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OCT 25 2021

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JUDICIAL COUNCIL OF CALIFORNIA

CHAIR OF THE JUDICIAL COUNCIL

THIS DOCUMENT RELATES TO:

JCCP No. 5208

Hatch, et al. v. PG&E CORPORATION, et al.,
San Francisco Superior Court, Case No. CGC-
21-595180

FIRST AMENDED PETITION FOR
COORDINATION OF DIXIE FIRE FOR
PRE-TRIAL PURPOSES

Fassbinder, et al. v. PG&E CORPORATION,
et al., Shasta County Superior Court, Case No.
198186

Retzlaff, et al. v. Pacific Gas & Electric
Company, et al., Plumas County Superior
Court, Case No. CV21-00140

Priore, et al. v. Pacific Gas & Electric
Company, et al., Plumas County Superior
Court, Case No. CV21-00176

1 *Sullens, et al. v. PG&E CORPORATION, et*)
2 *al., Plumas County Superior Court, Case No.*)
3 *CV21-00178*)

4 *McIlroy, et al. v. PG&E CORPORATION, et*)
5 *al., Plumas County Superior Court, Case No.*)
6 *CV21-00187*)

7 *Transue, et al. v. PG&E Corporation, et al.,*)
8 *San Francisco Superior Court, Case No. CGC-*)
9 *21-595437*)

10 TO: THE HONORABLE TANI G. CANTIL-SAKAUYE, CHAIRPERSON OF THE CALIFORNIA
11 JUDICIAL COUNCIL, CHIEF JUSTICE OF CALIFORNIA:

12 Pursuant to California Code of Civil Procedure (“CCP”) §404, *et seq.*, and California Rules of
13 Court, Rule 3.501, *et seq.*, Plaintiffs and Petitioning Counsel, SINGLETON SCHREIBER MCKENZIE
14 & SCOTT, LLP, 450 A Street, 5th Floor, San Diego, CA 92101; LAW OFFICE OF DOUGLAS BOXER,
15 2561 California Park Dr., Ste. 100, Chico, CA 95928-4208; WATTS GUERRA LLC, 2561 California Park
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17 FRANKEL, LLP, 2851 Park Marina Drive, Suite 200, P.O. Box 494940, Redding, CA 96049; POTTER
18 HANDY PARKINSON & BENSON, 8033 Linda Vista Road, Suite 200, San Diego, CA 92111; and LAW
19 OFFICE OF BRET D. COOK, P.C., 202 Ann St. P.O. Box 425, Greenville, CA 95947, respectfully submit
20 this request to the Chairperson of the California Judicial Council for assignment of a judge to determine
21 whether the above-titled actions are complex actions, and if so, whether coordination of the actions is
22 appropriate.

23 Specifically, Plaintiffs and Petitioning Counsel respectfully submit that Judge Cheng of the San
24 Francisco Superior Court’s Complex Litigation Department should be assigned as the Coordination Trial
25 Judge for the Dixie Fire cases. Judge Cheng is currently assigned to the 2020 Zogg Fire Cases (JCCP
26 5165), the 2019 Kincade Fire Cases (JCCP 5157) and the 2017 North Bay Fire Cases (JCCP 4955).

27 Defense Counsel represented to Petitioning Counsel that Defendant consents to coordination in
28 San Francisco Superior Court before Judge Cheng.

1 The above-titled actions allege a variety of economic (including, but not limited to, real and/or
2 personal property) and/or non-economic damages (including, in certain cases, personal injury damages)
3 arising out of the wildfire commonly known as the “Dixie Fire.”

4 The Dixie Fire began on July 13, 2021, and caused extensive damages in Shasta, Plumas, Butte,
5 Lassen and Tehama Counties. To date, it has burned approximately 1 million acres, destroyed over 1,300
6 structures, resulted in multiple injuries, and catastrophically impacted the local community.

7 The Complaints filed to date all allege, at a minimum, wrongful conduct by two principal
8 defendants, PG&E Corporation and Pacific Gas & Electric Company (collectively “PG&E”), and were
9 caused by: (1) the negligent and improper operation of the power lines and related equipment by PG&E;
10 (2) the failure of power lines, electrical infrastructure, and/or equipment that was designed, constructed,
11 operated and maintained by PG&E; and/or (3) PG&E’s negligent failure to maintain vegetation in
12 accordance with prescribed California regulations and laws concerning vegetation clearance from power
13 lines and electrical infrastructure. PG&E is in the business of providing electricity to the residents of,
14 among other places, Shasta, Plumas, Butte, Lassen and Tehama Counties, including all of the areas
15 affected by the Dixie Fire.

16 This Petition is based on CCP §§ 404 and 404.1, and Rule 3.521 of the California Rules of Court,
17 and incorporates by reference the Memorandum of Points and Authorities in Support Thereof and the
18 Declaration of Gerald Singleton dated October 25, 2021. Plaintiffs seek coordination for pre-trial
19 proceedings only. For purposes of the petition for coordination only, no plaintiff proposes that their
20 claims be tried jointly with the claims of any other plaintiff and/or otherwise seeks a joint trial.

21 This Petition is made on the grounds that these seven actions with over six hundred separate
22 plaintiffs share common questions of law and fact, and that coordination of the actions for pre-trial
23 proceedings will promote the ends of justice. These actions are closely related and each constitutes
24 “complex litigation” under Rule 3.400 of the California Rules of Court. Petitioning Counsel are informed
25 and believes that there will be many more additional cases filed against the Defendants given the
26
27
28

1 extensive destruction and damages caused by the Dixie Fire and anticipates that such additional cases
2 will be joined via Add-On procedures when appropriate.¹

3 If this Petition for Coordination is not opposed within the time allowed by Rule 3.525 of the
4 California Rules of Court, Plaintiffs request this Petition be granted without hearing. If any such
5 Opposition is served and submitted within the time allowed, then Plaintiffs request that a hearing on this
6 Petition be conducted in San Francisco Superior Court, should the Court deem a hearing necessary. The
7 following actions are sought to be coordinated for pre-trial proceedings:

- 8 a. *Hatch, et al. v. PG&E CORPORATION, et al.*, San Francisco Superior Court,
9 Case No. CGC-21-595180; Filed 9/14/2021

10 Counsel of record: Gerald Singleton, J. Ross Peabody and Tommy H.
11 Vu, SINGLETON SCHREIBER MCKENZIE & SCOTT, LLP, 450 A
Street, 5th Floor, San Diego, CA 92101

- 12 b. *Fassbinder, et al. v. PG&E CORPORATION, et al.*, Shasta County Superior
13 Court, Case No. 198186; Filed 9/14/2021

14 Counsel of record: Gerald Singleton, J. Ross Peabody and Tommy H.
15 Vu, SINGLETON SCHREIBER MCKENZIE & SCOTT, LLP, 450 A
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- 17 c. *Retzlaff, et al. v. Pacific Gas & Electric Company, et al.*, Plumas County
18 Superior Court, Case No. CV21-00140; Filed 8/3/2021

19 Counsel of record: Douglas Boxer, LAW OFFICE OF DOUGLAS
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21 Mikal C. Watts, Guy L. Watts, and Jon Givens, WATTS GUERRA
22 LLC, 2561 California Park Dr., Ste. 100, Chico, CA 95928-4208

- 23 d. *Priore, et al. v. Pacific Gas & Electric Company, et al.*, Plumas County
24 Superior Court, Case No. CV21-00176; Filed 9/14/2021

25 Counsel of record: Douglas Boxer, LAW OFFICE OF DOUGLAS
26 BOXER, 2561 California Park Dr., Ste. 100, Chico, CA 95928-4208;
27 Mikal C. Watts, Guy L. Watts, and Jon Givens, WATTS GUERRA
28 LLC, 2561 California Park Dr., Ste. 100, Chico, CA 95928-4208

- e. *Sullens, et al. v. PG&E CORPORATION, et al.*, Plumas County Superior
Court, Case No. CV21-00178; Filed 9/16/2021

¹ In addition to the seven filed complaints in this petition, there are at least two other complaints submitted in San Francisco Superior Court currently under court clerk review and waiting for a case number and court assignment. On October 15, 2021, Cozen O'Connor submitted a complaint captioned *American Family Connect Property and Casualty Insurance Company, et al. v. Pacific Gas and Electric Company, et al.* On October 19, 2021, Danko Meredith submitted a complaint captioned *Hardin, et al. v. PG&E Corporation, et al.*

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- 5 f. *McIlroy, et al. v. PG&E CORPORATION, et al.*, Plumas County Superior
6 Court, Case No. CV21-00187; Filed 9/30/2021

7 Counsel of record: Mark D. Potter, Brett R. Parkinson, POTTER
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10 202 Ann St. P.O. Box 425, Greenville, CA 95947

- 11 g. *Transue, et al. v. PG&E Corporation, et al.*, San Francisco Superior Court,
12 Case No. CGC-21-595437; Filed 9/20/2021

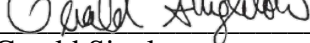
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17 4940

18 Respectfully Submitted,

19 *Attorneys for Plaintiffs and Petitioners*

20 SINGLETON SCHREIBER MCKENZIE & SCOTT, LLP

21 Dated: October 25, 2021

22 By: 
23 _____
24 Gerald Singleton
25 J. Ross Peabody
26 Tommy H. Vu

27 LAW OFFICE OF DOUGLAS BOXER

28 Dated: October 25, 2021

By: s/ Douglas Boxer
Douglas Boxer

1 WATTS GUERRA LLC

2 Dated: October 25, 2021

By: s/ Mikal C. Watt

3 Mikal C. Watts (Pro Hac Vice anticipated)

4 Guy L. Watts (Pro Hac Vice anticipated)

5 Jon Givens

6 LAW OFFICES OF REINER, SLAUGHTER, MAINZER
7 & FRANKEL, LLP

8 Dated: October 25, 2021

By: s/ Russell Reiner

9 Russell Reiner

10 Todd E. Slaughter

11 Benjamin H. Mainzer

12 Rick Lundblade

13 April K. Stratte

14 POTTER HANDY PARKINSON & BENSON

15 Dated: October 25, 2021

By: s/ Mark Potter

16 Mark D. Potter

17 Brett R. Parkinson

18 LAW OFFICE OF BRET D. COOK, P.C.

19 Dated: October 25, 2021

By: s/ Bret D. Cook

20 Bret D. Cook