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**FILED**  
Superior Court of California,  
County of San Francisco

**09/14/2021**  
Clerk of the Court  
BY: JACKIE LAPREVOTTE  
Deputy Clerk

7 Attorneys for Plaintiffs

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF SAN FRANCISCO**

10 TYLER HATCH;  
DAVID HATCH;  
11 ASHLEY BILLING;  
RICHARD INGALLS;  
12 NICHOLAS OMAN;  
MELISA LEHMAN;  
13 EVEL SHELLY;  
LAVENIA LEHMAN-NEWELL;  
14 MICHAEL MCINTIRE;  
CARL BELL;  
15 ALVIN MCINTOSH;  
DEBORAH MCINTOSH;  
16 BRANDON MEZA;  
ALICIA MISSMAN;  
17 JENNIFER PILKINGTON;  
DAVID BISH;  
18 CAREY RUSSELL;  
CYNERGY IT CONSULTING LLC;  
19 DAVID WASHOE;  
CAYLEN RIDENOUR;  
20 ANTHONY WASHOE;  
LORIE RIDENOUR;  
21 BRENT WASHOE;  
MICHAEL WASHOE;

22 Plaintiffs,

23 v.

25 PG&E CORPORATION, a California  
Corporation; PACIFIC GAS AND ELECTRIC  
26 COMPANY, a California Corporation; DOES  
1-200, inclusive,

27 Defendants.  
28

No. **CGC-21-595180**

Unlimited Jurisdiction

**COMPLAINT FOR DAMAGES AND  
INJURIES**

**JURY TRIAL DEMANDED**

1 Plaintiffs TYLER HATCH, DAVID HATCH, ASHLEY BILLING, RICHARD INGALLS,  
2 NICHOLAS OMAN, MELISA LEHMAN, EVEL SHELLY, LAVENIA LEHMAN-NEWELL,  
3 MICHAEL MCINTIRE, CARK BELL, ALVIN MCINTOSH, DEBORAH MCINTOSH,  
4 BRANDON MEZA, ALICIA MISSMAN, JENNIFER PILKINGTON, DAVID BISH, CAREY  
5 RUSSELL, DAVID WASHOE, CAYLEN RIDENOUR, ANTHONY WASHOE, LORIE RIDENOUR,  
6 BRENT WASHOE, MICHAEL WASHOE (“Plaintiffs”), by and through their undersigned counsel,  
7 hereby file the following complaint for damages and injuries (“Complaint”) against all Defendants and  
8 DOES 1-200.

9 **I. INTRODUCTION**

10 1. This Complaint arises from a wildfire that PG&E’s power lines caused on July 13,  
11 2021—a wildfire now called the “Dixie Fire.”



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21 **Flames from the Dixie Fire (Greenville Plumas County) - Photo by J.D. Morris via San Francisco Chronicle**

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23 2. The Dixie Fire started when electrical equipment within PG&E’s utility infrastructure  
24 contacted, or caused sparks to contact, surrounding vegetation.

25 3. To date, the Dixie Fire has been burning for approximately two months. It has destroyed  
26 approximately 1 million acres, more than 1,300 structures, and has significantly impacted the counties  
27 of Plumas, Butte, Lassen, Tehama, and Shasta. The Dixie Fire is now the second-largest wildfire in  
28 California’s history and is expected to become the largest.

1           4.       Plaintiffs are homeowners, renters, business owners, and other individuals and entities  
2 whose property and lives were, literally and figuratively, burned to the ground by the Dixie Fire.



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12       **Example of Destruction Caused by Dixie Fire (Greenville Plumas County) - Photo Jash Edelson/AFP via Getty Images**

13           5.       Plaintiffs now sue PG&E CORPORATION, PACIFIC GAS AND ELECTRIC  
14 COMPANY, and DOES 1-200 for damages and all other available remedies arising from the harms  
15 caused by the Dixie Fire.

16       **II.     JURISDICTION AND VENUE**

17           6.       Venue is proper in San Francisco County as Defendant’s principal place of business is  
18 located in San Francisco County. Plaintiffs are informed and believe, and thereon allege, that all  
19 Defendants resided and/or conducted business in San Francisco County at the time they committed the  
20 negligent acts and omissions that give rise to this Complaint.

21           7.       This Court has jurisdiction over this matter pursuant to Code of Civil Procedure sections  
22 395(a) and 410.10 because Defendants are incorporated in California, have their headquarters in San  
23 Francisco, California, reside in and do significant business in the County of San Francisco, engage in  
24 the bulk of its corporate activities in California, and maintain the majority of its corporate assets in  
25 California to render the exercise of jurisdiction over Defendants consistent with the traditional notions  
26 of fair play and substantial justice.

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1           8.       The Superior Court of San Francisco, as a court of general jurisdiction, has subject-  
2 matter jurisdiction over this unlimited civil case, as well as personal jurisdiction over each of the  
3 Defendants.

4 **III. PARTIES**

5 **A. Plaintiffs**

6           9.       Plaintiffs are individuals and other legal entities who were, at all times relevant to this  
7 pleading, homeowners, renters, business owners, and/or other individuals and legal entities who were  
8 residents, occupants, and/or had property located in Plumas, Butte, Lassen, Tehama and/or Shasta  
9 Counties.

10          10.       Plaintiffs have elected to join their individual lawsuits in a single action under rules of  
11 permissive joinder. Plaintiffs do not seek class certification or relief on any class-wide, collective, or  
12 other group basis, but instead seek the damages and other remedies identified herein on an individual  
13 basis according to proof at trial or through alternative dispute resolution efforts.

14 **B. Defendants**

15          11.       Defendant PG&E CORPORATION was, at all times relevant to this pleading, a  
16 California corporation authorized to do, and doing business, in California, with its headquarters in San  
17 Francisco, California. At all times relevant to this pleading, PG&E Corporation acted to provide a  
18 utility, including electrical services, to members of the public in California, including residents of San  
19 Francisco County. PG&E CORPORATION did so through its agents and subsidiaries, including  
20 PACIFIC GAS AND ELECTRIC COMPANY.

21          12.       Defendant PACIFIC GAS AND ELECTRIC COMPANY was, at all times relevant to  
22 this pleading, a California corporation authorized to do, and doing business, in California, with its  
23 headquarters in San Francisco, California. At all times relevant to this pleading, PACIFIC GAS AND  
24 ELECTRIC COMPANY acted to provide a utility, including electrical services, to members of the  
25 public in California, including residents of San Francisco County. PACIFIC GAS AND ELECTRIC  
26 COMPANY is a subsidiary or other entity wholly controlled by PG&E CORPORATION.

27          13.       PACIFIC GAS AND ELECTRIC COMPANY is one of the largest combination natural  
28 gas and electric utilities in the United States. PG&E CORPORATION and PACIFIC GAS AND

1 ELECTRIC COMPANY are jointly and severally liable for each other’s wrongful acts and/or  
2 omissions as alleged herein. These companies do not compete against one another but instead operate  
3 as a single enterprise, integrating their resources to achieve a common business purpose. These  
4 companies are so organized and controlled that one is a mere instrumentality, agent, and/or conduit of  
5 the other. Officers, managers, and directors are intertwined and not fully independent of one another.  
6 These companies share legal counsel, share unified policies and procedures, file consolidated financial  
7 statements and regulatory documents. Thus, as used herein, “PG&E” refers collectively to defendants  
8 PG&E CORPORATION and PACIFIC GAS AND ELECTRIC COMPANY.

9 14. PG&E is in the business of providing electricity to the residents of, among other places,  
10 San Francisco County through a utility infrastructure, including a network of electrical transmission  
11 and distribution lines. PG&E is a “public utility” under Public Utilities Code sections 216(a)(1) and  
12 218(a).

13 15. The true names and capacities of defendants DOES 1 through 200 are currently  
14 unknown to Plaintiffs who, therefore, sue these defendants under these fictitious names pursuant to  
15 Code of Civil Procedure section 474. These defendants are each directly and/or vicariously responsible,  
16 in some manner, for the harms alleged herein. If/when Plaintiffs learn these defendants’ true names  
17 and capacities, Plaintiffs will seek leave to amend this pleading accordingly.

18 16. “Defendants” refers collectively to PG&E and DOES 1 through 200.

19 17. At all times relevant to this pleading, Defendants, and/or each of them, were the agents,  
20 servants, employees, partners, aiders and abettors, co-conspirators, and/or joint venturers of each of the  
21 other Defendants; and were operating within the purpose and scope of said agency, service,  
22 employment, partnership, enterprise, conspiracy, and/or joint venture; and each of Defendants has  
23 ratified and approved the acts of each of the remaining Defendants. Each of Defendants aided and  
24 abetted, encouraged, and rendered substantial assistance to the other Defendants in breaching their  
25 obligations and duties to Plaintiffs, as alleged herein. In taking action to aid and abet and substantially  
26 assist the commission of these wrongful acts and other wrongdoings alleged herein, each of Defendants  
27 acted with an awareness of his/her/its primary wrongdoing and realized that his/her/its conduct would  
28 substantially assist the accomplishment of the wrongful conduct, wrongful goals, and wrongdoing.

1 **IV. FACTS**

2 18. In an incident report to the California Public Utilities Commission (“Public Utilities  
3 Commission”) dated July 18, 2021, PG&E reported that, “[o]n July 13, 2021 at approximately 0700  
4 hours, PG&E’s outage system indicated that Cresta Dam off of Highway 70 in the Feather River  
5 Canyon lost power.” Feather River Canyon is a few miles east of where the 2018 Camp Fire originated.

6 **Summary:** On July 13, 2021 at approximately 0700 hours, PG&E’s outage system indicated that Cresta  
7 Dam off of Highway 70 in the Feather River Canyon lost power. The responding PG&E troubleman  
8 observed from a distance what he thought was a blown fuse on the PG&E Bucks Creek 1101 12kV  
9 Overhead Distribution Circuit uphill from his location. Due to the challenging terrain and road work  
10 resulting in a bridge closure, he was not able to reach the pole with the fuse until approximately 1640  
11 hours. There he observed two of three fuses blown and what appeared to him to be a healthy green  
tree leaning into the Bucks Creek 1101 12 kV conductor, which was still intact and suspended on the  
poles. He also observed a fire on the ground near the base of the tree.

12 19. A PG&E field technician responded to the power outage at the Bucks Creek 1101 12kV  
13 Overhead Distribution Circuit. He “observed two of three fuses blown and what appeared to him to be  
14 healthy green tree leaning into the Bucks Creek 1101 12 kV conductor, which was still intact and  
15 suspended on the poles. He also observed a fire on the ground near the base of the tree.”

16 The troubleman manually removed the third fuse and reported the fire, his supervisor called 9-1-1, and  
17 the 9-1-1 operator replied they were aware of the fire and responding. CAL FIRE air support arrived on  
18 scene by approximately 1730 hours and began dropping fire retardant and water. In response to a CAL  
19 FIRE request, PG&E de-energized another section of the Bucks Creek 1101 12 kV line. In a 2045 hours  
20 status report, the CAL FIRE website stated the fire was approximately 1-2 acres; later that evening CAL  
21 FIRE reported the fire had grown to 10-15 acres and ground resources had problems accessing the area.  
22 According to the CAL FIRE website as of July 18, 2021 at 2007 hours, the Dixie Fire has burned  
23 approximately 19,000 acres and is 15 percent contained. The fire has generally burned in remote  
24 wildlands, and CAL FIRE has reported no property damage and one injury (according to a news report,  
25 CAL FIRE stated a firefighter suffered minor injuries and was able to walk away). On July 18, 2021, CAL  
26 FIRE investigators collected the following PG&E equipment: portions of the Bucks Creek 1101 12 kV line,  
27 including conductor, jumpers, insulators, and fuse cutouts, as well as portions of the tree. PG&E submits  
28 this report in an abundance of caution given CAL FIRE’s collection of PG&E facilities in connection with  
its investigation. PG&E is cooperating with CAL FIRE’s investigation and is reporting this to the CPUC  
under the media criterion. This information is preliminary.

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**Douglas Fir Tree leaning into PG&E's Lines**

20. Although the power outage was reported at 7 a.m., the PG&E field technician “was not able to reach the pole with the fuse until approximately [4:40 p.m.]” due to the challenging terrain and road work resulting in a bridge closure.

21. On the afternoon of July 22, 2021, PG&E found another fallen tree (“White Fir”) leaning against its power line near the ignition site of the Fly Fire, a smaller fire that eventually merged with the Dixie Fire on the night of July 24, 2021.

**Summary:** On July 22, 2021, a wildfire began in the area of Butterfly Valley Twain Road and Highway 70 in Plumas County, California (the Fly Fire). The National Wildfire Coordinating Group website (the website) reported as of July 25, 2021 at 0000 hours that the Fly Fire had consumed 4,300 acres and was 5% contained and that, as of the night of July 24/25, the Fly Fire had merged with the Dixie Fire and that the website would not be providing further updates on the Fly Fire. At approximately 1701 hours on July 22, 2021, wildfire cameras first showed smoke in the general direction of Butterfly Valley Twain Road and Highway 70. According to PG&E's records, SmartMeters and a line recloser on the portion of the PG&E distribution line serving the area, the Gansner 1101 circuit, reported alarms and other activity between approximately 1650 and 1810 hours, when that portion of the line was deenergized. On August 2, 2021, PG&E assisted the U.S. Forest Service (USFS) with moving and examining a tree that was resting on conductor on the Gansner 1101 circuit. PG&E is cooperating with the USFS's investigation and is reporting this to the CPUC under the media criterion. The data currently available to PG&E do not establish the cause of the Fly Fire. This information is preliminary.

22. The White Fir was resting on PG&E's Gansner 1101 Circuit.

23. Butte County District Attorney Mike Ramsey said his office directed Cal Fire to treat the area where the Dixie Fire started as a crime scene, and a criminal investigation is underway to

1 determine whether criminal charges against PG&E are warranted.

2           24.     The United States Forest Service and the California Department of Forestry and Fire  
3 Protection (“Cal Fire”) conducted site visits and collected and are currently examining PG&E’s  
4 equipment as well as both the Douglas Fir and White Fir trees at issue.

5           25.     PG&E stated the pole in question was last replaced on June 21, 2019 by a contractor  
6 identified as “UECC.”

7           26.     PG&E stated the most recent tree work near the origin of the Dixie Fire was performed  
8 in June 2019 by a contractor identified as Mountain F. Enterprises.

9           27.     PG&E has admitted its equipment malfunctions may have sparked the Dixie Fire.  
10 Subsequently after this admission, PG&E announced a plan committing to spend more than \$15 billion  
11 burying 10,000 miles of its power lines underground to reduce wildfire risks in California. Indeed,  
12 Patricia Poppe, CEO of PG&E, stated more power lines needed to go underground to keep  
13 communities safe. PG&E stated it would prioritize areas with a large concentration of trees that could  
14 fall on distribution lines.

15           28.     U.S. District Judge William Alsup, who is overseeing PG&E’s federal criminal  
16 probation for its felony conviction resulting from the fatal San Bruno gas pipeline explosion, has  
17 ordered PG&E to explain its role in igniting the Fly and Dixie Fires, and to identify each fire PG&E  
18 started or is suspected of starting this wildfire season.

19           29.     Plaintiffs are informed and believe the Dixie Fire was caused by the Douglas Fir tree  
20 leaning into PG&E’s high voltage distribution line, which the blown fuses were designed to protect.  
21 Moreover, the Dixie Fire occurred because: (1) PG&E’s utility infrastructure was intended, designed,  
22 and constructed to pass electricity through exposed power lines in vegetated areas; (2) PG&E  
23 negligently, recklessly, and wantonly failed to maintain and operate the electrical equipment in its  
24 utility infrastructure; and/or (3) PG&E negligently, recklessly, and wantonly failed to maintain the  
25 appropriate clearance area between the electrical equipment in its utility infrastructure and surrounding  
26 vegetation.

27           30.     The conditions and circumstances surrounding the ignition of the Dixie Fire, including  
28 the nature and condition of PG&E’s electrical infrastructure, low humidity, strong winds, and tinder-



1 like dry vegetation were foreseeable by any reasonably prudent person and, therefore, were certainly  
2 foreseeable to Defendants—those with special knowledge and expertise as electrical services providers  
3 and their employees and agents.

4 31. The Dixie Fire caused Plaintiffs to suffer substantial harms, including: damage to and/or  
5 destruction of real property; damage to and/or loss of personal property, including cherished  
6 possessions; out-of-pocket expenses directly and proximately incurred as a result of the fire; alternative  
7 living expenses; evacuation expenses; personal injuries; wrongful death; medical bills; lost wages; loss  
8 of earning capacity; loss of business income and/or goodwill; and various types of emotional distress,  
9 annoyance, inconvenience, disturbance, mental anguish, and loss of quiet enjoyment of property. The  
10 harms caused by the Defendants are extensive and ongoing.



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23 **Example of Devastation Caused by Dixie Fire -Photo by Noah Berger Associated Press via Washington Press**

## 24 **V. PG&E’S PRIOR HISTORY**

25 32. At the time the Dixie Fire ignited in July 2021, Defendants were actually aware that the  
26 nature and condition of its electrical equipment, along with geographic, weather, ecological, and other  
27 conditions, gave rise to a high risk that PG&E’s electrical equipment would ignite a wildfire like the  
28 Dixie Fire.

1 33. Defendants’ awareness of this risk arose, in large part, from an extensive history of  
2 PG&E’s electrical equipment causing devastating and deadly wildfires. There are numerous examples  
3 of PG&E’s electrical equipment igniting wildfires over the years under conditions and circumstances  
4 similar to those of the Dixie Fire. Since 2013, PG&E’s electrical equipment has caused more than 1,500  
5 wildfires across the state, including, but not limited to, the 2015 Butte Fire, the 2017 North Bay Fires,  
6 the 2018 Camp Fire, the 2019 Kincade Fire, and the 2020 Zogg Fire. The Camp Fire is the state’s  
7 deadliest wildfire to date, killing 85 people, and one of the North Bay Fires (namely, the Tubbs Fire) is  
8 currently the state’s fourth deadliest wildfire. PG&E is, moreover, currently on federal criminal  
9 probation following its conviction arising from the fatal San Bruno gas explosion.

10 34. These previous wildfires put Defendants on actual notice that PG&E’s ineffective  
11 vegetation management programs, unsafe equipment, and aging electrical infrastructure created a  
12 predictable risk that PG&E’s electrical equipment would ignite a wildfire such as the Dixie Fire.

13 35. These wildfires are not the result of an “act of God” or other *force majeure*. These  
14 wildfires were started by sparks from high-voltage transmission lines, distribution lines, appurtenances,  
15 and other electrical equipment within PG&E’s utility infrastructure that ignited surrounding vegetation.  
16 Despite these previous wildfires, Defendants have deliberately, and repeatedly, prioritized profits over  
17 safety. That is, Defendants have a history of acting recklessly and with conscious disregard to human  
18 life and safety, and this history of recklessness and conscious disregard was a substantial factor in  
19 bringing about the Dixie Fire.

20 **VI. CAUSES OF ACTION**

21 **FIRST CAUSE OF ACTION**

22 **Inverse Condemnation**

23 **(Against All Defendants)**

24 36. All previous paragraphs are incorporated into this cause of action.

25 37. On July 13, 2021, Plaintiffs were the owners of real property and/or personal property in  
26 the area of the Dixie Fire.

27 38. Prior to and on July 13, 2021, Defendants had each designed, constructed, installed,  
28 operated, controlled, used, and/or maintained the facilities, lines, wires, and/or other electrical

1 equipment within PG&E's utility infrastructure, including the transmission and distribution lines in and  
2 around the location of the Dixie Fire, for the purpose of providing electrical services to large swaths of  
3 the public.

4 39. On July 13, 2021, Defendants were actually aware of the inherent dangers and risks that  
5 the electrical equipment within PG&E's electrical-utility infrastructure (as deliberately designed and  
6 constructed) would ignite a wildfire like the Dixie Fire.

7 40. This inherent risk was realized on July 13, 2021, when electrical equipment within  
8 PG&E's utility infrastructure ignited the Dixie Fire, which resulted in the taking of Plaintiffs' real  
9 property and/or private property.

10 41. This taking was legally and substantially caused by Defendants' actions and inactions in  
11 designing, constructing, installing, operating, controlling, using, and/or maintaining the facilities, lines,  
12 wires, and/or other electrical equipment within PG&E's utility infrastructure.

13 42. Plaintiffs have not been adequately compensated, if at all, for this taking.

14 43. Plaintiffs further seek, pursuant to Code of Civil Procedure section 1036, to recover all  
15 reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and  
16 engineering fees, actually incurred because of this proceeding in the trial court and/or in any appellate  
17 proceeding in which Plaintiffs prevail on any issue.

## 18 **SECOND CAUSE OF ACTION**

### 19 **Trespass**

#### 20 **(Against All Defendants)**

21 44. All previous paragraphs are incorporated into this cause of action.

22 45. On July 13, 2021, Plaintiffs were the owners, tenants, and/or lawful occupiers of real  
23 properties in the area of the Dixie Fire.

24 46. Defendants negligently and/or recklessly allowed the Dixie Fire to ignite and/or spread  
25 out of control, which caused damage to Plaintiffs' properties.

26 47. Plaintiffs did not grant permission for any fire to enter their properties.

27 48. This trespass was a substantial factor in causing Plaintiffs to suffer damages including,  
28 but not limited to, destruction of and damage to real property, destruction of and damage to structures,

1 destruction of and damage to personal property and cherished possessions, discomfort, annoyance,  
2 inconvenience, mental anguish, loss of quiet enjoyment, and emotional distress. Plaintiffs each seek  
3 damages to be determined, on an individual basis, according to proof at trial.

4 49. Those of Plaintiffs whose real property was under cultivation or used for the raising of  
5 livestock have hired and retained counsel to recover compensation for their losses and damages caused  
6 by the Dixie Fire. Thus, they also seek to recover all reasonable attorneys' fees, expert fees, consultant  
7 fees, and litigation costs and expense, as allowed under Code of Civil Procedure section 1021.9.

8 50. Those of Plaintiffs who suffered damage to timber, trees, or underwood as a result of the  
9 Dixie Fire also seek treble or double damages for wrongful injuries to their property inclusive of  
10 timber, trees, or underwood, as permitted by Civil Code section 3346.

11 51. Defendants, including one or more PG&E officers, directors, and/or managers, have  
12 deliberately, and repeatedly, prioritized profits over safety. That is, Defendants have a history of acting  
13 recklessly and with conscious disregard to human life and safety, and this history of recklessness and  
14 conscious disregard was a substantial factor in bringing about the Dixie Fire. This is despicable and  
15 oppressive conduct. Plaintiffs thus seek punitive damages in an amount sufficient to punish  
16 Defendants' long history of prioritizing profits over safety and to deter such conduct in the future.

17 **THIRD CAUSE OF ACTION**

18 **Nuisance**

19 **(Against All Defendants)**

20 52. All previous paragraphs are incorporated into this cause of action.

21 53. On July 13, 2021, Plaintiffs were the owners, tenants, and/or lawful occupiers of real  
22 properties in the area of the Dixie Fire.

23 54. Defendants' actions and inactions created a condition and/or permitted a condition to  
24 exist that was harmful to health; offensive to the senses; an obstruction to the free use of property, so as  
25 to interfere with the comfortable enjoyment of life and property; unlawfully obstructed the free passage  
26 or use, in the customary manner, of public streets and highways; and a completely predictable fire  
27 hazard.

28 55. These conditions interfered with Plaintiffs' quiet enjoyment of their properties in a way

1 unique to each of Plaintiffs.

2 56. These conditions also affected a substantial number of people at the same time.

3 57. At no time did Plaintiffs consent to Defendants' actions and inactions in creating these  
4 conditions.

5 58. An ordinary person would be reasonably annoyed and disturbed by Defendants' actions  
6 and inactions in creating these conditions.

7 59. Defendants' actions and inactions in creating these conditions were a substantial factor  
8 in causing Plaintiffs to suffer damages unique to each plaintiff (and different from damages suffered by  
9 other plaintiffs) including, but not limited to, destruction of and damage to real property, destruction of  
10 and damage to structures, destruction of and damage to personal property and cherished possessions,  
11 discomfort, annoyance, inconvenience, mental anguish, loss of quiet enjoyment, and emotional distress.  
12 Plaintiffs each seek damages to be determined, on an individual basis, according to proof at trial.

13 60. The seriousness of the harm Defendants have caused Plaintiffs outweighs any public  
14 benefit that Defendants may provide.

15 61. Defendants, including one or more PG&E officers, directors, and/or managers, have  
16 deliberately, and repeatedly, prioritized profits over safety. That is, Defendants have a history of acting  
17 recklessly and with conscious disregard to human life and safety, and this history of recklessness and  
18 conscious disregard was a substantial factor in bringing about the Dixie Fire. This is despicable and  
19 oppressive conduct. Plaintiffs thus seek punitive damages in an amount sufficient to punish  
20 Defendants' long history of prioritizing profits over safety and to deter such conduct in the future.

21 **FOURTH CAUSE OF ACTION**

22 **Public Utilities Code § 2106**

23 **(Against All Defendants)**

24 62. All previous paragraphs are incorporated into this cause of action.

25 63. PG&E was on July 13, 2021, and is, a "public utility" for purposes of the Public Utilities  
26 Code. PG&E was, therefore, required to comply with the Public Utilities Act.

27 64. Prior to and on July 13, 2021, PG&E was also required to obey and comply with every  
28 order, decision, direction, or rule made or prescribed by the Public Utilities Commission in the matters

1 specified under the Public Utilities Act, and any other matter in any way relating to or affecting its  
2 business as a public utility, and was required to do everything necessary or proper to secure compliance  
3 therewith by all of its officers, agents, and employees.

4 65. Defendants failed to furnish and maintain such adequate, efficient, just, and reasonable  
5 service, instrumentalities, equipment, and facilities as are necessary to promote the safety, health,  
6 comfort, and convenience of PG&E patrons and the public, as required by Public Utilities Code section  
7 451.

8 66. Defendants failed to comply with the requirements for overhead line design,  
9 construction, and maintenance, the application of which will ensure adequate service and secure safety  
10 to persons engaged in the construction, maintenance, operation or use of overhead lines and to the  
11 public in general, as required by Public Utilities Commission General Order 95, including Rules 31.2,  
12 35, and 38, which set forth inspection, vegetation-management, and minimum-clearance requirements.

13 67. Defendants failed to comply with the requires for electric distribution and transmission  
14 facilities regarding inspections in order to ensure safe and high-quality electrical service, as required by  
15 Public Utilities Commission General Order 165.

16 68. Defendants' failure to comply with applicable provisions of the Public Utilities Act and  
17 with applicable Public Utilities Commission orders and rules, was a substantial factor in causing  
18 Plaintiffs to suffer damages including, but not limited to, destruction of and damage to real property,  
19 destruction of and damage to structures, destruction of and damage to personal property and cherished  
20 possessions, discomfort, annoyance, inconvenience, mental anguish, loss of quiet enjoyment, and  
21 emotional distress. Plaintiffs each seek damages to be determined, on an individual basis, according to  
22 proof at trial.

23 69. Defendants, including one or more PG&E officers, directors, and/or managers, have  
24 deliberately, and repeatedly, prioritized profits over safety. That is, Defendants have a history of acting  
25 recklessly and with conscious disregard to human life and safety, and this history of recklessness and  
26 conscious disregard was a substantial factor in bringing about the Dixie Fire. This is despicable and  
27 oppressive conduct. Plaintiffs thus seek punitive damages in an amount sufficient to punish  
28 Defendants' long history of prioritizing profits over safety and to deter such conduct in the future.

1 **FIFTH CAUSE OF ACTION**

2 **Health & Safety Code § 13007**

3 **(Against all Defendants)**

4 70. All previous paragraphs are incorporated into this cause of action.

5 71. Defendants negligently, recklessly, and/or in violation of law, allowed the Dixie Fire to  
6 be set and allowed the Dixie Fire to escape to Plaintiffs' properties.

7 72. Defendants' negligent, reckless, and/or illegal actions and inactions in allowing the  
8 Dixie Fire to be set and escape to Plaintiffs' properties was a substantial factor in causing Plaintiffs to  
9 suffer damages including, but not limited to, destruction of and damage to real property, destruction of  
10 and damage to structures, destruction of and damage to personal property and cherished possessions,  
11 discomfort, annoyance, inconvenience, mental anguish, loss of quiet enjoyment, and emotional distress.  
12 Plaintiffs each seek damages to be determined, on an individual basis, according to proof at trial.

13 73. Those of Plaintiffs whose real property was under cultivation or used for the raising of  
14 livestock have hired and retained counsel to recover compensation for their losses and damages caused  
15 by the Dixie Fire. Thus, they also seek to recover all reasonable attorneys' fees, expert fees, consultant  
16 fees, and litigation costs and expense, as allowed under Code of Civil Procedure section 1021.9.

17 74. Defendants, including one or more PG&E officers, directors, and/or managers, have  
18 deliberately, and repeatedly, prioritized profits over safety. That is, Defendants have a history of acting  
19 recklessly and with conscious disregard to human life and safety, and this history of recklessness and  
20 conscious disregard was a substantial factor in bringing about the Dixie Fire. This is despicable and  
21 oppressive conduct. Plaintiffs thus seek punitive damages in an amount sufficient to punish  
22 Defendants' long history of prioritizing profits over safety and to deter such conduct in the future.

23 **SIXTH CAUSE OF ACTION**

24 **Negligence**

25 **(Against All Defendants)**

26 75. All previous paragraphs, except those falling under Plaintiffs' cause of action for inverse  
27 condemnation, are incorporated into this cause of action.

28 76. Defendants each have special knowledge and expertise far beyond that of a layperson

1 with regard to the safe design, engineering, construction, use, operation, inspection, repair, and  
2 maintenance of PG&E's electrical lines, infrastructure, equipment, and vegetation management efforts.  
3 The provision of electrical services involves a peculiar and inherent danger and risk of wildfires.

4 77. Prior to and on July 13, 2021, Defendants had a non-delegable duty to apply a level of  
5 care commensurate with, and proportionate to, the inherent dangers in designing, engineering,  
6 constructing, operating, and maintaining electrical transmission and distribution systems. This duty also  
7 required Defendants to maintain appropriate vegetation management programs, for the control of  
8 vegetation surrounding PG&E's exposed power lines. This duty also required Defendants to consider  
9 the changing conditions PG&E's electrical transmission and distribution systems, as well as changing  
10 geographic, weather, and ecological conditions. This duty also required Defendants to take special  
11 precautions to protect adjoining properties from wildfires caused by PG&E's electrical equipment.

12 78. Defendants each breached these duties by, among other things:

- 13 a. Failing to design, construct, operate, and maintain PG&E's high-voltage  
14 transmission and distribution lines and associated equipment, in a way that  
15 would withstand the foreseeable risk of wildfires in the area of the Dixie Fire;
- 16 b. Failing to prevent electrical transmission and distribution lines from  
17 improperly sagging or making contact with other metal;
- 18 c. Failing to properly inspect and maintain vegetation within proximity to  
19 energized transmission and distribution lines to mitigate the risk of fire;
- 20 d. Failing to conduct reasonably prompt, proper, and frequent inspections of  
21 PG&E's power lines and associated equipment;
- 22 e. Failing to promptly de-energize exposed power lines during fire-prone  
23 conditions;
- 24 f. Failing to properly train and supervise employees and agents responsible for  
25 maintenance and inspection of power lines; and/or
- 26 g. Failing to implement and follow regulations and reasonably prudent practices  
27 to avoid fire ignition.

28 79. Defendants' failure to comply with applicable provisions of the Public Utilities Act and



1 Public Utilities Commission General Orders and Rules, as alleged herein, is negligence per se because  
2 these statutes, orders, and rules are aimed at preventing the exact type of harm that Plaintiffs suffered  
3 because of Defendants' failure to comply with these statutes, orders, and rules. That is, Plaintiffs are  
4 within the class of individuals these statutes, orders, and rules were implemented to protect.

5 80. Defendants' negligence, including Defendants' negligence per se, was a substantial  
6 factor in causing Plaintiffs to suffer damages including, but not limited to, destruction of and damage to  
7 real property, destruction of and damage to structures, destruction of and damage to personal property  
8 and cherished possessions, discomfort, annoyance, inconvenience, mental anguish, loss of quiet  
9 enjoyment, and emotional distress. Plaintiffs each seek damages to be determined, on an individual  
10 basis, according to proof at trial.

11 81. Defendants, including one or more PG&E officers, directors, and/or managers, have  
12 deliberately, and repeatedly, prioritized profits over safety. That is, Defendants have a history of acting  
13 recklessly and with conscious disregard to human life and safety, and this history of recklessness and  
14 conscious disregard was a substantial factor in bringing about the Dixie Fire. This is despicable and  
15 oppressive conduct. Plaintiffs thus seek punitive damages in an amount sufficient to punish  
16 Defendants' long history of prioritizing profits over safety and to deter such conduct in the future.

17 **VII. PRAYER FOR RELIEF**

18 Plaintiffs seek the following damages in an amount according to proof at the time of trial:

19 a. For Inverse Condemnation:

20 i. Repair, depreciation, and/or replacement of damaged, destroyed, and/or lost  
21 personal and/or real property;

22 ii. Loss of the use, benefit, goodwill, and enjoyment of Plaintiffs' real and/or  
23 personal property;

24 iii. Loss of wages, earning capacity and/or business profits and/or any related  
25 displacement expenses;

26 iv. Prejudgment interest from July 13, 2021;

27 v. Pursuant to Code of Civil Procedure section 1036 and all other applicable law,  
28 all reasonable costs, disbursements, and expenses, including reasonable

1 attorney, appraisal, and engineering fees, actually incurred because of this  
2 proceeding in the trial court and/or in any appellate proceeding in which  
3 Plaintiffs prevail on any issue; and

4 vi. Such other and further relief as the Court shall deem proper, all according to  
5 proof.

6 b. For all other claims:

7 i. General and/or special damages determined on an individual basis according  
8 to proof;

9 ii. Loss of the use, benefit, goodwill, and enjoyment of Plaintiffs' real and/or  
10 personal property;

11 iii. Loss of wages, earning capacity, goodwill, and/or business profits or proceeds  
12 and/or any related displacement expenses;

13 iv. Evacuation expenses and alternate living expenses;

14 v. Erosion damage to real property;

15 vi. Past and future medical expenses and incidental expenses;

16 vii. General damages for personal injury, emotional distress, fear, annoyance,  
17 disturbance, inconvenience, mental anguish, and loss of quiet enjoyment of  
18 property;

19 viii. Attorneys' fees, expert fees, consultant fees, and litigation costs and expense,  
20 as allowed under Code of Civil Procedure section 1021.9 and all other  
21 applicable law;

22 ix. Prejudgment interest from July 13, 2021;

23 x. For punitive and exemplary damages against PG&E in an amount sufficient to  
24 punish Defendants' conduct and deter similar conduct in the future, as allowed  
25 under Public Utilities Code section 2106 and all other applicable law; and

26 xi. Any and all other and further such relief as the Court shall deem proper, all  
27 according to proof.

28 //

1 **VII. JURY TRIAL DEMAND**

2 Plaintiffs hereby respectfully request that this Court provide them with a jury trial on all causes  
3 of action for which a jury trial is available under the law.

4 SINGLETON SCHREIBER McKENZIE & SCOTT, LLP

5 Dated: September 14, 2021

By:



6 \_\_\_\_\_  
7 Gerald Singleton  
8 J. Ross Peabody  
9 Tommy H. Vu  
10 Attorneys for PLAINTIFFS