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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

17 VICTORIA FROST d/b/a FROST FIT and
18 ROBERT BLANCHARD; MARTHA
19 SMILGIS; DIANE MEEHAN d/b/a
20 DADIANA, INC.; PETER PARK and
21 KELLY PARK; PLATINUM
22 PERFORMANCE FITNESS, INC.;
23 HONHAI, INC.; THOMAS E. CARROLL;
24 and CHRISTOPHER T. BURKE on behalf of
25 themselves and others similarly situated,

26 Plaintiffs,

27 v.

24 SOUTHERN CALIFORNIA EDISON
25 COMPANY, a California corporation;
26 EDISON INTERNATIONAL, a California
27 corporation, and DOES 1 through 20,
28 inclusive,

Defendants.

Case No.

BC 6 9 1 1 4 6

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

- (1) NEGLIGENCE
- (2) INVERSE CONDEMNATION
- (3) PUBLIC NUISANCE
- (4) PRIVATE NUISANCE
- (5) PREMISES LIABILITY
- (6) TRESPASS
- (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. Beginning on or about December 4, 2017, the Thomas Fire set in motion a chain of
3 horrific events in Southern California that has devastated the environment and destabilized life in
4 the area for years to come.

5 2. The Thomas Fire raged in the mountains and steep slopes surrounding Lake
6 Casitas and the City of Ojai. Driven by the Santa Ana winds, the fire consumed over 280,000
7 acres, including large portions of the Los Padres National Forest. Ash from the fire covered the
8 land like a gray snow, and smoke filled the air and brought a dark pall over the sky. Over 100,000
9 residents were required to evacuate and two lives were lost.

10 3. The Thomas Fire denuded the landscape of the dense thickets of chaparral, brush,
11 and tall grass that normally cover the region. When rain arrived, the destruction from the Thomas
12 Fire triggered mudslides by turning hundreds of miles of the Santa Ynez Mountains into
13 precarious, unstable ground capable of being swept away at any moment. Additionally, because
14 the Fire burned so intensely, the soil was transformed into a dense, water-repellant surface.
15 Indeed, the U.S. Geological Survey warned of the high risk for disastrous landslides if heavy rain
16 fell on mountainsides around Santa Barbara that had been scorched by the Thomas wildfire.

17 4. On January 9, 2018, massive flows of water and mud tumbled down mountain
18 slopes laid bare by the fire. Then huge debris flows, comprised of mud as thick as concrete and
19 moving at speeds of up to 20 miles per hour, slammed into the neighborhoods below. Some
20 homes were ripped from their foundations while others were swallowed by waist-high mud and
21 rubble. Over 20 million pounds of debris have been removed thus far, and trucks continue to haul
22 thousands of pounds each day.

23 5. At least twenty-one people, including children, were killed, and more than 450
24 homes and businesses were destroyed or damaged. Rescue crews continue to search for two
25 missing people, a 2 year old and a 17 year old.

26 6. The city hardest hit by the mudslides was Montecito, a small community nestled
27 between the Santa Ynez Mountains and the Pacific Ocean, that was just below the Thomas Fire
28 but had been spared by its flames. The small oceanside city of Carpinteria was also affected.

1 7. U.S. Highway 101, the main artery from Santa Barbara to points east, was covered
2 by the mudslides, and remained closed for over ten days, severely restricting access to and from
3 the area and causing businesses to close or go without customers and employees. Many on and off
4 ramps are still closed at the time of this filing.

5 8. These disasters (collectively, the “Thomas Fire and Mudslides”) have a common
6 underlying cause: they were sparked by unsafe electrical infrastructure owned, operated, and
7 improperly maintained by Southern California Edison Company and Edison International
8 (hereinafter “SCE”).

9 9. SCE had a duty to maintain its electrical infrastructure properly and to ensure
10 surrounding trees and vegetation were trimmed and kept at a safe distance. SCE violated that duty
11 by knowingly operating aging, overloaded, and/or improperly maintained infrastructure. In fact,
12 SCE’s violations had caused fires before, and SCE had been sanctioned numerous times for this
13 before the Thomas Fire began. All the while, it knowingly and habitually underestimated the
14 potential the risk, including fire risk, its systems posed.

15 10. Had SCE acted responsibly, the Thomas Fire and Mudslides could have been
16 prevented.

17 11. 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 12. Plaintiffs bring claims on behalf of themselves and all others similarly situated for,
23 *inter alia*, damage to and loss of use of real and personal property; loss of income; loss of
24 business; consequential and incidental damages; emotional distress; and other harm caused by
25 Defendants’ wrongful conduct.

26 **II. JURISDICTION AND VENUE**

27 13. 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 14. 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 Los Angeles.

8 **III. THE PLAINTIFFS**

9 15. The Plaintiffs are individuals and businesses who suffered property damage and
10 economic losses as a result of the Thomas Fire and Mudslides.

11 **A. Victoria Frost d/b/a Frost Fit and Robert Blanchard**

12 16. Victoria Frost and Robert Blanchard are husband and wife, and they are residents
13 of Santa Barbara County.

14 17. Ms. Frost d/b/a Frost Fit is an independent contractor who works as a nutritionist,
15 certified personal trainer, and corrective exercise specialist primarily out of the Coral Casino
16 Beach and Cabana Club (“Coral Casino”) in Montecito. Because of the Thomas Fire, the Coral
17 Casino was evacuated and Ms. Frost was unable to work. Just as the orders had been lifted, the
18 Coral Casino was affected by the Mudslides, and yet again, she was not able to work with her
19 clients. The Coral Casino is closed at the time of this filing and will remain closed indefinitely.
20 The timing of the Thomas Fire and Mudslides is particularly damaging because December is the
21 height of the season for visitors and is normally her busiest and most profitable month.

22 18. Mr. Blanchard is a construction project manager who works for himself. The
23 Thomas Fire burned down the project he was managing. In addition, both he and Ms. Frost
24 needed to cancel a long-planned trip because of the loss of income they have suffered.

25 **B. Martha Smilgis**

26 19. Ms. Smilgis is a resident of Santa Barbara County. She owns a townhouse at
27 82 Olive Mill Road in Montecito. Her property was severely damaged by the Mudslides. Mud
28 broke through her window, forced a tree through her front door, and damaged her hedge and tiled

1 patio. The mud then filled the lower story of her home to a depth of approximately four feet. The
2 Mudslides also filled the home with the contents of homes higher up the hill, including their
3 books, clothing, and pieces of plumbing. She could not access the property for three weeks due to
4 the closure of U.S. Highway 101 and/or its entrances and exits, and the full extent of the damage
5 is not yet known. Ms. Smilgis rented the home to a tenant who was rescued from the property the
6 night of the Mudslides and cannot return due to the damage, and thus Ms. Smilgis is losing rental
7 income from the property.

8 **C. Diane Meehan d/b/a Dadiana, Inc.**

9 20. Diane Meehan is a resident of Santa Barbara County and the sole proprietor of
10 Dadiana Montecito d/b/a Dadiana, Inc., a salon in Montecito. She has owned and worked in the
11 salon for the past twenty years. The Thomas Fire forced a closure of her salon for two weeks
12 initially, and just as she finally was ready to get back to work, the Mudslides hit. She has yet to be
13 able to return to her salon, and she has had to rent a space from another salon in order to do any
14 work or make retail sales. Because of the closure of U.S. Highway 101, she was not able to drive
15 to Montecito, and Ms. Meehan had to take the train and pay someone to pick her up and drive her
16 to the new salon. She also has had to completely refurnish and restock her new salon, buying new
17 products and equipment.

18 21. Many of her clients have not able to come in for their appointments because of the
19 evacuations and the damage to the area. There is still not running water for her to use in the salon,
20 and the public is barred from entering the area. She fears that many will not return to Montecito
21 due to the Thomas Fire and Mudslides, and that her business will never return to what it once
22 was.

23 22. Additionally, Ms. Meehan's home in Carpinteria was damaged by smoke and ash.

24 **D. Peter Park, Kelly Park, and Platinum Performance Fitness, Inc.**

25 23. Platinum Performance Fitness, Inc., d/b/a Platinum Fitness Summerland, is a
26 California corporation. It operates a gym located in Summerland, Santa Barbara County, owned
27 by Peter Park and Kelly Park, husband and wife and residents of Santa Barbara County. Peter
28 Park is a nationally recognized personal trainer with clients in Santa Barbara and Los Angeles.

1 His Los Angeles clients often come up to train with him in his gym in Summerland. He also
2 travels three times per week to Los Angeles and has done so for the last eight years. When the
3 Thomas Fire hit, Platinum Fitness Summerland was closed down under an evacuation order.
4 Approximately 80% of the gym's clients are from Montecito, which was hit hard by the Fire and
5 was also under mandatory evacuation orders. In addition, the air quality was so poor that no
6 clients wanted to train. Following the Fire, the gym was again placed under mandatory shut
7 down after the flood, mudslides, and Highway 101 closure. The gym's income comes from fees
8 from clients and trainers. No trainers or clients could use the gym during the fire and flood
9 shutdown, and all of its income was lost during those closures. Moreover, the gym is unlikely to
10 recover quickly, since its client base came from Montecito. Some of its clients were actual
11 victims of the flood. Survivors are not thinking of training, and may not be able to return to their
12 damaged or destroyed homes for lengthy periods of time. The long-term prospects for the gym
13 are therefore bleak.

14 24. Additionally, Peter Park and Kelly Park were under a mandatory evacuation order
15 during the Thomas Fire, from their home at 681 Chelham Way, Santa Barbara. They suffered
16 damages in having to evacuate, and their home suffered ash and smoke damage.

17 **E. Honhai, Inc.**

18 25. Honhai, Inc., is a California corporation doing business as the China Pavilion at
19 Chapala, a restaurant in Santa Barbara City. It is owned by Santa Barbara County residents and
20 husband and wife, Lisa Lee and Peter Chen. Situated in the downtown corridor, the restaurant
21 has been a well-loved local fixture since 2006. December is its busiest month. The Thomas Fire
22 hit as holiday parties and catered events were just starting. Large numbers of these events were
23 canceled due to air pollution, while others were simply not set, or had to be re-set. Many would-
24 be patrons stayed in their homes or offices due to the heavy particulate level during the weeks of
25 the fire and did not eat out. Fire evacuation orders were issued and then expanded, leading many
26 of the restaurant's customers to leave town altogether. The restaurant was unable to open and/or
27 could only operate a few hours in a day, because the electricity went on and off. The fluctuating
28 electricity also interrupted the point of sale (POS) system, so transactions made on credit cards

1 were decoded and lost. During the fire, restaurant workers and customers could not come into
2 town due to Highway 101's initial closure. Produce and meat were delivered late and had to be
3 rejected due to spoilage. When the mudslides then closed Highway 101 again, and evacuations
4 were re-instituted, there was an additional drastic drop in customer traffic that had only just begun
5 to revive. Plaintiffs' business losses are ongoing.

6 **F. Thomas E. Carroll**

7 26. Thomas E. Carroll is a resident of Santa Barbara County, and the sole proprietor of
8 his personal business driving residents of Montecito and Santa Barbara. He has been taking care
9 of his clients for roughly 18 years. He often drives clients back and forth to Los Angeles Airport
10 (he has made over 3,600 round trips), or to the City of Los Angeles, on Highway 101. When the
11 Thomas Fire hit, most of his clients evacuated. The visibility was so poor that most of the
12 remaining clients stayed inside. Scheduled trips were canceled, and his business dropped
13 drastically. On January 9, 2018, he was on his way to pick someone up in Montecito at 3:30
14 A.M., when he was stopped on Highway 101 by law enforcement, told the highway was closed,
15 and ordered to turn around. Since January 9, 2018, to this date, his business has been virtually
16 nonexistent.

17 **G. Christopher T. Burke**

18 27. Christopher T. Burke is a resident of Santa Barbara County. He is a sole
19 proprietor and independent contractor who works as a personal trainer. He operates primarily out
20 of Platinum Fitness Summerland in Summerland, California. He also travels to corporations and
21 goes to clients' homes. When the Thomas Fire hit, the air quality deteriorated to the extent that
22 no one wanted to train, and many clients had to leave town. He was reduced to having only a few
23 hours of work a week, before Platinum Fitness was shut down under a mandatory evacuation
24 order. When the air quality improved, his work schedule improved also, but only temporarily.
25 When the mudslides hit Montecito, evacuation orders were re-imposed and Highway 101 was
26 shut down once again. He was cut off from approximately 70% of his income. He anticipates
27 having to pro-rate clients who had pre-paid due to the lack of training sessions, and suffering a
28 continuing loss of income until he can re-build his practice.

1 **IV. THE DEFENDANTS**

2 **A. SCE Defendants**

3 28. At all times herein mentioned Southern California Edison and Edison International
4 (collectively, “SCE Defendants”) were corporations authorized to do business, and doing
5 business, in the State of California, with their principal place of business in the County of Los
6 Angeles, State of California. Defendant Edison International (“EI”) is an energy-based holding
7 company headquartered in Rosemead, and it is the parent company of Defendant Southern
8 California Edison. EI subsidiaries provide customers with public utility services, and services
9 relating to the generation of energy, generation of electricity, transmission of electricity and
10 natural gas, and the distribution of energy.

11 29. SCE is both an “Electrical Corporation” and a “Public Utility” pursuant to,
12 respectively, Sections 218(a) and 216(a) of the California Public Utilities Code. SCE is in the
13 business of providing electricity to the residents and businesses of Central, Coastal, and Southern
14 California and, more particularly, to Plaintiffs’ residences, businesses, and properties through a
15 network of electrical transmission and distribution lines.

16 30. SCE, based in Los Angeles County, is one of the nation’s largest electric utilities,
17 serving a 50,000 square-mile area within Central, Coastal, and Southern California. It is wholly-
18 owned by Edison International, which has a market cap of over \$ 20.5 billion. SCE’s assets total
19 approximately \$ 53 billion.

20 31. EI is a publicly traded company that owns and/or manages an “Electric Plant” as
21 defined in Section 217 of the Public Utilities Code, and, like its subsidiary, SCE, is both an
22 “Electric Corporation” and a “Public Utility” pursuant to, respectively, Sections 218(a) and
23 216(a) of the Public Utilities Code. It develops and operates energy infrastructure assets related
24 to the production and distribution of energy such as power plants, electric lines, natural gas
25 pipelines and liquefied natural gas receipt terminals. EI’s total assets are approximately \$ 53
26 billion.

27 32. Defendants have at least \$ 1 billion in wildfire insurance.
28

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

10 34. Plaintiffs allege on information and belief that the SCE Defendants are jointly and
11 severally liable for each other’s negligence, misconduct, and wrongdoing as alleged herein, in
12 that:

13 a. The SCE Defendants operate as a single business enterprise operating out
14 of the same building located at 2244 Walnut Grove Ave, Rosemead, California for the purpose of
15 effectuating and carrying out SCE’s business and operations and/or for the benefit of EI;

16 b. The SCE Defendants do not operate as completely separate entities, but
17 rather, integrate their resources to achieve a common business purpose;

18 c. SCE is so organized and controlled, and its decisions, affairs, and business
19 so conducted as to make it a mere instrumentality, agent, conduit, or adjunct of EI;

20 d. SCE’s income results from function integration, centralization of
21 management, and economies of scale with EI;

22 e. The SCE Defendants’ officers and management are intertwined and do not
23 act completely independent of one another;

24 f. The SCE Defendants’ officers and managers act in the interest of SCE as a
25 single enterprise;

26 g. EI has control and authority to choose and appoint SCE’s board members
27 as well as its other top officers and managers;

1 h. Despite the fact that they are both Electric Companies and Public Utilities,
2 the SCE Defendants do not compete with one another, but have been structured and organized
3 and their business effectuated so as to create a synergistic, integrated single enterprise where
4 various components operate in concert one with another;

5 i. EI maintains unified administrative control over SCE;

6 j. The SCE Defendants are insured by the same carriers and provide uniform
7 or similar pension, health, life, and disability insurance plans for employees;

8 k. The SCE Defendants have unified 401(k) Plans, pension and investment
9 plans, bonus programs, vacation policies, and paid time off from work schedules and policies;

10 l. The SCE Defendants invest funds from their programs and plans by a
11 consolidated and/or coordinated Benefits Committee controlled by SCE and administered by
12 common trustees and administrators;

13 m. The SCE Defendants have unified personnel policies and practices and/or a
14 consolidated personnel organization or structure;

15 n. The SCE Defendants have unified accounting policies and practices
16 dictated by EI and/or common or integrated accounting organizations or personnel;

17 o. The SCE Defendants are represented by common legal counsel;

18 p. EI's officers, directors, and other management make policies and decisions
19 to be effectuated by SCE and/or otherwise play roles in providing directions and making
20 decisions for SCE;

21 q. EI's officers, directors, and other management direct certain financial
22 decisions for SCE including the amount and nature of capital outlays;

23 r. EI's written guidelines, policies, and procedures control SCE's employees,
24 policies, and practices;

25 s. EI files consolidated earnings statements factoring in all revenue and losses
26 from SCE, as well as consolidated tax returns, including those seeking tax relief; and/or, without
27 limitation;

1 t. EI generally directs and controls SCE's relationship with, requests to, and
2 responses to inquiries from, the CPUC and uses such direction and control for the benefit of EI.

3 35. Plaintiffs are informed and believe that the SCE Defendants herein, and each of
4 them, were agents and/or employees each of the other and in acting and/or failing to act as alleged
5 herein, the SCE Defendants, and each of them, were acting in the course and scope of said agency
6 and/or employment relationship.

7 **B. Doe Defendants**

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

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

15 38. The Doe Defendants are private individuals, associations, partnerships,
16 corporations, or other entities that actively assisted and participated in the negligent and wrongful
17 conduct alleged herein in ways that are currently unknown to Plaintiffs. Some or all of the Doe
18 Defendants may be residents of the State of California. Plaintiffs may amend or seek to amend
19 this Complaint to allege the true names, capacities, and responsibility of these Doe Defendants
20 once they are ascertained, and to add additional facts and/or legal theories. Plaintiffs make all
21 allegations contained this Complaint against all Defendants, including Does 1 through 20.

22 **V. FACTUAL ALLEGATIONS**

23 **A. SCE Caused Two Tragedies**

24 **1. The Thomas Fire**

25 39. After years of drought and with the absence of significant precipitation in the past
26 fall or winter, the landscape of much of Southern California was critically dry.

1 40. On October 20, 2017, the California Department of Forestry and Fire Protection
2 (“Cal Fire”) issued a news release to warn of dangerous weather conditions in Southern
3 California following the devastating Northern California fires. Specifically, Cal Fire noted:

4 After one of the deadliest and most destructive weeks in California’s history,
5 firefighters are preparing for another significant wind event in Southern California.
6 The National Weather service has issued several Red Flag Warnings and Fire
7 Weather Watches across Southern California starting this weekend through early
8 next week due to gusty winds, low humidity and high temperatures. In response to
9 these anticipated conditions, CAL FIRE is increasing its staffing levels with
10 additional firefighters, fire engines, fire crews, and aircraft to respond to any new
11 wildfires. “This is traditionally the time of year when we see these strong Santa
12 Ana winds,” said Chief Ken Pimlott, director of CAL FIRE. “and with an
13 increased risk for wildfires, our firefighters are ready. Not only do we have state,
14 federal and local fire resources, but we have additional military aircraft on the
15 ready. Firefighters from other states, as well as Australia, are here and ready to
16 help in case a new wildfire ignites.” The weather warnings stretch from Santa
17 Barbara, San Diego, Orange, Riverside, Los Angeles, San Bernardino, and
18 Ventura counties. The winds are expected to reach gusts of up to 50 mph, along
19 with record breaking heat, fire danger in these areas is high. It is vital that the
20 public use caution when outside and avoid activities that may spark a new fire.
21 Any new fires can spread rapidly under these types of weather conditions.

22 41. On December 4, 2017, the National Weather Service issued a Red Flag Warning,
23 stating “[t]his will likely be the strongest and longest duration Santa Ana wind event we have
24 seen so far this season. If fire ignition occurs, there will be the potential for very rapid
25 spread...and extreme fire behavior.”¹

26 42. The National Weather Service issues Red Flag Warnings to alert fire departments
27 of the onset, or possible onset, of critical weather and dry conditions that could lead to rapid or
28 dramatic increases in wildfire activity.²

29 43. The Thomas Fire began in two separate locations in the evening of December 4.

30 44. The first broke out around 6:26 P.M. about to the east of the KOA Campground
31 near Steckel Park, about 2 miles north of Santa Paula.³ Santa Ana winds gusting up to 80 miles

32 _____
33 ¹ Sonali Kohli, *Expect the “Strongest and Longest” Santa Ana Winds of the Season this Week in*
34 *L.A. Area*, L.A. Times (Dec. 4, 2017 8:10 A.M.), [http://www.latimes.com/local/lanow/la-me-ln-](http://www.latimes.com/local/lanow/la-me-ln-fire-risk-20171204-story.html)
35 [fire-risk-20171204-story.html](http://www.latimes.com/local/lanow/la-me-ln-fire-risk-20171204-story.html).

36 ² *Red Flag Warnings & Fire Weather Watches*, Cal. Dept. Forestry & Fire Protection,
37 http://calfire.ca.gov/communications/communications_firesafety_redflagwarning

38 ³ *Thomas Fire Incident Information*, Cal. Dept. Forestry & Fire Protection,
http://cdfdata.fire.ca.gov/incidents/incidents_details_info?incident_id=1922.

1 per hour drove the blaze toward Thomas Aquinas College (from which the fire gets its name) and
2 across California State Route 150, toward the city of Ventura. Upon information and belief,
3 plaintiffs allege that SCE crews' construction activities in the hills above the Ventura Ranch
4 KOA Holiday campground in Santa Paula caused the fire.

5 45. The second ignition point of the Thomas Fire was at the top of Koenigstein Road
6 in Upper Ojai, where a power pole transformer exploded shortly after 7:00 P.M. This transformer
7 explosion was witnessed by several area residents. According to a newspaper report, one
8 Koenigstein Drive resident and her children heard a huge explosion outside their window. They
9 saw sparks falling to the ground and their yard catch fire. One of the residents saw a huge flash of
10 light near the pole, heard a boom, and saw a "sprinkling of sparks falling to the ground."⁴ The
11 second ignition point was located approximately five miles from the initial ignition point. The
12 two joined and burned as one fire.

13 46. The Thomas Fire has burned an area larger than New York City, Washington D.C.,
14 and San Francisco combined.

15 47. At the height of its strength, the Thomas Fire qualified as a "firestorm," meaning it
16 was strong enough to create its own weather.

17 48. The rocky, steep terrain of the Santa Ynez Mountains and the strong push of the
18 Santa Ana winds made the fire difficult to stop.

19 49. At times, the fire advanced at a rate of an acre per second.
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21
22
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27 ⁴ Kit Stolz, *Thomas Fire Had Two Origins*, Santa Barbara Independent (Dec. 22, 2017),
28 <https://www.independent.com/news/2017/dec/22/thomas-fire-had-two-origins/>.

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Photo of Thomas Fire along Highway 33.⁵

50. Fighting the Thomas Fire required the largest mobilization of firefighters for combating any wildfire in California history. More than 8,500 came from all over the United States and other parts of the world to combat the flames.

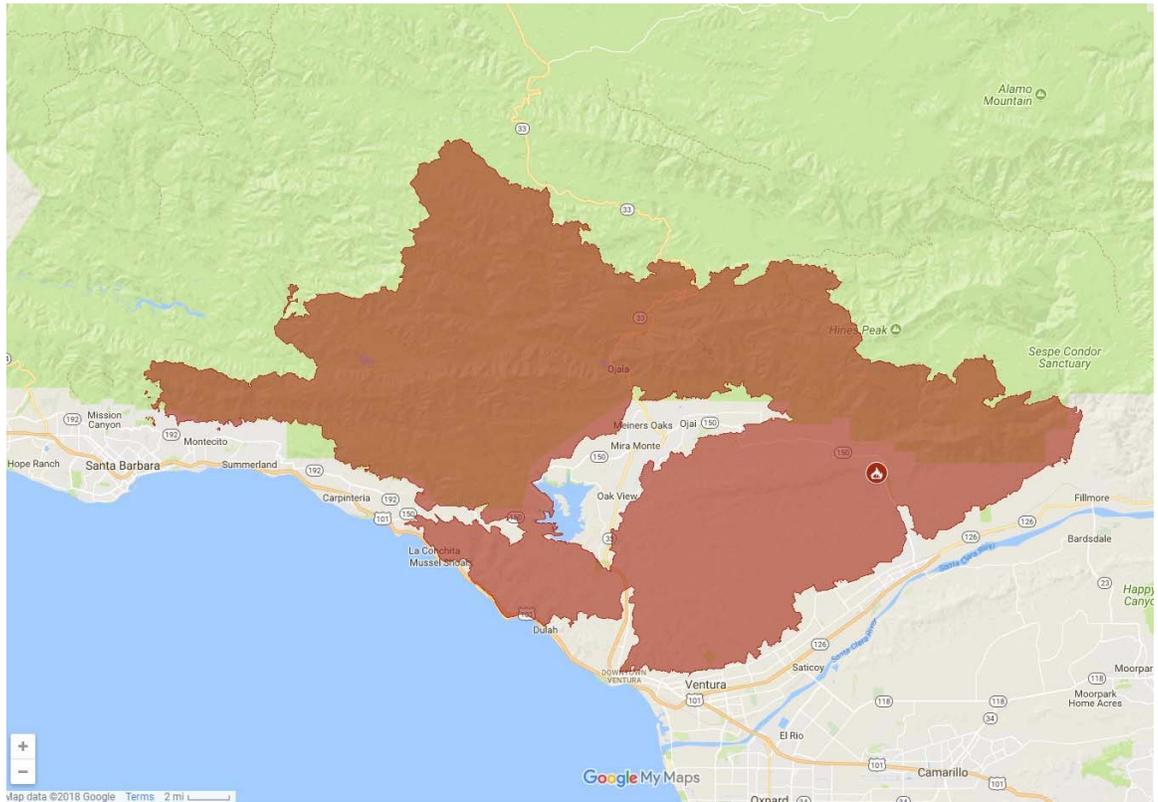
51. The areas affected by the Thomas Fire were declared a national disaster by the President in January.

52. The Thomas Fire burned more than 281,000 acres, destroyed 1,063 structures, including 775 homes, and damaged another 280 before it was finally contained on January 12, 2018.⁶

⁵ Tom Bolton, *No End in Sight as Firefighters Battle 132,000-Acre Thomas Fire on Several Fronts*, Noozhawk (Dec. 7, 2017 9:59 A.M.), <https://www.noozhawk.com/images/uploads/slideshows/120717-Thomas-Fire-Highway-33-Cyclone-rf-1000x667.jpg>.

⁶ *Thomas Fire Quick Update*, Cal. Fire (Dec. 19, 2017 6:00 P.M.) http://cdfdata.fire.ca.gov/admin8327985/cdf/images/incidentfile1922_3295.pdf.

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Map of Thomas Fire Perimeter from Cal Fire.

53. One firefighter died from injuries sustained fighting the blazes, and one elderly woman died in a car accident while fleeing the Thomas Fire.

54. California Department of Forestry and Fire Protection (“Cal Fire”) determined the Thomas Fire was both the largest fire in California’s modern history, as well as the seventh most destructive.

55. The Los Padres National Forest Service noted that such a large blaze “would be significant if it were summer; however, it is unprecedented for December and January.”⁷

56. The Thomas Fire devastated the Los Padres National Forest.

57. The Fire also ripped across the Los Padres Sespe Condor Sanctuary, where most of the state’s free-flying California condors live as fledglings. The federally endangered California condor is the largest scavenging bird in the nation and is on the brink of extinction. The Fire endangered their habitat and the potential survival of the species.

58. U.S. Highway 101, and California State Routes 33 and 150 were shut down at various times due to the Thomas Fire.

⁷ *Id.*

1 59. On December 11, 2017, SCE issued a press release, which stated that it was being
2 investigated by Cal Fire for its role in starting the Thomas Fire: “The causes of the wildfires are
3 being investigated by Cal Fire SCE believes the investigations now include the possible role
4 of its facilities.”

5 60. The Thomas Fire forced over 100,000 residents to evacuate their homes.⁸

6 61. Over a quarter million SCE customers lost power as a result of damage from the
7 fire. The transmission system which runs from Ventura County to Goleta, Santa Barbara had to be
8 shut down to prevent further problems until SCE employees could safely access the area for
9 inspections.⁹

10 62. On December 13, officials also began closing California State Route 154 for
11 several hours each morning in order to mobilize fire equipment.

12 63. The forced road closures impeded firefighting and rescue efforts.



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24 Santa Barbara during Thomas Fire on December 8, 2017 taken by Kelsey Gerckens, KEYT-TV.

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⁸ *Id.*

27 ⁹ See Voicemail from SCE’s Kim Utah dated Dec. 5, 2017 8:07 A.M., Cal. Pub. Utils. Comm’n,
28 [http://cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/Safety/voicemail%20from%20\(626\)%20812-4286%20at%208_07%20AM%20redacted.pdf](http://cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/Safety/voicemail%20from%20(626)%20812-4286%20at%208_07%20AM%20redacted.pdf).

1 **2. The Mudslides: Walls of Mud, Debris, and Boulders**

2 64. While the Thomas Fire was still burning, a strong low-pressure system and cold
3 front began to develop off the coast of California on January 5, 2018.

4 65. On January 8, 2018, heavy rains started to fall on Southern California.

5 66. The storm intensified the following day, with two to four inches of rain falling
6 over the two-day period.

7 67. The heavy precipitation on the burned slopes above Montecito resulted in rapid
8 erosion, causing mudslides, and debris flows on soil surfaces and in stream channels.

9 68. The disaster arrived in the early hours of January 9, 2018, when Montecito Creek
10 overflowed its banks, flowing down the creek and onto Olive Mill Road.

11 69. The Mudslides began while most residents were sleeping, so many had no idea the
12 mud was coming their way until it slammed into their homes.

13 70. By the time the 911 calls started rolling in, there was little first responders could
14 do.

15 71. Richard Rudman, vice chairman of the California Emergency Alert System states
16 that “once a debris flow begins, it’s extremely difficult to get out of the way.”

17 72. The Mudslides were the deadliest flooding event in California in decades.

18 73. Some estimates of the mudflows clocked them at 20 miles per hour, which is much
19 faster than most people can run.

20 74. When firefighters reached the scene, the scope of the disaster was staggering. A
21 Montecito Fire Captain saw mud 20 feet high.

22 75. Because the debris flows arrived so rapidly, individuals often could not protect
23 their properties or structures, nor even remove precious personal possessions, irreplaceable
24 heirlooms, or valuable records.

25 76. The Mudslides also ruptured gas mains throughout Montecito, which started fires
26 in several places.

1 77. Rescuers had to rescue approximately 300 residents of the Romero Canyon
2 neighborhood near Montecito by helicopter airlift after the road into the area was cut off by a
3 massive debris flow.¹⁰

4 78. Prior to the Mudslides, Montecito was a sunny seaside paradise known for its great
5 weather, nice shops, and beautiful vistas of both mountains and the sea.

6 79. The magnitude of devastation has irrevocably changed the community. Residents
7 are in shock and overwhelmed by what has happened to the place where they live.



21 A home on Glen Oaks Road after the Mudslides. Photograph by Kenneth Song, Santa Barbara-
22 News Press.

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¹⁰ Alene Tchekmedyian, *About 300 People Still Stuck In Romero Canyon; Rescue Operations Will Resume at Daybreak*, Los Angeles Times (Jan. 9, 2018 11:06 P.M.), <http://www.latimes.com/local/california/la-me-southern-california-storm-live-300-people-still-stuck-in-romero-canyon-1515567981-htmlstory.html>.

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Photograph by Wally Skaliy of Los Angeles Times / Getty.



Photograph from Reuters.

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Photograph by Mike Nelson/EPA-EFE.



Two vehicles submerged in the surf amidst debris from the Mudslides in Montecito. Photograph by Rafael Maldonado of Santa Barbara News-Press.

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Photograph of U.S. Highway 101 by Rafael Maldonado Santa Barbara News-Press.



A clean-up crew works on removing the mud from U.S. Highway 101. Photograph from Reuters. 1493243.5

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Before and after photos of the Coral Casino.



SBCFireInfo @EliasonMike · 2m
#CAstorm- Demolition workers break down boulders Sunday afternoon that are scattered throughout Montecito following the deadly mud, rock, and debris that struck the area following heavy rains on January 9.

Photograph above from Santa Barbara Fire Department.

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A house and vehicle damaged by the Mudslides. Photograph by Kyle Grillo of Reuters.

80. The Mudflows have created a vast wasteland over much of Montecito where homes and business once stood.

81. The debris flows swept down over homes, businesses, and roadways from the Los Padres National Forest all the way to the Pacific Ocean, and rendering vast areas of Montecito uninhabitable.

82. The destruction covered 30 square miles, leaving 129 single-family homes and 6 businesses demolished and more than 324 structures damaged.¹¹ The rest of the community’s infrastructure also was harmed. Some streets cracked in half, and bridges and overpasses were closed because officials feared they were unstable.

83. Santa Barbara County Sheriff Bill Brown said that the area now resembled a “World War I battlefield” with “a carpet of mud and debris everywhere, with huge boulders, rocks, downed trees, power lines, wrecked cars.”¹²

¹¹ Press Release, January Storm Incident Update, County of Santa Barbara (Jan. 21, 2018 6:05 P.M.), <http://www.countyofsb.org/asset.c/3813>.

¹² Tom Piozot and Erik Ortiz, *Deadly Rains in Southern California Send Rivers of Mud Into Homes, Trigger Fire, Flooding*, NBC News (Jan. 9, 2018 11:19 P.M.),

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1 84. FEMA has assigned the U.S. Army Corps of Engineers to remove more than
2 450,000 cubic yards of debris to restore basin and channel capacity in Santa Barbara County.

3 85. The Mudslides were filled with raw sewage and dangerous chemicals.¹³

4 86. The Mudslides were so large that they changed the elevation in some
5 neighborhoods by as much as six feet.

6 87. The Mudslides have caused loss of life and personal injuries, as well as
7 widespread and extensive property damage.

8 88. U.S. Highway 101 was underwater and covered in mud after the slides, and
9 remained entirely closed in the area for over ten days. The 101 is California's primary coastal
10 route and the only major freeway between Santa Barbara areas to the east. Montecito is still
11 inaccessible because many of the on and off ramps to the area remain closed.

12 89. While Highway 101 was closed, the Amtrak train was the only way to get from
13 one side of Montecito to the other. The train also ran late, and only a few times a day.

14 90. Other surface streets and roads are impassable.

15 91. The road closures have made rescues of residents difficult and have left numerous
16 business owners and employees unable to reach their place of work.

17 92. Power outages from the Thomas Fire began the night of December 4 for residents
18 in Ventura and Santa Barbara counties. Power failures caused by the Mudslides affected more
19 than 6,000 homes and businesses in the area.

20 93. Debris flows also knocked out a 100 foot section of the pipeline to Jameson Lake,
21 which accounts for up to 40% of the area's water supply. Many residents and businesses are
22 without clean sanitary drinking water.

23 94. The Montecito Water District issued a boil water notice to all its customers
24 because of the loss of water storage in the reservoirs and the water main breaks.¹⁴

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Footnote continued from previous page

26 <https://www.nbcnews.com/news/weather/rains-southern-california-send-rivers-mud-homes-trigger-fire-n836016>.

27 ¹³ See Press Release, Mud Cleanup Safety and Protection, Santa Barbara Cty. Pub. Health Dept. (Jan. 21, 2018).

28 ¹⁴ Boil Water Notice, Montecito Water District (Jan. 9, 2018 11:50 A.M.),

Footnote continued on next page

1 95. Parts of Montecito at the time of this filing are also subject to a boil water notice.

2 96. The Santa Barbara County Environmental Health Services issued a closure notice
3 to all restaurants, markets and other facilities serving food within that area. The facilities which
4 still had working power were permitted to remain open for business as long as they serve
5 unopened, commercially prepackaged foods. They “may not prepare, handle or serve any open
6 foods, including fresh produce, until the boil water notice is lifted,” according to the County.¹⁵

7 97. Most of the people of Montecito are under orders to stay out of town as gas and
8 power were expected to be shut off for repairs.¹⁶

9 98. Rain expected in the coming days could hamper the cleanup process for crews
10 trying to remove tons of debris and mud from Montecito and surrounding areas.

11 99. The large amounts of mud and debris have made rescue efforts challenging.¹⁷
12 Rescuers have been searching frantically for missing residents, scouring through rivers of mud,
13 and hoping for a miracle. Initially, firefighters went door to door as they searched for the missing
14 in the disaster area.

15 100. The painstaking rescues have included using cadaver dogs to locate individuals
16 trapped in the mud and tangled mess of structures left behind, and digging for hours until they are
17 freed.

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21 *Footnote continued from previous page*

22 <http://www.montecitowater.com/latest-news/boil-water-notice-01-09-2018/>: see also Giana
23 Magnoli, *Montecito Water District Issues Boil Water Notice for Customers*, Noozhawk (Jan. 9,
24 2018 12:25 P.M.), [https://www.noozhawk.com/article/montecito_water_district_issues_boil_](https://www.noozhawk.com/article/montecito_water_district_issues_boil_water_notice_for_customers)
25 [water_notice_for_customers](https://www.noozhawk.com/article/montecito_water_district_issues_boil_water_notice_for_customers).

26 ¹⁵ Giana Magnoli, *Storm Causes Major Damage to Montecito Water Distribution System*,
27 Noozhawk (Jan. 10, 2018 4:12 P.M.) [https://www.noozhawk.com/article/storm_causes_major_](https://www.noozhawk.com/article/storm_causes_major_damage_montecito_water_distribution_south_coast_conduit)
28 [damage_montecito_water_distribution_south_coast_conduit](https://www.noozhawk.com/article/storm_causes_major_damage_montecito_water_distribution_south_coast_conduit).

29 ¹⁶ *Photos of Deadly Mudslides in Southern California After Devastating Wildfires*, Washington
30 Post (Jan. 9, 2018), [https://www.washingtonpost.com/national/photos-from-the-scene-of-](https://www.washingtonpost.com/national/photos-from-the-scene-of-mudslides-in-southern-california-following-the-devastating-wildfires/2018/01/09/cc041190-f55e-11e7-beb6-c8d48830c54d_gallery.html)
31 [mudslides-in-southern-california-following-the-devastating-wildfires/2018/01/09/cc041190-f55e-](https://www.washingtonpost.com/national/photos-from-the-scene-of-mudslides-in-southern-california-following-the-devastating-wildfires/2018/01/09/cc041190-f55e-11e7-beb6-c8d48830c54d_gallery.html)
32 [11e7-beb6-c8d48830c54d_gallery.html](https://www.washingtonpost.com/national/photos-from-the-scene-of-mudslides-in-southern-california-following-the-devastating-wildfires/2018/01/09/cc041190-f55e-11e7-beb6-c8d48830c54d_gallery.html).

33 ¹⁷ Faith Karimi, et al., *California Mudslides: Death Toll Rises to 20, 4 Still Missing*, CNN (Jan.
34 15, 2018 12:24 A.M.), [http://www.cnn.com/2018/01/14/us/southern-california-](http://www.cnn.com/2018/01/14/us/southern-california-mudslides/index.html)
35 [mudslides/index.html](http://www.cnn.com/2018/01/14/us/southern-california-mudslides/index.html).

1 101. The mud itself has made the work of rescuers especially dangerous. L.A. County
2 Fire Battalion Chief Anthony Buzzerio reported that many rescuers had fallen through manholes
3 and swimming pools that were covered with mud.

4 102. Cleanup workers have been using backhoes, jackhammers, and chain saws to clear
5 away masses of mud, boulders, and toppled trees.

6 103. The removal of massive boulders strewn throughout the area is also presenting
7 many challenges for residents and emergency personnel. Some construction crews have been
8 drilling holes into boulders and then filling them with a nontoxic, biodegradable expansion agent
9 to break down the boulders into more manageable sizes.

10 **3. The “Fire-Flood” Cycle: First the Fire, then the Flood**

11 104. The Mudslides were a harrowing but predictable event, even at this scale. Fires
12 have been a typical ingredient of Southern California debris flows.

13 105. Southern California’s mountain ranges are also very steep and highly erodible.

14 106. The Fire left these areas susceptible to excessive runoff of mud and debris flows in
15 the event of a heavy rainstorm event.

16 107. Geologists and weather forecasters warned that rain could trigger deadly
17 mudslides from the scorched areas.

18 108. “That’s something we’ve known since the early to mid-twentieth century,” said
19 Josh West, an associate professor of earth sciences at the University of Southern California. “It’s
20 this one-two punch of fire and debris flows.”¹⁸

21 109. Santa Barbara officials warned that flooding was expected, especially in the area
22 below the Thomas Fire burn scar between Montecito and Carpinteria. At a press conference
23 outside Carpinteria City Hall on January 5, Santa Barbara County 1st District Supervisor Das
24 Williams, Office of Emergency Management Director Robert Lewin, and County Public Works
25 Deputy Director Tom Fayram warned that the potential for flash floods in the burn area this
26

27 ¹⁸ Bettina Boxall, *The Same Elements That Made The Thomas Fire Such a Monster Also Created*
28 *Deadly Debris Flows*, L.A. Times (Jan. 12, 2018 4:00 A.M.),
<http://www.latimes.com/local/lanow/la-me-mudflows-science-montecito-20180112-story.html>.

1 season is “10 times greater than a normal year” because the Thomas Fire burned off the top layer
2 of soil that normally acts as a sponge during rainstorms.¹⁹

3 110. Approximately 21,000 residents of Santa Barbara and Ventura counties in high
4 elevation zones, north of California State Route 192, who were affected by the Thomas Fire were
5 evacuated because of fears of debris flows forming.

6 111. The Thomas Fire burned the aboveground plants and structures, but it also
7 physically altered the ground itself. Because it was such a powerful fire, it not only burned
8 through the topsoil and plant matter as well as the subsurface material.

9 112. Prior to the Fire, the soil was held on the steep rocky hills by vegetation. During
10 the rain, the water and runoff moved sediment in the steep channels, producing debris flows.

11 113. Without the top layer of dirt that would normally absorb rain, the soil lost its
12 porosity, its texture, and the ability to absorb and hold water. And fire dries the soil to such a
13 degree that it loses the ability to soak up rainfall, like a shriveled sponge.

14 114. The Fire also burned the insects that the ecosystem requires to burrow through the
15 ground and aerate the soil.

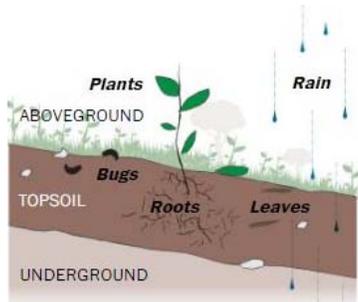
16 115. The Fire scarred the surface leaving behind dense layer of noncombustible
17 materials such as clay and rock. Burning of organic compounds in the soil creates waxy
18 substances that coat sediments.

19 116. The Thomas Fire made the soil incredibly loose and unable to soak water deeper
20 into the ground, causing sediment to roll down steep hills.

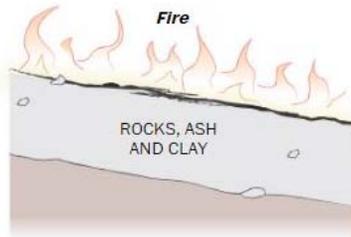
21 117. Debris flows amassed in stream valleys and consisted of water mixed with a soil
22 and solid material.

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27 ¹⁹ Keith Hamm, “*Significant Storm*” on the Way for Santa Barbara County, *Officials Warn*,
28 Santa Barbara Independent (Jan. 5, 3018), <https://www.independent.com/news/2018/jan/05/significant-storm-way-santa-barbara-county-official/>.

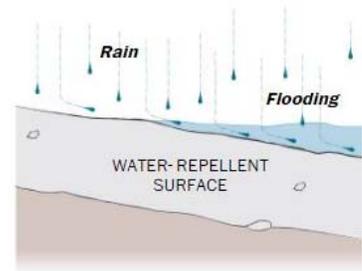
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Carbon-rich fuel — such as trees, plants, roots, leaves and bugs — are above and below ground in the topsoil. Healthy soil can absorb and pass water to the underground.

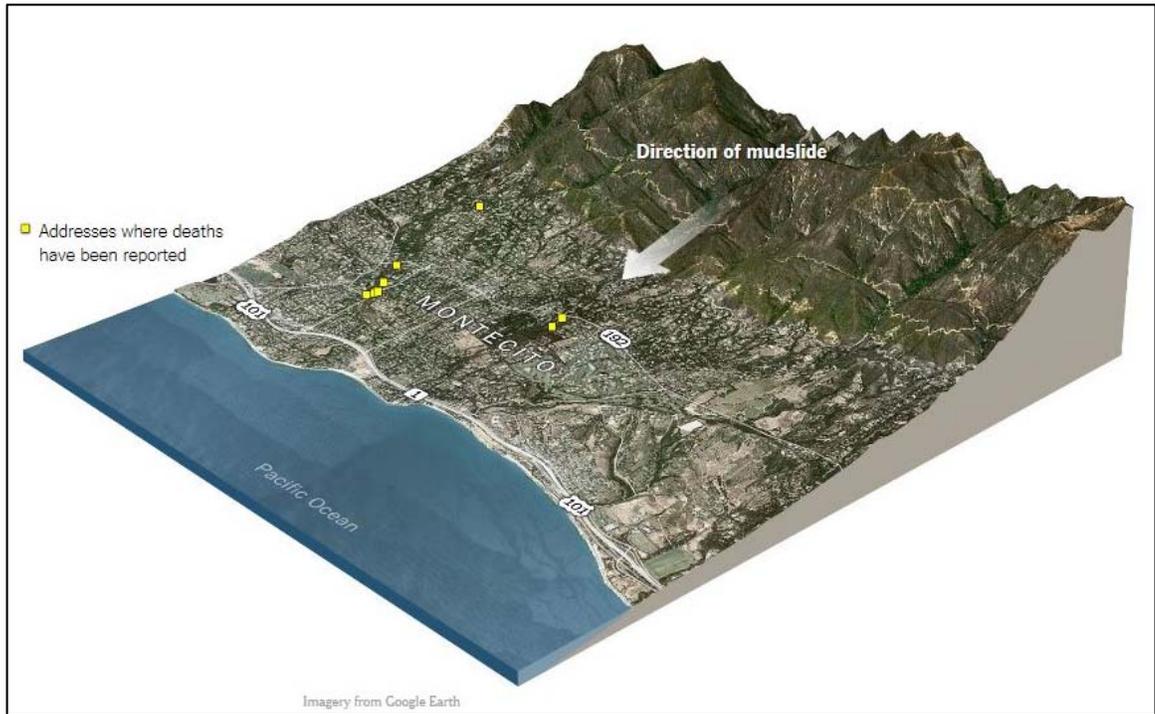


Fire destroys the carbon-rich fuel and leaves behind such materials as rocks and clay, above and below ground.



Dirt loses porosity and the ability to absorb and hold water, increasing the risk of flooding and mudslides.

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118. When the rains finally came, they hit bare, hydrophobic soil that could not readily absorb water, and the impermeable layer in fact increased the speed of the surface water. So the rain ran off the Thomas Fire burn area, picking up soil, boulders, and speed as it surged down canyons and streams. Muds formed, and swiftly moved down towards the communities below, carrying loads of debris like rocks and boulders with them.

²⁰ Laris Karklis, et al., *Mapping the Destruction of the Montecito Mudslides*, Washington Post (Jan., 11, 2018), https://www.washingtonpost.com/graphics/2018/national/california-mudslides/?utm_term=.0dd65fd3d714.

²¹ Jasmine C. Lee, et al., *Identifying the Causes of the California Mudslides*, N.Y. Times (Jan. 16, 2018), <https://www.nytimes.com/interactive/2018/01/16/us/map-california-mudslides.html>.

1 119. The steepness of the slopes above Montecito added to the speed of the debris
2 flows. These debris-charged torrents slowed only where steep channels gave way to gentler
3 slopes.

4 120. The muds were powerful and fast enough to carry large boulders downhill because
5 there was no longer any robust soil to keep them rooted into the ground.

6 121. Some streets became rivers as mud “tore houses in half, blasted cars from garages,
7 ripped down trees and tumbled boulders like Legos.”²²

8 122. Although vegetation grows back in approximately five years after a fire,
9 researchers estimate that it takes up to two decades for a hillside’s soil to be restored to pre-fire
10 conditions.²³

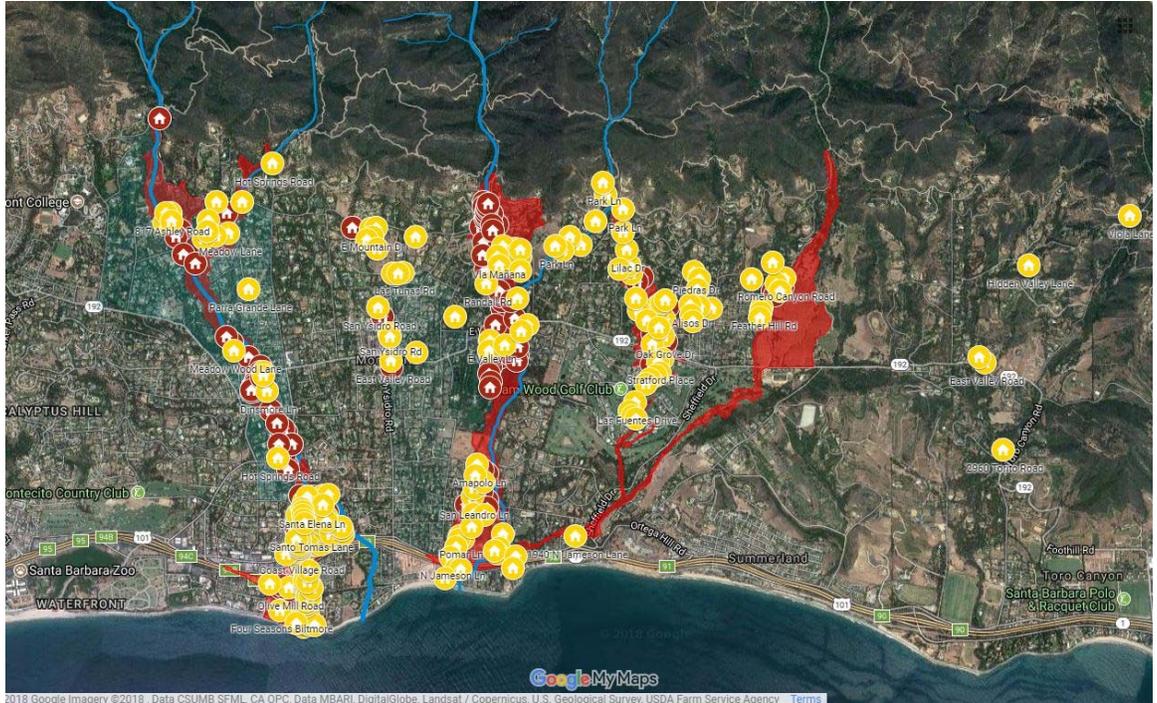
11 123. In the aftermath of the rains, the porous soil has become even more dense and
12 water repellent, which makes the region more prone to further mudslides should sharp rains hit
13 the surface once again. This is a long-term effect, which means the area will be vulnerable to
14 flooding and mudslides for years to come. Such ramifications of wildfires can last from a year to
15 decades.

16 124. Montecito and Carpinteria are especially vulnerable to mudslides because their
17 steep terrain in some places goes from thousands of feet above sea level to the ocean in just a few
18 miles.

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26 ²² David R. Montgomery, *Deadly California Mudslides Show The Need For Maps And Zoning*
27 *That Better Reflect Landslide Risk*, The Conversation (Jan. 16, 2018 6:16 A.M.),
28 <https://theconversation.com/deadly-california-mudslides-show-the-need-for-maps-and-zoning-that-better-reflect-landslide-risk-90087>.

²³ Raoul Rañoa, *Infographic: How Debris Flows Happen*, L.A. Times (Oct. 16, 2015 3:34 P.M.),
<http://www.latimes.com/visuals/graphics/la-g-how-debris-flows-happen-20151016-htmlstory.html>.

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Map showing the known destroyed structures and damage of the Mudslides.²⁴

4. The Devastating Aftermath

125. The full extent of the damage has not yet been quantified and will take time to be fully realized.

126. The damage and destruction resulting from the Thomas Fire and Mudslides and Mudslides has negatively impacted the value of Plaintiffs’ real property, and will continue to affect its resale value and development for an indefinite period of time in the future.

127. In addition to damage and destruction of real and personal property, the Thomas Fire and Mudslides caused widespread economic losses to individuals and businesses throughout the region and will continue to do so into the future.

128. Individuals who were displaced have incurred and will continue to incur costs related to temporary lodging while being displaced.

²⁴ Yellow house notation show damaged structures while red house notations mean the property is majorly damaged or destroyed. The red zones denote debris flows. This map also features creeks and waterways in the area. See Brandon Yadegari and Tyler Hayden, *A House-by-House Damage Assessment of the Montecito Mudslides*, Santa Barbara Independent (Jan. 14, 2018, last updated Jan. 22, 2018), <https://www.independent.com/news/2018/jan/14/house-house-damage-assessment-montecito-mudslides/>.

1 129. Businesses that suffered property damage have incurred and will continue to incur
2 economic losses due to their inability to operate their businesses, loss of access to their business
3 locations, and inability of employees to reach their businesses. These conditions are ongoing and
4 will continue for an unknown duration of time.

5 130. Employees of business who were displaced or prevented from working have
6 incurred and will continue to incur damages and costs related to loss of employment income.

7 **B. SCE's Responsibility**

8 **1. SCE Had a Non-Transferable, Non-Delegable Duty to Safely Maintain**
9 **Electrical Infrastructure and the Nearby Vegetation**

10 131. At all times prior to December 4, 2017, SCE had a non-transferable, non-delegable
11 duty to properly construct, inspect, repair, maintain, manage, and/or operate its power lines and/or
12 other electrical equipment and to keep vegetation properly trimmed at a safe distance so as to
13 prevent foreseeable contact with such electrical equipment.

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

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

21 134. To meet this safety mandate, SCE is required to comply with a number of design
22 standards for its electrical equipment, as stated in CPUC General Order 95. For example, in
23 extreme fire areas, SCE also must ensure that its power lines can withstand winds of up to 92
24 miles per hour.

25 135. Further, SCE must follow several standards to protect the public from the
26 consequences of vegetation and/or trees coming into contact with its power lines and other
27 electrical equipment. Pursuant to Public Resources Code § 4292, SCE is required to “maintain
28 around and adjacent to any pole or tower which supports a switch, fuse, transformer, lightning

1 arrester, line junction, or dead end or corner pole, a firebreak which consists of a clearing of not
2 less than 10 feet in each direction from the outer circumference of such pole or tower.” Also,
3 Public Resources Code § 4293 mandates SCE maintain clearances of four to 10 feet for all of its
4 power lines, depending of their voltage. In addition, “[d]ead trees, old decadent or rotten trees,
5 trees weakened by decay or disease and trees or portions thereof that are leaning toward the line
6 which may contact the line from the side or may fall on the line shall be felled, cut, or trimmed so
7 as to remove such hazard.”

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

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

24 **2. Foreseeable and Known Weather and Geographic Conditions**

25 138. At all times mentioned herein, Defendants were aware that the State of
26 California had been in a multi-year period of drought.

27 139. On January 17, 2014, the Governor issued an Executive Order proclaiming a
28 State of Emergency throughout the State of California due to severe drought conditions which

1 had existed for four years. On November 13, 2015, the Governor issued Executive Order B-36-
2 15, which proclaimed “[t]hat conditions of extreme peril to the safety of persons and property
3 continue to exist in California due to water shortage, drought conditions and wildfires.”²⁵

4 Although the Governor issued an Executive Order in April 2017 ending the Drought State of
5 Emergency in all counties except Fresno, Kings, Tulare, and Tuolumne, the declaration directed
6 state agencies “to continue response activities that may be needed to manage the lingering
7 drought impacts to people and wildlife.”²⁶

8 140. Defendants were also aware that Southern California frequently experiences
9 Santa Ana wind conditions, which are highly conducive to the rapid spread of wildfires. In
10 California’s dry season, the dry, hot, powerful Santa Ana winds—sometimes called the “fire” or
11 “devil” winds—blow inland from desert regions across the Mojave Desert.

12 141. The winds are a regular and foreseeable part of life in Southern California at the
13 time of year of the Thomas Fire began. Everyone who lives and works in Southern California is
14 familiar with this type of wind event.

15 142. Defendants were aware that Southern California’s natural environment, comprised
16 of chaparral, posed an additional risk of fire. Chaparral is a coastal biome that covers
17 approximately five percent of the state of California. Because of California’s hot, dry summer and
18 fall, chaparral is one of the most fire-prone plant communities in North America. Chaparral is
19 also one of the most flammable vegetation complexes. Chaparral typically has multiple stems
20 emerging from a single root crown, which not only adds to the density of the thickets but also
21 increases the available surface area of combustible material. Hundreds of acres of chaparral can
22 be burned in minutes. When chaparral burns in the mountains, the thick black smoke rises
23 through the canyons like it is going through a chimney.

24 143. Furthermore, in the presence of Santa Ana winds, the level of moisture in
25 chaparral plants drops, and they become even more flammable.

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27 _____
²⁵ Exec. Order B-36-15, Office of Gov. Edmund Brown, Jr. (Nov. 13, 2015).

28 ²⁶ Exec. Order B-040-17 at 3, Office of Gov. Edmund Brown, Jr. (April 7, 2017).

1 144. According to records maintained by Cal Fire, electrical equipment was
2 responsible for starting 350 of the 5,609 wildfires in the Southern California region during
3 2015, the latest year such statistics have been published.²⁷ Thus, SCE knew of the foreseeable
4 danger of wildfire when its power lines came into contact with vegetation.

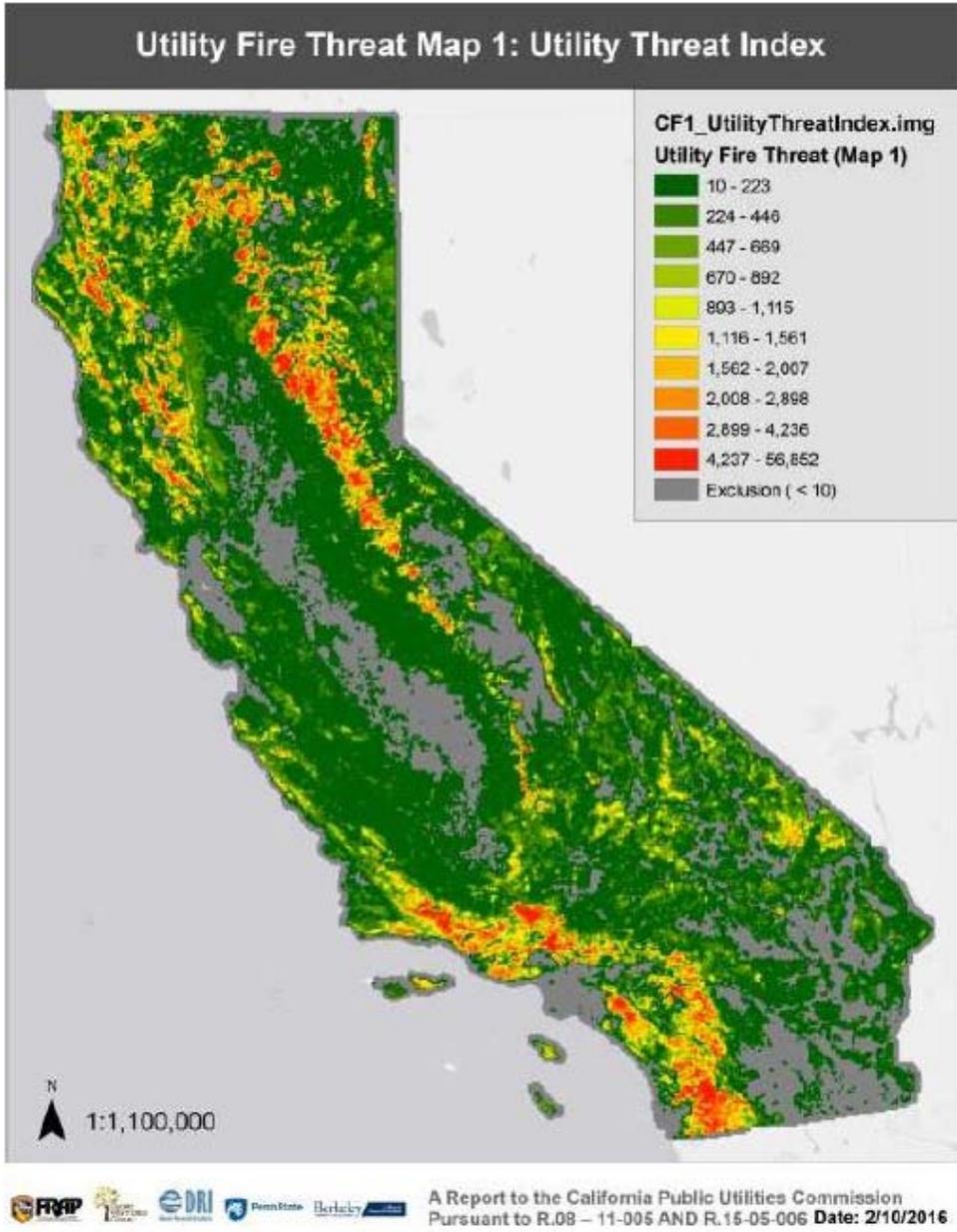
5 145. In May 2016, the CPUC adopted Fire Map 1, which is a map that “depicts areas of
6 California where there in an elevated hazard for ignition and rapid spread of power line fires due
7 to strong winds, abundant dry vegetation, and other environmental conditions.”²⁸

8 146. On the map, the area in and around the Thomas Fire is both red and orange,
9 indicating the highest level of elevated hazard for the “ignition and rapid spread of power line
10 fires due to strong winds, abundant dry vegetation, and/or other environmental conditions.”
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25 ²⁷ Historical Wildfire Activity Statistics (Redbooks), Cal Fire, *available at* http://www.fire.ca.gov/fire_protection/fire_protection_fire_info_redbooks_2015; *see e.g.*, Table 9. Number of
26 Fires by Cause, by Unit and by County—Southern Region at 15, *available at* http://www.fire.ca.gov/downloads/redbooks/2015_Redbook/2015_Redbook_Fires_SouthernRegion.pdf.

27 ²⁸ Decision Adopting Fire Map 1, at A-1, Cal Pub. Utils. Comm’n (May 27, 2016), *available at*
28 <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M162/K550/162550016.PDF>.

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147. On November 8, 2017, the CPUC adopted new regulations by the CPUC to enhance fire safety of overhead electrical power lines and communications lines located in high fire-threat areas following the devastating Northern California fires.

148. SCE is able to temporarily shut down power grids in high fire-threat areas to prevent wildfires by de-energizing its lines. SCE did not, however, shut off power grids in the Santa Paula, Ojai or Ventura areas on December 4, 2017.

149. Defendants were specifically aware that they had a duty to maintain equipment and the surrounding vegetation in compliance with these regulations and that a failure to do

1 constituted negligence and would expose Plaintiffs and Class members to a serious risk of
2 property damage and economic losses caused by wildfires.

3 150. Defendants were also aware that California’s wet season runs from October
4 through March. The southern shift of the jet stream during winter months causes storms to track
5 over California and delivers much of the state’s yearly rain in just a few months.²⁹

6 151. In addition, EI has been in business since 1886 in California, and SCE since 1896.
7 Thus, Defendants were aware of the fire-flood cycle in the state—and their region in particular:
8 should a fire erupt prior to the rainy season, it would greatly increase the risk of dangerous
9 mudslides and/or debris flows.

10 **3. SCE Knew Its Infrastructure Was Too Old and Improperly**
11 **Maintained for Safety**

12 **a. Overloaded Poles**

13 152. SCE has known for years that its miles of aging power lines pose a serious safety
14 risk of triggering wildfires.

15 153. SCE’s service territory spans approximately 50,000 square miles, and 63.3 percent
16 of SCE’s electric transmission and distribution system is comprised of overhead lines.

17 154. There are 1.4 million utility poles its service territory.

18 155. Most of SCE’s poles were installed just after World War II.³⁰ While the methods
19 used to measure safety have changed since then, SCE has not brought the older poles into
20 compliance with modern standards.

21 156. In a 2015 report to the CPUC addressing the risk factors in its electrical system,
22 SCE noted that “[w]ood poles are more susceptible to decay, woodpecker damage, or failure
23 during a fire compared to concrete or steel poles.” Furthermore, poles located in high-wind areas
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25 ²⁹ Brian Lada, *Wildfire-Ravaged Areas of California Face Elevated Risk For Flooding, Mudslides*
26 *This Winter*. AccuWeather (Nov. 9, 2017 12:39 P.M.), <https://www.accuweather.com/en/weather-news/wildfire-ravaged-areas-of-california-face-elevated-risk-for-flooding-mudslides-this-winter/70003199>.

27 ³⁰ *Inspecting and Upgrading Utility Poles (SCE Pamphlet)*, available at <https://www.sce.com/wps/wcm/connect/55d4ff43-9d3e-4d37-9e70-02cd51867efa/PoleLoadingProgramFactSheet.pdf?MOD=AJPERES>.
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1 such as in Southern California are “exposed to higher stresses [i]f a pole fails and starts a
2 wildfire, the fire is more likely to spread in a high-wind area” and “[i]f a pole fails in service,
3 wildfires are more likely to start in high-fire regions”³¹

4 157. In 2017, the CPUC ordered that the creation of a shared database be investigated,
5 specifically to address the problems with SCE’s infrastructure that caused the 2007 Malibu
6 Canyon Fire and electrical problems in the 2011 Windstorms:

7 Poorly maintained poles and attachments have caused substantial property damage
8 and repeated loss of life in this State. Unauthorized pole attachments are
9 particularly problematic. A pole overloaded with unauthorized equipment
10 collapsed during windy conditions and started the Malibu Canyon Fire of 2007,
11 destroying and damaging luxury homes and burning over 4500 acres. Windstorms
12 in 2011 knocked down a large number of poles in Southern California, many of
13 which were later found to be weakened by termites, dry rot, and fungal decay.³²

14 158. In the June 29, 2017 CPUC press release for its Order, the CPUC President
15 Michael Picker stated, “[p]lain old wooden poles, along with their cousins, the underground
16 conduits, are work horses, carrying most of our power and telecommunications. They sometimes
17 get crowded and fail, causing outages and fires because of all the equipment crammed onto
18 them.” Further, “[n]ot knowing where all the poles are and who owns them, how loaded they are,
19 how safe they are, and whether they can handle any additional infrastructure, is problematic to
20 both the utilities and to the CPUC. Creating a database of utility poles could help owners track
21 attachments on their poles and manage necessary maintenance and rearrangements, and can help
22 the CPUC in our oversight role.”³³

23 ³¹ Safety Model Assessment Before the Pub. Utils. Comm’n of the State of Cal. (May 2015),
24 Prepared by SCE, *available at* [http://www3.sce.com/sscc/law/dis/dbattach5e.nsf/0/4841D9996A06A2B288257E38007AA374/\\$FILE/A.15-05-XXX%20SMAP%20-%20SCE-01%20SMAP%20Testimony_M.%20Marelli_S.%20Menon_N.%20Woodward.pdf](http://www3.sce.com/sscc/law/dis/dbattach5e.nsf/0/4841D9996A06A2B288257E38007AA374/$FILE/A.15-05-XXX%20SMAP%20-%20SCE-01%20SMAP%20Testimony_M.%20Marelli_S.%20Menon_N.%20Woodward.pdf).

25 ³² CPUC Order Instituting Investigation into the Creation of a Shared Database or Statewide
26 Census of Utility Poles and Conduit (July 10, 2017), Cal. Pub. Utils. Comm’n,
27 <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M191/K656/191656519.PDF>.

28 ³³ Press Release, CPUC to Examine Utility Pole Safety and Competition; Considers Creation of Pole Database, Cal. Pub. Utils. Comm’n (June 29, 2017),
<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M191/K560/191560905.PDF>.

1 163. In its 2015 General Rate Case, SCE proposed a Pole Loading Program (“PLP”) to
2 “inspect and assess over 1.4 million poles over a seven-year period to identify and then remediate
3 those poles that do not meet the current standards.”³⁶

4 164. SCE requested \$1 billion in 2013-2017 capital expenditures and \$38 million in
5 2015 test year expenses to cover costs for pole loading assessments and remediation.³⁷

6 Additionally, SCE noted:

7 SCE’s electric and telecommunications facilities are attached to over 1.4 million
8 poles that range from less than one year to nearly 100 years of age. . . . [R]ecent
9 events, including the Malibu Canyon Fire in October 2007 and the November 2011
10 San Gabriel Valley windstorm, have shown that some of the poles that failed
11 during those incidents did not meet minimum pole loading criteria when measured
12 against today’s standards.

13 165. SCE claims to have started its program in 2014, and it proposed that it would
14 complete its assessment in high fire areas in 2017 and pole remediation of overloaded poles in
15 2025. In its 2015 General Rate Case, SCE estimated that 22% of its utility poles were overloaded
16 as a part of this assessment. SCE forecast it would perform an assessment of over 205,000 poles
17 in 2015.

18 166. Then in its 2018 General Rate Case, SCE disclosed that instead of addressing the
19 problems with its infrastructure, SCE modified its software used to calculate pole loading safety
20 factors and these revisions reduced the percentage of poles it needed to remediate to just 9%.³⁸

21 167. SCE further disclosed that it had it again failed to meet its 2015 projected
22 assessment and repair numbers of overloaded poles. Specifically, SCE admitted that it had only
23 conducted around 142,500 out of the 205,000 pole assessments stated it would have completed.
24 As a result, SCE announced that it was changing the duration of its PLP from 7 years to 10 years
25 to allow for fewer pole assessments each year.

26 ³⁶ Test Year 2015 General Rate Case Application of Southern California Edison Company (U
27 338-E), Nov. 23, 2013 at 23.

28 ³⁷ Transmission and Distribution (T&D) Volume 6, Part 2 – Pole Loading at 2,
[http://www3.sce.com/sscc/law/dis/dbattach5e.nsf/0/763A8DBECCA94ECC88257C210080F6E3/
\\$FILE/SCE-03%20Vol.%2006%20Part%202.pdf](http://www3.sce.com/sscc/law/dis/dbattach5e.nsf/0/763A8DBECCA94ECC88257C210080F6E3/$FILE/SCE-03%20Vol.%2006%20Part%202.pdf).

³⁸ Test Year General Rate Case 2018, Transmission & Distribution Volume 9, Poles.

1 168. Additionally, SCE disclosed that out of the 142,519 poles it assessed, it only did
2 repairs on 569 under the PLP, or 14,310 fewer overloaded poles than it forecast it would that
3 year. SCE claims “repairs may be completed one or two years after the assessment, depending on
4 whether the pole is in a high fire or non-fire area.”

5 169. This willful disregard of known, chronic and enduring problems in its equipment is
6 staggering in terms of the safety risk posed to the people and businesses in the Thomas Fire and
7 Mudslides Area.

8 **4. Prior Safety Violations**

9 170. SCE knew about the significant risk of wildfires from its ineffective vegetation
10 management programs, unsafe equipment, and/or aging infrastructure for decades before the
11 Thomas Fire began, and has been repeatedly fined and/or cited for failing to mitigate these risks:

12 171. Since 2007, the CPUC has levied over \$78 million in fines against SCE for electric
13 and fire-related incidents.³⁹

14 172. The 1993 San Bernardino Mill Creek fire was caused by a failure of SCE’s
15 overhead power line equipment. The high winds caused a power line to break, spark a fire, and
16 damage a nearby home.

17 173. In 1997, SCE’s failure to perform adequate vegetation management near its
18 distribution lines caused a 25,100 acre fire in Riverside County. SCE failed to trim trees near and
19 around its power lines.

20 174. In 1998, SCE signed an undisclosed settlement in relation to a fire in which most
21 of Stearns Wharf in Santa Barbara was burned. An investigation concluded that SCE was
22 responsible.

23 175. In 2006, SCE agreed to pay \$14 million to settle a federal suit stemming from the
24 1994 Big Creek Forest Fire. The suit alleged that SCE did not comply with vegetation-clearance
25 requirements around a high-voltage transformer that exploded and ignited nearby dry grass. The
26

27 ³⁹ Electric and Fire Related Fines, CPUC
28 http://cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/Safety/Electric_and_Fire_Related_Fines.pdf

1 Government also alleged that SCE didn't install appropriate animal guards at the location, and
2 that SCE employees also lacked the equipment to stop the fire before it went into the forest.

3 176. SCE was also held responsible for its role in the 2007 Malibu Canyon Fire. The
4 fire began when three wooden utility poles snapped during high Santa Ana winds and ignited
5 nearby brush. The fire burned 3,836 acres and destroyed or damaged over 30 structures. The
6 CPUC alleged that at least one of the poles that fell was overloaded with telecommunications
7 equipment in violation of the applicable standards. It further alleged that misled investigators
8 about the circumstances of the fire. SCE also agreed to conduct a safety audit and remediation of
9 its utility poles in the Malibu area. In 2013, the CPUC fined SCE \$37 million for its role in this
10 fire. Additionally, \$17 million of the settlement was required to be spent on pole loading
11 assessments and resulting remediation work in Malibu Canyon and surrounding areas.

12 177. Under the settlement agreement with the CPUC, SCE admitted it violated the law
13 by not taking prompt action to prevent its poles in Malibu Canyon from becoming overloaded.
14 Further, SCE admitted that a replacement pole did not comply with the CPUC's safety regulations
15 for new construction, which should have caused SCE to take steps to remedy the situation.⁴⁰

16 178. SCE was also found liable for the 2007 Nightsky fire in Ventura County. The fire
17 burned 53 acres and started when sagging, overloaded power lines arced and sparked. The jury
18 determined that SCE had not properly maintained its lines, that there were problems with
19 insulators or conductors on SCE's poles, and that phase to ground faults, relay-tripping, and
20 phase-to-phase imbalances indicated the existence of a chronic, unfixed hazard.

21 179. In 2011, the United States Government successfully sued SCE for a wildfire in the
22 San Bernardino National Forest. A tree fell onto SCE power lines and emitted molten aluminum,
23 starting the fire. The Government alleged that SCE should have removed the tree prior to the fire
24 during its inspection and maintenance. The Government received a \$9.4 million verdict for fire
25 suppression costs and rehabilitation of the forest.

26
27 ⁴⁰ Press Release, CPUC Staff Enter Settlement Agreement of \$37 Million with Southern
28 California Edison over 2007 Malibu Fire, Cal. Pub. Utils. Comm'n (May 20, 2013),
<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M065/K515/65515418.PDF>.

1 180. In November and December of 2011, Santa Ana winds swept through SCE's
2 territory, knocking down utility facilities, uprooting trees, and causing prolonged power outages.
3 Over 200 wood utility poles and 1000 overhead electrical lines were affected. CPUC's Safety &
4 Enforcement Division performed an investigation and concluded that SCE and communication
5 providers who jointly owned utility poles violated the CPUC's standards because at least 21 poles
6 and 17 wires were overloaded in violation of safety factor requirements. The CPUC fined SCE
7 \$16.5 million.

8 181. In 2015, multiple power outages on SCE's secondary network system, the electric
9 distribution system that serves downtown Long Beach, occurred, including a five-day outage
10 from July 15 to July 20, 2015, and a four-day outage from July 30, 2015 to August 3, 2015. The
11 Long Beach outages primarily affected 3,825 customers served by SCE's Long Beach secondary
12 network, but at times extended to 30,000 customers, including customers who receive their power
13 from radial circuits that also feed the secondary network. Along with these outages, the failure of
14 electric facilities caused fires in several underground structures, resulting in explosions that blew
15 manhole covers into the air.⁴¹

16 182. Most recently, SCE received a \$50,000 Citation for a fatality that occurred at its
17 Whittier facility. On May 15, 2014, an SCE overhead conductor separated and fell to the ground.
18 A person came into contact with the downed conductor (which was energized) and was
19 electrocuted. SED's investigators found that the overhead conductor separated at an overhead
20 connector, and that SCE did not maintain the connector for its intended use.

21 **5. SCE's Repeated Failure to Properly Assess the Risks of its Equipment**

22 183. SCE knew or should have known of the risks its system created before the Thomas
23 Fire began because it has been called out for this behavior before.

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25
26 _____
27 ⁴¹ *Decision Adopting Settlement Agreement Between Southern California Edison Company and*
28 *the Safety and Enforcement Division Investigation 16-07-007, Cal. Pub. Utils. Comm'n (Oct. 15,*
2017), available at [http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M196/K833/](http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M196/K833/196833010.docx)
196833010.docx.

1 184. The Risk Assessment and Safety Advisory Staff of the CPUC’s Safety & Enforcement
2 Division (“SED”) is in the process of advancing a new “risk-informed” process to support decision-
3 making and fund allocation in the context of energy utility General Rate Cases (“GRCs”).

4 185. When the SED assessed SCE’s GRC application, the regulatory agency was highly
5 critical of SCE’s risk assessment practices, determining it would be “unwise to accept SCE’s risk
6 assessment methods as a basis for determining reasonableness of safety-related program
7 requests.” The SED further found that “SCE is classifying major categories of spending as safety
8 related, even though they relate to issues of customer satisfaction or electric service reliability
9 than safety.” *See* Arthur O’Donnell, et al., Risk and Safety Aspects of Southern California
10 Edison’s 2018-2020 General Rate Case Application 16-09-0001, 5 Cal. Pub. Utils. Comm’n
11 (Jan. 31, 2017).

12 186. In particular, the agency “analyzed and evaluated the risk-informed decision
13 framework used by SCE to identify major risks and determine potential mitigation plans and
14 programs, and concluded that these methods and processes have not been particularly well
15 described or effectively used to inform the 2018 GRC Test Year budget request.” *Id.*

16 187. SCE also “admitted in testimony that it did not use risk assessment in the
17 identification of its top risks, or to select programs to address those risks, but mostly after-the-fact
18 as a way to measure risk reduction associated with the programs or projects proposed.” *Id.*

19 188. The SED found that SCE failed to identify the threats having the potential to lead
20 to safety risk, noting “SCE’s approach to identify threats . . . suffers from an almost non-existent
21 level of granularity.” *Id.* at 20.

22 189. Additionally, SCE attempted to submit requests for funds for grid modernization
23 under the guise of safety improvements. *Id.* at 46. However, the SED noted that improvement efforts
24 are “typically portrayed as a means to expand integration of distributed energy resources and to
25 improve reliability.” *Id.* The SED emphasized that SCE must “distinguish[] between safety and
26 reliability when conducting [its] safety risk assessment.” *Id.* It ultimately found that “[w]hile SCE
27 projected improvements in reliability metrics in its testimony from grid modernization, [the] SED did
28

1 not find that SCE had provided similar projection in terms of improvement in safety metrics.”

2 *Id.* at 49.

3 190. The Report also found that “[be]cause SCE did not provide a risk assessment to
4 compare and rank all of its GRC programs, [the SED] was unable to compare how SCE has risk
5 scored its proposed Grid Modernization program relative to funding requests for SCE’s traditional
6 infrastructure replacement programs.” *Id.*

7 191. SCE’s large number of distribution and subtransmission wooden poles were of
8 paramount concern for the SED. *Id.* at 50 (“The utility’s Distribution & SubTransmission wood poles
9 have been identified as assets with a substantial safety risk component.”)

10 192. Nearly 19% of poles reviewed in SCE’s PLP study were considered overloaded, and
11 they specifically failed the bending analysis. *Id.* at 52.

12 193. The SED also expressed “concern[] that any forthcoming assessments [by SCE]
13 utilizing new software and potentially continually changing design criteria could not be adequately
14 managing, mitigating and minimizing safety risks associated with pole loading.”

15 194. The SED recommended the CPUC require SED to conduct “a pole loading study on
16 an statistically valid sample for SCE’s service territory” and hire “an independent engineering firm,
17 with appropriately state of California licensed engineers, verify and validate [SCE’s] software to test
18 the results provided by the specific software version utilized for SCE’s electrical distribution and
19 transmission wood pole design, against General Order 95 Overhead Line Construction safety
20 requirements,” since the utility had been unable to do so reliably on its own. *Id.* at 56.

21 195. In the report, SCE’s own “territorial analysis project[ed] as much as a tripling of
22 wildfire risks in the Santa Barbara region.” *Id.*

23 196. The SED also found that the high risk scores of SCE’s infrastructure showed that
24 SCE’s current methodology did not prioritize safety. *Id.* at 7. The SEC determined that SCE needed
25 to make substantial improvements in evaluating and characterizing the risk of its infrastructure.
26 *Id.* at 21. SEC’s methods of determining risk “underestimate[d] both the frequency and
27 consequence/impact of very low frequency and very high consequence events, such as highly
28 catastrophic wildfires. This is particularly true where SCE is relying on historical data as basis for

1 estimating the frequency and consequence terms.” *Id.* Also, SCE was not able to “provide even a
2 qualitative prioritization of its risks.” *Id.* at 32.

3 **VI. CLASS ACTION ALLEGATIONS**

4 197. 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**

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

12 **1. Class Definition**

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

19 **a. Individuals**

20 200. Unless otherwise specified, all individuals residing in California who, as of
21 December 4, 2017 and/or January 9, 2018, lived in, worked in, were offered and accepted work
22 in, or owned or leased real or personal property located within, the California counties of Santa
23 Barbara or Ventura (the “Fire and Mudslides Area”).

24 **b. Entities**

25 201. All California entities that:

26 a. owned, operated, or leased a physical facility in the Fire and Mudslides
27 Area and (A) sold products (i) directly to consumers or end users of those products or (ii) to
28

1 another entity, or (B) regularly purchased products from the Fire and Mudslides Area in order to
2 produce goods for resale;

3 b. provided services while physically present in the Fire and Mudslides Area;

4 or

5 c. owned or leased real property in the Fire and Mudslides Area.

6 c. **Damage Categories**

7 202. Individuals and entities who meet the descriptions of Sections 1(a) or 1(b) above
8 are 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 a. Economic Damage Category. Loss of income, earnings, or profits.

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

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

15 d. Evacuation Damage Category. Losses suffered by those evacuated pursuant
16 to voluntary or mandatory evacuation orders arising from the Fire and/or Mudslides.

17 2. **Exclusions From The Economic And Property Damages Class**
18 **Definition**

19 203. Notwithstanding the above, the following individuals and entities are excluded
20 from the E&PD Class:

21 a. Any E&PD Class Member who or which timely elects to be excluded from
22 the E&PD Class under the deadlines and procedures to be set forth by the Court.

23 b. Defendants, and individuals who are current employees of Defendants.

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

27 d. Any companies that insure any parties or Class members against the losses
28 alleged in this complaint.

1 204. 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.

4 205. 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.

8 206. 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.

14 207. 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, and/or other
26 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 Thomas Fire and Mudslides caused physical injury to Class
4 members’ properties;
- 5 f. Whether the Thomas Fire and Mudslides interfered with or continue to
6 interfere with 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 & Safety Code
15 § 13007;
- 16 l. The extent to which Class members have been harmed by the Fire and
17 Mudslides; and
- 18 m. What is the proper measure of damages and formulae of allocation to each
19 category of Class damages and losses.

20 208. 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.

23 209. 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.

26 210. 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.

4 211. 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**

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

17 213. 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.

21 214. 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.

24 215. 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.

- 1 216. 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 or causing the resulting mudslides;
- 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 or causing mudslides;
- 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 or mudslides;
- 12 e. Failing to keep equipment in a safe condition at all times to prevent fires or
- 13 mudslides;
- 14 f. Failing to inspect vegetation within proximity to energized transmission
- 15 and distribution lines and maintain at a safe distance to avoid igniting and/or spreading fires or
- 16 mudslides;
- 17 g. Failing to de-energize power lines during foreseeable and expected fire-
- 18 prone conditions;
- 19 h. Failing to de-energize power lines after the fire's ignition;
- 20 i. Failing to properly investigate, vet, hire, train, and supervise employees
- 21 and agents responsible for maintenance and inspection of the distribution lines and proximate
- 22 vegetation;
- 23 j. Failing to implement and follow regulations and reasonably prudent
- 24 practices to avoid igniting and/or spreading fire and mudslides; and
- 25 k. Failing to properly investigate, monitor, and maintain vegetation sufficient
- 26 to mitigate the risk of fire or mudslides.
- 27
- 28

1 217. The Thomas Fire and Mudslides were a direct, legal, and proximate result of
2 Defendants' negligence. As a direct, proximate, and legal result of said negligence Plaintiffs and
3 Class members suffered damages as alleged herein.

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

13 219. Over the past decade, Defendants have been subject to numerous fines and
14 penalties as a result of SCE's ongoing failure to abide by safety rules and regulations.

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

24 221. These Defendants, in order to cut costs, failed to properly inspect and maintain the
25 subject electrical infrastructure with full knowledge that any incident was likely to result in a fire
26 that would burn and/or kill people, damage or destroy property, and/or cause harm to the general
27 public and that such a fire would be likely to cause a mudslide which also would injure and/or kill
28

1 people, damage or destroy property, and/or cause harm to the general public, including Plaintiffs
2 and Class members.

3 222. The actions of Defendants did in fact result in damages to Plaintiffs and Class
4 members. Defendants failed to make the proper inspections, failed to properly maintain the lines,
5 failed to properly trim vegetation, failed to properly and timely remove vegetation, and failed to
6 safely operate their electrical infrastructure, in order to save money.

7 223. The negligence of Defendants was a substantial factor in causing Plaintiffs'
8 damages.

9 224. Defendants' failure to comply with their duties of care proximately caused damage
10 to Plaintiffs.

11 225. As a further direct and proximate result of Defendants' negligence, Plaintiffs and
12 Class members suffered damages including, but not limited to property damage, loss of cherished
13 possessions, economic loss, business loss, emotional distress, annoyance, disturbance,
14 inconvenience, mental anguish, loss of quiet enjoyment of their property, and costs related to
15 evacuation and/or relocation.

16 226. The Thomas Fire and Mudslides physically damaged and destroyed properties
17 upon which Plaintiffs depended to make their living. The types of property damaged include
18 homes, offices, and other facilities where Plaintiffs worked, homes, offices, and other facilities
19 where Plaintiffs' patrons lived and worked, in addition to the roads, including U.S. Highway 101,
20 which enabled Plaintiffs to access and conduct their businesses, and their patrons to access their
21 businesses.

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

26 228. Defendants operated their electrical infrastructure in close geographic proximity to
27 the Class, and with knowledge of the homes and businesses in close proximity to those wires. As
28 a result, Defendants' operation of their wires was plainly intended to affect the Class.

1 229. The harm to the Class from the Defendants' failure to properly inspect, repair, and
2 maintain electrical infrastructure was clearly foreseeable. Specifically, it was foreseeable that
3 such conduct would cause a massive wildfire, and that such a wildfire would destroy personal and
4 real property near such infrastructure, force residents and visitors in the region to evacuate, cause
5 a mudslide, and deter those who would have visited from visiting the area, resulting in fewer
6 customers to patronize area businesses and fewer economic opportunities for the Class.

7 230. The Class suffered injuries which were clearly and certainly caused by the Thomas
8 Fire and Mudslides, resulting evacuation and/or relocation and economic losses, and the remedial
9 measures they were forced to take to restore their properties and businesses.

10 231. There is moral blame attached to Defendants as a result of the terrible injuries their
11 misconduct caused, including the damage to Class through no fault of their own, and incalculable
12 damage to the environment.

13 232. Public policy supports finding a duty of care in this circumstance due to, among
14 other things, Defendants violation of California Civil Code §§ 3479, 3480, Public Utilities Code
15 § 2106, and California Health & Safety Code § 13007.

16 233. Defendants, large billion-dollar corporations with tens of billions of total assets,
17 are better placed to absorb the cost of this disaster than Plaintiffs, who are individual property
18 owners, tenants, independent contractors, and small business owners.

19 234. A finding of a duty of care on Defendants will also deter Defendants from failing
20 to properly inspect, repair, and maintain their electrical infrastructure in the future, whereas
21 burdening the Plaintiffs with the cost of this disaster will not have any deterrent value, as
22 Plaintiffs are victims through no fault of their own.

23 235. Wildfire insurance, corporate liability insurance, and reinsurance are widely
24 available and prevalent in the industry, and Defendants maintain a substantial amount of wildfire
25 insurance to pay for precisely these kinds of incidents.

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

1 exemplary damages in an amount according to proof. Defendants' conduct evidences a conscious
2 disregard for the safety of others, including Plaintiffs and the Class. Defendants' conduct was and
3 is despicable conduct and constitutes malice as defined by Civil Code § 3294. An officer,
4 director, or managing agent of SCE personally committed, authorized, and/or ratified the
5 despicable and wrongful conduct alleged in this complaint. Plaintiffs and Class members are
6 entitled to an award of punitive damages sufficient to punish and make an example of these
7 Defendants.

8 **SECOND CAUSE OF ACTION**
9 **Inverse Condemnation**

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

12 238. Prior to and on December 4, 2017, Plaintiffs and Class members were owners of
13 real property and personal property located within Southern California.

14 239. Prior to and on December 4, 2017, Defendants installed, owned, operated, used,
15 controlled, and/or maintained electrical distribution infrastructure in Southern California.

16 240. Prior to and on December 4, 2017, as a direct, necessary, and legal result of
17 Defendants' installation, ownership, operation, use, control, and/or maintenance for a public use
18 of power lines and electrical equipment, Defendants' electrical lines and/or equipment came in
19 contact with vegetation and caused the Thomas Fire and Mudslides, which burned in excess of
20 281,000 acres, including property owned or occupied by Plaintiffs and Class members. The
21 Thomas Fire and Mudslides damaged and/or destroyed Plaintiffs' and Class members real and/or
22 personal property.

23 241. The damage to Plaintiffs' property was proximately and substantially caused by
24 Defendants' actions in that Defendants' installation, ownership, operation, use, control, and/or
25 maintenance for a public use of power lines and equipment was negligent and caused the Thomas
26 Fire and Mudslides.

1 and 3480 and Public Resources Code § 4171. Further, the ensuing Thomas Fire and Mudslides
2 constituted a public nuisance under Public Resources Code § 4170.

3 249. The damaging effects of Defendants' creation of a fire hazard and the ensuing
4 Thomas Fire and Mudslides are ongoing and affect the public at large. There is a long term risk
5 of additional mudslides and/or debris flows in the future because the region was destabilized by
6 the Thomas Fire and Mudslides.

7 250. As a direct and legal result of the conduct of Defendants, Plaintiffs and the Class
8 suffered harm that is different from the type of harm suffered by the general public. Specifically,
9 Plaintiffs have lost the occupancy, possession, use, and/or enjoyment of their land, real, and/or
10 personal property, including, but not limited to: a reasonable and rational fear that the area is still
11 dangerous; a diminution in the fair market value of their property; an impairment of the ability to
12 sell their property; soils that have become hydrophobic; exposure to an array of toxic substances
13 on their land; the presence of "special waste," mud, and/or boulders on their property that requires
14 special management and disposal; and economic losses.

15 251. As a further direct and legal result of the conduct of Defendants, Plaintiffs and the
16 Class have suffered, and will continue to suffer, discomfort, anxiety, fear, worries, annoyance,
17 and/or stress attendant to the interference with Plaintiffs' occupancy, possession, use and/or
18 enjoyment of their property.

19 252. A reasonable, ordinary person would be annoyed or disturbed by the condition
20 created by Defendants, and the resulting Thomas Fire and Mudslides.

21 253. Defendants' conduct is unreasonable and the seriousness of the harm to the public,
22 including Plaintiffs and the Class, outweighs the social utility of Defendants' conduct. There is
23 little or no social utility associated with causing the Thomas Fire and Mudslides to destroy one of
24 the most beautiful and beloved regions of Southern California.

25 254. The individual and/or collective conduct of Defendants set forth above resulting in
26 the Thomas Fire and Mudslides is not an isolated incident, but is ongoing and/or a repeated
27 course of conduct, and Defendants' prior conduct and/or failures have resulted in other fires and
28 damage to the public.

1 invaded the right of Plaintiffs to use their property, and interfered with Plaintiffs' enjoyment of
2 their property, causing Plaintiffs unreasonable harm and substantial actual damages constituting a
3 nuisance pursuant to California Civil Code § 3479.

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

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

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

15 **FIFTH CAUSE OF ACTION**
16 **Premises Liability**

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

19 266. Defendants were the owners of an easement and/or real property in the area of
20 origin of the Thomas Fire and Mudslides, and/or were the owners of the electrical infrastructure
21 upon said easement and/or right of way.

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

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

1 292. Plaintiffs and the Class have existing or prospective economic relationships with
2 citizens of the region impacted by the Thomas Fire and Mudslides, visitors to the region, and
3 other individuals and organizations in and related to the region.

4 293. These relationships have a reasonably probable likelihood of resulting in future
5 economic benefits or advantages to Plaintiffs and the Class.

6 294. Defendants knew or should have known of these existing and prospective
7 economic relationships.

8 295. Defendants owed a duty to Plaintiffs and the Class to avoid negligent or reckless
9 conduct that would interfere with and adversely affect the existing and prospective economic
10 relationships of Plaintiffs and the Class.

11 296. Defendants breached that duty to Plaintiffs and the Class by, among other things,
12 failing to install and/or maintain reasonable safety equipment to prevent fires, failing to properly
13 maintain their electrical infrastructure in a safe condition, and failing to manage the vegetation
14 surrounding their equipment.

15 297. Defendants knew or should have known that, if they failed to act with reasonable
16 care, the existing or prospective economic relationships of Plaintiffs and the Class would be
17 interfered with and disrupted.

18 298. Defendants were negligent and failed to act with reasonable care as set forth
19 above.

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

23 300. As a direct and proximate result of Defendants' wrongful acts and/or omissions,
24 Defendants negligently and recklessly interfered with and disrupted the existing and prospective
25 economic relationships of Plaintiffs and the Class.

26 301. As a direct and proximate result of Defendants' wrongful acts and/or omissions,
27 Plaintiffs and the Class have suffered and will suffer economic harm, injury, and losses as set
28 forth above.

1 **VII. PRAYER FOR RELIEF**

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

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

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

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

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

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

13 7. Punitive/exemplary damages;

14 8. All costs of suit;

15 9. Prejudgment interest, according to proof; and

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

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

20 **VIII. JURY TRIAL DEMAND**

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

1 Dated: January 24, 2018

Respectfully submitted,

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3
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