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

15 JEREMY GURSEY, an individual,
16
17 Plaintiffs,

18 v.

19 SOUTHERN CALIFORNIA EDISON
COMPANY, a California Corporation;
20 EDISON INTERNATIONAL, a California
Corporation; and DOES 1-200, inclusive,
21
22 Defendants.

Lead Case No. 25STCV00731
and Related Cases

**PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF MOTION TO COMPEL
FURTHER RESPONSES TO REQUEST
FOR PRODUCTION NOS. 268-281**

Date: December 22, 2025
Time: 9:00 a.m.
Dept: 17

Assigned for all purposes to:
Judge: Hon. Laura A. Seigle
Dept.: 17

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1 **I. INTRODUCTION**

2 The Eaton Fire ignited at the base of a high-voltage transmission tower called Tower 208.
3 Tower 208 carries the Mesa-Sylmar transmission line, a line which Southern California Edison
4 (“SCE”) took out of service in 1971. California Public Utilities Commission (“CPUC”) rules
5 require SCE to remove permanently abandoned lines. This begs the question: why would SCE
6 keep these facilities in place, in violation of CPUC rules, when these facilities have not served a
7 single customer in 54 years?

8 Plaintiffs allege that SCE had a profit motive to keep the Mesa-Sylmar line in place. The
9 CPUC allows SCE to set rates for electricity based in part on the value of SCE’s assets. Every
10 three years, SCE submits a list of their assets to the CPUC when they seek higher rates to charge
11 their customers, and CPUC rules prohibit SCE from using out-of-service facilities to boost the
12 value of their assets. On May 12, 2023, SCE submitted their general rate case application for the
13 period covering January 7, 2025. In their application, SCE requested an authorized base revenue
14 requirement of \$10.27 billion to become effective January 1, 2025.

15 Plaintiffs are seeking discovery showing the list of assets, calculations, and methodology
16 used to determine the \$10.27 billion figure SCE submitted to the CPUC in their application. The
17 purpose of the Requests is to see if SCE included Tower 208 and the Mesa-Sylmar line in their
18 application to increase rates on their customers for the period covering the day of the Eaton Fire. If
19 SCE included those facilities in their assets, it would prove one of Plaintiffs’ theories: that SCE
20 prioritized shareholder profits at the expense of the safety of their customers. By this motion,
21 Plaintiffs ask the Court to order SCE to provide the list of assets submitted to the CPUC to justify
22 their rates covering the period that included the day of the Eaton Fire.

23 Plaintiffs are also seeking discovery relating to how SCE’s and Edison International
24 calculate Annual Incentive Awards paid to company executives. Even though state law requires
25 that company executives take a pay cut if SCE’s safety record declines, publicly-available reports
26 prepared by SCE suggest that the Defendants have utilized a method of calculating executive
27 compensation that gives substantially greater weight to company financial performance than to
28 safety performance. Such evidence would undoubtedly support Plaintiffs’ claims for negligence

1 and for punitive damages based on malice, as well as the jury’s consideration of whether the
2 corporate veil can be pierced as between SCE and its parent company, Edison International.
3 Nonetheless, SCE continues to refuse to produce documents related to the Defendants’ Annual
4 Incentive Awards.

5 **II. REQUEST FOR PRODUCTION 268–281**

6 On June 25, 2025, Plaintiffs served SCE with Plaintiffs’ Request for Production, Set Three
7 (“Plaintiffs’ RFP Set Three”). (Declaration of Bill Robins In Support of Plaintiffs’ Motion to
8 Compel [hereafter, “Robins Decl.”] ¶ 3.) Six of those requests—Nos. 276–281—addressed one
9 discrete topic: SCE’s Authorized Rate Base. This phrase comes straight from SCE’s 2024 Annual
10 Report, which said:

11 SCE’s CPUC authorized return on investment is established by multiplying an
12 authorized rate of return, determined by the CPUC in standalone cost of capital
13 proceedings, by SCE’s authorized CPUC rate base.

14 (Robins Decl. ¶ 4, Exh. B at p. 35.)

15 Request numbers 276–281 (the “Authorized Rate Base Requests”) seek all documents:

16

No.	Request
276	RELATED TO your calculation of SCE’S AUTHORIZED CPUC RATE BASE for 2024.
277	RELATED TO the methodology used to calculate the SCE’S AUTHORIZED CPUC RATE BASE for 2024.
278	[I]dentifying the assets included in the calculation of the SCE’S AUTHORIZED CPUC RATE BASE for 2024.
279	RELATED TO your calculation of YOUR YEAR-END RATE BASE ¹ for 2024.
280	RELATED TO the methodology used to calculate the YEAR-END RATE BASE for 2024.
281	[I]dentifying the assets included in the calculation of the YEAR-END RATE BASE for 2024.

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24 Plaintiffs’ RFP Set Three also included eight requests—Nos. 268–275—that seek
25 documents relating to SCE’s and Edison International’s Annual Incentive Awards paid under the
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27 ¹ “YEAR-END RATE BASE” shall refer to the figures reflected in the 2024 Financial & Statistical Report published
28 by Edison International & Southern California Edison, which defines these values as “capital expenditures related to
certain FERC-approved projects during the construction phase, and excludes rate base related to wildfire risk
mitigation capital expenditures required by California Assembly Bill 1054.” (See Robins Decl. ¶ 5, Exh. C, p. 7.)

1 Executive Compensation Plan. “Annual Incentive Award” is a term well-understood by SCE
2 because it is used by SCE in its Safety Performance Metric Reports filed annually with the CPUC.
3 According to SCE’s “Overview of Annual Incentive Awards Programs Applicable to Executives”
4 provided to the CPUC in SCE’s 2023 Safety Performance Metric Report:

5 For SCE employees holding director-level or higher positions, the annual
6 incentive awards are paid under the EIC Plan and are based on the achievement
7 of specific safety, operating, financial stability, and strategic objectives that
8 benefit [SCE”] customers and other stakeholders. Whether SCE meets those
objectives directly impact the level of incentives paid under the EIC plan.

9 (Robins Decl. ¶ 6, Exh. D at p. 8.)²

10 In that same report, SCE claims “SCE’s corporate goal structure continued to include an
11 overarching goals framework related to safety and compliance”, and that “the overarching goals
12 framework can supersede all of the other goals for determining incentive payouts.” (*Id.* at p. 9.)

13 In order to determine how SCE and Edison International actually calculated and paid
14 Annual Incentive Awards to company executives, Request numbers 268–275 (the “Annual
15 Incentive Awards Requests”) seek all documents:

No.	Request
268	RELATED TO any annual incentive awards paid under SCE’s Executive Incentive Compensation (EIC) Plan to any person in SCE director-level or higher executive positions from January 1, 2019 to the present, including how all incentive awards were calculated, how any “point deductions” reflected in SCE’s annual Performance Metric Reports equated to actual dollar reductions, and/or how much executive compensation declined in dollars, if at all, because of missed safety goals.
269	Same as 268 as to persons employed by Edison International in director-level or higher executive positions from January 1, 2019 to the present.
270	RELATED TO how any calculation of annual incentive award deductions for safety performance were applied to executive compensation for SCE senior executive officers (senior vice-presidents or above) from 2019 to 2024 as reflected in Table I-3 of SCE’s 2024 Safety Performance Metrics Report.
271	Same as 270 for Edison International senior executive officers.

26
27 ² Excerpts from SCE’s 2023 Safety Performance Metric Report are included as Exhibit D to the Robins Declaration.
28 The complete report may be found at: <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/safety-policy-division/reports/r2007013-sce-2023-spmr-report.pdf>

No.	Request
272	Documents prepared or reviewed by SCE’s Compensation and Executive Personnel Committee RELATING TO annual incentive awards paid under SCE’s EIC Plan to any person in SCE director-level or higher executive positions from January 1, 2019 to the present.
273	Same as 272 as to persons employed by Edison International in director-level or higher executive positions from January 1, 2019 to the present.
274	Documents prepared or reviewed by SCE’s Safety and Operations Committee RELATING TO annual incentive awards paid under SCE’s EIC Plan to any person in SCE director-level or higher executive positions from January 1, 2019 to the present.
275	Same as 272 as to persons employed by Edison International in director-level or higher executive positions from January 1, 2019 to the present.

On July 29, 2025, SCE served responses and objections to Plaintiffs’ RFP Set Three. (Robins Decl. ¶ 7, Exh. E.) SCE served the same objection-only responses to the Authorized Base Rate Requests and the Annual Incentive Awards Requests. They were boilerplate objections asserted on grounds including privilege, overbroad, vague and ambiguous, undue burden, not reasonably particularized, and beyond the scope of permissible discovery.

On August 19, 2025, Plaintiffs sent a meet and confer letter to counsel for SCE regarding SCE’s responses and objections to Plaintiffs’ RFP Set s Two and Three. (Robins Decl. ¶ 8, Exh. F.) On multiple days between September 15, 2025 and September 25, 2025, Plaintiffs and SCE met and conferred about SCE’s Responses to Plaintiffs’ RFP Sets Two and Three, including RFP Nos. 268-281. Counsel for SCE then informed counsel for Plaintiffs that SCE intended to provide Amended Responses to Plaintiffs’ RFP Sets Two and Three but not until October 30, 2025. SCE indicated that it needed this much time to “consider the conferral discussions and provide amended responses.” (Robins Decl. ¶ 9.)

At the October 2, 2025 Case Management Conference, the Court ordered that SCE provide its Amended Responses to Plaintiffs’ RFP Set Three by October 9, 2025 so that any remaining disagreements regarding these requests could be addressed at the October 14, 2025 IDC. (Robins Decl. ¶ 10.) On October 9, 2025, Defendant SCE served its Amended Responses and Objections to Plaintiffs’ RFP Set Three. (Robins Decl. ¶ 11, Exh. G.) On October 14, 2025, the Court held an IDC, and as to RFP Nos. 268–291, the Court concluded that the Parties’ dispute as to these RFPs

1 would need to be resolved through a formal motion to compel. (Robins Decl. ¶ 12.)

2 **III. STATEMENT OF LAW**

3 “[A]ny party may obtain discovery regarding any matter, not privileged, that is relevant to
4 the subject matter involved in the pending action or to the determination of any motion made in
5 that action, if the matter either is itself admissible in evidence or appears reasonably calculated to
6 lead to the discovery of admissible evidence.” (Code Civ. Proc. § 2017.010.)

7 Any party may obtain discovery by requesting documents in the possession, custody, or
8 control of any other party to the action. (Code Civ. Proc. § 2031.010.) The responding party must
9 state: (1) that they will produce responsive documents “in whole or in part, and that all that all
10 documents or things in the demanded category that are in the possession, custody, or control of
11 that party and to which no objection is being made will be included in the production” or (2) that
12 they cannot comply for a specific reason. (Code Civ. Proc. §§ 2031.220, 2031.230, 2031.240(a).)
13 If a party objects to a request for production, they must: (1) identify with particularity the
14 documents that fall within the scope of the objection; and (2) “set forth clearly the extent of, and
15 specific ground for, the objection.” (Code Civ. Proc. § 2031.240(b).) If only part of a request is
16 objectionable, the response shall contain a statement of compliance (or a representation of inability
17 to comply) with respect to the remainder of the request. (Code Civ. Proc. § 2031.240(a).)

18 A party may move for an order compelling further response to an inspection demand where
19 an objection in the response is without merit or too general. (Code Civ. Proc. § 2031.310(a)(3).)
20 Prior to filing a discovery motion, the parties are required to make a reasonable and good faith
21 attempt at an informal resolution of each issue presented by the motion. (Code Civ. Proc. §§
22 2016.040; 2031.310(a)(2).) During those meet and confer efforts,

23 The parties must present to each other the merits of their respective positions
24 with the same candor, specificity, and support during informal negotiations as
25 during the briefing of discovery motions. Only after all the cards have been laid
26 on the table, and a party has meaningfully assessed the relative strengths and
weaknesses of its position in light of all available information, can there be a
“sincere effort” to resolve the matter.

27 (*Townsend v. Superior Court* (1998) 61 Cal.App.4th 1431, 1435.)

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1 **IV. ARGUMENT**

2 **A. Defendant Should Produce All Documents Responsive to Plaintiffs’ Authorized**
3 **Rate Base Requests**

4 The Court should grant this motion because documents responsive to the Requests are
5 relevant to the issue of punitive damages and the objections served by SCE’s attorneys are without
6 merit.

7 **1. The Authorized Rate Base Requests Seek Documents Relevant to**
8 **Punitive Damages**

8 Individual Plaintiffs allege that SCE acted maliciously in causing the Eaton Fire.

9 (Individual Plaintiffs’ Master Complaint ¶ 175.) Malice means that:

10 “[SCE’s] conduct was despicable and was done with a willful and knowing
11 disregard of the rights or safety of another. A person acts with knowing
12 disregard when the person is aware of the probable dangerous consequences of
13 the person’s conduct and deliberately fails to avoid those consequences.”

13 (Judicial Council of California Civil Jury Instruction No. 3945.)

14 SCE was aware of the dangerous consequences of leaving abandoned lines in place because
15 the CPUC has explicit rules about this. CPUC General Order 95, Rule 31.6 states: “Lines or
16 portions of lines permanently abandoned shall be removed by their owners so that such lines shall
17 not become a public nuisance or a hazard to life or property.” (CPUC General Order 95, Rule
18 31.6.)

19 SCE has constructive knowledge of the danger posed by abandoned lines. Just three years
20 before the Eaton Fire, the CPUC fined PG&E \$40 million for their violation of Rule 31.6
21 following the Kincade Fire. (Robins Decl. ¶ 13.) Like the Eaton Fire, the Kincade Fire ignited at
22 the base of an abandoned transmission line. If SCE left the abandoned Mesa-Sylmar line in place
23 for the purpose of justifying higher rates to the CPUC, then they will have acted with a knowing
24 disregard of the rights and safety of their customers in Altadena.

25 **2. SCE’s Objections to the Authorized Rate Base Requests Lack Merit**

26 Misuses of the discovery process include “making, without substantial justification, an
27 unmeritorious objection to discovery” (Code Civ. Proc. § 2023.010(e).) SCE has misused the
28

1 discovery process because their objections have no merit. To appreciate the ineffectiveness of their
2 objections, a review of the CPUC ratemaking process deserves discussion.

3 **a. CPUC's Ratemaking Process**

4 A public utility cannot unilaterally set rates charged to customers for electricity. They must
5 get approval from the CPUC, which will only approve charges that are just and reasonable. (Pub.
6 Util. Code § 451.) When evaluating whether a requested charge is just and reasonable, the CPUC
7 considers the value of the assets and property owned by the utility, which are disclosed by the
8 utility in its general rate base application. (Pub. Util. Code, § 455.5; *SFPP, L.P. v. Public Utilities*
9 *Commission* (2013) 217 Cal.App.4th 784, 801; *In Re Order Instituting Rulemaking* (Sept. 2, 2004)
10 2004 WL 2278696, at *4–5.) A charge based on a public utility's asset or property is just and
11 reasonable only if the asset or property is “actually in use and providing service.” (*Application of*
12 *California-Am. Water Co.* (Dec. 13, 2018) 2018 WL 6830166, at *88; *see also In Re Order*
13 *Instituting Rulemaking* (Sept. 2, 2004) 2004 WL 2278696 [requiring a utility's asset to be removed
14 from the rate base when the asset is “no longer needed to provide utility service”].)

15 The California Court of Appeal has explained the rate-setting process the CPUC utilizes in
16 general rate cases proceedings as follows:

17 The Commission begins by determining the value of the assets that the company
18 has invested in to provide utility service. Property or portions thereof that are
19 unproductive for public utility purposes are excluded. This figure is known as
20 the ‘rate base.’ To invest in rate base assets, a utility company raises funds by
21 either issuing debt or selling equity. Costs are associated with each method. The
22 company either has to pay interest to creditors on borrowed funds or pay a
23 portion of profits or dividends to equity investors, i.e., shareholders. This cost is
24 known as the cost of capital. The cost of capital, also known as the rate of
25 return, multiplied by the rate base is one component of the utility company's
26 revenue requirement. [Citation.] This figure is added to the Company's
27 operating expenses and tax costs to get ‘the company's revenue requirement,
28 i.e., the amount needed to cover the company's costs and provide a reasonable
return on its investments.’ [Citation.]”

(*Kerman Telephone Co. v. Public Utilities Com.*, *supra*, 94 Cal.App.5th at p. 925-926 [internal
quotation marks removed].)

SCE filed a general rate case application on May 12, 2023. (Robins Decl. ¶ 14.) That
application covered the period including January 7, 2025. In their application, SCE requested an

1 authorized base revenue requirement of \$10.27 billion to become effective January 1, 2025. (*Id.* at
2 p. 6.) The Requests seek documents showing how SCE came up with that number, including
3 whether Tower 208 and the Mesa-Sylmar line—both of which were abandoned under the CPUC’s
4 definition—were included in their list of assets.

5 **b. SCE’s First Objection: Privilege**

6 In response to all six Authorized Rate Base Requests, SCE objected on the ground that “the
7 information is protected by the attorney-client privilege and work product doctrines or any other
8 privilege or immunity available under the United States Constitution, the Constitution of the State
9 of California, any federal or state statute, or common law.” (Robins Decl. Exh. B, pp. 21–22.)
10 They have not provided a privilege log with sufficient factual information for other parties to
11 evaluate the merits of that claim. (Code Civ. Proc. § 2031.240(c)(1).)

12 This objection is without merit because the attorney-client privilege only protects
13 confidential communications between client and lawyer. (Evid. Code § 954.) Confidential
14 communications mean information transmitted between client and lawyer “in confidence by a
15 means which, so far as the client is aware, discloses the information to no third persons”
16 (Evid. Code § 952.) The information supporting SCE’s general rate case application is not a
17 confidential communication because it was disclosed to a third party—the CPUC. Therefore,
18 documents responsive to the Requests do not qualify for protection under the attorney-client
19 privilege.

20 The attorney work product privilege likewise does not apply. This privilege protects
21 writings that reflect an attorney’s impressions, conclusions, opinions, legal search or theories.
22 (Code Civ. Proc. § 2018.030.) To the extent that responsive documents reflect their attorneys’
23 impressions or conclusions, the protections of the work product privilege were waived when the
24 general rate case application was submitted to the CPUC, which has no interest in maintaining the
25 confidentiality of the work product. (*See OXY Resources California, LLC v. Superior Court* (2004)
26 115 Cal.App.4th 874, 891.)

1 punitive damages, and for alter ego. The objections served by SCE’s attorneys are without merit.

2 **1. The Annual Incentive Requests go to the heart of Plaintiffs’ liability**
3 **claims and claims of alter ego**

4 It is well-settled that documents pertaining to executive compensation are discoverable
5 when they are relevant to establish the Plaintiffs’ substantive claims, including claims for punitive
6 damages. (*See Rawnsley v. Superior Court*, (1986) 183 Cal.App.3d 86, 92.) In *Rawnsley*, the Court
7 of Appeal held that the trial abused its discretion in not allowing production of documents showing
8 excessive executive compensation when such information went “to the heart of the cause of action
9 itself” for misappropriation/conversion of partnership funds. (*Id.*)

10 In their Master Complaint, Individual Plaintiffs allege that the Defendants consistently
11 chose to prioritize shareholder profits over public safety. (Individual Plaintiffs’ Master Complaint
12 ¶ 8, 57.) Plaintiffs further allege that the Defendants misaligned their corporate incentives for their
13 corporate executives which contributed to negligence within both organizations, including: (i)
14 having incentive programs that did not accurately reflect the real-world conditions of the electrical
15 system which contributed to the ignition of the Eaton Fire; and (ii) inclusion of compensation
16 metrics which could be correlated to risks posed by the electrical system which also contributed to
17 the ignition of the Eaton Fire. (*Id.* at ¶ 58). Plaintiffs further allege the Defendants’ Board
18 Committees consciously disregarded wildfire risks by tying executive compensation incentive
19 plans to operational metrics that incentivized and encouraged improper and negligent conduct by
20 corporate executives. (*Id.* at ¶ 58). These factual allegations related to executive compensation
21 expressly form a basis of Plaintiffs’ causes of action for negligence and malice, and for alter ego.
22 *See e.g. id.* at ¶ 154 (xxvii), (xxix); ¶ 175. Therefore, the request seek relevant discoverable
23 information.

24 **2. SCE’s Objections to the Incentive Award Requests Lack Merit**

25 SCE claims it cannot understand what the term “incentive awards” means even though this
26 term is used annually by SCE in its Safety Performance Metric Reports” filed with the CPUC.
27 Remarkably, SCE makes the objection that Plaintiffs’ requests “assume facts not in evidence” even
28 though SCE’s annual incentive awards are not only discussed in its Safety Performance Metric

1 Reports, but also were the subject of an extensive news article in the LA times.³ The LA Times
2 article revealed that four out of five of Edison International's top executives received increased
3 annual bonuses despite a decline in safety performance. SCE also claims that the requested
4 discovery is not relevant to Plaintiffs' claims. However, as shown, discovery related to SCE and
5 Edison International's Annual Executive Awards is undoubtedly relevant to Plaintiffs' claims for
6 negligence and punitive damages, as well as the jury's consideration of whether the corporate veil
7 can be pierced. Likewise, there is no basis to claim that such documents are somehow privileged.
8 As such, SCE should produce all documents responsive to RFP Nos. 268-275.

9 **V. CONCLUSION**

10 At this time, Plaintiffs are not seeking sanctions for SCE's misuse of the discovery process.
11 Plaintiffs are simply asking SCE to produce documents showing their calculations, methodology,
12 and assets used to justify the rates charged to their customers in the period covered by the Eaton
13 Fire. The requested documents will show whether SCE improperly included Tower 208 and the
14 Mesa-Sylmar line—both of which were abandoned and no longer providing service—in justifying
15 rates charged to customers. In addition, SCE should be compelled to produce documents related to
16 its Annual Incentive Awards to company executives. For the reasons set forth above, Plaintiffs
17 respectfully ask this Court to grant this Motion.

18
19 Dated: November 24, 2025

PANISH | SHEA | RAVIPUDI, LLP

20 By: 

Rahul Ravipudi

Liaison Counsel for Individual Plaintiffs

21
22 Dated: November 24, 2025

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23 By: 

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28 ³ See e.g., <https://www.latimes.com/environment/story/2025-05-18/edison-executives-receive-millions-of-dollars-in-pay-despite-poor-safety-statistics>.

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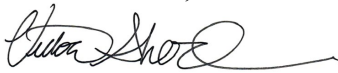
Dated: November 24, 2025

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