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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN FRANCISCO

11 LORE OLDS, d/b/a SKY VINEYARDS;
12 SKYLA OLDS; NANCY HITCHCOCK;
13 HERMAN BOSSANO; REBECCA
14 BAILEY, Ph.D., d/b/a IT'S MINE DON'T
15 TOUCH TRUST and TRANSITIONING
16 FAMILIES; and CHARLES HOLMES;

17 Plaintiffs,

18 v.

19 PG&E CORPORATION; PACIFIC GAS
20 & ELECTRIC COMPANY; and DOES 1-
21 20;

22 Defendants.

Case No. CGC-17-562791

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

- (1) NEGLIGENCE
- (2) INVERSE CONDEMNATION
- (3) THIRD CAUSE OF ACTION
- (4) PRIVATE NUISANCE
- (5) PUBLIC NUISANCE
- (6) PREMISES LIABILITY
- (7) VIOLATION OF PUBLIC UTILITIES CODE § 2106
- (8) VIOLATION OF HEALTH & SAFETY CODE § 13007
- (9) NEGLIGENT INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE

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1 **I. INTRODUCTION**

2 1. In October 2017, a series of severe wildfires devastated nearly 250,000 acres
3 across nine Northern California counties, damaging and destroying homes, businesses, vineyards,
4 farms, and lives.

5 2. These fires (collectively, the “North Bay Fires” or the “Fires”) had different points
6 of origin, but share a common underlying cause: they were sparked by unsafe electrical
7 infrastructure owned, operated and (improperly) maintained by PG&E Corporation and Pacific
8 Gas & Electric Company (hereinafter “PG&E”). These Fires are more specifically described in
9 paragraphs 32 through 42 of this Complaint.

10 3. PG&E had a duty to properly maintain its electrical infrastructure and ensure
11 surrounding trees and vegetation were trimmed and kept at a safe distance. PG&E violated that
12 duty by knowingly operating aging, improperly maintained infrastructure that it “ran to failure.”
13 In fact, PG&E’s violations had caused fires before, and PG&E had been sanctioned numerous
14 times for this. Yet PG&E’s corporate culture emphasized cutting corners and putting profits over
15 safety.

16 4. Had PG&E acted responsibly, these fires could have been prevented.

17 5. Plaintiffs have suffered property damage, economic losses, and disruption to their
18 homes, businesses, lives, and livelihoods, and they seek fair compensation for themselves in this
19 case. They also bring this case as a class action, because they believe all those who suffered such
20 damages and losses should be fairly treated and included as beneficiaries of a comprehensive and
21 consistent adjudication or resolution of liability and damages.

22 6. Plaintiffs bring claims on behalf of themselves and all others similarly situated for
23 damages for, *inter alia*, damage to and loss of use of real and personal property; loss of income;
24 loss of business; consequential and incidental damages; emotional distress; and other harm caused
25 by Defendants’ wrongful conduct.

26 **II. JURISDICTION AND VENUE**

27 7. This Court has subject matter jurisdiction over this matter pursuant to California
28 Code of Civil Procedure § 395(a) because, at all times relevant, Defendants have resided in, been

1 incorporated in, or done significant business in the State of California, so as to render the exercise
2 of jurisdiction over Defendants by California courts consistent with traditional notions of fair play
3 and substantial justice. The amount in controversy exceeds the jurisdictional minimum of this
4 Court.

5 8. Venue is proper in this County pursuant to California Code of Civil Procedure
6 § 395.5 because, at all times relevant, Defendants each have had their principal place of business
7 in the County of San Francisco.

8 **III. THE PLAINTIFFS**

9 9. The Plaintiffs are individuals and businesses who suffered property damage and
10 economic losses as a result of the North Bay Fires.

11 **A. Lore Olds d/b/a Sky Vineyards**

12 10. Sky Vineyards is a sole proprietorship established by Lore Olds located on Mount
13 Veeder in Napa County. The website for Sky Vineyards is <http://www.skyvineyards.com/sky/>.
14 Sky Vineyards is a family-run vineyard and winery that has been in operation for more than thirty
15 years. Sky Vineyards is operated by Lore Olds and his daughter, Skyla Olds. Before the fires, the
16 property spanned two hundred acres and included Sky's vineyards, winery building, and a home
17 also used as an office. The vast majority of the forested acreage and the vineyards were burned in
18 the Fires. The home office was completely destroyed along with all of the personal property and
19 business records inside. The Fires also destroyed three small outbuildings and business equipment
20 on the property, including the home office they used for wine business. A substantial portion of
21 the vines have been damaged or destroyed. Wine has also been damaged or destroyed.

22 **B. Skyla Olds**

23 11. Plaintiff Skyla Olds suffered economic and other damages because of the North
24 Bay Fires. Before the Fires, she lived in a rental home located at 8 Old Hill Ranch Road in Glen
25 Ellen in Sonoma County. Ms. Olds works for her family-owned business, Sky Vineyards, as well
26 as a criminal defense attorney. When the Fires approached, Ms. Olds and her guests were forced
27 to evacuate in the middle of the night. The escape was traumatic and very distressing to Ms. Olds
28 and her guests. The Fires destroyed the home and the majority of her belongings, including

1 original artwork and irreplaceable jewelry given to her by her grandmother. Dealing with the
2 aftermath of the fires has made her unable to continue working as a criminal defense attorney
3 because she has had to spend all her time addressing fire-caused issues, such as fire-related
4 erosion, and managing the recovery of Sky Vineyards. Ms. Olds and her family are still reeling
5 from the Fires and are unable to do much besides focus on recovery logistics. She has been
6 staying in a FEMA-funded hotel while she continues to look for a new place to live.

7 **C. Nancy Hitchcock & Herman Bossano**

8 12. Plaintiffs Nancy Hitchcock and Herman “Mario” Bossano are a husband and wife
9 who lived in their home at 1912 Fountainview Circle in Santa Rosa, California, for twelve years.
10 On the night of the Fires, the power went out at their home around 10 P.M. Ms. Hitchcock called
11 PG&E several times to ask about the outages but did not receive a response. Around the time the
12 Tubbs Fire started, she heard what sounded like transformer explosions on the street and smelled
13 a very strong odor of smoke. A neighbor called and told them they needed to leave immediately.
14 They escaped only eighteen minutes before their house exploded. That night the Fires completely
15 destroyed their home, two cars, and all of their personal possessions. Ms. Hitchcock is in her
16 seventies, and Mr. Bossano is in his eighties. The stress of figuring out how to move forward and
17 relocate at this time in their lives is overwhelming. Both Ms. Hitchcock and Mr. Bossano are
18 suffering from depression and anxiety because of the total loss of their home caused by the Fires.

19 **D. Rebecca Bailey, Ph.D., d/b/a It Is Mine Don’t Touch Trust, & Charles Holmes**

20 13. Plaintiffs Rebecca Bailey, Ph.D., and Charles Holmes were longtime residents of
21 Glen Ellen in Sonoma County, California. Their three-bedroom home and ranch was located at
22 178 Sylvia Drive, Glen Ellen, California in Sonoma County. The property was owned in trust by
23 Rebecca Bailey, d/b/a It is Mine Don’t Touch Trust. She had lived there since 2002. The North
24 Bay Fires completely destroyed their home, two vehicles, and a horse trailer. Their family was
25 uprooted and they lost everything: all of their personal possessions, priceless memories, and many
26 antiques. Charles Holmes, a professional chef, lost thirty years of recipes. They also lost several
27 original pieces of art. Their horses had to be moved to another location as all of the ash and soot
28

1 on her property has made it unsafe for them to remain, and the Plaintiffs have had to move into an
2 apartment while they begin the process of rebuilding their home and lives.

3 **E. Transitioning Families**

4 14. Transitioning Families is a therapy practice which specializes in “high conflict”
5 divorce, child abduction, and family reunification post-trauma run by Plaintiff Rebecca Bailey,
6 Ph.D., a nationally recognized trauma therapist. Transitioning Families’ website is
7 <http://transitioningfamilies.com/>. Transitioning Families’ clients sought out the peaceful and
8 beautiful environment of wine country to help them heal from trauma as well as to adjust to
9 difficult changes in their lives. After the Fires, Ms. Bailey’s work from her clients has diminished
10 because the clients do not wish to travel to a devastated area. Her business has also been affected
11 by the stress of losing her home and having to deal with the recovery effort. The North Bay Fires
12 also destroyed her records, equipment, and research.

13 **IV. THE DEFENDANTS**

14 **A. PG&E Defendants**

15 15. At all times herein mentioned PG&E Corporation and Pacific Gas & Electric
16 Company (collectively, “PG&E”) were corporations authorized to do business, and doing
17 business, in the State of California, with their principal place of business in the County of San
18 Francisco, State of California. Defendant PG&E Corporation is an energy-based holding
19 company headquartered in San Francisco. It is the parent company of Defendant Pacific Gas &
20 Electric Company. PG&E Corporation subsidiaries provide customers with public utility
21 services, and services relating to the generation of energy, generation of electricity, transmission
22 of electricity and natural gas, and the distribution of energy.

23 16. Pacific Gas & Electric Company is both an “Electrical Corporation” and a “Public
24 Utility” pursuant to, respectively, Sections 218(a) and 216(a) of the California Public Utilities
25 Code. PG&E is in the business of providing electricity to the residents and businesses of
26 Northern California and, more particularly, to Plaintiffs’ residences, businesses, and properties
27 through a network of electrical transmission and distribution lines.
28

1 17. PG&E Corporation is a publicly traded company that owns and/or manages an
2 “Electric Plant” as defined in Section 217 of the Public Utilities Code, and, like its subsidiary,
3 Pacific Gas & Electric Company, is both an “Electric Corporation” and a “Public Utility”
4 pursuant to, respectively, Sections 218(a) and 216(a) of the Public Utilities Code. It develops and
5 operates energy infrastructure assets related to the production and distribution of energy such as
6 power plants, electric lines, natural gas pipelines and liquefied natural gas receipt terminals.

7 18. At all times mentioned herein, the PG&E Defendants were suppliers of electricity
8 to members of the public. As part of supplying electricity to members of the public, PG&E
9 installed, constructed, built, maintained, and operated overhead power lines, together with
10 supporting poles and appurtenances, for the purpose of conducting electricity for delivery to
11 members of the general public. Furthermore, on information and belief, PG&E are responsible
12 for maintaining vegetation near, around, and in proximity to their electrical equipment in
13 compliance with State and Federal Regulations, specifically including, but not limited to, Public
14 Resource Code § 4292, Public Resource Code § 4293, California Public Utilities Commission
15 (“CPUC”) General Order 95, and CPUC General Order 165.

16 19. Plaintiffs allege on information and belief that the PG&E Defendants are jointly
17 and severally liable for each other’s negligence, misconduct, and wrongdoing as alleged herein, in
18 that:

19 a. The PG&E Defendants operate as a single business enterprise operating out
20 of the same building located at 77 Beale Street, San Francisco, California for the purpose of
21 effectuating and carrying out PG&E Corporation’s business and operations and/or for the benefit
22 of PG&E Corporation;

23 b. The PG&E Defendants do not operate as completely separate entities, but
24 rather, integrate their resources to achieve a common business purpose;

25 c. Pacific Gas & Electric Company is so organized and controlled, and its
26 decisions, affairs, and business so conducted as to make it a mere instrumentality, agent, conduit,
27 or adjunct of PG&E Corporation;

- 1 d. Pacific Gas & Electric Company's income results from function
2 integration, centralization of management, and economies of scale with PG&E Corporation;
- 3 e. The PG&E Defendants' officers and management are intertwined and do
4 not act completely independent of one another;
- 5 f. The PG&E Defendants' officers and managers act in the interest of PG&E
6 Corporation as a single enterprise;
- 7 g. PG&E Corporation has control and authority to choose and appoint Pacific
8 Gas & Electric Company's board members as well as its other top officers and managers;
- 9 h. Despite the fact that they are both Electric Companies and Public Utilities,
10 the PG&E Defendants do not compete with one another, but have been structured and organized
11 and their business effectuated so as to create a synergistic, integrated single enterprise where
12 various components operate in concert one with another;
- 13 i. PG&E Corporation maintains unified administrative control over Pacific
14 Gas & Electric Company;
- 15 j. The PG&E Defendants are insured by the same carriers and provide
16 uniform or similar pension, health, life, and disability insurance plans for employees;
- 17 k. The PG&E Defendants have unified 401(k) Plans, pension and investment
18 plans, bonus programs, vacation policies, and paid time off from work schedules and policies;
- 19 l. The PG&E Defendants invest funds from their programs and plans by a
20 consolidated and/or coordinated Benefits Committee controlled by PG&E Corporation and
21 administered by common trustees and administrators;
- 22 m. The PG&E Defendants have unified personnel policies and practices and/or
23 a consolidated personnel organization or structure;
- 24 n. The PG&E Defendants have unified accounting policies and practices
25 dictated by PG&E Corporation and/or common or integrated accounting organizations or
26 personnel;
- 27 o. The PG&E Defendants are represented by common legal counsel;
- 28

1 p. PG&E Corporation's officers, directors, and other management make
2 policies and decisions to be effectuated by Pacific Gas & Electric Company and/or otherwise play
3 roles in providing directions and making decisions for Pacific Gas & Electric Company;

4 q. PG&E Corporation's officers, directors, and other management direct
5 certain financial decisions for Pacific Gas & Electric Company including the amount and nature
6 of capital outlays;

7 r. PG&E Corporation's written guidelines, policies, and procedures control
8 Pacific Gas & Electric Company's employees, policies, and practices;

9 s. PG&E Corporation files consolidated earnings statements factoring in all
10 revenue and losses from Pacific Gas & Electric Company, as well as consolidated tax returns,
11 including those seeking tax relief; and/or, without limitation;

12 t. PG&E Corporation generally directs and controls Pacific Gas & Electric
13 Company's relationship with, requests to, and responses to inquiries from, the CPUC and uses
14 such direction and control for the benefit of PG&E Corporation.

15 20. Plaintiffs are informed and believe that the Defendants herein, and each of them,
16 were agents and/or employees each of the other and in acting and/or failing to act as alleged
17 herein, the Defendants, and each of them, were acting in the course and scope of said agency
18 and/or employment relationship.

19 **B. Doe Defendants**

20 21. The true names of Does 1 through 20, whether individual, corporate, associate, or
21 otherwise, are unknown to Plaintiffs who, under California Code of Civil Procedure § 474, sue
22 these Defendants under fictitious names.

23 22. Each of the fictitiously named Defendants is responsible in some manner for the
24 conduct alleged herein, including, without limitation, by way of conspiracy, aiding, abetting,
25 furnishing the means for, and/or acting in capacities that create agency, respondeat superior,
26 and/or predecessor- or successor-in-interest relationships with the other Defendants.

27 23. The Doe Defendants are private individuals, associations, partnerships,
28 corporations, or other entities that actively assisted and participated in the negligent and wrongful

1 conduct alleged herein in ways that are currently unknown to Plaintiffs. Some or all of the Doe
2 Defendants may be residents of the State of California. Plaintiffs may amend or seek to amend
3 this Complaint to allege the true names, capacities, and responsibility of these Doe Defendants
4 once they are ascertained, and to add additional facts and/or legal theories. Plaintiffs make all
5 allegations contained this Complaint against all Defendants, including Does 1 through 20.

6 **V. FACTUAL ALLEGATIONS**

7 24. Beginning late in the evening on or about October 8, 2017, the North Bay Fires
8 broke out in several locations in Northern California and rapidly spread through Butte, Calaveras,
9 Lake, Mendocino, Napa, Nevada, Solano, Sonoma, and Yuba counties. The North Bay Fires have
10 been the most destructive in California’s modern history. The conflagration was so massive that
11 NASA satellites could even see the smoke from the Fires from space.¹

12 25. For those who witnessed the destruction firsthand, the Fires were a horrifying and
13 unfathomable sight. Bright orange flames forty, fifty, and even one hundred feet high barreled
14 down over the hills. Sparks “thicker than any snowstorm” flew parallel to the ground, and embers
15 rained down like confetti. The region’s bucolic scenery was overwhelmed by the roaring of the
16 Fires’ loud “freight train” sound.

17 26. As of the time of this filing, the North Bay Fires have burned over 245,000 acres.²
18 More than 14,700 homes, 728 businesses and 3,600 vehicles have been damaged or destroyed.³

19 27. One hundred thousand residents have been displaced.⁴ Many were forced to flee in
20 the dark hours before dawn when the Fires rampaged unrelentingly. They often left on only a
21 moment’s notice, without their belongings, as flames engulfed entire neighborhoods.

22 _____
23 ¹ NASA, Twitter (Oct. 10, 2017, 9:40 AM),
<https://twitter.com/NASA/status/917791953131069441>.

24 ² George Avalos, *Wildfire Safety Rules Proposed for PG&E, Other Utilities*, Mercury News
(Nov. 9, 2017 5:37 P.M.), <http://www.mercurynews.com/2017/11/09/wildfire-safety-rules-proposed-for-pge-and-other-utilities/>.

25 ³ Jeff Daniels, *Claims Losses from California’s Wildfires Top \$3 billion; State Says Some*
26 *Insurers May Exit*, CNBC (Oct. 31, 2017 7:37 P.M.), <https://www.cnbc.com/2017/10/31/insured-losses-from-californias-wildfire-disaster-top-3-billion.html>.

27 ⁴ Lisa Bonos, et al., *Death Toll Continues To Rise As California Wildfires Burn On*, Wash. Post
28 (Oct. 15, 2017), https://www.washingtonpost.com/news/post-nation/wp/2017/10/14/more-californians-ordered-to-flee-as-gusting-winds-spread-wildfires/?utm_term=.576e27cc3dbe.

1 28. Not all were able to escape. The North Bay Fires have also been the deadliest in
2 California history. The Fires have killed forty-three people so far,⁵ and one hundred and eighty
3 five have been injured.⁶ The fires resulted in 2,269 missing persons reports.⁷

4 29. By all measures, the North Bay Fires were devastating – and, tragically, also
5 preventable. As set forth in more detail below, the North Bay Fires share a common cause:
6 PG&E’s willful and conscious disregard of public safety. PG&E’s aging and improperly
7 maintained electrical infrastructure sparked the North Bay Fires by coming into contact with trees
8 and vegetation that PG&E had allowed to grow too close to power lines and poles.

9 30. PG&E was aware of these dangers and risks— it knew its infrastructure was aging
10 and inadequately maintained (indeed, “run to failure” is its corporate policy), it knew trees and
11 vegetation were too close to the poles and lines, it knew the current and seasonal weather, climate
12 and fire-risk conditions in Northern California, it knew where and how fires had ignited before in
13 these areas, and it knew its own failures had caused fires and the attendant destruction numerous
14 times before. PG&E knew all this, but failed to act on this knowledge.

15 31. Because of PG&E’s corporate policy of putting profits over public safety,
16 Plaintiffs and others like them have had their homes, businesses, farms, and vineyards damaged
17 or destroyed, lost money and business, and will spend years trying to rebuild their lives and
18 livelihoods.

19 **B. Multiple Fires, Common Causes**

20 32. On the evening of Sunday, October 8, 2017, emergency responders began
21 receiving dozens of calls reporting fires and other hazards in and around Northern California.
22 While the Fires ignited in various places and were given various names, evidence available thus

23 ⁵ David R. Baker, *PG&E Reports From Fire Zones Show Toppled Trees, Downed Lines, Broken*
24 *Poles*, San Francisco Chronicle (Oct. 31, 2017 11:22 P.M.),
25 <http://www.sfgate.com/bayarea/article/PG-E-reports-from-fire-zones-show-toppled-trees-12321803.php>.

26 ⁶ George Avalos, *PG&E Says It Faces “Adverse” Financial Effects From Wildfires Fallout*, Press
27 Democrat (Nov. 27, 2017 3:00 P.M.), <http://www.mercurynews.com/2017/11/27/pge-says-it-faces-materially-adverse-financial-effects-from-wildfires-fallout/>.

28 ⁷ Paul Payne, *Uncertainty Looms a Month After Devastating Sonoma County Fires*, Press
Democrat (Nov. 7, 2017), <http://www.pressdemocrat.com/news/7610560-181/uncertainty-looms-a-month-after?artslide=0>.

1 far suggests they shared a common cause in that they were sparked by electrical infrastructure
2 owned, operated, and improperly maintained by Defendants.

3 33. The Cherokee Fire started in an area off Cherokee Road and Zonalea Lane
4 Oroville, Butte County at around 9:45 P.M. on October 8, 2017. Contemporaneous calls and
5 reports indicated trees hitting PG&E electrical lines around the time and place the Cherokee Fire
6 started. For example, on October 8 at 9:45 P.M., PG&E reported that a tree limb had a taken
7 down a distribution wire in Oroville, Butte County.⁸ The Cherokee Fire burned 8,417 acres.

8 34. The Atlas Fire started to the south of Lake Berryessa, off Atlas Peak Road at
9 around 9:52 P.M. on October 8, 2017.⁹ Contemporaneous calls and reports indicated trees hitting
10 PG&E electrical lines around the time and place the Atlas Fire started. For example, in Napa
11 County, a live oak tree and a live oak branch fell and struck two distribution lines near the City of
12 Napa.¹⁰ The Atlas Fire burned 51,624 acres, destroyed 481 structures, and damaged 90
13 structures.¹¹

14 35. The Tubbs Fire started off of Highway 128 and Bennett Lane in Calistoga at
15 around 9:45 P.M. on October 8, 2017,¹² and raced the approximately 15 miles into Santa Rosa,
16 Sonoma County.¹³ Contemporaneous calls and reports indicated trees hitting PG&E electrical
17 lines around the time and place the Tubbs Fire started. Dispatchers in Sonoma County fielded 759
18 emergency calls— an average of about one call every two minutes.¹⁴ According to Sonoma
19

20 ⁸ See Electric Safety Incident Reported- PG&E Incident No: 171010-8557. Whenever there is a
21 disruption to the electrical system, PG&E documents the incident in an electronic safety incident
22 report and submits it to regulators at the CPUC.

23 ⁹ *Atlas Fire (Southern LNU Complex) Incident Information*, Cal Fire,
24 http://www.fire.ca.gov/current_incidents/incidentdetails/Index/1866.

25 ¹⁰ See Electric Safety Incident Reported- PG&E Incident No: 171020-8586 and Electric Safety
26 Incident Reported- PG&E Incident No: 171020-8589.

27 ¹¹ *Atlas Fire (Southern LNU Complex) Incident Information*, Cal Fire,
28 http://www.fire.ca.gov/current_incidents/incidentdetails/Index/1866.

¹² *Tubbs Fire (Central LNU Complex) Incident Information*, Cal Fire,
http://www.fire.ca.gov/current_incidents/incidentdetails/Index/1867.

¹³ Paul Payne, *Uncertainty Looms a Month After Devastating Sonoma County Fires*, Press
Democrat (Nov. 7, 2017), <http://www.pressdemocrat.com/news/7610560-181/uncertainty-looms-a-month-after>.

¹⁴ Julie Johnston, *Time-Lapse Video Map Shows 911 Calls on Tubbs Fire*, Press Democrat (Oct.
23, 2017), <http://www.pressdemocrat.com/news/7555919-181/time-lapse-video-map-shows-911>.

1 County Fire radio traffic, the first vegetation fire in the heart of Santa Rosa was reported around
2 9:22 P.M and seconds later, an electrical call went out to a location about 10 miles north.¹⁵
3 Sonoma fire dispatch sent crews to conduct an electrical investigation at 9:23 P.M. at Mark West
4 Springs Road.¹⁶ One minute later, at 9:24 P.M., another crew was sent to a possible transformer
5 explosion at the intersection of Fulton Road and Old Redwood Highway.¹⁷ At 9:32 P.M., fire
6 dispatch began another electrical investigation at Mark West Station Road where wires were
7 reported down and a transformer had blown.¹⁸ More power lines were reported down at 9:58
8 P.M.¹⁹ At 10:16 P.M., an arcing transformer was reported.²⁰ At 10:34 P.M., power lines were
9 reported down at 4858 Montecito Avenue in Santa Rosa.²¹ At the exact same time, crews were
10 also dispatched to Guerneville Road and Marlow Road to address power lines that might be down
11 and arcing.²² In the City of Santa Rosa, PG&E went to check a power outage related to two
12 structures damaged by fire and discovered a “possible issue” with a secondary conductor at an
13 unspecified time on October 8.²³ Another October 8th report without a time notes that a Douglas
14
15

16 ¹⁵ Paul Rogers, *PG&E Power Lines Linked to Wine Country Fires*, East Bay Times (Oct. 13,
17 2017 4:16 P.M.), <http://www.eastbaytimes.com/2017/10/10/pge-power-lines-linked-to-wine-country-fires/>.

18 ¹⁶ Elizabeth Wagner, et al., *Wine Country Fires: A Timeline of Fire Dispatch Calls*, NBC Bay
19 Area (Oct. 11, 2017 7:25 P.M.), <https://www.nbcbayarea.com/news/local/Wine-Country-Fire-A-Timeline-of-Fire-Dispatch-Calls-450503833.html>; see also, Paul Rogers, *PG&E Power Lines Linked to Wine Country Fires*, East Bay Times (Oct. 13, 2017 4:16 P.M.), <http://www.eastbaytimes.com/2017/10/10/pge-power-lines-linked-to-wine-country-fires/>.

20 ¹⁷ Elizabeth Wagner, et al., *Wine Country Fires: A Timeline of Fire Dispatch Calls*, NBC Bay
21 Area (Oct. 11, 2017 7:25 P.M.), <https://www.nbcbayarea.com/news/local/Wine-Country-Fire-A-Timeline-of-Fire-Dispatch-Calls-450503833.html>.

22 ¹⁸ *Id.*; see also Paul Rogers, *PG&E Power Lines Linked to Wine Country Fires*, East Bay Times
23 (Oct. 13, 2017 4:16 P.M.), <http://www.eastbaytimes.com/2017/10/10/pge-power-lines-linked-to-wine-country-fires/>.

24 ¹⁹ Paul Rogers, *PG&E Power Lines Linked to Wine Country Fires*, East Bay Times (Oct. 13,
25 2017 4:16 P.M.), <http://www.eastbaytimes.com/2017/10/10/pge-power-lines-linked-to-wine-country-fires/>.

26 ²⁰ *Id.*

27 ²¹ Elizabeth Wagner, et al., *Wine Country Fires: A Timeline of Fire Dispatch Calls*, NBC Bay
28 Area (Oct. 11, 2017 7:25 P.M.), <https://www.nbcbayarea.com/news/local/Wine-Country-Fire-A-Timeline-of-Fire-Dispatch-Calls-450503833.html>.

²² *Id.*

²³ See Electric Safety Incident Reported- PG&E Incident No: 171015-8573.

1 Fir was uprooted, fell into other trees, and downed a span of power lines outside the city.²⁴ On its
2 own, the Tubbs Fire was the most destructive in California History.²⁵

3 36. The Nuns Fire started near Highway 12, north of Glen Ellen, at around 10:00 P.M.
4 on October 8, 2017.²⁶ It later merged with the Norrbom, Adobe, Partrick, Pressley, and Oakmont
5 fires. Contemporaneous calls and reports indicated trees hitting PG&E electrical lines around the
6 time and place the Nuns Fire started. PG&E now acknowledges two separate broken power poles
7 were reported at Highway 12 north of Glen Ellen, where the Nuns Fire started. At 10:00 P.M., a
8 eucalyptus downed three overhead power lines near the area where the Nuns Fire began in
9 Kenwood, Sonoma County.²⁷ At 10:40 P.M. Sonoma dispatchers were called to respond to a
10 blown transformer at Oak Leaf and Old Oak Lane.²⁸ In a report dated 1:00 A.M. from October 9,
11 PG&E states that the top of a tree broke off and fell on overhead wires near Glen Ellen, Sonoma
12 County.²⁹ The Nuns Fire was the sixth most destructive in the state's history.³⁰

13 37. The Redwood Valley Complex Fire started north of Highway 20, west of
14 Mendocino National Forest, and south of Black Bart at around 11:36 P.M. on October 8, 2017.³¹
15 Contemporaneous calls and reports indicated trees hitting PG&E electrical lines around the time
16 and place the Redwood Valley Complex Fire started. For example, at 11:35 P.M., PG&E
17 investigators reported a broken tree and downed the high voltage wires in the Potter Valley,
18 Mendocino County area where a firestorm ignited.³² The Redwood Valley Complex burned

19 ²⁴ See Electric Safety Incident Reported- PG&E Incident No: 171020-8585.

20 ²⁵ Mary Callahan and Christi Warren, *Tubbs Fire in Santa Rosa Now Ranks as California's Most*
21 *Destructive Wildfire*, Press Democrat (Oct. 20, 2017),
<http://www.pressdemocrat.com/news/7546956-181/tubbs-fire-in-santa-rosa>.

22 ²⁶ Nuns/Adobe/ Norrbom/Pressley/Partrick Fires/Oakmont (Central LNU Complex) Incident
Information, Cal Fire, http://www.fire.ca.gov/current_incidents/incidentdetails/Index/1868.

23 ²⁷ See Electric Safety Incident Reported - PG&E Incident No: 171010-8558.

24 ²⁸ Paul Rogers, *PG&E Power Lines Linked to Wine Country Fires*, East Bay Times (Oct. 13,
2017 4:16 P.M.), <http://www.eastbaytimes.com/2017/10/10/pge-power-lines-linked-to-wine-country-fires/>.

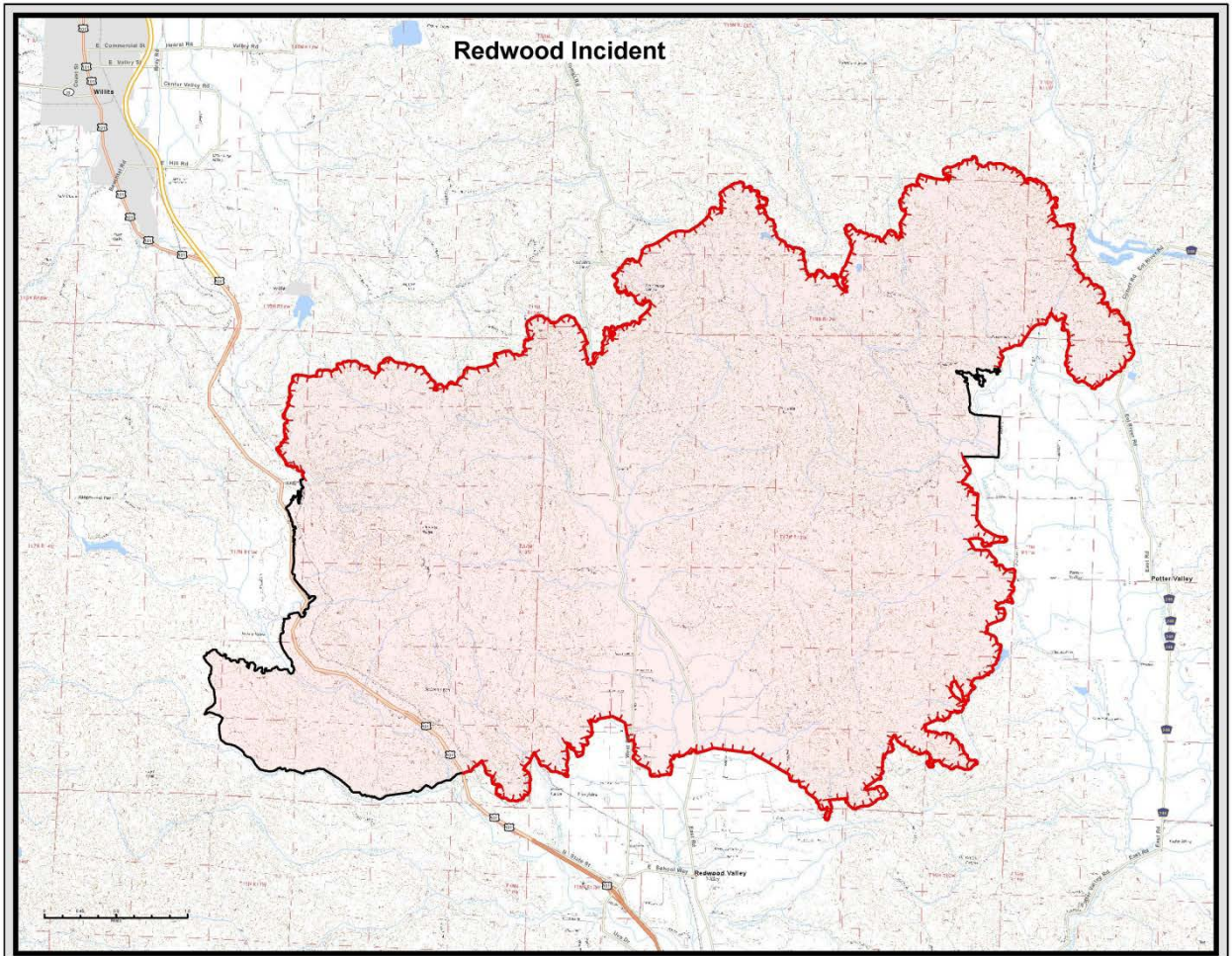
25 ²⁹ See Electric Safety Incident Reported- PG&E Incident No: 171016-8576.

26 ³⁰ Mary Callahan and Christi Warren, *Tubbs Fire in Santa Rosa Now Ranks as California's Most*
Destructive Wildfire, Press Democrat (Oct. 20, 2017),
<http://www.pressdemocrat.com/news/7546956-181/tubbs-fire-in-santa-rosa>.

27 ³¹ *Redwood Valley Fire (Mendocino Lake Complex) Incident Information*, Cal Fire,
http://www.fire.ca.gov/current_incidents/incidentdetails/Index/1874

28 ³² See Electric Safety Incident Reported - PG&E Incident No: 171009-8553.

1 36,523 acres, destroyed 545 structures, and damaged 43 structures.³³ It was the sixteenth most
2 destructive fire in California history.³⁴



18 Map from the California Department of Forestry and Fire Protection (“Cal Fire”), available at
19 http://cdfdata.fire.ca.gov/pub/cdf/images/incidentfile1874_2828.pdf.

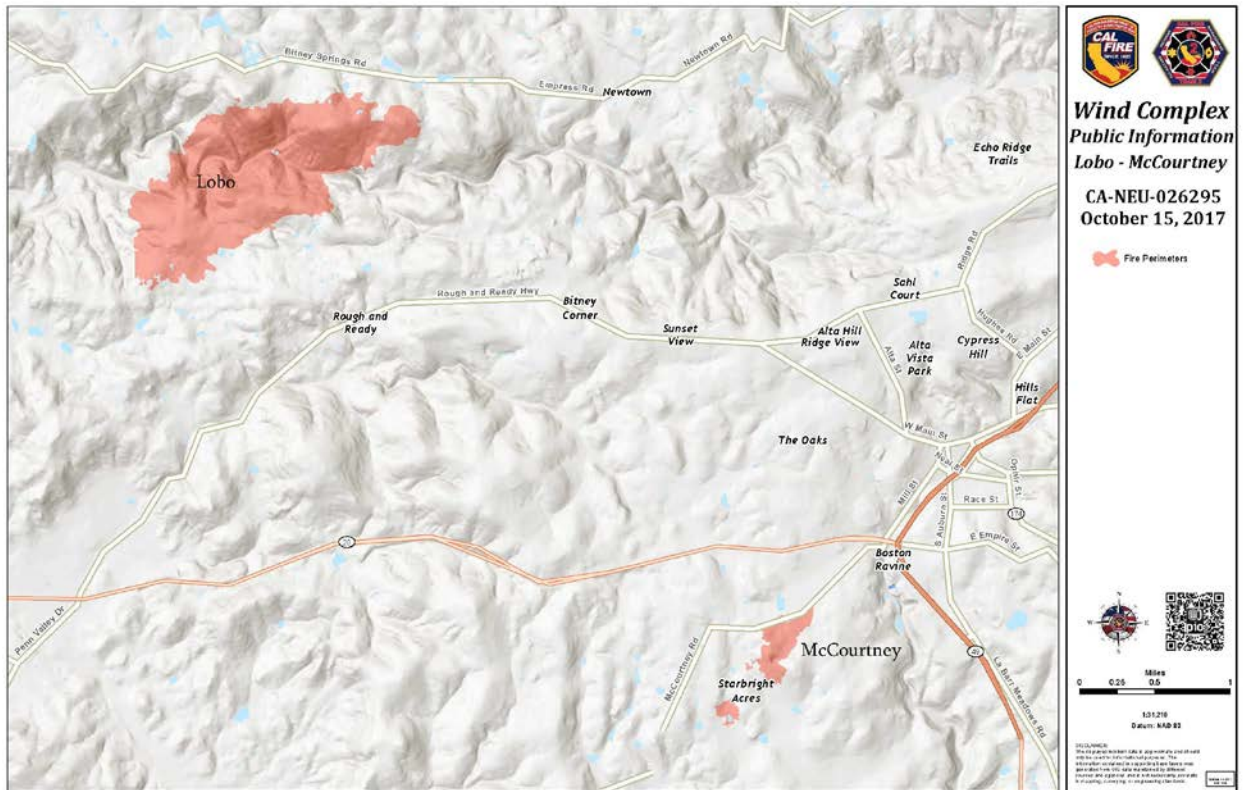
20 38. The Lobo Fire started near Lone Lobo Trail outside the town of Rough and Ready
21 in Nevada County at around 11:35 P.M. on October 8, 2017.³⁵ Contemporaneous calls and reports
22 indicated trees hitting PG&E electrical lines around the time and place the Lobo Fire started. For
23 example, at 11:00 P.M., PG&E’s report states that a ponderosa pine tree fell and took all three
24 primary conductors to the ground, as well as destroyed a garage in Grass Valley, Nevada

25 ³³ *Id.*

26 ³⁴ Mary Callahan and Christi Warren, *Tubbs Fire in Santa Rosa Now Ranks as California’s Most*
27 *Destructive Wildfire*, Press Democrat (Oct. 20, 2017),
<http://www.pressdemocrat.com/news/7546956-181/tubbs-fire-in-santa-rosa>.

28 ³⁵ *Lobo Fire (Wind Complex) Incident Information*, Cal Fire,
http://www.fire.ca.gov/current_incidents/incidentdetails/Index/1877.

1 County.³⁶ At 11:20 PM, PG&E reported that another ponderosa pine tree took out distribution
2 lines near Nevada City, Nevada County.³⁷ The Lobo Fire burned 821 acres.³⁸



16 Map from Cal Fire, available at
17 http://cdfdata.fire.ca.gov/pub/cdf/images/incidentfile1877_2850.pdf.

18 39. The Cascade Fire started between Cascade Way and Marysville Road, north of
19 Collins Lake in Yuba County at around 11:02 P.M. on October 8, 2017.³⁹ Contemporaneous calls
20 and reports indicated trees hitting PG&E electrical lines around the time and place the Cascade
21 Fire started. For example, in the half hour before the fires began, firefighters responded to at least
22 two trees falling into power lines and power lines falling across the road.⁴⁰ Additionally, when

23 ³⁶ See Electric Safety Incident Reported- PG&E Incident No: 171011-8563.

24 ³⁷ See Electric Safety Incident Reported- PG&E Incident No: 171012-8565.

25 ³⁸ *Lobo Fire (Wind Complex) Incident Information*, Cal Fire,
http://www.fire.ca.gov/current_incidents/incidentdetails/Index/1877.

26 ³⁹ *Cascade Fire Incident Information*, Cal Fire,
http://www.fire.ca.gov/current_incidents/incidentdetails/Index/1871.

27 ⁴⁰ Matthia Gafni, *Yuba County's Cascade Fire Bore Similar Hallmarks To Wine Country Fires*,
San Jose Mercury News (Oct. 18, 2017 8:59 A.M.),
28 <http://www.mercurynews.com/2017/10/17/yuba-countys-cascade-fire-bore-similar-hallmarks-to-wine-country-fires/>.

1 firefighters headed to the Cascade Fire, they warned each other about downed power lines. The
2 Cascade Fire burned 9,989 acres.⁴¹

3 40. The LaPorte fire started near La Porte Road and Oro Bangor Highway in Bangor,
4 Butte County at around 12:57 A.M. on October 9, 2017.⁴² Contemporaneous calls and reports
5 indicated trees hitting PG&E electrical lines around the time and place the LaPorte Fire started.
6 For example, around 11:20 P.M., an incident report reveals that an oak tree limb snapped and hit
7 a nearby electrical wire in Bangor, Butte County.⁴³ The LaPorte Fire burned 6,151 acres.⁴⁴

8 41. The Sulphur Fire started off Highway 20 and Sulphur Bank Road in Clearlake
9 Oaks, Lake County at around 1:59 P.M. on October 8, 2017.⁴⁵ Contemporaneous calls and
10 reports indicated trees hitting PG&E electrical lines around the time and place the Sulphur Fire
11 started. For example, at 11:55 P.M., investigators found two power poles failed and knocked
12 down nearby power lines near Clearlake, Lake County.⁴⁶ The Sulphur fire burned 2,207 acres.⁴⁷

20 ⁴¹ *Id.*; *LaPorte Fire (Wind Complex) Incident Information*, Cal Fire,
21 http://www.fire.ca.gov/current_incidents/incidentdetails/Index/1870.

22 ⁴² *LaPorte Fire (Wind Complex) Incident Information*, Cal Fire,
23 http://www.fire.ca.gov/current_incidents/incidentdetails/Index/1870; *Wind Complex Update*, Cal
24 Fire (Oct. 18, 2017), http://cdfdata.fire.ca.gov/pub/cdf/images/incidentfile1870_2961.pdf.

25 ⁴³ See Electric Safety Incident Reported- PG&E Incident No: 171013-8569.

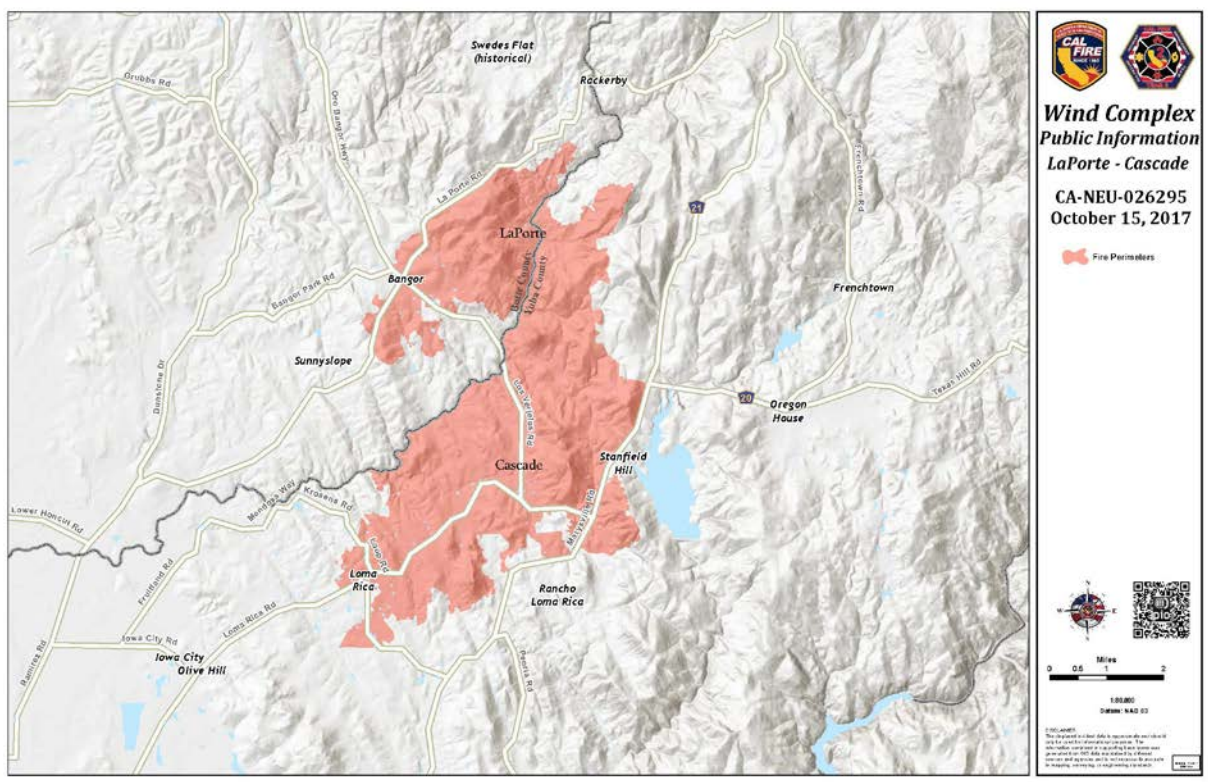
26 ⁴⁴ *Cascade Fire Incident Information*, Cal Fire,
27 http://www.fire.ca.gov/current_incidents/incidentdetails/Index/1871; *LaPorte Fire (Wind*
28 *Complex) Incident Information*, Cal Fire,
http://www.fire.ca.gov/current_incidents/incidentdetails/Index/1870.

⁴⁵ *Sulphur Fire (Mendocino Lake Complex) Incident Information*, Cal Fire,
http://www.fire.ca.gov/current_incidents/incidentdetails/Index/1876

⁴⁶ See Electric Safety Incident Reported- PG&E Incident No: 171011-8562.

⁴⁷ *Sulphur Fire (Mendocino Lake Complex) Incident Information*, Cal Fire,
http://www.fire.ca.gov/current_incidents/incidentdetails/Index/1876

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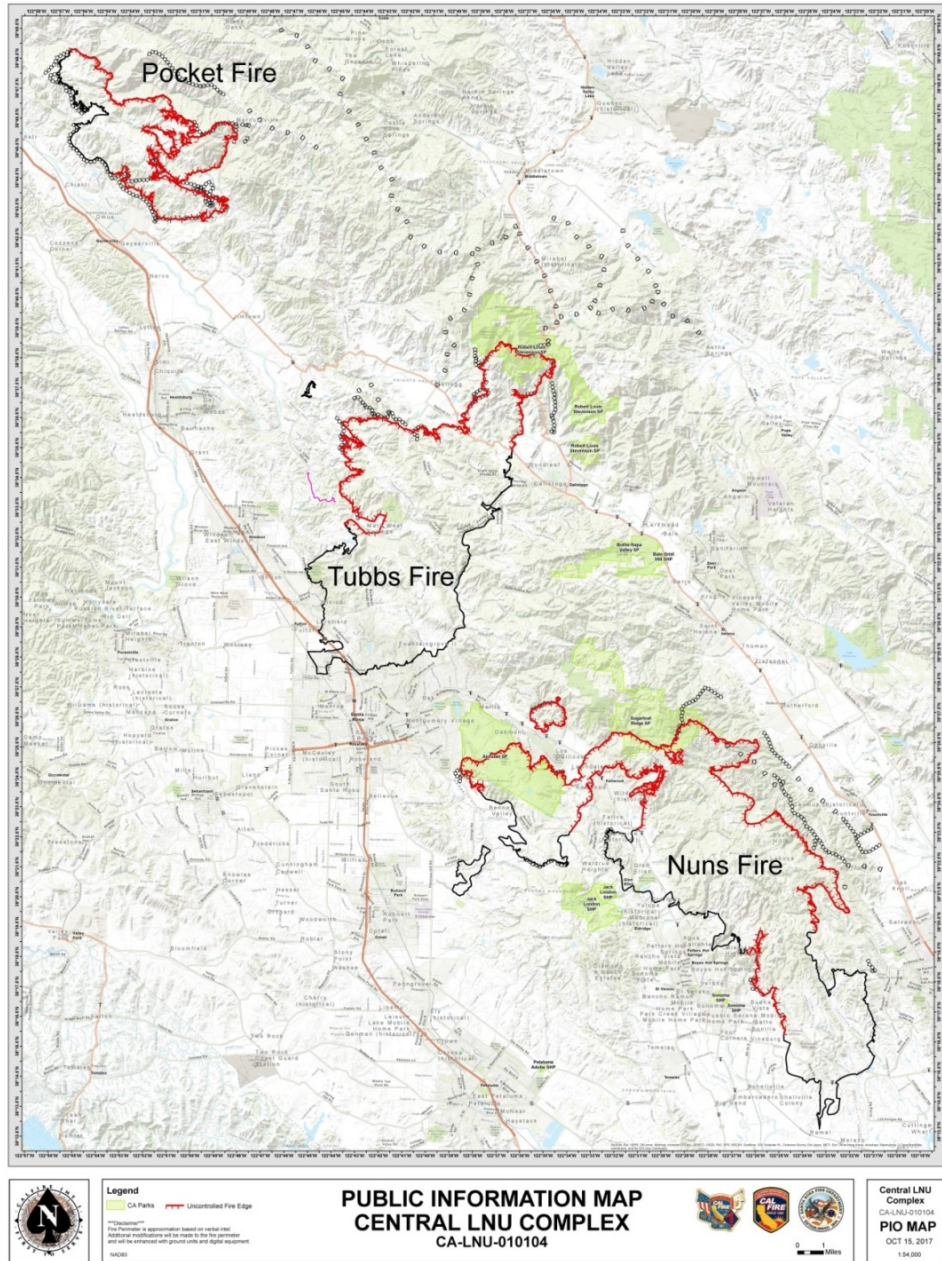
42. The Pocket Fire started off Pocket Ranch Road and Ridge Ranch Road in Geyserville at around 3:30 A.M. on October 9, 2017.⁴⁸ Contemporaneous calls and reports indicated trees hitting PG&E electrical lines around the time and place the Pocket Fire started. For example, PG&E reported that an electrical power line went down near Geyserville in Sonoma County.⁴⁹ The Pocket fire burned three homes and 17,357 acres.⁵⁰

⁴⁸ *Pocket Fire (Central LNU Complex) Incident Information*, Cal Fire, http://www.fire.ca.gov/current_incidents/incidentdetails/Index/1883.

⁴⁹ See Electric Safety Incident Reported- PG&E Incident No: 171021-8592.

⁵⁰ *Pocket Fire (Central LNU Complex) Incident Information*, Cal Fire, http://www.fire.ca.gov/current_incidents/incidentdetails/Index/1883.

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Map from Cal Fire, available at http://cdfdata.fire.ca.gov/pub/cdf/images/incidentfile1867_2689.pdf.

43. Not only did PG&E’s wires and transformer problems start the North Bay Fires, but also the downed trees blocked firefighters and emergency responders from reaching the scene. Highway 128, in the center of the battle to contain the flames, was completely blocked by trees and branches, and Highway 101, which provided access through the heart of Santa Rosa, was shut down because of PG&E’s downed wires.

1 44. The North Bay Fires also created serious air quality issues in the affected areas. By
2 October 12, smoke from the wildfires had spread nearly 100 miles, with “unhealthy” air quality
3 indices registered in the cities of Oakland, San Francisco, and San Rafael.⁵¹ The air quality in the
4 city of Napa was ranked the poorest in the nation, due to high levels of particulates and ozone. By
5 October 13, air quality in the city reached the “hazardous” level, the most dangerous on the
6 Environmental Protection Agency scale.⁵² In Solano County, over 250 people were sickened by
7 smoke inhalation and sought care at hospitals.⁵³

8 45. Due to the poor air quality, San Francisco State University canceled classes, and
9 outdoor activities were canceled in a number of cities, including Danville, Redwood City, and
10 Walnut Creek.⁵⁴

11 46. Visibility issues spurred the Federal Aviation Administration to implement a
12 ground delay program at San Francisco International Airport, and nearly 280 flights were
13 canceled over a three-day period.⁵⁵ For weeks after the fires started, flights continued to be
14 canceled and delayed due to poor visibility from the smoke.⁵⁶

18 ⁵¹ *Hourly Air Quality Index for Thursday, October 12, 2017*, AirNow (last accessed Nov. 28,
19 2017), https://airnow.gov/index.cfm?action=airnow.local_city&cityid=317&mapdate=20171012.

20 ⁵² *Hourly Air Quality Index for Friday, October 13, 2017*, AirNow (last accessed Nov. 28, 2017),
21 https://airnow.gov/index.cfm?action=airnow.local_city&cityid=317&mapdate=20171013.

22 ⁵³ Associated Press, *Wildfires Create Worst Air Quality in San Francisco Bay Area*, ABC Bay
23 Area (Oct. 13, 2017 8:44 P.M.), [http://abcnews.go.com/amp/Technology/wireStory/wildfires-
24 create-worst-air-quality-san-francisco-bay-50455283](http://abcnews.go.com/amp/Technology/wireStory/wildfires-create-worst-air-quality-san-francisco-bay-50455283).

25 ⁵⁴ Michael Barba, *Winds To Keep SF Smoky From North Bay Fires For At Least Another Day*,
26 San Francisco Examiner (Oct. 12, 2017 2:29 P.M.), [http://www.sfexaminer.com/smoke-wine-
27 country-fires-prompts-sfsu-cancel-classes/](http://www.sfexaminer.com/smoke-wine-country-fires-prompts-sfsu-cancel-classes/); Jenna Lyons, et al., *Live Updates: 35 Dead in NorCal
28 Fires, 5,700 Structures Destroyed*, San Francisco Chronicle (October 13, 2017 5:38 P.M.),
29 [http://www.sfgate.com/news/article/Live-updates-Death-toll-climbs-to-29-in-Northern-
30 12274332.php](http://www.sfgate.com/news/article/Live-updates-Death-toll-climbs-to-29-in-Northern-12274332.php).

31 ⁵⁵ Filipa Ioannou, *One in Three Flights Delayed by Wildfire Smoke at SFO*, San Francisco
32 Chronicle (Oct. 13, 2017 5:57 P.M.), [http://www.sfgate.com/bayarea/article/sfo-cancellations-
33 delays-wildfire-smoke-flights-12276205.php](http://www.sfgate.com/bayarea/article/sfo-cancellations-delays-wildfire-smoke-flights-12276205.php).

34 ⁵⁶ Filipa Ioannou, *Smoke Continues to Cause Delays and Cancellations at SFO*, San Francisco
35 Chronicle (October 17, 2017 4:39 P.M.), [http://www.sfgate.com/bayarea/article/sfo-smoke-
36 cancelled-flights-delays-air-fires-12285480.php](http://www.sfgate.com/bayarea/article/sfo-smoke-cancelled-flights-delays-air-fires-12285480.php).

1 **C. The Damage Wrought**

2 47. The full extent of the damage has not yet been quantified, but as of this filing, the
3 North Bay Fires have devastated nearly 250,000 acres in Northern California, destroying homes,
4 businesses, vineyards, farms, and lives.

5 48. Over 14,700 structures were damaged or destroyed. These included homes, farm
6 buildings, and commercial structures, often along with everything inside them.

7 49. Because the Fires spread so fast, individuals and businesses often could not protect
8 their properties and structures or even remove personal possessions, irreplaceable heirlooms, and
9 valuable inventories of products, crops, materials, and records.

10 50. The fire damage and destruction also has negatively impacted the value of affected
11 property, even undeveloped property, and will continue to affect its resale value and development
12 potential for an as-yet-unknown period of time.

13 51. In addition to damage and destruction of real and personal property, the North Bay
14 Fires caused widespread economic losses to individuals and businesses throughout the region, and
15 will continue to do so into the future.

16 52. Individuals who were displaced have incurred and will continue to incur costs
17 related to lodging while being displaced.

18 53. Businesses have incurred and will continue to incur economic losses due to
19 inability to operate their businesses, loss of access to their business locations, and inability of staff
20 and employees to reach the business. These conditions are ongoing and will continue for an
21 unknown time into the future.

22 54. Many businesses in Northern California derive significant business from tourists
23 and other out-of-region customers. These businesses have suffered and will continue to suffer
24 economic loss due to these tourists and out-of-region customers choosing not to visit Northern
25 California in the aftermath of the Fires.

26 55. Individual employees of affected businesses also have incurred and will continue
27 to incur economic losses due to the inability of those businesses to operate, be accessed, or attract
28 or service customers due to the Fires.

1 56. Businesses and individuals have incurred and will continue to incur economic
2 losses due to the chemical retardant that was used to put out the fires. Cal Fire dumped several
3 million gallons to try to control the blazes.⁵⁷ The chemical kills the plants it comes into contact
4 with and also harms the soil.⁵⁸ Organic businesses incurred and will continue to incur economic
5 losses due to the foreseeable use of chemical retardant because the product contains fertilizer-type
6 materials that will ruin an organic accreditation. These conditions are ongoing and will continue
7 for an unknown time into the future.

8 57. Northern California’s Wine Country is internationally renowned for its wines and
9 is the world’s fourth largest wine producer. The region produces much of the most highly prized
10 and highest-priced wine in California. Napa and Sonoma are America’s equivalent to France’s
11 Bordeaux region. They are home to many premier viticultural areas: locations where the climate,
12 geology, and other natural factors are considered ideal for producing quality wine.

13 58. When the 2017 harvest began in August, it had begun to look like a good year.
14 However, twenty-seven wineries in the region have reported damage thus far.⁵⁹ Unfortunately,
15 the industry has only begun to discover the full extent of its loss: the supply and taste of wines
16 could be dramatically affected for years to come.

17 59. The grapes on the vines that survived the Fires may still suffer from “smoke taint”
18 and be unusable for winemaking. Smoke may have permeated into the plant’s leaves or the skin
19 of the grapes, which will only reveal its damage during fermentation. This condition severely
20 damages flavor and the “nose” of the wine. In bad cases, the wine can take on the taste of a “dirty
21 ashtray” or smell “like a smoked fish”.

22 60. Wines made from grapes harvested before the Fires may be in trouble as well.
23 Many wineries lost power during the Fires. Without power, the fermentation process may

24 ⁵⁷ Stephen Nett, *How To Safely Clean Fire Retardant From Your Property*, Press Democrat (Nov.
25 2, 2017), <http://www.pressdemocrat.com/lifestyle/7568970-181/how-to-safely-clean-fire>.

26 ⁵⁸ *After Wildfires, What Happens to Fire Retardant-Soaked Crops?*, KHSU (Nov. 2, 2017),
<http://khsu.org/post/after-wildfires-what-happens-fire-retardant-soaked-crops>.

27 ⁵⁹ Ann Tatko-Peterson and Mary Orlin, *A Closer Look At 27 Wineries Damaged By Wine Country*
28 *Fires*, The Mercury News (Oct. 25, 2017 5:18 A.M.),
<http://www.mercurynews.com/2017/10/16/a-closer-look-at-the-22-wineries-damaged-by-wine-country-fires..>

1 accelerate too quickly, ruining the wines. Reserves of wines aging in barrels and bottles may also
2 be lost to smoke and heat damage to the wines.

3 61. The damage the fires caused to the soil may also impact the taste and quality of the
4 wines grown in the region far into the future. Many wine growers cultivate the soil and break
5 down their land into subplots sharing similar characteristics, called natural or basic *terroir* units.
6 The concept of *terroir* reflects the idea that each particular piece of land imparts its own unique
7 flavor to the grapes. Those who lost vineyards may have to wait as many as three to five years to
8 return the soil to a place where they can produce a viable crop of grapes.

9 62. There are more than 100,000 vine-growing acres in Napa Valley and Sonoma, but
10 the full damage to the vines cannot yet be seen. It may take at least two years to really understand
11 if each vine is still viable or how its growth patterns may have changed.

12 63. The viability of the vines depends on where they were burned. The part of the vine
13 which creates fruit is grafted onto different, hardier rootstock, so it has a better chance to grow
14 and be resistance to disease. Thus, even if the roots were undamaged, the rootstock does not
15 produce grapes which are desirable for winemaking. Whether the vine will remain fruitful is also
16 dependent on the extent of the damage. For example, scorched vine will not produce as much
17 fruit. The worst case is when the trunk of the plant is damaged. If a substantial portion of the
18 trunk is destroyed, there is no saving the vine.

19 64. A vine does not actually have had to catch fire to be harmed; even just exposure to
20 heat from adjacent burning material can cause damage. Slightly damaged vines are also
21 vulnerable to pathogens like fungi.

22 65. Each of these lost vines represents many hours of human labor, skill, and artistry.
23 They cannot be easily replaced. Each vine has been manipulated for decades to develop a
24 particular taste or a quality such as the thickness of the grapes' skin. Furthermore, it takes at least
25 three years for a vine to produce usable fruit, and the higher quality grapes come from the more
26 mature vines. Many of the vines in Napa and Sonoma were thirty to forty years old. Some of the
27 vines may have been more than a century old and brought to America in the "baggage of a
28 European immigrant."

1 66. The Fires also have caused a huge risk of erosion. Individuals and businesses have
2 and will incur damage to personal and real property, business losses, and other damages related to
3 preparing for and preventing erosion, runoff, and debris flow for a yet unknown period of time.

4 67. Beyond the damage to their properties, vines, and inventories, wineries are also
5 worried about the impact the North Bay Fires are having on tourism. Last year, California
6 wineries drew more than 23 million visits and earned more than \$7.2 billion in tourist-related
7 income, most of which was spent in Napa and Sonoma counties. The wine industry in Napa
8 County supports 46,000 jobs locally through the 700 grape growers and 475 wineries operating in
9 the area and employs about 325,000 people statewide. Many in the area depend on the wine
10 industry for their livelihoods.

11 68. Northern California receives most of its tourists around the fall wine-grape harvest
12 season, and October is typically among the busiest months for hotels and other tourism-related
13 industries in Northern California.

14 69. Many hotels had to evacuate and close their properties because of the Fires. If they
15 reopened, they housed emergency responders, evacuees, and insurance groups at lower rates.
16 However, news of the Fires is driving away visitors and leading them to choose other
17 destinations.

18 70. Many come to Northern California to appreciate its picturesque valleys and the
19 natural beauty of the verdant landscape. Even when businesses are able to reopen, it is hard to say
20 when the environment will be able to recover.

21 71. The nascent legal cannabis industry was also severely harmed by the North Bay
22 Fires. Sonoma and Mendocino counties are the epicenter of America's legal cannabis commerce.
23 The region is home to the largest and most established growers and the biggest drivers of the \$21
24 billion industry. The timing of these Fires is especially devastating because cannabis revenues
25 were expected to rise as retail sales of the drug for recreational use were set to begin in January
26 2018.

27 72. Many growers with plants drying in sheds lost their entire harvest, over a year's
28 worth of work. At least 30 farms had significant losses, and the numbers are expected to increase.

1 Growers are also very concerned that the remaining product will be too damaged by the smoke
2 and ash left behind to be usable. As with grapevines, cannabis crops exposed to smoke are more
3 susceptible to disease, mold, mildew, and fungus.

4 73. Another factor unique to these growers is that some lost their entire savings.
5 Because they could not deposit their money into a bank, the all-cash savings kept on farms
6 literally went up in smoke.

7 **D. PG&E Had a Non-Transferable, Non-Delegable Duty to Safely Maintain**
8 **Electrical Infrastructure and Adjacent Vegetation.**

9 74. At all times prior to October 8, 2017, PG&E had a non-transferable, non-delegable
10 duty to properly construct, inspect, repair, maintain, manage, and/or operate its power lines and/or
11 other electrical equipment and to keep vegetation properly trimmed at a safe distance so as to
12 prevent foreseeable contact with such electrical equipment.

13 75. In the construction, inspection, repair, maintenance, management, ownership,
14 and/or operation of its power lines and other electrical equipment, PG&E had an obligation to
15 comply with a number of statutes, regulations, and standards, as detailed below.

16 76. Pursuant to Public Utilities Code § 451, “[e]very public utility shall furnish and
17 maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and
18 facilities ... as are necessary to promote the safety, health, comfort, and convenience of its
19 patrons, employees, and the public.”

20 77. To meet this safety mandate, PG&E is required to comply with a number of design
21 standards for its electrical equipment, as stated in CPUC General Order 95. In extreme fire areas,
22 PG&E also must ensure that its power lines can withstand winds of up to 92 miles per hour.
23 Further, PG&E must follow several standards to protect the public from the consequences of
24 vegetation and/or trees coming into contact with its power lines and other electrical equipment.
25 Pursuant to Public Resources Code § 4292, PG&E is required to “maintain around and adjacent to
26 any pole or tower which supports a switch, fuse, transformer, lightning arrester, line junction, or
27 dead end or corner pole, a firebreak which consists of a clearing of not less than 10 feet in each
28 direction from the outer circumference of such pole or tower.” Also, Public Resources Code

1 § 4293 mandates PG&E maintain clearances of four to 10 feet for all of its power lines,
2 depending of their voltage. In addition, “[d]ead trees, old decadent or rotten trees, trees weakened
3 by decay or disease and trees or portions thereof that are leaning toward the line which may
4 contact the line from the side or may fall on the line shall be felled, cut, or trimmed so as to
5 remove such hazard.”

6 78. Pursuant to CPUC General Order 165, PG&E is also required to inspect its
7 distribution facilities to maintain a safe and reliable electric system. In particular, PG&E must
8 conduct “detailed” inspections of all of its overhead transformers in urban areas at least every five
9 years. Also, every ten years, PG&E is required to conduct “intrusive” inspections of its wooden
10 poles that have not already been inspected and are over fifteen years old.

11 79. PG&E knew or should have known that such standards and regulations were
12 minimum standards and that PG&E has a duty to identify vegetation which posed a foreseeable
13 hazard to power lines and/or other electrical equipment, and to manage the growth of vegetation
14 near its power lines and equipment so as to prevent the foreseeable danger of contact between
15 vegetation and power lines starting a fire. Further, PG&E has a duty to manage, maintain, repair,
16 and/or replace its aging infrastructure to protect public safety. These objectives could and should
17 have been accomplished in a number of ways, including, but not limited to, putting electrical
18 equipment underground in wildfire-prone areas, increasing inspections, developing and
19 implementing protocols to shut down electrical operations in emergency situations, modernizing
20 infrastructure, and/or obtaining an independent audit of its risk management programs to ensure
21 effectiveness.

22 80. Defendants were specifically aware that they had a duty to maintain equipment
23 and the surrounding vegetation in compliance with these regulations and that a failure to do
24 constituted negligence and would expose Plaintiffs and Class members to a serious risk of
25 property damage and economic losses caused by wildfires.

26 **E. Foreseeable and Expected Weather, Climate, and Fire Conditions**

27 81. At all times mentioned herein, Defendants were aware that the State of California
28 had been in a period of drought, and that even though it received more rain this past winter, the

1 extremely hot summer months brought back drought-like conditions. The heavy rain this winter
2 followed by a hot summer made California especially prone to wildfires: the rains caused a lot of
3 plants and vegetation to grow, and the heat then caused them to dry out. Defendants were aware
4 that the drought conditions existed and were aware that fire danger was at an extraordinarily high
5 level, particularly given the increased amount of dry vegetation.

6 82. Defendants also knew that Northern California often experiences the “Diablo
7 winds”, the hot, dry winds, which can make dangerous weather conditions highly conducive to
8 the spread of wildfire. The Diablo Winds are not abnormal or unforeseeable, and all who live and
9 work in California have to act reasonably under these conditions to prevent fires from starting or
10 spreading.

11 83. Defendants knew that if their power lines or other equipment came into contact
12 with, or caused electricity to come into contact with, vegetation it was probable that a fire would
13 result and that, given the dry conditions, such a fire would likely result in the loss of life,
14 significant damage to real and personal property, and economic losses to members of the general
15 public, including to these Plaintiffs and the Class.

16 84. In June 2014, the CPUC directed PG&E to take remedial measures to reduce the
17 risk of fires by way of Resolution ESRB-4, after Governor Brown had declared a Drought State
18 of Emergency in January.⁶⁰ In November 2015, the Governor issued another drought-related
19 Executive Order to call for additional actions to respond to the record dry conditions and assist
20 recovery efforts for the victims of 2015’s devastating wildfires.⁶¹ Although the Governor issued
21 an Executive Order in April 2017 ending the Drought State of Emergency in all counties except
22 Fresno, Kings, Tulare, and Tuolumne, the declaration directed state agencies “to continue
23 response activities that may be needed to manage the lingering drought impacts to people and
24 wildlife.”⁶²

25 ⁶⁰ *Resolution ESRB-4*, Cal. Pub. Utils. Comm’n (June 16, 2014),
26 <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M096/K415/96415169.pdf>.

27 ⁶¹ Exec. Order B-36-15, Office of Gov. Edmund G. Brown, Jr. (Nov. 13, 2015),
https://www.gov.ca.gov/docs/11.13.15_EO_B-36-15.pdf.

28 ⁶² Exec. Order B-40-17 at 3, Office of Gov. Edmund G. Brown, Jr. (Apr. 7, 2017),
https://www.gov.ca.gov/docs/4.7.17_Exec_Order_B-40-17.pdf

1 85. In October 2015, Governor Brown issued The California Tree Mortality State of
2 Emergency regarding the unprecedented tree-die off in the state.⁶³ The drought conditions
3 exacerbated a bark beetle infestation that ultimately killed tens of millions of trees. The tree die-
4 off significantly worsened the “risk in many areas of the state and presents life safety risks from
5 falling trees to Californians living in rural, forested communities.” Governor Brown sought
6 additional resources to provide for the safe removal of dead and dying trees.

7 86. In addition, the CPUC informed PG&E in Resolution ESRB-4 that it could seek
8 recovery of incremental costs associated with these remedial measures outside of the standard
9 funding process, i.e. the CPUC was agreeing to provide additional funding on top of vegetation
10 management funding already authorized in order to make sure remedial measures would not go
11 unperformed due to lack of funding.

12 87. According to PG&E’s 2014 Annual Electric Distribution Reliability Report, sent
13 to the CPUC on February 27, 2015, weather conditions have accounted for many of the top ten
14 PG&E electrical outages each year since at least 2004 – proof that Defendants knew that these
15 weather conditions occur and that they can cause electrical problems. For example, four of the
16 “ten largest 2004 outage events” for PG&E occurred in the Santa Rosa and Sonoma areas, and
17 winds were documented at much higher levels than those of October 8, 2017.⁶⁴ The CPUC has
18 not rescinded ESRB-4 and the Tree Mortality State of Emergency remains in effect.⁶⁵

19 88. Further, according to records maintained by Cal Fire, approximately 135 fires in
20 Sonoma and Napa Counties were caused by electrical equipment from 2011 through 2015.⁶⁶ In
21

22
23 ⁶³ *Governor Brown Takes Action to Protect Communities Against Unprecedented Tree Die-Off*,
Office of Gov. Edmund G. Brown, Jr. (Oct. 30,
2015),<https://www.gov.ca.gov/news.php?id=19180>.

24 ⁶⁴ PG&E 2014 Annual Electrical Distribution Reliability Report, PG&E, *available at*
25 [https://www.pge.com/includes/docs/pdfs/myhome/outages/outage/reliability/AnnualElectricDistri
butionReliabilityReport.pdf](https://www.pge.com/includes/docs/pdfs/myhome/outages/outage/reliability/AnnualElectricDistributionReliabilityReport.pdf).

26 ⁶⁵ *See* CPUC Fact Sheet, PG&E Vegetation Management Spending, *available at*
27 [http://www.cpuc.ca.gov/uploadedfiles/cpuc_public_website/content/safety/pge%20vegetation%2
0management%20spending.pdf](http://www.cpuc.ca.gov/uploadedfiles/cpuc_public_website/content/safety/pge%20vegetation%20management%20spending.pdf) (last accessed Nov. 23, 2017).

28 ⁶⁶ Historical Wildfire Activity Statistics (Redbooks), Cal Fire, *available at*
http://www.fire.ca.gov/fire_protection/fire_protection_fire_info_redbooks.

1 2015, the last year of reported data, electrical power problems sparked the burning of 149,241
2 acres across California – more than twice the amount from any other cause.⁶⁷

3 89. PG&E has long known that the biggest threat of a tree-caused electrical wildfire
4 was in the North Bay. A document entitled “Summary and Analysis of Vegetation-Related Fire
5 Incidents on PG&E Electric Powerlines,” an internal PG&E document prepared by Charles
6 Filmer in February 2013 and reviewed by NBC Bay Area, shows that the North Bay counties to
7 have nearly a 3 percent risk of a power line sparking a wildfire.⁶⁸ The risk was listed as 1 percent
8 elsewhere in PG&E’s territory. Nevertheless, PG&E failed to take reasonable, preventative
9 measures.

10 90. In May 2016, the CPUC adopted Fire Map 1, which is a map that “depicts areas of
11 California where there is an elevated hazard for the ignition and rapid spread of power line fires
12 due to strong winds, abundant dry vegetation, and other environmental conditions.”⁶⁹

13 91. The CPUC adopted Fire Map 1 “in response to past devastating wildfires that were
14 reportedly ignited by power lines.” According to CPUC commissioner Mike Florio, “Fire Map 1
15 represents an important milestone in identifying areas that face a very high risk of a devastating
16 wildfire.”

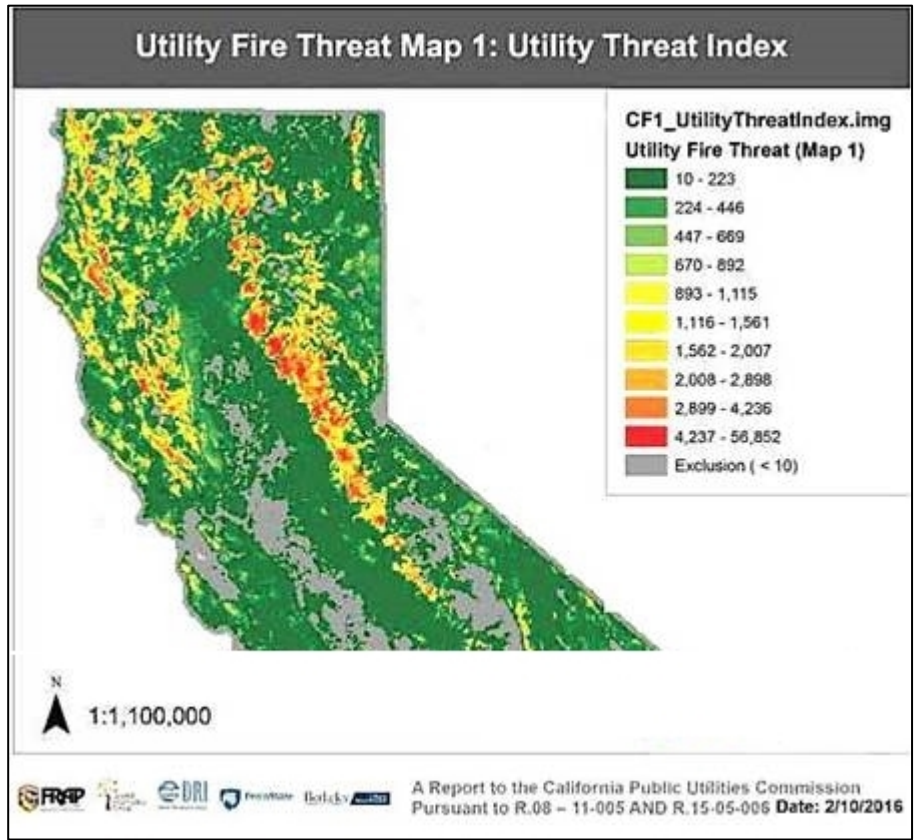
17 92. On Fire Map 1, the area in and around the origin of the North Bay Fires is both red
18 and orange, indicating the highest level of elevated hazard for the “ignition and rapid spread of
19 power line fires due to strong winds, abundant dry vegetation, and/or other environmental
20 conditions.”

23 ⁶⁷ Ivan Penn, *Power Lines and Electrical Equipment are a Leading Cause of California Wildfires*,
24 Los Angeles Times (Oct. 17, 2017 2:05 P.M.), <http://www.latimes.com/business/la-fi-utility-wildfires-20171017-story.html>.

25 ⁶⁸ Jason Van Derbeken, *PG&E’s Vegetation Management Program Under Fire After North Bay*
26 *Blazes*, NBC Bay Area (Nov. 6, 2017 10:58 P.M.),
<https://www.nbcbayarea.com/news/local/PGEs-Vegetation-Management-Program-Under-Fire-After-North-Bay-Blazes--455729573.html>

27 ⁶⁹ See *CPUC Fire Map Depicts Areas of Elevated Hazards In State; First Step in Creation of*
28 *Tools to Help Manage Resources*, Cal. Pub. Utils. Comm’n (May 26, 2016),
<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M162/K498/162498284.PDF> .

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93. PG&E was put on direct notice of this map in May 2016, and therefore knew well in advance of the North Bay Fires of the elevated fire risk for the region.

94. After the fires, Defendants initially attempted to shift blame away from themselves by announcing that unusually powerful, “hurricane strength winds” were to blame for the severity of the fires. But local weather station readings found the winds were almost half that speed when Defendants’ power lines started to come down.

95. Contrary to Defendants’ suggestion, Northern California did not experience highly unusual weather patterns the night the North Bay Fires began. A review of readings at weather stations in the areas impacted by the Fires shows that winds were not at unexpected levels when PG&E’s electrical equipment began to fail. For example, a weather station in Santa Rosa in the vicinity of the Tubbs Fire recorded wind gusts of about 30 miles per hour at or around 9:29 p.m. on October 8, 2017.⁷⁰ About an hour later, the same station recorded wind gusts of 41 miles per

⁷⁰ Paul Rogers, et al., *California Fire Mystery: PG&E Lines Fell in Winds That Weren’t “Hurricane Strength”*, San Jose Mercury News (Oct. 13, 2017 6:01 P.M.), <http://www.mercurynews.com/2017/10/12/californiafirespgpowerlinesfellinwindsthatwerenthurr>
Footnote continued on next page

1 hour.⁷¹ These wind speeds were surpassed in other recent storms in the area on a number of
2 occasions.

3 **F. PG&E Knew Its Infrastructure Was Too Old and Improperly Maintained for**
4 **Safety**

5 96. On May 6, 2013, a report (the “2013 Liberty Report”) was sent to the Safety and
6 Enforcement Division of the CPUC from the Liberty Consulting Group, which had been retained
7 to conduct an independent review of capital and operations and maintenance expenditures
8 proposed by PG&E.⁷² The 2013 Liberty Report concluded that: “several aspects of the PG&E
9 [electrical] distribution system present significant safety issues.”

10 97. The Report further stated, “addressing aging infrastructure and adding SCADA⁷³
11 to the system comprise the major focuses of safety initiatives for the distribution system.” The
12 Report authors were so concerned about the state of PG&E’s aging infrastructure that they
13 advised in the Report: “[w]e also recommend that PG&E treat aging infrastructure as an
14 enterprise-level risk.”

15 98. The Liberty Report concluded that “aging infrastructure is best addressed by
16 having a strategic asset management program in place. These types of programs ... force a
17 detailed and thorough condition assessment survey of the major assets. These types of formal
18 programs also take failure modes into consideration. Long term sustainable plans can then be
19 prepared to address the asset conditions. A sustainable asset management plan will mitigate
20 system safety risks from aging infrastructure, which constituted a major portion of the safety
21 items” for PG&E.

22
23 _____
24 *Footnote continued from previous page*
25 *icanestrength/.*

26 ⁷¹ *Id.*

27 ⁷² “Study of Risk Assessment and PG&E’s GRC, Presented to: The California Public Utilities
28 Commission Group, Safety and Enforcement Division, Presented By: The Liberty Consulting
Group (May 6, 2013), available at
<http://docs.cpuc.ca.gov/publisheddocs/efile/g000/m065/k394/65394210.pdf> (last accessed Nov.
23, 2017).

⁷³ SCADA stands for Supervisory Control and Data Acquisition.

1 **1. Unsafe, Obsolete Wires**

2 99. PG&E has known for years that its miles of aging power lines pose a serious safety
3 risk of triggering wildfires.

4 100. The 2013 Liberty Report found that PG&E’s system had a large amount of
5 obsolete, unsafe small-size wiring (a.k.a. “conductors”) still in use, which should have been
6 replaced with safer larger-size wires long ago. At the time, PG&E had 113,000 miles of wiring,⁷⁴
7 and according to the report, over 60 percent is of the small-size type that is highly susceptible to
8 failure. The small-size conductors are generally more susceptible to breaking than standard size
9 conductors. As the conductor ages, it becomes even more susceptible to breaking. Weather
10 conditions, such as winds and lightning strikes, will also wear a small conductor more than larger
11 ones. For these reasons, “[t]his conductor [type] is now recognized as obsolete, due to its small
12 size.”

13 101. The 2013 Liberty Report found that about a fifth of PG&E’s system was frail and
14 obsolete. Most concerning to the consultants was that three quarters of the system was made of
15 three-wire lines. Three-wire lines lack modern in-line grounding technology that has been
16 available for at least the last four decades. Without a ground wire, PG&E could not always isolate
17 a problem remotely nor shut down a faulty wire quickly. Instead, the live wires remain on the
18 ground when they fall, posing a danger of injuries and fire.

19 102. PG&E knew the majority of its system was obsolete and had unsafe wiring, yet
20 PG&E did nothing to update it.

21 **2. Old, Overloaded Utility Poles**

22 103. According to the 2017 CPUC Order Instituting Investigation into the Creation of a
23 Shared Database or Statewide Census of Utility Poles and Conduit:

24 Poorly maintained poles and attachments have caused substantial
25 property damage and repeated loss of life in this State.
26 Unauthorized pole attachments are particularly problematic. A pole
27 overloaded with unauthorized equipment collapsed during windy
28 conditions and started the Malibu Canyon Fire of 2007, destroying
 and damaging luxury homes and burning over 4500 acres.

⁷⁴ Now PG&E has approximately 130,000 miles of wiring. See PG&E Company Profile, https://www.pge.com/en_US/about-pge/company-information/profile/profile.page.

1 Windstorms in 2011 knocked down a large number of poles in
2 Southern California, many of which were later found to be
weakened by termites, dry rot, and fungal decay.⁷⁵

3 104. In the June 29, 2017 CPUC press release for the Order, the CPUC President
4 Michael Picker stated, “[p]lain old wooden poles, along with their cousins, the underground
5 conduits, are work horses, carrying most of our power and telecommunications. They sometimes
6 get crowded and fail, causing outages and fires because of all the equipment crammed onto
7 them.” Further, “[n]ot knowing where all the poles are and who owns them, how loaded they are,
8 how safe they are, and whether they can handle any additional infrastructure, is problematic to
9 both the utilities and to the CPUC. Creating a database of utility poles could help owners track
10 attachments on their poles and manage necessary maintenance and rearrangements, and can help
11 the CPUC in our oversight role.”⁷⁶

12 105. In addition, since prior to 1996, PG&E has known or should have known that its
13 choice of chemical treatments for its poles can also make its equipment unsafe. For example,
14 PG&E uses and has used poles treated with pentachlorophenol in liquefied petroleum gas by the
15 Cellon® process. Those poles tend to experience surface decay below ground regardless of the
16 type of wood used for the poles. As a result, digging inspections are required for poles treated by
17 these processes for all wood types. However, Plaintiffs believe that PG&E has failed to conduct
18 the proper inspections, and when PG&E has been advised of necessary repairs to such poles,
19 PG&E failed to repair the poles in a timely manner.

20 3. Hazardous Live Wires

21 106. The 2013 Liberty Report found that on a daily basis, and in 36 percent of cases,
22 PG&E cannot remotely de-energize a downed line and must send someone to the scene to
23 manually turn off the feed. During that time, the downed line is a live wire and a fire hazard.

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25 ⁷⁵ Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of
26 Utility Poles and Conduit 1, Cal. Pub. Utils. Comm’n (June 29, 2017),
<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M191/K656/191656519.PDF>.

27 ⁷⁶ Press Release, CPUC to Examine Utility Pole Safety and Competition; Considers Creation of
28 Pole Database, Cal. Pub. Utils. Comm’n (June 29, 2017),
<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M191/K560/191560905.PDF>

1 **4. Dangerous Reclosers**

2 107. PG&E has a long-standing practice of using devices called “reclosers” throughout
3 its system to automatically restart power after interruptions, even though it is well known to the
4 industry – including PG&E – that recloser devices can cause wildfires.

5 108. Reclosers send pulses of electricity through power lines whenever an interruption
6 occurs on lines equipped with the devices. According to experts, if power lines are in contact with
7 trees or vegetation, these pulses of electricity can start fires.

8 109. PG&E knew that its reclosers posed a great risk of wildfire. At a Congressional
9 hearing in 2015, PG&E’s Senior Vice President of Electrical Operations, Patrick Hogan, stated
10 that PG&E had the ability to reprogram its reclosers during fire season to not restart power.
11 Patrick Hogan claimed that shutting down power means “you take the reliability hit, but you gain
12 the wildfire benefit.”⁷⁷

13 110. The dangers posed by reclosers are so significant that the other two major utilities
14 in California, San Diego Gas & Electric Company and Southern California Edison, have
15 reprogramed their electrical systems during fire seasons to ensure that reclosers do not
16 automatically restart electrical currents after a service interruption. In contrast, PG&E did not
17 reprogram its reclosers.

18 111. Since PG&E did not reprogram all of its reclosers to keep electricity turned off
19 after a disruption during fire season, the night the North Bay Fires began, some of PG&E’s
20 devices were programmed to try up to three times to restore power by sparking electricity.

21 **5. Failure to Maintain Trees and Vegetation at a Safe Distance**

22 112. NBC Bay Area has recently reported that PG&E’s own auditors allow one out of
23 100 trees they check to violate state power line clearance standards.⁷⁸ With about 55 million trees
24

25 ⁷⁷ George Avalos, *PG&E Slapped With More Lawsuits Amid North Bay Inferno Probes*, San Jose
26 Mercury News (Nov. 15, 2017 3:31 A.M.), [http://www.mercurynews.com/2017/11/14/pge-](http://www.mercurynews.com/2017/11/14/pge-slapped-with-more-lawsuits-amid-north-bay-inferno-probes/)
[slapped-with-more-lawsuits-amid-north-bay-inferno-probes/](http://www.mercurynews.com/2017/11/14/pge-slapped-with-more-lawsuits-amid-north-bay-inferno-probes/).

27 ⁷⁸ Jaxon Van Derbeken, *PG&E’s Vegetation Management Program Under Fire After North Bay*
28 *Blaze*, NBC Bay Area (Nov. 6, 2017 11:41 P.M.),
[https://www.nbcbayarea.com/news/local/PGEs-Vegetation-Management-Program-Under-Fire-](https://www.nbcbayarea.com/news/local/PGEs-Vegetation-Management-Program-Under-Fire-After-North-Bay-Blazes--455729573.html)
[After-North-Bay-Blazes--455729573.html](https://www.nbcbayarea.com/news/local/PGEs-Vegetation-Management-Program-Under-Fire-After-North-Bay-Blazes--455729573.html).

1 under its control, this means approximately 500,000 trees may not in compliance with state law.
2 Even more troubling, when PG&E found more than 1 tree in every 100 violated safety laws, the
3 company merely expanded the number of trees it checked until it could meet its compliance rate.

4 **6. Failure to Maintain Electrical Infrastructure**

5 113. On top of having aging infrastructure and no formal, organized system to track the
6 condition of the infrastructure, PG&E failed to perform the necessary maintenance and
7 inspections of its electrical equipment. A 2015 audit of PG&E's Sonoma Division revealed that
8 there were over 3,500 unfilled PG&E repair and maintenance requests in the area of the Tubbs
9 Fire.⁷⁹ This number is staggering in terms of the safety risk posed to the people and businesses in
10 the Fire Area.

11 114. In a December 31, 2015 letter to PG&E regarding the audit, Fayi Daye, a
12 supervising electric safety regulator with the CPUC, outlined the violations found in the review of
13 records between 2010 and 2015 and a spot check of PG&E electrical distribution equipment. Fayi
14 Daye's letter stated the following:

15 PG&E's records indicated that from August 2010 to September 21,
16 2015, a total of 3,527 work orders were completed past their
17 scheduled date of corrective action per PG&E's Electric
Notification Prioritization Standards. Late work orders included
overhead and underground facilities.⁸⁰

18 The letter concluded that these delays violated CPUC General Order No. 128, Rule 17 .1,
19 which sets forth the CPUC's design, construction, and maintenance rules for electrical systems.

20 115. The audit also reviewed PG&E's maps for its electrical distribution lines and
21 found that over 50 pieces of overhead equipment – including pole mounted transformers and
22 power lines – had not been inspected every year as required by law. This was a violation of
23 CPUC General Order No. 165, Section III-B, which sets forth standards for inspections.⁸¹

24
25 ⁷⁹ Letter from Fayi Daye, Program and Project Supervisor ESRB at CPUC, to Adeel Babar,
26 Supervisor – Regulatory Compliance PG&E, (Dec. 31, 2015), *available at*
27 http://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/Safety/Electric_Safety_and_Reliability/Reports_and_Audits/Electric_Facilities/EA2015-018.pdf

28 ⁸⁰ *Id.* at 2.

⁸¹ *Id.* at 1.

1 116. According to State Senator Jerry Hill, these findings are especially troubling
2 because “they are getting the money for these, they are getting the funds to do the work in a
3 timely manner.”⁸² PG&E takes the money but fails to correct the problems.

4 **G. PG&E’s Culture of Profits Over Safety**

5 117. PG&E’s failure to use due care in maintaining its power lines and its disregard for
6 the requirements of vegetation management caused this foreseeable, preventable tragedy that has
7 harmed thousands of people and businesses.

8 118. PG&E knew of the risks its system created before the North Bay Fires because
9 PG&E has been called out and punished for this behavior before.

10 119. PG&E has a long history of disregarding safety regulations in order to maximize
11 corporate profits. In 1994, PG&E was found guilty of 739 counts of negligence and fined nearly
12 \$30 million by the CPUC when its high-voltage wires caused a fire in Nevada County after
13 coming into contact with nearby trees. Prosecutors uncovered that PG&E had diverted almost \$80
14 million from its tree-cutting programs into profits.⁸³

15 120. An audit by the CPUC showed that PG&E violated electricity-grid safety
16 regulations at least 11 times in the North Bay in the years prior to the North Bay Fires. CPUC
17 also said that PG&E had failed in thousands of instances over a five-year period to conduct timely
18 inspections and to complete work orders required by the state regulator. During the same time
19 period, PG&E took in about \$1 billion in profits each year.⁸⁴

20 121. PG&E also regularly fails to comply with safety rules set by regulators. Regulators
21 who audit PG&E’s work in the field cite the company for late repairs and maintenance jobs far
22 more frequently than any other electric utility in the state.

23 _____
24 ⁸² Jaxon Van Derbeken, *State Audit Shows PG&E Had Repair Job Backlog in Sonoma, Santa*
25 *Rosa*, NBC Bay Area (Oct. 20, 2017 7:31 P.M.), <https://www.nbcbayarea.com/news/local/State-Audit-Shows-PGE-Had-Repair-Job-Backlog-in-Sonoma-Santa-Rosa-451996923.html>.

26 ⁸³ Paul Rogers, et al., *PG&E Power Lines Linked To Wine Country Fires*, East Bay Times (Oct.
27 13, 2017 4:16 P.M.), <http://www.eastbaytimes.com/2017/10/10/pge-power-lines-linked-to-wine-country-fires/>.

28 ⁸⁴ Mercury News Editorial Board, *PG&E Records Show Utility Cannot Be Trusted* (Editorial),
San Jose Mercury News (Oct. 27, 2017 1:11 P.M.), <http://www.mercurynews.com/2017/10/26/editorial-pge-records-show-utility-cannot-be-trusted/>.

1 122. Moreover, PG&E has actively fought against initiatives intended to prevent
2 wildfires. After electrical lines knocked down by wind sparked the catastrophic fires in San Diego
3 in 2007, the CPUC has attempted to adopt stricter regulations and create a map of the power lines
4 that pose the biggest fire risk. Proponents assert that the initiative could have bolstered
5 maintenance efforts and forced PG&E to strengthen poles prior to the Fires. But PG&E opposed
6 these efforts, claiming such mapping would be too expensive for rural areas. This safety initiative
7 was delayed five times, including an additional delay granted on October 6, just two days before
8 the North Bay Fires began.

9 123. PG&E has also blocked implementation of the safety proposals related to
10 wildfires. In July 2017, PG&E asked again to slow down the effort and for more time to comply
11 with new wildfire regulations. PG&E also argued against increasing the ability of the poles to
12 sustain greater winds, claiming there was no evidence that wildfires had been caused by poles not
13 being able to withstand high winds.

14 **1. Run to Failure**

15 124. PG&E has a well-documented history of implementing a “run to failure” approach
16 with its aging infrastructure, whereby it ignores necessary maintenance in order to line its own
17 pockets with excessive profits. According to a filing by the CPUC in March 2013:

18 [T]he Overland Audit explains how PG&E systematically
19 underfunded [Gas Transmission & Storage (“GT&S”)] integrity
20 management and maintenance operations for the years 2008
21 through 2010. PG&E engaged in a “run to failure” strategy whereby
22 **it deferred needed maintenance projects** and changed the
23 assessment method for several pipelines from (In-line Inspection
24 (“ILI”)] to the less informative [External Corrosion Direct
25 Assessment (“ECDA”)] approach – **all to increase its profits even
26 further beyond its already generous authorized rate** of return,
27 which averaged 11.2% between 1996 and 2010.

28 Given PG&E’s excessive profits over the period of the Overland
Audit, there is no reason to believe that Overland’s example
regarding GT&S operations between 2008 and 2010 was unique.
The [Integrated Resource Planning] Report supplements the
Overland Audit findings with **additional examples of PG&E
management’s commitment to profits over safety**. Thus, it is
evident that while the example of GT&S underfunding between
2008 and 2010 might be extreme, it was not an isolated incident;
rather, it represents the culmination of PG&E management’s **long-
standing policy to squeeze every nickel it could** from PG&E gas

1 operations and maintenance, regardless of the long term “run to
2 failure” impacts. And PG&E has offered no evidence to the
3 contrary.⁸⁵

4 125. This same filing also cited to reports which revealed that “the multiple and
5 recurring deficiencies in PG&E operational practices indicate a systemic problem [These
6 problems] involve people at numerous levels within a company, and are characterized by a
7 pervasive lack of proactive measures to ensure adoption and compliance with a safety culture.”⁸⁶
8 Additionally, the filing found that “[PG&E] did not include any goals for safety as part of its
9 long-term aspirations. It did include an aspiration for financial performance, however.”⁸⁷

10 **2. Prior Safety Violations**

11 126. PG&E knew about the significant risk of wildfires from its ineffective vegetation
12 management programs, unsafe equipment, and/or aging infrastructure for decades before the
13 North Bay Fires began, and has been repeatedly fined and/or convicted of crimes for failing to
14 mitigate these risks:

15 a. In 1994, PG&E’s failure to trim trees near its power lines caused the
16 devastating “Trauner Fire” in Nevada County, California. In 1997, a jury found PG&E liable for
17 739 counts of criminal negligence for causing this fire. Subsequent to the trial, a report authored
18 by the CPUC revealed that from 1987 through 1994, PG&E diverted \$495 million from its
19 budgets for maintaining its systems, and instead, used this money to boost corporate profits.⁸⁸

20 b. In 2003, PG&E’s apparent inability to learn from its past mistakes caused a
21 fire at its Mission District Substation in San Francisco. In 2004, the CPUC investigated the fire
22 and concluded that “it finds it quite troubling that PG&E did not implement its own
23 recommendations” after a previous fire at the same substation.⁸⁹

24 ⁸⁵ Opening Brief of the Division of Ratepayer Advocates, Cal. Pub. Utils. Comm’n (Mar. 11,
25 2013), ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2013/03/SB_GT&S_0039691.pdf (emphasis added).

26 ⁸⁶ *Id.* at 27.

27 ⁸⁷ *Id.* at 28–29.

28 ⁸⁸ Kenneth Howe, et al., *Tree Trimming Pact Lowers PG&E Fine to \$29 Million*, San Francisco Chronicle (Apr. 3, 1999), <http://www.sfgate.com/news/article/Tree-Trimming-Pact-Lowers-PG-E-Fine-to-29-Million-2938340.php>.

⁸⁹ Richard W. Clark, Investigation Report on PG&E Mission Substance Fire and Outage (Oct. 20, 2004), <http://docs.cpuc.ca.gov/publishedDocs/published/Report/40886.PDF>.

1 c. In 2008, PG&E’s inadequate repair job and infrastructure caused a deadly
2 explosion in Rancho Cordova, California. In 2010, the CPUC fined PG&E \$38 million for
3 causing and failing to prevent the explosion.⁹⁰

4 d. In 2010, PG&E’s aging infrastructure caused the deadly gas explosion in
5 San Bruno, California that killed eight people and destroyed dozens of homes. As a result, the
6 CPUC slapped PG&E with a \$1.6 billion fine, and PG&E was later found guilty of six felony
7 charges.⁹¹

8 e. In 2011, PG&E caused an explosion in Cupertino when it failed to replace
9 a plastic pipe that it knew was unsafe since at least 2002. PG&E ignored warnings about the
10 dangerous nature of the pipe, and instead chose to do nothing.⁹²

11 f. In 2014, PG&E’s inadequate recordkeeping and disregard for public safety
12 caused an explosion in Carmel. As a result, PG&E was required to pay over \$36 million in
13 fines.⁹³

14 g. Since 2014, PG&E has been fined \$9.65 million by the CPUC for incidents
15 solely related to their electrical distribution systems.⁹⁴

16 h. In 2015, PG&E was once again responsible for causing a massive wildfire
17 called the “Butte Fire”, which destroyed hundreds of homes and killed two people, due its

18 ⁹⁰ Associated Press, *PG&E to Pay \$38 Million Fine in 2008 Explosion*, San Diego Tribune (Dec.
19 1, 2011), <http://www.sandiegouniontribune.com/sdut-pge-to-pay-38-million-fine-in-2008-explosion-2011dec01-story.html>.

20 ⁹¹ George Avalos, *PG&E Loses Ruling in San Bruno Explosion Trial*, San Jose Mercury News
21 (Nov. 18, 2016 3:42 P.M.), <http://www.mercurynews.com/2016/11/17/pge-loses-ruling-in-san-bruno-explosion-trial/>.

22 ⁹² Paul Rogers, *PG&E Pipe That Exploded in Cupertino Was Made Of Material Connected With
23 Numerous Other Fires*, San Jose Mercury News (Aug. 13, 2016 2:34 P.M.),
<http://www.mercurynews.com/2011/09/02/pge-pipe-that-exploded-in-cupertino-was-made-of-material-connected-with-numerous-other-fires/>.

24 ⁹³ Tom Leyde, *CPUC Fines PG&E \$24.3 Million in Case Related to 2014 Carmel House
25 Explosion*, <http://www.montereyherald.com/article/NF/20160601/NEWS/160609989> (noting that
26 PG&E was fined \$10.8 M by the CPUC and \$24.3 by an Administrative Law Judge). PG&E also
27 paid \$1.6 M to the city of Carmel in penalties. *See Rachel Swan, PG&E to Pay \$1.6 Million To
28 Settle Suit Over Carmel Blast*, San Francisco Chronicle (June 9, 2017),
<http://www.sfgate.com/bayarea/article/PG-E-to-pay-1-6-million-to-settle-suit-over-11209644.php>.

⁹⁴ “Electric Safety Citations Issued,” Cal. Pub. Utils. Comm’n, *available at*
<http://www.cpuc.ca.gov/General.aspx?id=1965>.

1 inadequate and unlawful vegetation management practices and disregard for public safety. After
2 the fire, in 2017, the CPUC fined PG&E a total of \$8.3 million for violating multiple safety
3 laws.⁹⁵

4 i. The most recent fine/penalty imposed on PG&E for safety violations
5 occurred on April 9, 2015, when the CPUC imposed a record \$1.6 billion for safety violations
6 that resulted in deaths, injuries, and destroyed homes related to the San Bruno Fire. One of the
7 stated purposes of the CPUC in rendering such a record fine against PG&E was to “ensure that
8 nothing like this happens again.”

9 127. In addition, PG&E’s disregard for safety has resulted in federal criminal charges
10 for its knowing and willful violation of various minimum safety standards. Despite these penalties
11 and fines, the PG&E Defendants have failed and refused to modify their behavior and they have
12 continued to conduct their business with a conscious disregard for the safety of the public.

13 128. As a result of the continued actions by these Defendants, in conscious disregard
14 for the safety of others, the CPUC has ordered an investigation into the culture of ignoring safety
15 at PG&E. The CPUC President has recognized that Defendants have failed and refused to modify
16 their conduct. Despite penalties and fines, in July of 2015, the President of the CPUC,
17 specifically stated:

18 Despite major public attention, ongoing CPUC investigations ...
19 and rulemakings ... into PG&E’s actions and operations, including
20 the investigations we voted on today, federal grand jury, and
California Department of Justice investigation, continued safety
lapses at PG&E continue to occur.⁹⁶

21 129. All of these devastating events, and many more, resulted from PG&E’s long
22 history of choosing to divert funds from its public safety, vegetation management, and/or
23 infrastructure maintenance programs to instead line its own corporate pockets.

24
25 ⁹⁵ *PG&E Issued Citations and Fined \$8.3M For Violations Related to Butte Fire*, CBS
Sacramento (Apr. 25, 2017 9:28 P.M.), <http://sacramento.cbslocal.com/2017/04/25/pge-issued-citations-and-fined-8-3m-for-violations-related-to-butte-fire/>.

26 ⁹⁶ President Picker’s Comments on PG&E Safety. Culture, and Enforcement Theory 2,
27 http://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Commissioners/Michael_J_Picker/PresidentPickerCommentsonPGESafetyCultureandEnforcementTheory.pdf (last accessed Nov. 28, 2017).

1 **3. Profits over Safety**

2 130. Rather than allocate adequate funds from the money it obtains from customers for
3 infrastructure maintenance and safety, PG&E funnels funds to boost its own corporate profits and
4 compensation. This pattern and practice of favoring profits over having a solid and well-
5 maintained infrastructure that would be safe and dependable for years to come exposed the
6 citizens of Northern California, such as the Plaintiffs and Class members, to an increased risk of a
7 catastrophic event such as the North Bay Fires.

8 131. For example, according to documents released by The Utility Reform Network,
9 PG&E supposedly planned to replace a segment of the San Bruno pipeline in 2007 that it
10 identified as one of the riskiest pipelines in PG&E's system. PG&E collected \$5 million from its
11 customers to complete the project by 2009, but instead deferred the project until it was too late
12 and repurposed the money to other priorities. That same year, PG&E spent nearly \$5 million on
13 bonuses for six of its top executives.⁹⁷

14 132. Moreover, PG&E has implemented multiple programs that provide monetary
15 incentives to its employees, agents, and/or contractors to not protect public safety. Prior to the
16 Butte Fire, PG&E chose to provide a monetary incentive to its contractors to cut fewer trees, even
17 though PG&E was required to have an inspection program in place that removed dangerous trees
18 and reduced the risk of wildfires. Robert Urban, a regional officer for a PG&E contractor, stated
19 that he had a concern that the bonus system incentivized his employees to not do their job, but
20 PG&E chose to keep this program despite knowing this risk.

21 133. Similarly, prior to the San Bruno explosion, PG&E had a program that provided
22 financial incentives to employees to not report or fix gas leaks and keep repair costs down. This
23 program resulted in the failure to detect a significant number of gas leaks, many of which were
24 considered serious leaks. According to Richard Kuprewicz, an independent pipeline safety expert,
25 PG&E's incentive system was "training and rewarding people to do the wrong thing,"

26 _____
27 ⁹⁷ Steve Johnson, et al., PG&E accused of Delaying Crucial Repair Work, San Jose Mercury
28 News (Sept. 15, 2010 1:58 P.M.),
<http://www.mercurynews.com/2010/09/15/pgeaccusedofdelayingcrucialrepairwork/>.

1 emblematic of “a seriously broken process,” and “explains many of the systemic problems in this
2 operation that contributed to the [San Bruno] tragedy.”⁹⁸

3 **VI. CLASS ACTION ALLEGATIONS**

4 134. Plaintiffs bring this class action individually and on behalf of all others similarly
5 situated pursuant to California Code of Civil Procedure § 382. This action may be brought and
6 properly maintained as a class action because Plaintiffs satisfy the numerosity, adequacy,
7 typicality, and commonality prerequisites for suing as representative parties pursuant to
8 California Code of Civil Procedure § 382.

9 **A. CLASS DEFINITIONS AND EXCLUSIONS**

10 135. Plaintiffs seek certification of the following Economic and Property Damages
11 Class (the E&PD Class”):

12 **1. CLASS DEFINITION**

13 Economic and Property Damages Class means the individuals and entities defined in this
14 Section 1, subject to the Exclusions in Section 2 below. If a person or entity is included within the
15 geographical descriptions in Section 1(a) or Section 1(b), and their claims meet the descriptions
16 of one or more of the Damage Categories described in Section 1(c), that person or entity is a
17 member of the Economic and Property Damages Class, unless the person or entity is excluded
18 under Section 2:

19 **a. Individuals**

20 Unless otherwise specified, all individuals residing in California who, as of October 8,
21 2017, lived in, worked in, were offered and accepted work in, or owned or leased real or personal
22 property located within, the California counties of Butte, Calaveras, Lake, Mendocino, Napa,
23 Nevada, Solano, Sonoma, and Yuba (the “Fire Area”).

24 **b. Entities**

25 All California entities that, as of October 8, 2017:

26
27 ⁹⁸ Jaxon Van Derbeken, *PG&E Incentive System Blamed For Leak Oversight*, San Francisco
28 Chronicle (Dec. 25, 2011 4:00 A.M.) <http://www.sfgate.com/news/article/PG-E-incentive-system-blamed-for-leak-oversights-2424430.php>.

1 (1) owned, operated, or leased a physical facility in the Fire Area and (A) sold products
2 (i) directly to consumers or end users of those products or (ii) to another entity, or (B) regularly
3 purchased products from the Fire Area in order to produce goods for resale;

4 (2) provided services while physically present in the Fire Area; or

5 (3) owned or leased real property in the Fire Area.

6 **c. Damage Categories**

7 Individuals and entities who meet the descriptions of Sections 1(a) or 1(b) above are
8 included in the E&PD Class only if their claims meet the descriptions of one or more of the
9 Damage Categories described below:

10 (1) Economic Damage Category. Loss of income, earnings, or profits.

11 (2) Real Property Damage Category. Losses suffered by owners and lessees of real
12 property located in the Fire Area.

13 (3) Personal Property Damage Category. Losses suffered by owners and lessees of
14 personal property located in the Fire Area.

15 **2. EXCLUSIONS FROM THE ECONOMIC AND PROPERTY**
16 **DAMAGES CLASS DEFINITION**

17 Notwithstanding the above, the following individuals and entities are excluded from the
18 E&PD Class:

19 (1) Any E&PD Class Member who or which timely elects to be excluded from the E&PD
20 Class under the deadlines and procedures to be set forth by the Court.

21 (2) Defendants, and individuals who are current employees of Defendants.

22 (3) The Court, including any sitting judges on the Superior Court of the State of
23 California, their law clerks serving during the pendency of this action, and members of any such
24 judge's or current law clerk's immediate family.

25 (4) Any companies that insure any parties or Class members against the losses alleged in
26 this complaint.

1 136. This action is brought and may properly be maintained as a class action on behalf
2 of the proposed Class defined above, pursuant to the applicable and appropriate provisions of
3 California Code of Civil Procedure § 382.

4 137. The members of the Class are so numerous that a joinder of all members would be
5 impracticable. Based on public information on the numbers of acres and structures damaged or
6 destroyed, businesses interrupted, and persons displaced or otherwise affected, the Class of those
7 with Fires-related damages includes tens of thousands of potential claimants.

8 138. The Class is ascertainable. The Class definition identifies groups of unnamed
9 plaintiffs by describing a set of common characteristics sufficient to allow a member of that group
10 to self-identify as having a right to recover based on the description. Other than by direct notice,
11 alternatively proper and sufficient notice of this action may be provided to the Class members
12 through notice disseminated by electronic means, through broadcast media, and published in
13 newspapers or other publications.

14 139. A well-defined community of interest in questions of law or fact involving and
15 affecting all members of the Class exists, and common questions of law or fact are substantially
16 similar and predominate over questions that may affect only individual Class members. This
17 action is amenable to a class-wide calculation of damages, or the establishment of fair and
18 equitable formulae for determining and allocating damages, through expert testimony applicable
19 to anyone in the Class. The most significant questions of law and fact that will decide the Fires
20 litigation are questions common to the Class, or to definable categories or subclasses thereof, and
21 can be answered by the trier of fact in a consistent manner such that all those similarly situated
22 are similarly treated in the litigation. The questions of law and fact common to the Plaintiffs and
23 Class members, include, among others, the following:

- 24 a. Whether Defendants were negligent in their construction, maintenance, and
25 operation of electrical infrastructure, high voltage power lines, transformers,
26 and/or other equipment;
- 27 b. Whether Defendants owed any duties to Class members;
- 28 c. Whether Defendants breached one or more duties to Class members;

- 1 d. Whether Defendants' actions or inactions were a substantial factor in
2 causing harm to Class members;
- 3 e. Whether the North Bay Fires caused physical injury to Class members'
4 properties;
- 5 f. Whether the North Bay Fires interfered with or continue to interfere with
6 the Class members' comfortable enjoyment of their lives or property;
- 7 g. Whether Defendants have created a public nuisance;
- 8 h. Whether the nuisance Defendants created is temporary or permanent;
- 9 i. Whether the Defendants have taken the property of Plaintiffs and Class
10 members;
- 11 j. Whether Defendants have provided just compensation for having taken the
12 property of Plaintiffs and Class members;
- 13 k. Whether Defendants violated any California statutes, including California
14 Civil Code §§ 3479, 3480, Public Utilities Code § 2106, and California Health &
15 Safety Code § 13007;
- 16 l. The extent to which Class members have been harmed by the North Bay
17 Fires; and
- 18 m. What is the proper measure of damages and formulae of allocation to each
19 category of Class damages and losses.

20 140. Plaintiffs' claims are typical of the members of the Class. The evidence and the
21 legal theories regarding Defendants' alleged wrongful conduct are substantially the same for
22 Plaintiffs and all of the Class members.

23 141. Plaintiffs will fairly and adequately protect the interests of the Class members.
24 Plaintiffs have retained competent counsel experienced in class action litigation to ensure such
25 protection. Plaintiffs and their counsel intend to prosecute this action vigorously.

26 142. The class action is superior to all other available methods for the fair and efficient
27 adjudication of this case or controversy. Even if any individual persons or group(s) of Class
28 members can afford individual litigation, individual litigation of all claims would be unduly

1 burdensome to the courts in which the individual litigation(s) would proceed. The class action
2 device is preferable to individual litigation(s) because it provides the benefits of unitary and
3 inclusive adjudication, economies of scale, and comprehensive adjudication by a single court.

4 143. Prosecution of separate actions by individual Class members would create a risk of
5 inconsistent or varying adjudications with respect to individual Class members that would
6 establish incompatible standards of conduct for the party (or parties) opposing the Class lead to
7 the underinclusive, inconsistent or otherwise inequitable allocation of Defendants' available
8 assets and insurance among similarly situated claimants and would lead to repetitious trials of
9 numerous common questions of fact and law. Plaintiffs know of no difficulty that will be
10 encountered in the management of this litigation that would preclude its maintenance as a class
11 action. As a result, a class action is superior to other available methods for the fair and efficient
12 adjudication of this controversy.

13 **FIRST CAUSE OF ACTION**
14 **Negligence (Against All Defendants)**

15 144. Plaintiffs incorporate and re-allege each of the paragraphs above as though fully
16 set forth herein.

17 145. Defendants have a non-transferable, non-delegable duty to apply a level of care
18 commensurate with and proportionate to the danger of designing, engineering, constructing,
19 operating, and maintaining electrical transmission and distribution systems, including vegetation
20 clearance.

21 146. Defendants have a non-transferable, non-delegable duty of vigilant oversight in the
22 maintenance, use, operation, repair, and inspection appropriate to the changing conditions and
23 circumstances of their electrical transmission and distribution systems.

24 147. Defendants have special knowledge and expertise far above that of a layperson
25 that they were required to apply to the design, engineering, construction, use, operation,
26 inspection, repair, and maintenance of electrical lines, infrastructure, equipment, and vegetation
27 in order to assure safety under all the local conditions in their service area, including but not
28 limited to, those conditions identified herein.

- 1 148. Defendants negligently breached those duties by, among other things:
- 2 a. Failing to conduct reasonably prompt, proper, and frequent inspections of
- 3 the electrical transmission lines, wires, and associated equipment;
- 4 b. Failing to design, construct, monitor, and maintain high voltage
- 5 transmission and distribution lines in a manner that would avoid igniting and/or spreading fire
- 6 during foreseeable and expected long, dry seasons;
- 7 c. Failing to design, construct, operate, and maintain high voltage
- 8 transmission and distribution lines and equipment to withstand foreseeable conditions and avoid
- 9 igniting and/or spreading fires;
- 10 d. Failing to maintain and monitor high voltage transmission and distribution
- 11 lines in known fire-prone areas to avoid igniting and/or spreading fires;
- 12 e. Failing to keep equipment in a safe condition at all times to prevent fires;
- 13 f. Failing to inspect vegetation within proximity to energized transmission
- 14 and distribution lines and maintain at a safe distance to avoid igniting and/or spreading fires;
- 15 g. Failing to de-energize power lines during foreseeable and expected fire-
- 16 prone conditions;
- 17 h. Failing to de-energize power lines after the fire's ignition;
- 18 i. Failing to properly investigate, vet, hire, train, and supervise employees
- 19 and agents responsible for maintenance and inspection of the distribution lines and proximate
- 20 vegetation;
- 21 j. Failing to implement and follow regulations and reasonably prudent
- 22 practices to avoid igniting and/or spreading fire; and
- 23 k. Failing to properly investigate, monitor, and maintain vegetation sufficient
- 24 to mitigate the risk of fire.

25 149. The North Bay Fires were a direct, legal, and proximate result of Defendants'

26 negligence. As a direct, proximate, and legal result of said negligence Plaintiffs and Class

27 members suffered damages as alleged herein.

28

1 150. At all times mentioned herein, Defendants failed to properly inspect and maintain
2 electrical infrastructure and equipment which they knew, given the then existing and known
3 weather, climate, and fire-risk conditions, posed a risk of harm to Plaintiffs and the Class, and to
4 their real and/or personal property. Defendants were aware that if the subject electrical
5 infrastructure came in contact with vegetation that a fire would likely result. Defendants also
6 knew that, given the existing and known weather, climate, and fire-risk conditions, said fire was
7 likely to pose a risk of property damage, economic loss, personal injury, and/or death to the
8 general public, including to Plaintiffs and Class members.

9 151. Over the past decade, Defendants have been subject to numerous fines and
10 penalties as a result of PG&E's ongoing failure to abide by safety rules and regulations.

11 152. The property damage and economic losses occasioned by the North Bay Fires are
12 the result of the ongoing custom and practice of Defendants of consciously disregarding the
13 safety of the public and not following statutes, regulations, standards, and rules regarding their
14 business operations. Despite having caused death and injury to numerous people and extensive
15 property damage and economic loss, these Defendants have continued to act in conscious
16 disregard for the safety of others, and have ratified the unsafe conduct of their employees. Upon
17 information and belief, no employee has been disciplined or discharged as a result of failing
18 and/or refusing to comply with the regulations and/or as a result of the deaths of members of the
19 public.

20 153. These Defendants, in order to cut costs, failed to properly inspect and maintain the
21 subject electrical infrastructure with full knowledge that any incident was likely to result in a fire
22 that would burn and/or kill people, damage or destroy property, and/or cause harm to the general
23 public, including Plaintiffs and Class members.

24 154. The actions of Defendants did in fact result in damages to Plaintiffs and Class
25 members. Defendants failed to make the proper inspections, failed to properly maintain the lines,
26 failed to properly trim vegetation, failed to properly and timely remove vegetation, and failed to
27 safely operate their electrical infrastructure, in order to save money.

1 155. The negligence of Defendants was a substantial factor in causing Plaintiffs'
2 damages.

3 156. Defendants' failure to comply with their duties of care proximately caused damage
4 to Plaintiffs.

5 157. As a further direct and proximate result of Defendants' negligence, Plaintiffs and
6 Class members suffered damages including, but not limited to property damage, loss of cherished
7 possessions, economic loss, business loss, emotional distress, annoyance, disturbance,
8 inconvenience, mental anguish, loss of quiet enjoyment of their property, and costs related to
9 evacuation and/or relocation.

10 158. Defendants were and are in a special relationship to this Class of Plaintiffs. As a
11 supplier of electrical power to Class members (and/or entities in privity with the Class) and the
12 region in which the Class lives and does business, Defendants' operation of its electrical
13 equipment was intended to and did directly affect the Class.

14 159. Defendants operated their electrical infrastructure in close geographic proximity to
15 the Class, and with knowledge of the homes and businesses in close proximity to those wires. As
16 a result, Defendants' operation of their wires was plainly intended to affect the Class.

17 160. Due to the geographic proximity between the electrical infrastructure and the
18 Class, and the fact that the Defendants supply energy to the Class (and/or entities in privity with
19 the Class) and the region in which the Class does business, the harm to the Class from massive
20 wildfires was clearly foreseeable. Specifically, it was foreseeable that massive wildfires would
21 destroy personal and real property, force residents in the region to evacuate, and deter those who
22 would have visited the area, resulting in fewer customers to patronize area businesses and fewer
23 economic opportunities for the Class.

24 161. The Class suffered injuries which were clearly and certainly caused by the Fires,
25 resulting evacuation and/or relocation, and the remedial measures they were forced to take to
26 restore their properties.

27 162. There is moral blame attached to Defendants as a result of the terrible injuries their
28 misconduct caused, including the incalculable damage to the environment.

1 163. Public policy supports finding a duty of care in this circumstance due to
2 Defendants violation of California Civil Code §§ 3479, 3480, Public Utilities Code § 2106, and
3 California Health & Safety Code § 13007.

4 164. Further, the conduct alleged against Defendants in this complaint was despicable
5 and subjected Plaintiffs and Class members to cruel and unjust hardship in conscious disregard of
6 their rights, constituting oppression, for which Defendants must be punished by punitive and
7 exemplary damages in an amount according to proof. Defendants' conduct evidences a conscious
8 disregard for the safety of others, including Plaintiffs and the Class. Defendants' conduct was and
9 is despicable conduct and constitutes malice as defined by Civil Code § 3294. An officer,
10 director, or managing agent of PG&E personally committed, authorized, and/or ratified the
11 despicable and wrongful conduct alleged in this complaint. Plaintiffs and Class members are
12 entitled to an award of punitive damages sufficient to punish and make an example of these
13 Defendants.

14 **SECOND CAUSE OF ACTION**
15 **Inverse Condemnation (Against All Defendants)**

16 165. Plaintiffs incorporate and re-allege each of the paragraphs above as though fully
17 set forth herein.

18 166. On or about October 8, 2017, Plaintiffs and Class members were owners of real
19 property and personal property located within Northern California.

20 167. Prior to and on October 8, 2017, Defendants installed, owned, operated, used,
21 controlled, and/or maintained electrical distribution infrastructure in Northern California.

22 168. On or about October 8, 2017, as a direct, necessary, and legal result of Defendants'
23 installation, ownership, operation, use, control, and/or maintenance for a public use of power
24 lines and electrical equipment, Defendants' electrical lines and/or equipment came in contact with
25 vegetation and caused the North Bay Fires, which burned in excess of 250,000 acres, including
26 property owned or occupied by Plaintiffs and Class members. The fire damaged and/or destroyed
27 Plaintiffs' and Class members real and/or personal property.
28

1 169. The damage to Plaintiffs' property was proximately and substantially caused by
2 Defendants' actions in that Defendants' installation, ownership, operation, use, control, and/or
3 maintenance for a public use of power lines and equipment was negligent and caused the North
4 Bay Fires.

5 170. Plaintiffs and Class members have not received adequate compensation for the
6 damage to and/or destruction of their property, thus constituting a taking or damaging of
7 Plaintiffs' and Class members property by Defendants without just compensation.

8 171. As a direct and legal result of the above-described damages to Plaintiffs' property,
9 including loss of use and interference with access, enjoyment and marketability of real property,
10 and damage/destruction of personal property, Plaintiffs and Class members have been damaged in
11 amounts according to proof at trial.

12 172. Plaintiffs and Class members have incurred and will continue to incur attorney's,
13 appraisal, and engineering fees and costs because of Defendant's conduct, in amounts that cannot
14 yet be ascertained, but which are recoverable in this action under Code of Civil Procedure § 1036.

15 **THIRD CAUSE OF ACTION**
16 **Trespass (Against All Defendants)**

17 173. Plaintiffs incorporate and re-allege each of the paragraphs above as though fully
18 set forth herein at length.

19 174. At all times relevant herein, Plaintiffs and Class members were the owners and
20 lawful occupiers of real property damaged by the North Bay Fires.

21 175. Defendants had a duty to use reasonable care not to enter, intrude on, or invade
22 Plaintiffs' and Class members' real properties. Defendants negligently allowed the North Bay
23 Fires to ignite and/or spread out of control, causing injury to Plaintiffs and Class members. The
24 spread of a negligently caused fire to wrongfully occupy the land of another constitutes a trespass.

25 176. Plaintiffs did not grant permission for Defendants to cause the North Bay Fires to
26 enter their properties.

27 177. As a direct, proximate, and substantial cause of the trespass, Plaintiffs and Class
28 members have suffered and will continue to suffer damages, including but not limited to damage

1 to property, discomfort, annoyance, and emotional distress in an amount to be proved at the time
2 of trial.

3 178. As a further direct and proximate result of the conduct of Defendants, Plaintiffs
4 have hired and retained counsel to recover compensation for loss and damage and are entitled to
5 recover all attorney's fees, expert fees, consultant fees, and litigation costs and expenses, as
6 allowed under California Code of Civil Procedure § 1021.9.

7 179. As a further direct and proximate result of the conduct of Defendants, Plaintiffs
8 seek treble or double damages for wrongful injuries to timber, trees, or underwood on their
9 property, as allowed under California Civil Code § 3346.

10 180. As a further direct and proximate result of the conduct of Defendants, Plaintiffs
11 seek the reasonable cost of repair or restoration of the property to its original condition and/or
12 loss-of-use damages, as allowed under California Civil Code § 3334.

13 181. Defendants' conduct was willful and wanton, and with a conscious contempt and
14 disdain for the disastrous consequences that Defendants knew could occur as a result of their
15 dangerous conduct. Accordingly, Defendants acted with malice towards Plaintiffs and Class
16 members, which is an appropriate predicate fact for an award of exemplary/punitive damages in a
17 sum according to proof.

18 **FOURTH CAUSE OF ACTION**
19 **Private Nuisance (Against All Defendants)**

20 182. Plaintiffs incorporate and re-allege by this reference each of the paragraphs set
21 forth as though fully set forth herein.

22 183. Plaintiffs and Class members own and/or occupy property at or near the site of the
23 North Bay Fires. At all relevant times herein, Plaintiffs and Class members had a right to occupy,
24 enjoy, and/or use their property without interference by Defendants.

25 184. Defendants' actions, conduct, omissions, negligence, trespass, and failure to act
26 resulted in a fire hazard and a foreseeable obstruction to the free use of Plaintiffs' property,
27 invaded the right of Plaintiffs to use their property, and interfered with Plaintiffs' enjoyment of
28

1 their property, causing Plaintiffs unreasonable harm and substantial actual damages constituting a
2 nuisance pursuant to California Civil Code § 3479.

3 185. As a direct and proximate result of Defendants' conduct, Plaintiffs and Class
4 members sustained loss and damage, including but not limited to damage to property, discomfort,
5 annoyance, and emotional distress, the amount of which will be proven at trial.

6 186. As a further direct and proximate result of the conduct of Defendants, Plaintiffs
7 seek the reasonable cost of repair or restoration of the property to its original condition and/or
8 loss-of-use damages, as allowed under California Civil Code § 3334.

9 187. Defendants' conduct was willful and wanton, and with a conscious contempt and
10 disdain for the disastrous consequences that Defendants knew could occur as a result of their
11 dangerous conduct. Accordingly, Defendants acted with malice towards Plaintiffs, which is an
12 appropriate predicate fact for an award of exemplary/punitive damages in a sum according to
13 proof.

14 **FIFTH CAUSE OF ACTION**
15 **Public Nuisance (Against All Defendants)**

16 188. Defendants owed a non-transferable, non-delegable duty to the public, including
17 Plaintiffs and the Class, to conduct their business, in particular the maintenance and/or operation
18 of power lines, power poles, and/or electrical equipment on power poles, and adjacent vegetation
19 in proximity to their electrical infrastructure in Northern California, in a manner that did not
20 threaten harm or injury to the public welfare.

21 189. Defendants, by acting and/or failing to act, as alleged hereinabove, created a
22 condition that was harmful to the health of the public, including Plaintiffs and the Class, and
23 created a fire hazard and other potentially dangerous conditions to Plaintiffs' property, which
24 interfered with the comfortable occupancy, use, and/or enjoyment of Plaintiffs' property. This
25 interference is both substantial and unreasonable.

26 190. Plaintiffs did not consent, expressly or impliedly, to the wrongful conduct of
27 Defendants.
28

1 191. The hazardous condition which was created by and/or permitted to exist by
2 Defendants affected a substantial number of people at the same time within the general public,
3 including Plaintiffs and the Class, and constituted a public nuisance under Civil Code §§ 3479
4 and 3480 and Public Resources Code § 4171. Further, the ensuing North Bay Fires constituted a
5 public nuisance under Public Resources Code § 4170.

6 192. The damaging effects of Defendants' creation of a fire hazard and the ensuing
7 North Bay Fires are ongoing and affect the public at large. As a result of the North Bay Fires
8 location, temperature, and/or duration, extensive areas of hydrophobic soils developed within the
9 burned areas. This further caused significant post-fire runoff hazards to occur, including hillside
10 erosion, debris flow hazards, sediment-laden flow hazards, and hillside erosion. As a result, large
11 quantities of ash and sediment will be deposited in perennial and ephemeral watercourses.

12 193. As a direct and legal result of the conduct of Defendants, Plaintiffs and the Class
13 suffered harm that is different from the type of harm suffered by the general public. Specifically,
14 Plaintiffs have lost the occupancy, possession, use, and/or enjoyment of their land, real, and/or
15 personal property, including, but not limited to: a reasonable and rational fear that the area is still
16 dangerous; a diminution in the fair market value of their property; an impairment of the ability to
17 sell their property; soils that have become hydrophobic; exposure to an array of toxic substances
18 on their land; the presence of "special waste" on their property that requires special management
19 and disposal; and a lingering smell of smoke, and/or soot, ash, and/or dust in the air.

20 194. As a further direct and legal result of the conduct of Defendants, Plaintiffs and the
21 Class have suffered, and will continue to suffer, discomfort, anxiety, fear, worries, annoyance,
22 and/or stress attendant to the interference with Plaintiffs' occupancy, possession, use and/or
23 enjoyment of their property.

24 195. A reasonable, ordinary person would be annoyed or disturbed by the condition
25 created by Defendants, and the resulting North Bay Fires.

26 196. Defendants' conduct is unreasonable and the seriousness of the harm to the public,
27 including Plaintiffs and the Class, outweighs the social utility of Defendants' conduct. There is
28

1 little or no social utility associated with causing wildfires to destroy one of the most beautiful and
2 beloved regions of Northern California.

3 197. The individual and/or collective conduct of Defendants set forth above resulting in
4 the North Bay Fires is not an isolated incident, but is ongoing and/or a repeated course of
5 conduct, and Defendants' prior conduct and/or failures have resulted in other fires and damage to
6 the public.

7 198. The unreasonable conduct of Defendants is a direct and legal cause of the harm,
8 injury, and/or damage to the public, including Plaintiffs and the Class.

9 199. Defendants have individually and/or collectively failed to and refused to conduct
10 proper inspections and to properly trim, prune, and/or cut vegetation in order to ensure the safe
11 delivery of electricity to residents and businesses through the operation of power lines in the
12 affected area, and Defendants' individual and/or collective failure to do so exposed every member
13 of the public to a foreseeable danger of personal injury, death, and/or a loss of or destruction real
14 and personal property.

15 200. Defendants' conduct set forth above constitutes a public nuisance within the
16 meaning of Civil Code §§ 3479 and 3480, Public Resources Code §§ 4104 and 4170, and Code of
17 Civil Procedure § 731. Under Civil Code § 3493, Plaintiffs have standing to maintain an action
18 for public nuisance because the nuisance is especially injurious to Plaintiffs and the Class
19 because, as described above, it is injurious and/or offensive to the senses of Plaintiffs,
20 unreasonably interferes with the comfortable enjoyment of their properties, and/or unlawfully
21 obstructs the free use, in the customary manner, of their properties.

22 201. For these reasons, Plaintiffs seek a permanent injunction ordering that Defendants
23 stop continued violation of Public Resource Code §§ 4292 and 4293 and CPUC General Order
24 95. Plaintiffs also seek an order directing Defendants to abate the existing and continuing
25 nuisance described above.

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**SIXTH CAUSE OF ACTION
Premises Liability (Against All Defendants)**

202. Plaintiffs incorporate and re-allege by this reference, each of the paragraphs set forth as though fully set forth herein.

203. Defendants were the owners of an easement and/or real property in the area of origin of the North Bay Fires, and/or were the owners of the electrical infrastructure upon said easement and/or right of way.

204. Defendants acted wantonly, unlawfully, carelessly, recklessly, and/or negligently in failing to properly inspect, manage, maintain, and/or control the vegetation near their electrical infrastructure along the real property and easement, allowing an unsafe condition presenting a foreseeable risk of fire danger to exist in said areas.

205. As a direct and legal result of the wrongful acts and/or omissions of Defendants, Plaintiffs and the Class suffered, and continue to suffer, the injuries and damages as set forth above.

206. As a further direct and legal result of the wrongful acts and/or omissions of Defendants, Plaintiffs seek the recovery of punitive and exemplary damages against Defendants as set forth above.

**SEVENTH CAUSE OF ACTION
Violation Of Public Utilities Code § 2106 (Against All Defendants)**

207. Plaintiffs incorporate and re-allege each of the paragraphs above as though fully set forth herein.

208. As Public Utilities, Defendants are legally required to comply with the rules and orders promulgated by the CPUC pursuant to Public Utilities Code § 702.

209. Public Utilities whose failure to perform or inadequate performance of duties required by the California Constitution, a law of the State, or a regulation or order of the Public Utilities Commission, leads to loss or injury, are liable for that loss or injury, pursuant to Public Utilities Code § 2106.

1 210. As Public Utilities, Defendants are required to provide and maintain service,
2 equipment, and facilities in a manner adequate to maintain the safety, health, and convenience of
3 their customers and the public, pursuant to Public Utilities Code § 451.

4 211. Defendants are required to design, engineer, construct, operate, and maintain
5 electrical supply lines and associated equipment in a manner consonant with their use, taking into
6 consideration local conditions and other circumstances, so as to provide safe and adequate electric
7 service, pursuant to CPUC General Order 95, and CPUC General Order 165.

8 212. Defendants are required to maintain vegetation in compliance with California
9 Public Resources Code §§ 4293, 4294, 4435 and Health & Safety Code § 13001.

10 213. Through their conduct alleged herein, Defendants violated Public Utilities Code
11 §§ 702, 451 and/or CPUC General Order 95, thereby making them liable for losses, damages, and
12 injuries sustained by Plaintiffs and the Class pursuant to Public Utilities Code § 2106.

13 **EIGHTH CAUSE OF ACTION**
14 **Violation Of Health & Safety Code § 13007 (Against All Defendants)**

15 214. Plaintiffs hereby re-allege and incorporate by reference each and every allegation
16 contained above as though the same were set forth herein in full.

17 215. By engaging in the acts and omissions alleged in this Complaint, Defendants
18 willfully, negligently, and in violation of law, allowed fire to ignite on or spread to the property of
19 another in violation of California Health & Safety Code § 13007.

20 216. As a legal result of Defendants' violation of California Health & Safety Code §
21 13007, Plaintiffs suffered recoverable damages to property under California Health & Safety
22 Code §§ 13008 and 13009.1.

23 217. As a further legal result of the violation of California Health & Safety Code
24 § 13007 by Defendants, Plaintiffs are entitled to reasonable attorney's fees under California Code
25 of Civil Procedure § 1021.9 for the prosecution of this cause of action.

26 218. Further, the conduct alleged against Defendants in this complaint was despicable
27 and subjected Plaintiffs to cruel and unjust hardship in conscious disregard of their rights,
28 constituting oppression, for which Defendants must be punished by punitive and exemplary

1 damages in an amount according to proof. Defendants' conduct was carried on with a willful and
2 conscious disregard of the rights and safety of Plaintiffs, constituting malice, for which
3 Defendants must be punished by punitive and exemplary damages according to proof. An officer,
4 director, or managing agent of PG&E personally committed, authorized, and/or ratified the
5 despicable and wrongful conduct alleged in this complaint

6 **NINTH CAUSE OF ACTION**
7 **Negligent Interference With Prospective Economic Advantage**
8 **(Brought by Sky Vineyards and Transitioning Families and Similarly Situated Class**
9 **Members Against All Defendants)**

10 219. Plaintiffs hereby re-allege and incorporate by reference each and every allegation
11 contained above as though the same were set forth herein in full.

12 220. Plaintiffs and the Class have existing or prospective economic relationships with
13 citizens of the region impacted by the North Bay Fires, visitors to the region, and other
14 individuals and organizations in and related to the region.

15 221. These relationships have a reasonably probable likelihood of resulting in future
16 economic benefits or advantages to Plaintiffs and the Class.

17 222. Defendants knew or should have known of these existing and prospective
18 economic relationships.

19 223. Defendants owed a duty to Plaintiffs and the Class to avoid negligent or reckless
20 conduct that would interfere with and adversely affect the existing and prospective economic
21 relationships of Plaintiffs and the Class.

22 224. Defendants breached that duty to Plaintiffs and the Class by, among other things,
23 failing to install and/or maintain reasonable safety equipment to prevent fires, failing to properly
24 maintain their electrical infrastructure in a safe condition, and failing to manage the vegetation
25 surrounding their equipment.

26 225. Defendants knew or should have known that, if they failed to act with reasonable
27 care, the existing or prospective economic relationships of Plaintiffs and the Class would be
28 interfered with and disrupted.

1 226. Defendants were negligent and failed to act with reasonable care as set forth
2 above.

3 227. Defendants engaged in wrongful acts and/or omissions as set forth above,
4 including but not limited to their violations of laws that require Defendants to operate their
5 equipment in a manner that does not damage public health or safety.

6 228. As a direct and proximate result of Defendants' wrongful acts and/or omissions,
7 Defendants negligently and recklessly interfered with and disrupted the existing and prospective
8 economic relationships of Plaintiffs and the Class.

9 229. As a direct and proximate result of Defendants' wrongful acts and/or omissions,
10 Plaintiffs and the Class have suffered and will suffer economic harm, injury, and losses as set
11 forth above.

12 **VII. PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

14 1. Costs of repair, depreciation, and/or replacement of damaged, destroyed, and/or
15 lost personal and/or real property;

16 2. Loss of use, benefit, goodwill, and enjoyment of Plaintiffs' real and/or personal
17 property, and/or alternative living expenses;

18 3. Loss of wages, earning capacity, and/or business profits or proceeds and/or any
19 related displacement expenses;

20 5. Attorney's fees, expert fees, consultant fees, and litigation costs and expense, as
21 allowed under California Code of Civil Procedure § 1021.9;

22 6. Treble or double damages for wrongful injuries to timber, trees, or underwood on
23 their property, as allowed under California Civil Code § 3346;

24 7. Punitive/exemplary damages;

25 8. All costs of suit;

26 9. Prejudgment interest, according to proof; and

27 10. General damages for fear, worry, annoyance, disturbance, inconvenience, mental
28 anguish, emotional distress, and loss of quiet enjoyment of property; and


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11. For such other and further relief as the Court shall deem proper, all according to proof.

VIII. JURY TRIAL DEMAND

Plaintiffs hereby demand a jury trial on all causes of action for which a jury is available under the law.

Dated: November 30, 2017

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