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ENDORSED
FILED
San Francisco County Superior Court

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO (UNLIMITED JURISDICTION)

12 REEAH WINKLE, Individually, as Personal)
13 Representative of the Estate of STEVE)
14 STELTER, and as Successor in Interest of)
15 STEVE STELTER;)
16 DOUG STELTER,)

17 Plaintiffs,)

18 v.)

19 PACIFIC GAS AND ELECTRIC COMPANY;)
20 PG&E CORPORATION;)
21 and DOES 1 through 100, inclusive,)

22 Defendants.)
23)
24)
25)
26)
27)
28)

Case No. **CGC - 17 - 562366**

PLAINTIFFS' COMPLAINT FOR DAMAGES

1. NEGLIGENCE
2. PREMISES LIABILITY
3. PUBLIC NUISANCE
4. INVERSE CONDEMNATION
5. TRESPASS
6. PRIVATE NUISANCE
7. VIOLATION OF PUBLIC UTILITIES CODE § 2106
8. VIOLATION OF HEALTH AND SAFETY CODE § 13007
9. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
10. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

DEMAND FOR JURY TRIAL

1
2 Plaintiffs bring this action for damages and make the following allegations based upon
3 information and belief.

4 **I. INTRODUCTION**

5 1. Starting on or about October 8, 2017, residents and property owners in Napa,
6 Sonoma, Mendocino, Butte, Lake, Yuba and Solano counties were devastated by severe wildfires,
7 including the Tubbs Fire, Atlas Fire, Nuns Fire and Redwood Valley Fire (collectively referred to
8 also herein as the “Wine County Fires”).

9 2. The Wine Country Fires were started when electrical infrastructure owned,
10 operated and maintained by PG&E CORPORATION and PACIFIC GAS AND ELECTRIC
11 COMPANY (hereinafter “PG&E”) came into contact with vegetation that was inspected and
12 maintained and/or should have been inspected and maintained by PG&E. The fires, to date, have
13 burned more than 312,000 acres and at least 8,900 structures, including over 5,700 homes.

14 3. The Wine Country Fires have caused the deaths of at least 43 people, injured many
15 others and caused harm to residents and property and business owners in the affected areas. More
16 than a dozen people are still missing. The Plaintiffs in this case are each a victim of the fires who
17 individually seek compensation and damages, or heir and successor to a victim that was injured,
18 then died as a result of the fires. Plaintiffs seek damages for, *inter alia*, wrongful death, personal
19 injury; damage to and loss of use of real and personal property; pain and suffering; injury to
20 livestock and pets; loss of income; consequential and incidental damages; and/or for emotional
21 suffering, fear and anxiety, inconvenience, and other harm caused by the wrongful conduct of
22 Defendants.

23 **II. JURISDICTION AND VENUE**

24 4. The amount in controversy exceeds the jurisdictional limits of the Superior Court,
25 Limited Jurisdiction.

26 5. Venue is proper in San Francisco County Superior Court because one or more
27 Defendants reside in the City and County of San Francisco and are subject to the personal
28 jurisdiction of this Court.

1 **III. THE PARTIES**

2 **A. PLAINTIFFS**

3 6. Plaintiff REEAH WINKLE brings her causes of action as an heir to her father,
4 STEVE STELTER, who was injured, then died as a result of the Redwood Valley fire. Plaintiff
5 DOUG STELTER brings his causes of action for his own injuries and damages sustained as a
6 result of the Redwood Valley fire.

7 7. At all times relevant hereto, STEVE STELTER (also referred to herein as
8 “Decedent”), DOUG STELTER and REEAH WINKLE were residents of the State of California.

9 8. Plaintiff REEAH WINKLE brings this action, *inter alia*, as specified in Code of
10 Civil Procedure § 377.60 *et seq.*, individually, and on behalf of the ESTATE OF STEVE
11 STELTER and Decedent’s surviving heirs.

12 9. STEVE STELTER was injured in the subject fire on October 9, 2017, and
13 subsequently died on October 9, 2017. Plaintiff REEAH WINKLE is the surviving adult
14 daughter of Decedent. Plaintiff has complied with the provisions of Section 377.32 of the Code
15 of Civil Procedure, having filed herewith a declaration as required in the provisions. Decedent’s
16 First through Eighth Causes of Action, therefore, survive and may be brought by REEAH
17 STELTER pursuant to C.C.P. § 377.20.

18 10. During the early morning of October 9, 2017, STEVE STELTER, and his brother,
19 DOUG STELTER, were in their home, located at 11300 West Road in Redwood Valley, California.
20 When the fire broke out, STEVE and DOUG tried to escape, with STEVE’S girlfriend Janet
21 Costanzo, and suffered injuries from the fire, including from smoke inhalation, while trying to
22 escape. DOUG escaped the fire alive, but STEVE did not. STEVE was alive and feared for his
23 safety. He did not die instantaneously when the fire broke out. STEVE was injured and suffered
24 from the injuries caused by the fire and smoke for many minutes before dying. He lost his personal
25 property as a result of the fire as well.

26 11. As a direct and proximate result of the said acts, omissions and negligence of
27 Defendants, and each of them, Plaintiffs have been damaged as set forth herein.

28 12. Plaintiffs are entitled to prejudgment interest on said damages attributable to an

1 ascertainable economic value pursuant to Civil Code § 3288. Plaintiffs have lost prejudgment
2 interest pursuant to Civil Code § 3291, the exact amount of which Plaintiffs pray leave to insert
3 herein when finally ascertained and to conform to proof at trial.

4 **B. NAMED DEFENDANTS**

5 13. At all times herein mentioned, Defendants PG&E CORPORATION and PACIFIC
6 GAS AND ELECTRIC COMPANY were corporations authorized to do business and doing
7 business, in the State of California, with their principal place of business in the County of San
8 Francisco, State of California.

9 14. PACIFIC GAS AND ELECTRIC COMPANY, a subsidiary corporation of
10 PG&E CORPORATION, is incorporated in the State of California and is based in San
11 Francisco. PACIFIC GAS AND ELECTRIC COMPANY is also referred to herein as “PG&E
12 COMPANY”. PG&E COMPANY is a combination natural gas and electric utility which
13 provides gas and electric service to millions of customers in northern and central California.
14 PG&E COMPANY is both an “Electrical Corporation” and a “Public Utility” pursuant to,
15 respectively, Sections 218(a) and 216(1) of the California Public Utilities Code. PG&E
16 COMPANY is in the business of providing electricity to the residents of the affected counties, and,
17 more particularly, to Plaintiffs’ residences and/or properties through a network of electrical
18 transmission and distribution lines.

19 15. PG&E CORPORATION is an energy-based holding company incorporated in the
20 State of California. PG&E CORPORATION is the parent company of PG&E COMPANY.
21 PG&E CORPORATION is a publicly traded company that owns and/or manages an “Electric
22 Plant” as defined in Section 217 of the Public Utilities Code, and, like its subsidiary, PG&E
23 COMPANY, is both an “Electric Corporation” and a “Public Utility” pursuant to, respectively,
24 Sections 218(a) and 216(a) of the Public Utilities Code. It develops and operates energy
25 infrastructure assets related to the production and distribution of energy such as power plants,
26 electric lines, natural gas pipelines and liquefied natural gas receipt terminals.

27 16. PG&E COMPANY and PG&E CORPORATION are jointly and severally liable for
28 each other’s negligence, conduct and wrongdoing as alleged herein. Collectively, PG&E

1 COMPANY and PG&E CORPORATION are referred to herein as the “PG&E.”

2 17. At all times herein mentioned, Defendants PG&E and DOES 1 through 50, and
3 each of them, were suppliers of electricity to members of the public. As part of supplying
4 electricity to members of the public, PG&E installed constructed, built, maintained, and operated
5 overhead power lines, together with supporting poles and appurtenances, for the purpose of
6 conducting electricity for delivery to members of the general public.

7 18. PG&E and DOES 1 through 100, are responsible for their electrical equipment and
8 vegetation near, around, and in proximity to their electrical equipment. Prior to October 8, 2017,
9 Defendants, and each of them, had a duty to properly maintain and repair their electrical equipment,
10 including poles and transmission lines and to keep vegetation properly trimmed and maintained so
11 as to prevent contact with power lines. In the construction, repair, maintenance and/or operation of
12 their lines, Defendants, and each of them, had an obligation to comply with statutes, regulations and
13 standards, specifically including, but not limited to Public Resource Code Sections 4292, 4293, and
14 4435, California Public Utilities Commission (hereinafter “CPUC”) General Orders 95 and 165,
15 and Health and Safety Code Section 13007. In addition, Defendants, and each of them, were
16 specifically aware that such statutes, standards and regulations were minimum obligations and that
17 Defendants, and each of them, had a duty to make their lines safe under all the exigencies created
18 by the surrounding circumstances and conditions, including windy conditions, and that a failure to
19 do so constituted negligence and would expose members of the general public to a serious risk of
20 injury or death.

21 **C. DOE DEFENDANTS**

22 19. At all times relevant hereto, Defendants DOES 1 through 100, inclusive, and each
23 of them, were somehow negligent or otherwise responsible for the injuries and the damages alleged
24 herein.

25 20. At all times relevant hereto, Defendant DOES 1 through 100, inclusive, were either
26 residents of the State of California, doing business in the City and County of San Francisco and/or
27 are subject to the jurisdiction of the State of California.

28 21. Plaintiffs are informed and believe, and thereon allege that each of the Defendants,

1 including DOES 1 through 100, are negligently or otherwise responsible in some manner for the
2 events and happenings herein referred to and those Defendants negligently acted, or failed to act.
3 Their negligence and/or failure to act and the dangerous conditions legally caused the injuries and
4 damages hereinafter set forth.

5 22. The true names and capacities, whether individual, corporate, associate or
6 otherwise of Defendants DOE 1 through DOE 100, inclusive, are unknown to Plaintiffs who
7 therefore sue said Defendants by such fictitious names pursuant to Code of Civil Procedure
8 section 474. Plaintiffs further allege each fictitious Defendant is in some manner responsible for
9 the acts and occurrences set forth herein. Plaintiffs will amend this Complaint to show their true
10 names and capacities when the same are ascertained.

11 **D. AGENCY AND CONCERT OF ACTION**

12 23. At all times relevant hereto, each of the Defendants was the agent, servant,
13 employee, partner, aider and abettor, contractor, subcontractor, co-conspirator and/or joint
14 venturer of each of the remaining Defendants named herein and were at all times operating and
15 acting within the purpose, course and scope of said agency, service, employment, partnership,
16 conspiracy, contract, alter ego and/or joint venture, and with the permission and consent of their
17 co-Defendants. Each Defendant has rendered substantial assistance and encouragement to the
18 other Defendants, knowing that their conduct was wrongful and/or unlawful, and each
19 Defendant has ratified and approved the acts of each of the remaining Defendants.

20 **IV. FACTUAL BACKGROUND**

21 24. At all times mentioned herein, Defendants, and each of them, were aware that the
22 State of California had been in a multi-year drought, and even though it received more rain this
23 past winter, the summer months brought back drought-like conditions. Defendants, and each of
24 them, were aware that the drought conditions had existed since at least 2014, and were aware
25 that fire danger was at an extraordinarily high level, particularly given the increased vegetation
26 arising from the 2017 winter rains. Defendants, and each of them, knew that if the power lines
27 or other equipment came into contact with, or caused electricity to come into contact with
28 vegetation it was probable that a fire would result and that, given the drought conditions, a

1 resulting fire would likely result in the loss of life, significant damage to real and personal
2 property and damage to members of the general public, including Decedent and Plaintiffs. The
3 following photograph is an example of the devastation and loss of homes caused by the fires
4 (source: www.mercurynews.com, Sarah Dussault, October 10, 2017):



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18 25. Defendants, and each of them, were negligent in that they failed to properly
19 maintain, repair and inspect their electrical equipment, including poles and lines, and adjacent
20 vegetation, negligently failed to properly trim, prune, remove, and/or otherwise maintain
21 vegetation near their electrical equipment so as to secure safety to the public in general,
22 specifically including these Plaintiffs, and negligently failed to warn the public of the dangerous
23 and unsafe conditions. As a direct and proximate result of the negligence of Defendants, and
24 each of them, Plaintiffs suffered the injuries and damages alleged herein.

25 26. On information and belief, starting on or about October 8, 2017, as a direct and
26 proximate result of the negligence of Defendants, and each of them, power lines and/or other
27 electrical equipment came in contact with vegetation and caused the Wine Country Fires, which
28 burned in excess of 312,000 acres, including property owned or occupied by these Plaintiffs.

1 There were numerous calls to emergency services regarding downed power lines sparking. The
2 photograph below illustrates the fires and resulting smoke (Source: www.ktvu.com, Kristin
3 Bender, October 12, 2017):



15 27. Defendants are, and were, aware of the danger from fires in Napa, Sonoma,
16 Mendocino, Butte, Lake, Yuba and Solano counties during the summer months when
17 environmental conditions are favorable for extensive conflagration and the high temperatures,
18 absence of moisture, and the prevalence of wind renders the extinguishment of a burning fire
19 difficult.

20 28. Electrical equipment, including wires, lines and poles, carrying electricity are
21 dangerous instrumentalities and a hazardous and dangerous activity requiring the exercise of
22 increased care commensurate with and proportionate to that increased danger so as to make the
23 transport of electricity through wires and lines safe under all circumstances and exigencies
24 offered by the surrounding environment, including the risk of fire.

25 29. Defendants failed in their duty to exercise care commensurate with and
26 proportionate to the combined danger of an area susceptible to wildfire and the dangerous
27 activity of wires and lines carrying electricity, thereby being a substantial factor in the cause of
28 the fires, as more fully set forth below.

1 30. The conditions and circumstances existing at the time of the ignition in known
2 fire origin areas, including the extended drought, high temperature, low humidity, tinder-like
3 dryness of vegetation and windy conditions, were reasonably foreseeable, if not expected, by a
4 reasonable and prudent person and were reasonably foreseeable by and to be expected by
5 Defendants, especially with their special knowledge and expertise.

6 31. This action seeks damages for each Plaintiff named in this case, according to
7 their individual proof, for any and all harm they suffered as a result of the Wine Country Fires.

8 32. Defendants acted with conscious disregard to human life and safety in ignoring
9 the fire risks, including warnings and danger signs regarding their electrical equipment and
10 vegetation and trees in close proximity to power lines that resulted in the Wine Country Fires.
11 Plaintiffs, therefore, seek punitive and exemplary damages against Defendants.

12 **V. CAUSES OF ACTION**

13 **FIRST CAUSE OF ACTION FOR NEGLIGENCE**

14 **AGAINST ALL DEFENDANTS**

15 33. Plaintiff REEAH WINKLE brings this cause of action as an heir to Decedent
16 STEVE STELTER for wrongful death and survival. DOUG STELTER brings this cause of
17 action for his own injuries and damages. Plaintiffs hereby reallege and incorporate by reference,
18 each and every allegation contained in the Complaint, as though fully set forth herein.

19 34. The fires alleged herein were a direct and proximate result of the negligence of
20 Defendants, PG&E CORPORATION and PG&E COMPANY and DOES 1 through 100, and each
21 of them. Defendants, and each of them, negligently installed, constructed, maintained, operated,
22 inspected and/or repaired the electrical equipment and the vegetation surrounding it. Among other
23 things, Defendants, and each of them had a duty to maintain their electrical equipment so it does
24 not topple, even during windy conditions; to properly cut, trim, prune and/or otherwise keep
25 vegetation from contact with the electrical equipment, including transmission lines and wires; to
26 timely and properly maintain and inspect the electrical equipment; to make the overhead lines safe
27 under all the exigencies created by the surrounding circumstances and conditions; to comply with the
28 applicable statutes, regulations and standards enacted to protect against the type of harm suffered by

1 the Plaintiffs; and to warn the public of the dangerous and unsafe conditions.

2 35. Defendants, and each of them, breached their duties owed to Decedent and Plaintiffs
3 by, among other things: (1) failing to conduct adequate, proper and frequent inspections of their
4 electric equipment, including transmission lines, wires, poles and associated equipment; (2)
5 failing to design, construct, install, operate, repair, monitor and maintain their transmission and
6 distribution lines and make them safe under surrounding conditions and in a manner that avoids
7 igniting fires during long, dry seasons by allowing these lines to withstand foreseeable
8 conditions, including wind, and avoid igniting fires; (3) failing to inspect, repair, monitor and
9 maintain electrical transmission and distribution lines in fire prone areas so as to avoid igniting
10 and spreading fires; (4) failing to install, repair, monitor and maintain the equipment necessary to
11 prevent electrical transmission and distribution lines from improperly sagging, operating or
12 making contact with other metal wires or objects placed on their poles or nearby
13 objects/structures and igniting fires; (5) failing to keep equipment in a safe condition at all times
14 to prevent fires; (6) failing to inspect vegetation within proximity to energized transmission and
15 distribution lines and electrical equipment; (7) failing to properly cut, trim, prune and/or otherwise
16 keep vegetation from contact with the electrical equipment, including transmission lines and wires;
17 (8) failing to deenergize transmission and distribution lines during fire prone conditions and after the
18 fire's ignition; (9) failing to properly hire, train and supervise employees, independent contractors
19 and agents responsible for the design, construction, installation, operation, inspection, repair,
20 monitoring and maintenance of the electrical equipment and vegetation; (10) failing to implement
21 and follow reasonably prudent practices to avoid fire ignition; (11) failing to comply with the
22 applicable statutes, regulations and standards enacted to protect against the type of harm suffered by
23 the Decedent and Plaintiffs; and (12) failing to warn the public of the dangerous and unsafe
24 conditions.

25 36. At all times herein mentioned, Defendants, and each of them, failed to properly
26 inspect and maintain the subject electrical equipment which they knew, given the then existing
27 drought conditions, posed a risk of serious injury, damage or death to others, including Plaintiffs and
28 Decedent herein. Defendants, and each of them, were aware that if the electrical equipment came in

1 contact with vegetation that a fire was likely to result. Defendants, and each of them, also knew that
2 given the existing drought conditions, said fire was likely to pose a risk of serious injury, damages
3 and death to the general public, including the named Plaintiffs and Decedent.

4 37. The Defendants were in violation of many codes and statutes as explained herein.
5 These violations constitute negligence per se pursuant to Cal. Evid. Code § 669, and were a
6 substantial factor in bringing about Plaintiffs' injuries and damages, and the premature death of at
7 least 43 victims, including Decedent.

8 38. It was reasonably foreseeable that by failing to perform any or all duties set forth
9 herein, the Wine Country Fires would occur on October 8, 2017.

10 39. Prior to October 8, 2017, Defendants, and each of them, knew and/or had reason to
11 know that failing to timely and properly maintain and inspect the electrical equipment, failing to
12 make the overhead lines safe under all the exigencies created by the surrounding circumstances and
13 conditions, failing to properly cut, trim, prune and/or otherwise keep vegetation from contact with
14 the electrical equipment, including transmission lines and wires, failing to comply with the
15 applicable statutes, regulations and standards would result in life-threatening and dangerous
16 conditions, and failing to warn the public of the dangerous and unsafe conditions, could likely result
17 in fires, and injuries and death to persons.

18 40. The negligence of Defendants, and each of them, was a direct and proximate cause
19 of the subject incident and the injuries and damages of Plaintiffs and the death of Decedent.

20 41. The acts, omissions and/or negligence of Defendants, and each of them, were a
21 substantial factor in causing the injuries and resulting harm to the Plaintiffs and Decedent, and the
22 direct and proximate cause of the injuries and damages sustained by Plaintiffs.

23 42. As a further, direct and proximate result of the acts, omissions and negligence of
24 Defendants, and each of them, Plaintiffs have incurred the injuries and damages as set forth herein,
25 including damage to real property, specifically including the loss of vegetation, trees, and structures,
26 as well as the loss of use and interference with access, enjoyment, benefit and/or marketability of
27 such property; loss of personal property, including but not limited to items of peculiar value to
28 Decedent and Plaintiffs; and emotional distress, annoyance, disturbance, mental anguish,

1 discomfort, and injury to peaceful enjoyment of property, all in an amount to be proved at the time
2 of trial.

3 43. As a further, direct and proximate result of the negligence of Defendants, and each of
4 them, Plaintiffs have incurred and will continue to incur expenses and other economic damages
5 related to their and Decedent's injuries and damages, including, but not limited to past and future
6 medical and incidental expenses; funeral and burial expenses, past and future loss of wages, earning
7 capacity, and/or business profits; past and future loss of household services; damage to their real
8 and/or personal property, including, but not limited to cherished possessions, costs relating to
9 storage, clean-up, disposal, repair of their property and their evacuations; and any and all other
10 related consequential damages.

11 44. Plaintiffs, REEAH WINKLE as Personal Representative of the ESTATE OF
12 STEVE STELTER and as his successor in interest, for survival claims only, and DOUG STELTER
13 make the following additional allegations related to punitive damages.¹ Defendants, and each of
14 them, acted with oppression, fraud and/or malice in that, among other things, they acted with a
15 willful and conscious disregard for the rights and safety of STEVE and DOUG STELTER.

16 45. Defendants, and each of them, acted with malice, oppression and/or fraud in that,
17 among other things, they acted with a willful and conscious disregard for the rights and safety of
18 STEVE and DOUG despite knowing the risk of serious injury or death that could likely result from
19 the unsafe and dangerous conditions. Defendants, and each of them, knew or should have known
20 that the conditions were a safety hazard that posed a danger to human life and property.

21 46. Over the past approximately 10 years, the PG&E Defendants and DOES 1 through
22 100, and each of them, have been subject to numerous fines and penalties as a result of their failure
23 to abide by safety rules and regulations. Despite these penalties and fines, Defendants, and each of
24 them, have failed and refused to modify their behavior and they have continued to conduct their
25 business with a conscious disregard for the safety of the public, including STEVE and DOUG.

26 47. As a result of the continued actions by Defendants, in conscious disregard for rights

27 _____
28 ¹For this and the other causes of action, Plaintiff REEAH STELTER is not seeking punitive damages for claims for wrongful death of her father, which are being brought pursuant to C.C.P. § 377.60, *et seq.* She does, however, seek punitive damages on her survival claims, which are being brought pursuant to C.C.P. § 377.30, *et seq.*

1 and safety of others, the CPUC ordered an investigation into the culture of ignoring safety at PG&E.
2 The CPUC President recognized that these Defendants failed and refused to modify their conduct,
3 despite penalties and fines, and recommended an investigation of PG&E's actions and operations.
4 In July 2015, only two months before the Butte Fire, the President of the CPUC, specifically stated:
5 "Despite major public attention, ongoing CPUC investigations (OIIIs) and rulemakings (OIRs) into
6 PG&E's actions and operations, including the investigations we voted on today, federal grand jury,
7 and California Department of Justice investigation, continued safety lapses at PG&E continue to
8 occur."

9 48. On April 9, 2015, the CPUC imposed a record \$1.6 billion fine against PG&E for
10 safety violations that resulted in deaths, injuries, and destroyed homes related to the San Bruno Fire.
11 One of the stated purposes of the CPUC in rendering this fine was to "ensure that nothing like this
12 happens again."

13 49. PG&E was subjected to significant fines and penalties for its role in causing the Butte
14 Fire, which started on September 9, 2015. On April 25, 2017, the CPUC fined PG&E \$8,300,000
15 for failing to maintain a power line that sparked the massive blaze that destroyed more than 900
16 structures, including 549 homes, and killed two people. It was the seventh most destructive wildfire
17 in California's history.

18 50. PG&E's disregard for safety has resulted in federal criminal charges. The United
19 States of America has charged PG&E COMPANY with crimes based on its knowing and willful
20 violation of numerous minimum safety standards. Despite these penalties and fines, the PG&E
21 Defendants have failed and refused to modify their behavior and they have continued to conduct
22 their business with conscious disregard for the safety of the public.

23 51. As a direct and proximate result of the PG&E Defendants' failure and refusal to
24 abide by safety rules and regulations, they have incurred almost two billion dollars in fines, yet
25 continue to consciously disregard the safety of the public, including STEVE and DOUG. Since
26 December 2008, the PG&E Defendants admit to having been responsible for the deaths of at least 10
27 people and injuries to dozens, and admit to putting profits over safety and to having knowingly
28 violated safety regulations. Five years before the Butte Fire in 2015, the PG&E Defendants, acting

1 with conscious disregard for the safety of others, caused the deaths of eight people and destroyed an
2 entire neighborhood in San Bruno. In 2015, the PG&E Defendants caused the two deaths and
3 numerous injuries in the Butte fire as a result of their ongoing custom and practice of consciously
4 disregarding and not following statutes, regulations, standards and rules regarding their business
5 operations.

6 52. Despite having caused death and injury to numerous people and/or knowing that
7 death and injury resulted from their acts and omissions, Defendants, and each of them, have
8 continued to act in conscious disregard for the safety of others and have ratified the conduct of their
9 employees, in that no employee has been disciplined or discharged as a result of failing and/or
10 refusing to comply with the regulations and/or as a result of the deaths of members of the public.
11 Defendants, and each of them, in order to cut costs, failed to properly inspect and maintain the
12 subject electrical equipment, with full knowledge that such failure was likely to result in fires that
13 would burn, injure and/or kill people, damage property and/or cause harm to the general public,
14 including STEVE and DOUG. The actions of Defendants, and each of them, did in fact result in
15 damages to these Plaintiffs. Defendants, and each of them, failed to make the proper inspections,
16 failed to properly maintain the lines, failed to properly trim vegetation, failed to properly and timely
17 remove vegetation, failed to safely operate their electrical equipment and failed to warn the public of
18 the dangerous and unsafe conditions, in order to save money, while at the same time spending
19 millions of dollars on television advertisements falsely representing to the public that they were
20 acting in a safe manner.

21 53. Defendants, by themselves and/or through their employees and/or agents, acted with
22 malice in that their despicable conduct was carried on with a willful and conscious disregard of the
23 rights or safety of STEVE and DOUG. The term “malice” includes conduct evincing a conscious
24 disregard of the probability that the defendant’s conduct will result in injury to others. *See*
25 *Grimshaw v. Ford Motor Co.* (1981) 119 Cal.App.3d 757. Defendants’ conduct was so vile, base
26 or contemptible that it would be looked down on and despised by reasonable people.

27 54. Defendants, by themselves and/or through their employees and/or agents, acted with
28 oppression in that their despicable conduct subjected STEVE and DOUG to cruel and unjust

1 hardship in conscious disregard of their rights. “Oppression” in Civil Code Section 3294 “means
2 despicable conduct that subjects a person to cruel and unjust hardship in conscious disregard of
3 that person's rights.” “Conscious disregard” for purposes of proving “oppression” does not
4 require “willful” actions. Cal. Civ. Code § 3294(c)(2); CACI 3940 & 3941; *Major v. Western*
5 *Home Ins. Co.* (2009) 169 Cal.App.4th 1197, 1225-1226.

6 55. Defendants knew that their despicable conduct, as described herein, would likely
7 and within a high degree of probability cause harm to the Plaintiffs and Decedent.

8 56. The conduct of Defendants, and each of them, as set forth herein, was fraudulent
9 in that each of them engaged in intentional misrepresentation, deceit, or concealment of material
10 facts known to them regarding the condition of their electrical equipment and the vegetation
11 surrounding it. Defendants, and each of their employees’ and/or agents’ egregious conduct,
12 including malice, oppression and fraud, were substantial factors in causing the incident and the
13 Plaintiffs’ injuries and/or damages. An officer, a director, and/or a managing agent of
14 Defendants, and each of them, authorized the employees’ or agents’ wrongful conduct, and/or
15 adopted, ratified or approved the conduct after it occurred. An award of punitive damages in a
16 sum according to proof at trial is, therefore, justified, warranted and appropriate under the facts
17 and circumstances of this case, and to punish and set an example of Defendants and deter such
18 behavior by Defendants and others in the future.

19 WHEREFORE, all Plaintiffs pray for judgment against Defendants, and each of them, as
20 set forth herein.

21 **SECOND CAUSE OF ACTION FOR PREMISES LIABILITY**

22 **AGAINST ALL DEFENDANTS**

23 57. Plaintiff REEAH WINKLE brings this cause of action as an heir to Decedent,
24 STEVE STELTER. DOUG STELTER brings this cause of action for his own injuries and
25 damages. Plaintiffs hereby reallege and incorporate by reference, each and every allegation
26 contained in the Complaint, as though fully set forth herein.

27 58. Defendants, and each of them, were the owners of an easement and/or right of way
28 upon real property in Napa, Sonoma, Mendocino, Butte, Lake, Yuba and Solano counties and/or

1 were the owners of the electrical equipment, including power lines and wires, upon said easement
2 and/or right of way. The Defendants, and each of them, failed to properly inspect the real
3 property and easements and allowed unreasonably dangerous conditions to exist on said property
4 by, specifically including, but not limited to, failing to properly inspect, maintain, and/or repair
5 their electrical equipment and failing to properly cut, trim and/or prune vegetation near their
6 electrical equipment.

7 59. As a direct and proximate result of said dangerous and unsafe conditions of the
8 premises, Plaintiffs were caused to sustain injuries and damages as set forth herein, including
9 punitive and exemplary damages.

10 WHEREFORE, all Plaintiffs pray for judgment against Defendants, and each of them, as
11 set forth herein.

12 **THIRD CAUSE OF ACTION FOR PUBLIC NUISANCE**

13 **AGAINST ALL DEFENDANTS**

14 60. Plaintiff REEAH WINKLE brings this cause of action as an heir to Decedent,
15 STEVE STELTER. DOUG STELTER brings this cause of action for his own injuries and
16 damages. Plaintiffs hereby reallege and incorporate by reference, each and every allegation
17 contained in the Complaint, as though fully set forth herein.

18 61. STEVE STELTER and DOUG STELTER own and/or occupy property at or near
19 the Wine Country Fires that are the subject of this action. STEVE and DOUG had/have a right to
20 own, enjoy and/or use their property without interference by Defendants, and each of them.

21 62. Defendants, and each of them, owed a duty to the public, including STEVE and
22 DOUG, to conduct their business, in particular the maintenance of electrical equipment, including
23 wires and lines, in Napa, Sonoma, Mendocino, Butte, Lake, Yuba and Solano counties, specifically
24 including the lines near their residences, in a manner that did not damage the public welfare and
25 safety.

26 63. At all times relevant hereto, Defendants, and each of them, by failing to act, created a
27 condition that resulted in the fires and was harmful to Decedent and Plaintiff's health and a life-
28 safety hazard, which resulted in STEVE's premature death. Defendants created and maintained

1 conditions that affected a substantial number of people at the same time. An ordinary person would
2 be reasonably disturbed by the conditions. The seriousness of the harm outweighs the social utility
3 of Defendants' conduct. STEVE and DOUG did not consent to Defendants' conduct. STEVE and
4 DOUG suffered harm to their health and safety, including personal injury and emotional distress,
5 which was different from the type of harm suffered by the general public. Defendants' conduct was
6 a substantial factor in causing Decedent and Plaintiffs' harm.

7 64. Defendants, and each of them, by acting or failing to act, as alleged herein, created
8 a condition which was harmful to the health of the public, including STEVE and DOUG, and
9 which interfered with the comfortable enjoyment of their property.

10 65. Decedent and Plaintiffs have lost the use and enjoyment of Decedent and
11 Plaintiffs' land, including, but not limited to, a legitimate and rational fear that the area is still
12 dangerous, a diminution in the fair market value of their property, an impairment of the salability
13 of their property, an exposure to an array of toxic substances on their land, a lingering smell of
14 smoke, and/or constant soot, ash, and dust in the air.

15 66. As a further, direct and proximate result of the conduct of Defendants, and each of
16 them, Decedent and Plaintiffs have suffered, and will continue to suffer discomfort, anxiety, fear,
17 worries, and stress attendant to the interference with Plaintiffs' use and enjoyment of the
18 property, as alleged herein. An ordinary person would be reasonably annoyed or disturbed by the
19 condition created by Defendants, and each of them, and the resulting fires.

20 67. The conduct of Defendants, and each of them, resulting in the Wine Country Fires
21 is not an isolated incident, but is ongoing and repeated conduct, and Defendants' conduct and
22 failures have resulted in other fires and damage to the Decedent and Plaintiffs.

23 68. The unreasonable conduct of Defendants, and each of them, is a direct and
24 proximate cause of the damage to the public, including Decedent and Plaintiffs.

25 69. Defendants, and each of them, have failed and refused to conduct proper
26 inspections and to properly trim, prune and/or cut vegetation in order to render their lines safe for
27 operation, and the failure to do so exposes every member of the public, residing in Napa, Sonoma,
28 Mendocino, Butte, Lake, Yuba and Solano counties, to a danger of personal injury, death, loss of

1 property, and/or damage to property.

2 70. The aforementioned conduct of Defendants, and each of them, constitutes a
3 nuisance within the meaning of California Civil Code Section 3479 in that it is injurious and/or
4 offensive to the senses of Decedent and Plaintiffs, unreasonably interferes with their comfortable
5 enjoyment of their properties and/or unlawfully obstructs the free use, in the customary manner,
6 of their properties, including, but not limited to, all residential uses.

7 71. Plaintiffs were caused to sustain injuries and damages as set forth herein, including
8 punitive and exemplary damages, and seek a permanent injunction ordering that Defendants, and
9 each of them, stop continued violation of Public Resources Code Sections 4292, 4293 and 4435,
10 CPUC General Orders 95 and 165, and Health and Safety Code Section 13007.

11 WHEREFORE, all Plaintiffs pray for judgment against Defendants, and each of them, as
12 set forth herein.

13 **FOURTH CAUSE OF ACTION FOR INVERSE CONDEMNATION**

14 **AGAINST ALL DEFENDANTS**

15 72. Plaintiff REEAH WINKLE brings this cause of action as an heir to Decedent,
16 STEVE STELTER. DOUG STELTER brings this cause of action for his own injuries and
17 damages. Plaintiffs hereby reallege and incorporate by reference, each and every allegation
18 contained in the Complaint, as though fully set forth herein.

19 73. As of October 8, 2017, STEVE and DOUG STELTER were owners of real property
20 and/or personal property located within the counties in the area of the fires.

21 74. Prior to and on October 8, 2017, Defendants, and each of them, installed, owned,
22 operated, used, controlled and/or maintained electrical equipment, including power lines in Napa,
23 Sonoma, Mendocino, Butte, Lake, Yuba and Solano counties, including a line in the area of STEVE
24 and DOUG's residences.

25 75. On October 8, 2017, as a direct and proximate result of Defendants' installation,
26 ownership, operation, use, control and/or maintenance of the electrical equipment, including the
27 power lines for a public use, the power lines came in contact with vegetation and caused a wildfire
28 which burned in excess of 312,000 acres, including property owned and/or occupied by STEVE and

1 DOUG, resulting in the damage and/or destruction of their real and/or personal property.

2 76. The above described damage to Decedent and Plaintiffs' property was directly and
3 proximately caused by the actions of Defendants, and each of them, in that Defendants' installation,
4 ownership, operation, use, control, and/or maintenance for a public use of the electrical equipment,
5 including the power lines, was negligent and caused the fires.

6 77. Plaintiffs have not received adequate compensation for the damage to and/or
7 destruction of their property, thus constituting a taking or damaging of Decedent and Plaintiffs'
8 property by the Defendants, and each of them, without just compensation.

9 78. As a direct and proximate result of the wrongful acts and/or omissions of Defendants,
10 and each of them, Decedent and Plaintiffs have suffered damage to real property including but not
11 limited to loss of use, interference with access, enjoyment and marketability, and injury to personal
12 property; have incurred and will continue to incur expenses related to damage to personal and/or real
13 property, including but not limited to costs of repair, depreciation, and/or replacement; have suffered
14 loss of wages, earning capacity and/or business profits or proceeds and/or related displacement
15 expenses. Plaintiffs have been damaged in an amount according to proof at trial.

16 79. Plaintiffs have incurred and will continue to incur attorneys', appraisal, and
17 engineering fees because of the conduct of Defendants, and each of them, in amounts that cannot yet
18 be ascertained, but which are recoverable in this action under Code of Civil Procedure Section 1036.

19 WHEREFORE, all Plaintiffs pray for judgment against Defendants, and each of them, as
20 set forth herein.

21 **FIFTH CAUSE OF ACTION FOR TRESPASS**

22 **AGAINST ALL DEFENDANTS**

23 80. Plaintiff REEAH WINKLE brings this cause of action as an heir to Decedent,
24 STEVE STELTER. DOUG STELTER brings this cause of action for his own injuries and
25 damages. Plaintiffs hereby reallege and incorporate by reference, each and every allegation
26 contained in the Complaint, as though fully set forth herein.

27 81. At all times relevant herein, STEVE and DOUG were the owners, residents,
28 tenants and/or lawful occupiers of property damaged by the fires. STEVE and DOUG were

1 entitled to possession of the property which they owned, leased and/or occupied.

2 82. Defendants, and each of them, negligently allowed the fires to ignite and/or spread
3 out of control, causing injury to STEVE and DOUG. The spread of a negligently caused fire to
4 the land of another constitutes a trespass.

5 83. STEVE and DOUG did not grant permission for Defendants to cause the fires to
6 enter the property which they owned, leased and/or occupied.

7 84. As a direct and proximate result of the trespass, Decedent and Plaintiffs have
8 suffered and will continue to suffer damages, including but not limited to damage to property,
9 discomfort, annoyance, emotional distress and injury to peaceful enjoyment of property, all in an
10 amount to be proved at the time of trial.

11 85. As a further direct and proximate result of the trespass, Decedent and Plaintiffs,
12 whose land was under cultivation, used for raising livestock and/or intended to be used for raising
13 livestock, have hired and retained counsel to recover compensation for loss and damage and are
14 entitled to recover all attorneys' fees, expert fees, consultant fees, and litigation costs and
15 expenses, as allowed under California Code of Civil Procedure Section 1021.9.

16 86. As a further direct and proximate result of the trespass, Plaintiffs seek treble or
17 double damages for wrongful injuries to timber, trees, and/or underwood on their property, as
18 allowed under California Civil Code Section 3346.

19 87. The conduct of Defendants, and each of them, was willful and wanton, and with a
20 conscious contempt and disdain for the disastrous consequences that Defendants knew could
21 occur as a result of their dangerous conduct. Accordingly, Defendants, and each of them, acted
22 with malice toward STEVE and DOUG, which is an appropriate predicate fact for an award of
23 exemplary and punitive damages in a sum according to proof.

24 WHEREFORE, all Plaintiffs pray for judgment against Defendants, and each of them, as set
25 forth herein.

26 **SIXTH CAUSE OF ACTION FOR PRIVATE NUISANCE**

27 **AGAINST ALL DEFENDANTS**

28 88. Plaintiff REEAH WINKLE brings this cause of action as an heir to Decedent,

1 STEVE STELTER. DOUG STELTER brings this cause of action for his own injuries and
2 damages. Plaintiffs hereby reallege and incorporate by reference, each and every allegation
3 contained in the Complaint, as though fully set forth herein.

4 89. The wrongful acts and/or omissions of Defendants, and each of them, directly and
5 proximately resulted in a fire hazard, a foreseeable obstruction to the free use of STEVE and
6 DOUG's property, an invasion of their right to use the property, and an interference with enjoyment
7 of their property, all causing the Decedent and Plaintiffs unreasonable harm and substantial actual
8 damages constituting a nuisance, pursuant to California Civil Code Section 3479.

9 90. As a direct and proximate result of the wrongful acts and/or omissions of
10 Defendants, and each of them, Decedent and Plaintiffs sustained loss and damage, including but not
11 limited to damage to property, as set forth herein, all in an amount to be proven at trial.

12 91. The wrongful acts and/or omissions of Defendants, and each of them, was willful
13 and wanton, and with a conscious contempt and disdain for the disastrous consequences the
14 Defendants knew could occur as a result of their dangerous conduct. Accordingly, Defendants, and
15 each of them, acted with malice toward STEVE and DOUG, which is an appropriate predicate fact
16 for an award of exemplary and punitive damages in sum according to proof.

17 WHEREFORE, all Plaintiffs pray for judgment against Defendants, and each of them, as
18 set forth herein.

19 **SEVENTH CAUSE OF ACTION FOR VIOLATION OF PUBLIC**

20 **UTILITIES CODE § 2106 AGAINST PG&E DEFENDANTS**

21 **AND DOES 1 THROUGH 50, INCLUSIVE**

22 92. Plaintiff REEAH WINKLE brings this cause of action as an heir to Decedent,
23 STEVE STELTER. DOUG STELTER brings this cause of action for his own injuries and
24 damages. Plaintiffs hereby reallege and incorporate by reference, each and every allegation
25 contained in the Complaint, as though fully set forth herein.

26 93. As public utilities, the PG&E Defendants and DOES 1 through 50, and each of
27 them, are legally required to comply with the rules and orders promulgated by the CPUC
28 pursuant to Public Utilities Code Section 702.

1 94. Public utilities that perform or fail to perform something required by the California
2 Constitution, a law of the State of California, or a regulation or order of the CPUC, which leads
3 to loss or injury, are liable for that loss or injury, pursuant to Public Utilities Code Section 2106.

4 95. As public utilities, said Defendants, and each of them, are required to provide and
5 maintain service, equipment and facilities in a manner adequate to maintain the safety, health and
6 convenience of their customers and the public, pursuant to Public Utilities Code Section 451.

7 96. Said Defendants, and each of them, are required to design, engineer, construct,
8 operate, inspect, monitor and maintain electrical supply lines in a manner consistent with their
9 use, taking into consideration local conditions and other circumstances, so as to provide safe and
10 adequate electric service, pursuant to Public Utility Commission General Orders 95 and 165,
11 including but not limited to, Rule 33.1.

12 97. Said Defendants, and each of them, are required to maintain vegetation in
13 compliance with California Public Resources Code Sections 4293, 4294, and 4435 and Health
14 and Safety Code Section 13007.

15 98. Through their conduct alleged herein, said Defendants, and each of them, acted
16 and/or failed to act in a manner which violated statutes, regulations and standards under the laws
17 of this State and/or orders or decisions of the CPUC, as referenced herein. Said Defendants, and
18 each of them, are therefore liable to the Decedent and Plaintiffs for all loss, damages, and injury
19 caused thereby or resulting from such acts and/or failures to act. Further, Plaintiffs allege that the
20 acts and/or failures to act, as alleged herein, were willful, thereby entitling Plaintiffs to an award
21 of exemplary and punitive damages.

22 WHEREFORE, all Plaintiffs pray for judgment against Defendants, and each of them, as
23 set forth herein.

24 **EIGHTH CAUSE OF ACTION FOR VIOLATION OF HEALTH &**
25 **SAFETY CODE § 13007 AGAINST ALL DEFENDANTS**

26 99. Plaintiff REEAH WINKLE brings this cause of action as an heir to Decedent,
27 STEVE STELTER. DOUG STELTER brings this cause of action for his own injuries and
28 damages. Plaintiffs hereby reallege and incorporate by reference, each and every allegation

1 contained in the Complaint, as though fully set forth herein.

2 100. By engaging in the acts and/or omissions alleged herein, Defendants, and each of
3 them, willfully, recklessly and/or negligently set fire to and/or allowed fire to be set to the property
4 of another in violation of California Health & Safety Code Section 13007.

5 101. As a direct and proximate result of the acts and/or omissions of Defendants, and each
6 of them, in violation of California Health & Safety Code Section 13007, Decedent and Plaintiffs
7 suffered recoverable damages to property under California Health & Safety Code Section 13007.

8 102. As a further, direct and proximate result of the acts and/or omissions of Defendants,
9 and each of them, in violation of California Health & Safety Code Section 13007, Decedent and
10 Plaintiffs that suffered damages are entitled to reasonable attorneys' fees under California Code of
11 Civil Procedure Section 1021.9 for the prosecution of this cause of action.

12 103. Further, the wrongful acts and/or omissions of Defendants, and each of them, were
13 despicable and subjected Decedent and Plaintiff to cruel and unjust hardship in conscious disregard
14 of their rights, constituting oppression, for which Defendants must be punished by punitive and
15 exemplary damages in an amount according to proof. The conduct of Defendants, and each of them,
16 was carried out with a willful and conscious disregard of the rights and safety of STEVE and
17 DOUG, constituting malice, for which Defendants must be punished by punitive and exemplary
18 damages according to proof.

19 WHEREFORE, all Plaintiffs pray for judgment against Defendants, and each of them, as
20 set forth herein.

21 **NINTH CAUSE OF ACTION FOR NEGLIGENT INFLECTION OF**
22 **EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

23 104. Plaintiff DOUG STELTER brings this cause of action for his own injuries and
24 damages. Plaintiffs hereby reallege and incorporate by reference, each and every allegation
25 contained in the Complaint, as though fully set forth herein.

26 105. Defendants, and each of them, had a legal duty to DOUG, as a foreseeable victim, to
27 exercise reasonable care as set forth herein. Defendants' breach was the direct and proximate cause
28 of the injuries and damages suffered by Plaintiff.

1 106. As a result of the negligent conduct of Defendants, and each of them, Plaintiff
2 suffered serious emotional distress. Defendants knew or should have known that Plaintiff would be
3 harmed and suffer serious emotional distress during and as a result of their acts, omissions, conduct
4 and/or other wrongdoing, and ensuing fires. Defendants knew or should have known that their
5 conduct would cause serious emotional distress to Plaintiff and that he would be harmed by the fires,
6 causing injuries, death and property damage. The Defendants' conduct was a substantial factor in
7 causing his serious emotional distress.

8 107. Additionally and/or alternatively, Defendants, and each of them, negligently caused
9 the injuries of Plaintiff's loved ones and close family member as Plaintiff watched the horrific scene
10 in person, on television or on the internet and/or received text messages or other communications
11 from his loved one. Plaintiff knew that his loved one was fleeing for his life and subject to harm.
12 The Defendants' conduct was a substantial factor in causing Plaintiff's serious emotional distress.

13 108. Because of the conduct of the Defendants, and each of them, and as a direct and
14 proximate result thereof, Plaintiff has sustained emotional distress, shock and injury to his nervous
15 system, all of which has caused, continues to cause, and will cause physical and mental pain and
16 suffering, all to Plaintiff's general damage in a sum to be determined at the time of trial. Plaintiff
17 suffers and continues to suffer severe emotional distress as a result of the fires, including, but not
18 limited to, anxiety, fear, nervousness, shock, horror and worry.

19 109. As a direct and legal result of Defendants' negligence, Plaintiff was injured
20 physically, emotionally, and/or economically, and/or were in the zone of danger of the fires, and
21 reasonably feared for his life as he attempted to escape the raging infernos, and witnessed a close
22 family member sustain harm as he attempted to escape the raging infernos. As a result, Plaintiff
23 suffered damages as alleged herein.

24 110. The wrongful acts of Defendants were done maliciously, oppressively,
25 fraudulently, and in conscious disregard of the safety and health of the Plaintiff. Plaintiff,
26 therefore, seeks exemplary and punitive damages as alleged herein, in an amount according to
27 proof.

28 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as set

1 forth herein.

2 **TENTH CAUSE OF ACTION FOR INTENTIONAL INFLECTION OF**
3 **EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

4 111. Plaintiff DOUG STELTER brings this cause of action for his own injuries and
5 damages. Plaintiffs hereby reallege and incorporate by reference, each and every allegation
6 contained in the Complaint, as though fully set forth herein.

7 112. Defendants engaged in extreme and outrageous conduct. Specific examples of
8 Defendants' outrageous conduct include, but are not limited to, knowing that the conditions were a
9 safety hazard that posed a danger to human life, Defendants, among other things, did not properly
10 cut, trim, prune and/or otherwise keep vegetation from contact with the electrical equipment,
11 including transmission lines and wires; did not timely and properly maintain and inspect the electrical
12 equipment; did not make the overhead lines safe under all the exigencies created by the surrounding
13 circumstances and conditions; and did not comply with the applicable statutes, regulations and
14 standards enacted to protect against the type of harm suffered by the Plaintiff. Defendants, and each
15 of them, had advanced knowledge that a failure to fix or address the aforementioned conditions
16 would result in the probability of a catastrophic fire, which foreseeably would lead to harm and/or
17 injuries to the health and safety of the public, including the Plaintiff. Defendants, and each of them,
18 intentionally chose not to take reasonable steps to make their electrical equipment and vegetation
19 surrounding it safe, and failed to warn the public of the dangerous and unsafe conditions.

20 113. Defendants engaged in the aforementioned outrageous conduct with reckless
21 disregard of the probability that such conduct would result in a fire or similar disaster that would
22 result in severe emotional distress to Plaintiff.

23 114. Plaintiff did in fact suffer severe emotional distress as a result of the fires caused
24 by Defendants' outrageous conduct, as alleged herein.

25 115. Defendants' outrageous conduct, which led to the devastating fires described
26 herein, was the actual and proximate cause of Plaintiff's emotional distress.

27 116. The wrongful acts of Defendants were done maliciously, oppressively,
28 fraudulently, and in conscious disregard of the safety and health of the Plaintiff. Plaintiff,

1 therefore, seeks exemplary and punitive damages as alleged herein, in an amount according to
2 proof.

3 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as set
4 forth herein.

5 **VI. PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiffs generally pray judgment against Defendants as to their First
7 through Third and Fifth through Tenth Causes of Action:

8 1. For economic and special damages in an amount according to proof, including for
9 repair, depreciation and/or replacement of damaged, destroyed, and/or lost personal and/or real
10 property, and evacuation and relocation costs; past and future loss of wages, earning capacity
11 and/or business profits or proceeds and/or any related displacement expenses; past and future
12 medical expenses and incidental expenses; loss of earnings and/or diminution in earning capacity,
13 loss of household services, the financial support Decedent would have contributed to the family,
14 funeral and burial expenses.

15 2. For compensatory and general damages in an amount according to proof, including
16 for past and future loss of the use, benefit, goodwill and quiet enjoyment of Plaintiffs' real and/or
17 personal property; and past and future fear, worry, annoyance, disturbance, inconvenience, mental
18 anguish, emotional distress, pain and suffering, loss of enjoyment of life, disfigurement, physical
19 impairment, inconvenience, grief, anxiety, humiliation and/or emotional distress; and
20 noneconomic damages according to proof associated with wrongful death, including, but not
21 limited to, past and future, loss of consortium, love, companionship, comfort, care, assistance,
22 protection, affection, social, moral support, training and guidance.

23 3. For attorneys' fees, expert fees, consultant fees, and litigation costs and expenses,
24 as allowed under California Code of Civil Procedure Section 1021.9;

25 4. For treble or double damages for wrongful injuries to timber, trees or underwood
26 on their property, as allowed under California Civil Code Section 3346;

27 5. For punitive/exemplary damages in an amount sufficient to punish and make an
28 example of Defendants, as allowed by law, according to proof;

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- 6. For all costs of suit;
- 7. For pre- and post-judgment interest on all damages as allowed by the law;
- 8. For such other and further relief as the Court deems just and proper.

WHEREFORE, Plaintiffs generally pray judgment against Defendants as to their Fourth Cause of Action for Inverse Condemnation:

- 1. For economic and special damages in an amount according to proof, including for repair, depreciation, and/or replacement of damaged, destroyed, and/or lost personal and/or real property, and evacuation and relocation costs, loss of wages, earning capacity and/or business profits or proceeds and/or any related displacement expenses;
- 2. For compensatory and general damages in an amount according to proof, including for loss of the use, benefit, goodwill and enjoyment of Plaintiffs' real and/or personal property;
- 3. For all costs of suit, including attorneys' fees where appropriate, appraisal fees, engineering fees and related costs;
- 4. For pre- and post-judgment interest on all damages as allowed by the law; and
- 5. For such other and further relief as the Court deems just and proper.

VII. JURY TRIAL DEMANDED

Plaintiffs demand a trial by jury.

DATED: November 8, 2017

MARY ALEXANDER & ASSOCIATES, P.C.

By: Mary E. Alexander
 Mary E. Alexander, Esq.
 Jennifer L. Fiore, Esq.
Attorneys for Plaintiffs