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12 Attorneys for Plaintiffs and the Putative Class

13
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF LOS ANGELES**

15 PATRICK BUTCHER, an individual; KARIN
16 BUTCHER, an individual; RAZMIG
17 YEPREMIAN, an individual; HOURY
18 YEPREMIAN, an individual; STEPHAN
19 BEBEKIAN, an individual; SHAKEH
20 BEBEKIAN, an individual; Individually, and on
21 Behalf of All Similarly Situated Individuals,

22 Plaintiffs,

23 vs.

24 SOUTHERN CALIFORNIA GAS COMPANY, a
25 California Corporation; SEMBRA ENERGY, a
26 California Corporation, and DOES 1 through 25,
27 Inclusive,

28 Defendants.

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

DEC 23 2015

**Sherri R. Carter, Executive Officer/Clerk
By Dawn Alexander, Deputy**

Case No. **BC 605190**

CLASS ACTION

COMPLAINT FOR DAMAGES

- 1. NEGLIGENCE
- 2. PRIVATE NUISANCE
- 3. PUBLIC NUISANCE
- 4. TRESPASS

DEMAND FOR JURY TRIAL BY FAX

1 Plaintiffs Patrick Butcher, Karin Butcher, Razmik Yepremian, Houry Yepremian, Stephan
2 Bebekian, and Shakeh Bebekian (“Plaintiffs”) through undersigned counsel hereby bring this
3 class action Complaint (“Complaint”) against Defendants Southern California Gas Company,
4 Sempra Energy, and DOES 1 through 25. Plaintiffs’ allegations herein are based upon personal
5 knowledge except those allegations which pertain to Plaintiffs or their counsel, which are based
6 on information and belief. Plaintiffs’ information and belief are based upon, inter alia, Plaintiffs’
7 own investigation and the investigation conducted by Plaintiffs’ attorneys. Each allegation either
8 has evidentiary support or is likely to have evidentiary support after a reasonable opportunity for
9 further investigation or discovery.

10 INTRODUCTION

11 1. This is a class action brought by Plaintiffs to assert claims in their own right and in
12 their capacity as class representatives for all others similarly situated. This class action seeks
13 monetary damages against Defendants Southern California Gas Company (“So. Cal. Gas”) and
14 Sempra Energy (“Sempra”) (collectively referred to as “Defendants”) arising from an ongoing
15 uncontrolled natural gas leak at Defendants’ Aliso Canyon natural gas storage facility, causing the
16 release of dangerous gases, chemicals, and noxious odors into the environment and, specifically,
17 into the community of Porter Ranch immediately adjacent to the Aliso Canyon facility, in which
18 Plaintiffs and Putative Class Members reside.

19 2. The natural gas leak was first reported to governmental regulatory authorities by
20 Defendants on October 23, 2015. To date, all efforts to correct the natural gas leak have failed
21 and the natural gas leak continues unabated. Defendants have stated that it may take months
22 before the leak can be corrected.

23 3. Since the initiation of the leak, Plaintiffs’ home, property, and community have
24 been, and continue to be, physically invaded by gases, chemicals, noxious odors, pollutants, and
25 contaminants emanating from the natural gas leak at Defendants’ Aliso Canyon facility, located
26 at 12801 Tampa Avenue, Los Angeles, California 91326.

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1 Los Angeles County. Further, the amount in controversy exceeds the jurisdictional minimum,
2 exclusive of interests and costs.

3 11. Venue is proper in this Court pursuant to California Civil Procedure sections 395 and
4 395.5 since Defendant So. Cal. Gas is headquartered in Los Angeles County and is regularly
5 engaged in transactions in Los Angeles County.

6 **PARTIES**

7 12. Plaintiff Patrick Butcher is an individual, who currently and at all times relevant to
8 this action, resides in Los Angeles County, California. His residence is located in the Porter
9 Ranch community of Los Angeles, California, nearby the uncontrolled gas well leak at
10 Defendants' Aliso Canyon storage facility.

11 13. Plaintiff Karin Butcher is an individual, who currently and at all times relevant to
12 this action, resides in Los Angeles County, California. Her residence is located in the Porter
13 Ranch community of Los Angeles, California, nearby the uncontrolled gas well leak at
14 Defendants' Aliso Canyon storage facility.

15 14. Plaintiff Houry Yepremian is an individual, who currently and at all times relevant
16 to this action, resides in Los Angeles County, California. Her residence is located in the Porter
17 Ranch community of Los Angeles, California, nearby the uncontrolled gas well leak at
18 Defendants' Aliso Canyon storage facility.

19 15. Plaintiff Razmig Yepremian is an individual, who currently and at all times relevant
20 to this action, resides in Los Angeles County, California. His residence is located in the Porter
21 Ranch community of Los Angeles, California, nearby the uncontrolled gas well leak at
22 Defendants' Aliso Canyon storage facility.

23 16. Plaintiff Stephan Bebekian is an individual, who currently and at all times relevant to
24 this action, resides in Los Angeles County, California. His residence is located in the Porter
25 Ranch community of Los Angeles, California, nearby the uncontrolled gas well leak at
26 Defendants' Aliso Canyon storage facility.

27 17. Plaintiff Shakeh Bebekian is an individual, who currently and at all times relevant to
28 this action, resides in Los Angeles County, California. Her residence is located in the Porter

1 Ranch community of Los Angeles, California, nearby the uncontrolled gas well leak at
2 Defendants' Aliso Canyon storage facility.

3 18. Defendant So. Cal. Gas is a California corporation with its principal place of
4 business in Los Angeles, California. So. Cal. Gas is the nation's largest natural gas
5 distribution utility, servicing 21.4 million consumers through 5.9 million meters in more
6 than 500 communities.

7 19. Defendant Sempra is a California corporation with its principal place of business
8 in San Diego, California. Sempra is the parent company of So. Cal. Gas.

9 **FACTUAL ALLEGATIONS**

10 20. Defendant So. Cal. Gas is the nation's largest natural gas distribution utility.
11 Natural gas is a colorless and odorless gas in its pure form composed approximately of 80 percent
12 methane.

13 21. Methane is in a category of greenhouse gases known as short-lived climate pollutants.

14 22. Because of the danger posed by undetected natural gas leaks, natural gas distributors
15 add substances such as t-butyl mercaptan and tetrahydrothiophene ("mercaptans") so that the
16 presence of natural gas can be detected by an obvious and distinct odor.

17 23. Inhalation of these mercaptans can cause neurological, gastrointestinal, and
18 respiratory symptoms such as nausea, dizziness, vomiting, shortness of breath, and
19 headaches. The odors alone can be directly responsible for these health effects. As long as
20 the mercaptans are present in the atmosphere, these negative health effects will continue.

21 24. Defendants' Aliso Canyon facility is the largest of four natural gas storage
22 fields owned and operated by Defendants in Southern California. The facility sits in
23 approximately 3,600 acres in the mountains approximately one mile north of the Porter
24 Ranch community of Los Angeles, California.

25 25. The Aliso Canyon facility sits on top of an underground geological formation
26 left from a depleted oil reserve. This natural geological formation extends 8,500 feet
27 below the earth's surface, under layers of impermeable rock. Defendants pipe natural gas
28 from the Rockies, Southwest United States, and from throughout California and then pump

1 it thousands of feet below the surface using high-powered compressors at underground
2 storage facilities, such as Aliso Canyon, until it is ultimately delivered to consumers.

3 26. Defendants are currently in the construction phases of the Aliso Canyon Turbine
4 Replacement Project — a \$200 million project in which the three main turbine compressors at the
5 Aliso Facility are being replaced.

6 27. On or about October 23, 2015, Defendants first reported that they detected the
7 presence of a leak in pipe casing several hundred feet below the earth's surface.

8 28. Though Defendant So. Cal. Gas has stated that it cannot determine how much gas has
9 leaked into the air until after it has successfully stopped the leak, the California Air Resources
10 Board released a report estimating that natural gas is leaking from the pipe at the rate of
11 approximately 50,000 kilograms per hour.

12 29. Thus far, Defendants' efforts to plug the leak have been unsuccessful. Defendant So.
13 Cal. Gas initially tried pumping fluid into the well with no success. Defendant So. Cal. Gas has
14 now indicated that it will need to drill a new relief well in order to seal the leak — a process that
15 could take several months.

16 30. On November 18, 2015, California's Division of Oil, Gas, and Geothermal
17 Resources ("DOGGR"), the lead state regulatory agency overseeing the Aliso Facility leak, issued
18 an emergency order stating that Defendant So. Cal. Gas had failed to fully inform state officials
19 about the well's status and requiring Defendant So. Cal. Gas to produce information by November
20 19 including: downhole videos; well logs; pressure surveys; pressure testing; and spinner surveys.
21 The order also required Defendant So. Cal. Gas to disclose by November 21 the date by when the
22 relief well site preparation will be completed and when drilling will start.

23 31. The residents of the adjacent community of Porter Ranch have borne the brunt of the
24 uncontrolled release of natural gas and other pollutants into the atmosphere. In addition to the
25 release of methane and mercaptans previously referenced, air testing has revealed the presence of
26 benzene (a known carcinogen), toluene (a substance when inhaled in low levels is known to cause
27 tiredness, confusion, weakness, memory loss, nausea, and loss of appetite), hydrogen sulfides, and
28 sulfur dioxide.

1 32. But, most significantly, Plaintiffs and the Class members are being harmed by the
2 odors caused by the mercaptans being emitted from the natural gas leak. These harms include
3 suffering from nausea, dizziness, vomiting, shortness of breath, and headaches. On November 19,
4 2015, the Los Angeles Department of Public Health issued a Preliminary Environmental Health
5 Assessment stating that these symptoms are expected to persist as long as the odors persist.

6 33. The invasion of Plaintiffs' and the Class members' property by pollutants, noxious
7 odors, and other contaminants has caused Plaintiffs to suffer injuries including, but not limited to,
8 exposure to noxious odors, and other contaminants.

9 34. The invasion of Plaintiffs' and the Class members' property by pollutants, noxious
10 odors, and other contaminants has interfered with Plaintiffs' use and enjoyment of both their
11 property and of public property located within the community of Porter Ranch.

12 35. Defendants negligently failed to construct, maintain, and/or operate the Aliso
13 Facility and caused the invasion of Plaintiffs' property and the property of the Class members by
14 pollutants, noxious odors, and other contaminants. Defendants are vicariously liable for all
15 damages suffered by Plaintiffs and the Class members caused by Defendants' employees,
16 representatives and agents, who, during the course and scope of their employment, allowed or
17 failed to correct the problem(s) which caused the uncontrolled release of natural gas, pollutants,
18 noxious odors, and other contaminants into the atmosphere and which physically invaded
19 Plaintiffs' property.

20 **CLASS ACTION ALLEGATIONS**

21 36. Plaintiffs bring this case as a class action on behalf of themselves and all similarly
22 situated individuals as a class action pursuant to California Code of Civil Procedure section 382.

23 37. Plaintiffs seek to represent all California residents who have been exposed to the
24 noxious odors, hazardous gases, chemicals, pollutants, and contaminants emanating from the
25 natural gas leak at Defendants' Aliso Canyon Storage Facility, since the leak was discovered.
26 The proposed class ("Class") is comprised entirely of California residents who live in the Porter
27 Ranch community of Los Angeles, California.

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1 38. This action is perfectly suited for class action treatment since a well-defined
2 community of interest in the litigation exists and the class is easily ascertainable. The
3 aforementioned class definition identifies a group of unnamed plaintiffs by a set of shared
4 characteristics adequate for an individual to identify him or herself as a member of the group
5 with the right to recover. The class members may receive proper and sufficient notice either
6 directly or through publication.

7 39. Commonality and Predominance: Defendants' conduct and the scope of its impact
8 raise common issues of fact and law among all members of the class, and common questions of
9 law or fact are substantially similar and predominate over questions that may affect only
10 individual class members. Each class member will require future medical monitoring to track
11 potential health effects. Each property owner has suffered a substantial diminution in the value
12 of owned property in Porter Ranch. Defendants' unreasonable construction, operation, or
13 maintenance of the Aliso Canyon natural gas storage facility is a common nucleus of operative
14 fact linking every class member. Each member of the proposed class claims that Defendants
15 negligently constructed, operated, and/or maintained their Aliso Canyon natural gas storage
16 facility, which resulted in harmful pollutants and noxious odors to invade their land, causing
17 diminished use and enjoyment of their properties, polluted land and air in and around
18 Plaintiffs' properties, and adverse health effects. In addition, each member of the proposed
19 class also claims that the Defendants have intentionally, recklessly, and/or negligently failed to
20 abate the leak of harmful pollutants and noxious odors. And while slight variations in the
21 individual damage claims may occur, common questions of law or fact regarding Defendants'
22 liability substantially predominate over any questions affecting only individual class members
23 such that the class members should be permitted for inclusion for the fair and efficient
24 adjudication of this controversy.

25 40. Plaintiffs assert that they intend to prove Defendants were responsible for class-
26 wide harm with admissions from Defendants, expert testimony, scientific evidence of the
27 pollutants' dispersion, and illustrative testimony from the Plaintiffs themselves and the neighbor-
28 declarants who reside throughout the class area. Almost identical evidence will be required to

1 establish the level and duration of Defendants' emissions, the reasonableness of Defendants'
2 operations, and the causal connection between the injuries allegedly suffered and Defendants'
3 liability. This evidence is common to all class members and will require substantial trial time.

4 41. Common questions of law and fact common to Plaintiffs and the class members
5 include, but are not limited to, the following:

6 a. Whether Defendants properly received permits from DOGGR to
7 inject gas into this field;

8 b. Whether Defendants acted reasonably in the construction,
9 operation, or maintenance of the injection wells in Aliso Canyon;

10 c. Whether Defendants were negligent in the construction,
11 operation, or maintenance of the injection wells in Aliso Canyon;

12 d. Whether Defendants were negligent in their attempts to abate the
13 fluid and gas leak from their injection wells in Aliso Canyon;

14 e. Whether Defendants owed a duty to the class members;

15 f. Whether Defendants' duty to the class members was breached;

16 g. Whether Defendants' breach of duty to class members was the
17 actual and proximate cause of the uncontrolled natural gas leak that occurred on
18 October 23, 2015, and continues to occur as of the filing of this Complaint;

19 h. Whether gases and other chemicals have been leaked, released or
20 emitted into the area of the natural gas leak at Defendants' Aliso Canyon natural
21 gas storage facility that would pose a threat to the health and safety of the class
22 members;

23 i. Whether it was reasonably foreseeable that Defendants' failure to
24 properly construct, operate or maintain the Aliso Canyon natural gas storage
25 facility and its injection wells would result in harm to the class members;

26 j. Whether it was reasonably foreseeable that Defendants' failure to
27 properly construct, operate or maintain the Aliso Canyon natural gas storage
28 facility and its injection wells would result in an invasion of the class members'

1 use and enjoyment of their property;

2 k. Whether uncontrolled leak of noxious odors, hazardous gases,
3 chemicals, pollutants, and contaminants into the area at Defendants' Aliso
4 Canyon natural gas storage facility constitutes an unlawful trespass;

5 l. Whether residents have been harmed by the necessity and cost of
6 future medical monitoring for health effects of Defendants' conduct;

7 m. Whether property owners in Porter Ranch have suffered a
8 diminution in value of their residences based on the continuing effect and
9 future effect of Defendants' conduct on Porter Ranch property values;

10 n. The magnitude to which the class members have been harmed by
11 the uncontrolled leak of noxious odors, hazardous gases, chemicals,
12 pollutants, and contaminants into the area at Defendants' Aliso Canyon
13 natural gas storage facility; and

14 o. The appropriate measure of damages sustained by the class
15 members.

16 42. Numerosity: The members of the Class are so numerous that a joinder of all
17 members would be impracticable. According to a report released by the Los Angeles Department
18 of City Planning, the population of Porter Ranch was estimated to be approximately 30,571 in
19 2008. While the exact number of members of the Class is presently unknown to Plaintiffs and
20 can only be determined through discovery, Plaintiffs believe the Class is likely to include
21 thousands of members.

22 43. Typicality: Plaintiffs' claims are typical of the claims of the class. Plaintiffs and all
23 putative class members are subject to the same uncontrolled gas well leak at Defendants' Aliso
24 Canyon storage facility. Defendants' course of conduct in violation of law as alleged herein has
25 caused Plaintiffs and class members to sustain the same or similar injuries and damages.

26 44. Adequacy of Representation: Plaintiffs and all putative class members do not have
27 any conflicts of interest with other class members due to the great degree of commonality, and
28 will prosecute the case vigorously on behalf of the class. Counsel representing Plaintiffs and

1 the class are competent and experienced in litigating large environmental class actions.
2 Plaintiffs will fairly and adequately represent and protect the interests of the class members.
3 Thus, the named Plaintiffs are committed to deliver relief for the class and have retained
4 experienced class action counsel.

5 45. Superiority of class action: A class action is superior to other available means
6 for the fair and efficient adjudication of this controversy. Individual joinder of all class
7 members is not practicable, and questions of law and fact common to the class
8 predominate over any questions affecting only individual members of the class. Each
9 class member has been damaged and is entitled to recovery as a direct result of
10 Defendants' conduct with respect to the uncontrolled gas well leak at Defendants' Aliso
11 Canyon storage facility. Moreover, the complexity of this litigation and potential of
12 recovery for individuals renders separate adjudication impracticable. Thus, class action
13 treatment provides optimal resolution of all the class members' claims in a manner most
14 efficient and economical for both the parties and the judicial system.

15 **FIRST CLAIM FOR RELIEF**

16 **NEGLIGENCE / NEGLIGENCE PER SE (CALIFORNIA LAW)**

17 CALIFORNIA EVIDENCE CODE § 669

18 (Against Defendants So. Cal. Gas and Sempra)

19 46. Plaintiffs re-allege and incorporate the foregoing paragraphs as though fully set
20 forth herein.

21 47. Plaintiffs are individuals who each own or rent residential property within a short
22 distance of the Aliso Canyon gas storage facility owned and/or operated by Defendants.

23 48. Defendants own, operate, or service a gas storage facility and numerous
24 injection wells near Plaintiffs' residences. Defendants thus have a duty to use reasonable
25 care in the construction, operation, maintenance and abandonment of all such operations
26 and equipment.

27 49. Defendants breached that duty by negligently and carelessly constructing,
28 operating, and/or maintaining the Aliso Canyon storage facility and injection wells. This

1 negligence directly and foreseeably caused actual leaks, releases, emissions, and/or migration
2 of noxious odors, hazardous gases, chemicals, pollutants, and contaminants into Plaintiffs'
3 land and homes.

4 50. Defendants knew or should have known that their operations would result in the
5 leaks, releases, emissions, and/or migration of pollutants including but not limited to noxious
6 odors, hazardous gases, chemicals, pollutants, and contaminants, and that such pollutants would
7 contaminate Plaintiffs' land, homes, and/or persons.

8 51. The breach of duty by Defendants directly increased the concentration of noxious
9 odors, hazardous gases, chemicals, pollutants, and contaminants on Plaintiffs' land and person to
10 such an extent that Plaintiffs have suffered both personal and property damage. In addition, Los
11 Angeles County health officials have ordered Defendant So. Cal Gas to offer free temporary
12 housing accommodations to many of the families who are members of Plaintiffs due to the
13 buildup of dangerous levels of noxious odors, hazardous gases, chemicals, pollutants, and
14 contaminants because continued exposure poses a serious health risk.

15 52. The breach of duty by Defendants was the legal and proximate cause of the injuries
16 and damages suffered by Plaintiffs. The damages caused by the breach included polluted land
17 and air in and around Plaintiffs' properties and adverse health effects suffered by Plaintiffs due
18 to exposure.

19 53. Additionally, Defendants had an obligation not to violate the law with respect to
20 construction, operation, and maintenance of their Aliso Canyon storage facility and their
21 injection wells.

22 54. Due to Defendants' activities, actions, and/or inactions, Plaintiffs experienced serious
23 health effects including, but not limited to: dizziness, nausea, drowsiness, headaches, and nose
24 bleeding.

25 55. Defendants have shown a willful disregard for public health and health and safety of
26 Plaintiffs, to others similarly situated, and the community through its failure to abate the harm after
27 more than two months.

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1 56. Defendants failed to meet the standard of care set by the above statutes and
2 regulations, which were intended for the benefit of individuals such as Plaintiffs, making
3 Defendants' conduct negligent per se. As a result of violation of the above statutes, Plaintiffs
4 suffered injuries and damages as alleged herein.

5 57. Plaintiffs are within the class of persons the above statutes and regulations are
6 designed to protect, and their injuries are the type of harm these statutes are designed to prevent.

7 58. Defendants' actions resulted in the pollution of air and deprived residents of
8 Porter Ranch of their ability to live in their homes free of health problems. Defendants took
9 these actions with a willful and knowing disregard of the rights and safety of the community.
10 Plaintiffs should, therefore, be awarded punitive and exemplary damages under Civil Code
11 section 3294 sufficient to punish Defendants for engaging in this conduct and to deter similar
12 conduct in the future.

13 59. As a further result of this wrongful conduct, Plaintiffs suffered, and will continue to
14 suffer, the loss of the quiet use and enjoyment of their property in addition to all of their general
15 damages in an amount to be set forth according to proof at trial.

16 60. Plaintiffs will incur the expense of future medical monitoring for health effects
17 due to Defendants' negligence.

18 61. Plaintiffs, as homeowners, have suffered and will continue to suffer diminution in
19 property value of their residences due to Defendants' negligence.

20 62. In addition, Plaintiffs should be awarded attorney's fees under Code of Civil
21 Procedure section 1021.5 because the successful prosecution of this action will confer a
22 significant benefit both pecuniary and non-pecuniary on the general public and a large class
23 of persons by abating environmental harm and preventing future harm to residents of Porter
24 Ranch. Further, the necessity and financial burden of private enforcement makes such an
25 award appropriate as the litigation is not economically feasible or viable for Plaintiffs to
26 pursue on their own at their own expense, and such fees should not in the interest of justice be
27 paid out of the recovery, if any.

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1 **SECOND CLAIM FOR RELIEF**

2 **PRIVATE NUISANCE (CALIFORNIA LAW)**

3 CALIFORNIA CIVIL CODE § 3479

4 (Against Defendants So. Cal. Gas and Sempra)

5 63. Plaintiffs re-allege and incorporate the foregoing paragraphs as though fully set forth
6 herein.

7 64. Defendants' failed to exercise reasonable care in the course of constructing,
8 operating, and/or maintaining their Aliso Canyon storage facility and injection wells and
9 continue to allow leaks, releases, emissions, and/or migration of pollutants to the surrounding
10 area including Plaintiffs' properties. Defendants created a condition that is harmful to
11 Plaintiffs' health and free use of their properties so as to seriously interfere with comfortable
12 enjoyment of their life and property, including creating conditions such that certain Plaintiffs
13 had to physically flee from their homes. Plaintiffs suffer from the ongoing contamination of
14 the air surrounding their homes and the threat of continued leaks, releases, emissions, and/or
15 migration of pollutants to the surrounding area including Plaintiffs' property.

16 65. The continuing condition created by the Defendants harmed Plaintiffs. This harm
17 includes, but is not limited to, polluted land and air in and around Plaintiffs' properties and
18 adverse health effects due to exposure.

19 66. Plaintiffs did not consent to Defendants' conduct.

20 67. An ordinary person of reasonable sensibility would reasonably be annoyed and/or
21 disturbed by the conditions created by Defendants.

22 68. Defendants' aforementioned conduct constitutes a nuisance within the meaning of
23 section 3749 of the Civil Code in that it is injurious to health and/or offensive to the senses of
24 Plaintiffs and/or unreasonably interferes with the comfortable enjoyment of Plaintiffs' land and/or
25 the free and customary use of Plaintiffs' property.

26 69. Defendants' conduct, including constructing, operating, and/or maintaining the Aliso
27 Canyon storage facility and its injection wells was a substantial factor, and likely the only
28

1 cognizable factor, in causing the harm. Further, continuing harm remains due to the current and
2 ongoing contamination of Plaintiffs' properties.

3 70. The seriousness of Defendants' conduct referenced above outweighs the public
4 benefits of the Defendants' Aliso Canyon storage facility operations because gas leaks seriously
5 deprive Plaintiffs of peaceful enjoyment of their homes and pollute the air of the surrounding
6 properties and neighborhoods. In comparison, the social value and primary purpose of such
7 activity is the maximization of profit for corporations with no incentive to take precautions to
8 ensure the safety and environmental integrity of the storage facility.

9 71. Plaintiffs will incur the expense of future medical monitoring for health effects
10 due to Defendants' negligence.

11 72. Plaintiffs, as homeowners, have suffered and will continue to suffer diminution in
12 property value of their residences due to Defendants' negligence.

13 73. Plaintiffs have no speedy, plain, or adequate remedy of law for the injuries presently
14 being suffered or for the aggravation of such injuries. Unless the nuisance created by Defendants
15 is restrained by a preliminary and permanent injunction, Plaintiffs will suffer great and irreparable
16 injury in that dangerous levels of noxious odors, hazardous gases, chemicals, pollutants, and
17 contaminants will continue to emanate from Defendants' Aliso Canyon storage facility, pollute the
18 air, Plaintiffs' properties, and continue to damage the right of Plaintiffs and their families to live in
19 their homes without harmful exposure.

20 74. Defendants' actions resulted in the pollution of air and deprived residents of
21 Porter Ranch of their ability to live in their homes free of health problems. Defendants took
22 these actions with a willful and knowing disregard of the rights and safety of the community.
23 Plaintiffs should, therefore, be awarded punitive and exemplary damages under Civil Code
24 section 3294 sufficient to punish Defendants for engaging in this conduct and to deter similar
25 conduct in the future.

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1 80. Plaintiffs did not consent to the Defendants conduct.

2 81. Defendants' aforementioned conduct constitutes a nuisance within the meaning of
3 section 3749 of the Civil Code in that it is injurious to health and/or offensive to the senses of
4 Plaintiffs and/or unreasonably interferes with the comfortable enjoyment of Plaintiffs' properties
5 and/or the free use, in the customary manner, of Plaintiffs' properties.

6 82. As a result of Defendants' conduct, Plaintiffs suffered a type of harm that is different
7 from the type of harm suffered by the general public. Specifically, Plaintiffs have lost the use and
8 enjoyment of their land, including, but not limited to exposure to an array of pollutants in their
9 persons and on their land, and the continuing threat of leaks, releases, emissions, and/or migration
10 of dangerous levels of noxious odors, hazardous gases, chemicals, pollutants, and contaminants.

11 83. An ordinary person of reasonable sensibilities would be reasonably annoyed and/or
12 disturbed by the condition created by Defendants.

13 84. The seriousness of Defendants' conduct referenced above outweighs the public
14 benefits of the Defendants' Aliso Canyon storage facility operations because gas leaks seriously
15 deprive Plaintiffs of peaceful enjoyment of their homes and pollute the air of the surrounding
16 properties and neighborhoods. In comparison, the social value and primary purpose of such
17 activity is the maximization of profit for corporations with no incentive to take precautions to
18 ensure the safety and environmental integrity of the storage facility.

19 85. Defendants' conduct, including constructing, operating, and/or maintaining the Aliso
20 Canyon storage facility and its injection wells was a substantial factor, and likely the only
21 cognizable factor, in causing the harm. Further, continuing harm remains due to the current and
22 ongoing contamination of Plaintiffs' properties.

23 86. Plaintiffs further allege that as a consequence of Defendants' acts and/or failures to
24 act, this public nuisance must be abated.

25 87. Plaintiffs have no speedy, plain, or adequate remedy of law for the injuries presently
26 being suffered or for the aggravation of such injuries. Unless the nuisance created by Defendants
27 is restrained by a preliminary and permanent injunction, Plaintiffs will suffer great and irreparable
28 injury in that dangerous levels of noxious odors, hazardous gases, chemicals, pollutants, and

1 contaminants will continue to emanate from Defendants' Aliso Canyon storage facility, pollute the
2 air, Plaintiffs' properties, and continue to damage the right of Plaintiffs and their families to live in
3 their homes without harmful exposure.

4 88. Defendants' actions resulted in the pollution of air and deprived residents of Porter
5 Ranch of their ability to live in their homes free of health problems. Defendants took these
6 actions with a willful and knowing disregard of the rights and safety of the community. Plaintiffs
7 should, therefore, be awarded punitive and exemplary damages under Civil Code section 3294
8 sufficient to punish Defendants for engaging in this conduct and to deter similar conduct in the
9 future.

10 89. Plaintiffs will incur the expense of future medical monitoring for health effects
11 due to Defendants' negligence.

12 90. Plaintiffs, as homeowners, have suffered and will continue to suffer diminution in
13 property value of their residences due to Defendants' negligence.

14 91. As a further result of this wrongful conduct, Plaintiffs suffered, and will continue to
15 suffer, the loss of the quiet use and enjoyment of its property in addition to all of their general
16 damages in an amount to be set forth according to proof at trial.

17 92. In addition, Plaintiffs should be awarded attorney's fees under Code of Civil
18 Procedure section 1021.5 because the successful prosecution of this action will confer a
19 significant benefit both pecuniary and non-pecuniary on the general public and a large class of
20 persons by abating environmental harm and preventing future harm to residents of Porter
21 Ranch. Further, the necessity and financial burden of private enforcement makes such an
22 award appropriate as the litigation is not economically feasible or viable for Plaintiffs to
23 pursue on their own at their own expense, and such fees should not in the interest of justice be
24 paid out of the recovery, if any.

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1 **FOURTH CLAIM FOR RELIEF**

2 **TRESPASS (CALIFORNIA LAW)**

3 CALIFORNIA CIVIL CODE § 3334

4 (Against Defendants So. Cal. Gas and Sempra)

5 93. Plaintiffs re-allege and incorporate the foregoing paragraphs as though fully set forth
6 herein.

7 94. In the construction, operation, and/or maintenance of the Aliso Canyon storage facility
8 and injection wells owned and/or operated by Defendants, Defendants intentionally, recklessly,
9 willfully, and/or negligently caused dangerous levels of noxious odors, hazardous gases,
10 chemicals, pollutants, and contaminants to enter onto Plaintiffs' properties by leaks, releases,
11 emissions, and/or migration from the Aliso Canyon storage facility.

12 95. Plaintiffs did not give permission for this entry.

13 96. Plaintiffs suffered harm from Defendants' conduct including, but not limited to,
14 polluted land and air in and around Plaintiffs' property and adverse health effects due to exposure.

15 97. Plaintiffs will incur the expense of future medical monitoring for health effects
16 due to Defendants' negligence.

17 98. Plaintiffs, as homeowners, have suffered and will continue to suffer diminution in
18 property value of their residences due to Defendants' negligence.

19 99. Defendants' actions were a substantial factor in causing the harm to the Plaintiffs as
20 there were no other independent causes of the trespass onto Plaintiffs' properties.

21 100. Defendants' actions resulted in the pollution of air and deprived residents of Porter
22 Ranch of their ability to live in their homes free of health problems. Defendants took these
23 actions with a willful and knowing disregard of the rights and safety of the community.
24 Plaintiffs should, therefore, be awarded punitive and exemplary damages under Civil Code
25 section 3294 sufficient to punish Defendants for engaging in this conduct and to deter similar
26 conduct in the future.

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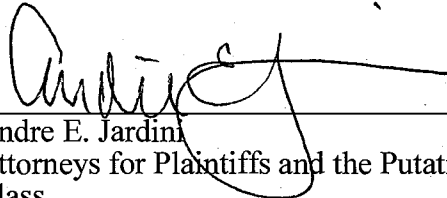
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- F. For interest at the legal rate on all amounts awarded;
- G. Such other and further relief as this Court may deem just and proper.

DATED: December 22, 2015

LAW OFFICES OF THOMAS W. FALVEY
KNAPP, PETERSEN & CLARKE

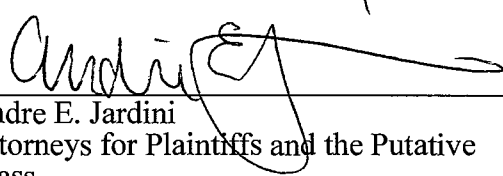
By: 
Andre E. Jardim
Attorneys for Plaintiffs and the Putative
Class

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial of this matter.

DATED: December 22, 2015

LAW OFFICES OF THOMAS W. FALVEY
KNAPP, PETERSEN & CLARKE

By: 
Andre E. Jardim
Attorneys for Plaintiffs and the Putative
Class