within the class of individuals these statutes, orders, and rules were implemented to protect.

66. Defendants' negligence, including Defendants' negligence per se, was a substantial factor in causing Plaintiffs to suffer damages including, but not limited to, destruction of and damage to real property, destruction of and damage to structures, destruction of and damage to personal property and cherished possessions, discomfort, annoyance, inconvenience, mental anguish, loss of quiet enjoyment, and emotional distress. Plaintiffs each seek damages to be determined, on an individual basis, according to proof at trial.

67. Defendants, including one or more Edison officers, directors, and/or managers, have deliberately, and repeatedly, prioritized profits over safety. That is, Defendants have a history of acting recklessly and with conscious disregard to human life and safety, and this history of recklessness and conscious disregard was a substantial factor in bringing about the Bobcat Fire. This is despicable and oppressive conduct. Plaintiffs thus seek punitive damages in an amount sufficient to punish Defendants' long history of prioritizing profits over safety and to deter such conduct in the future.

PRAYER FOR RELIEF

Plaintiffs seek the following damages in an amount according to proof at the time of trial:

Inverse Condemnation

- (1) Repair, depreciation, and/or the replacement of damaged, destroyed, and/or lost personal and/or real property;
- (2) Loss of the use, benefit, goodwill, and enjoyment of Plaintiffs' real and/or personal property;

- (3) Loss of wages, earning capacity and/or business profits and/or any related displacement expenses;
- (4) Prejudgment interest from September 6, 2020;
- (5) Pursuant to Code of Civil Procedure §1036 and all other applicable law, all reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of this proceeding in the trial court and/or in any appellate proceeding in which Plaintiffs prevails on any issue; and
- (6) Such other and further relief as the Court shall deem proper, all according to proof.

All Other Claims

- (1) General and/or special damages determined on an individual basis according to proof;
- (2) Loss of the use, benefit, goodwill, and enjoyment of Plaintiffs' real and/or personal property;
- (3) Loss of wages, earning capacity, goodwill, and/or business profits or proceeds and/or any related displacement expenses;
- (4) Evacuation expenses and alternate living expenses;
- (5) Erosion damage to real property;
- (6) Past and future medical expenses and incidental expenses;
- (7) General damages for personal injury, emotional distress, fear, annoyance, disturbance, inconvenience, mental anguish, and loss of quiet enjoyment of property;
- (8) Attorneys' fees, expert fees, consultant fees, and litigation costs and expense, as allowed under Code of Civil Procedure §1021.9 and all other applicable law;
- (9) Prejudgment interest from September 6, 2020;
- (10) For punitive and exemplary damages against Edison in an amount sufficient to punish Defendants' conduct and deter similar conduct in the future, as allowed under Public Utilities Code §2106 and all other applicable law; and
- (11) Any and all other and further such relief as the Court shall deem proper, all according to proof.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

SINGLETON SCHREIBER McKENZIE & SCOTT, LLP

By: Gerald Singleton
Gerald Singleton
J. Ross Peabody
Kimberly S. Trimble
Attorneys for Plaintiffs