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Los Angeles Superior Court

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Sherri R. Carter, Executive Officer/Clerk  
By: Moses Soto, Deputy

Attorneys for Plaintiffs,  
PRIANKA SHAHRIN, IGOR MARTINOV,  
ILAN M., and EDUARD MARTYNOV

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF LOS ANGELES**

PRIANKA SHAHRIN, an individual; IGOR  
MARTINOV, an individual; ILAN M., a  
minor by and through his Guardian ad Litem,  
PRIANKA SHAHRIN; and EDUARD  
MARTINOV, an individual,

Plaintiffs,

vs.

SOUTHERN CALIFORNIA GAS  
COMPANY, a corporation; and SEMPRA  
ENERGY, a corporation; and DOES 1 through  
100.

Defendants.

Case No. **BC 6 0 4 8 1 7**

**COMPLAINT FOR DAMAGES**

1. NEGLIGENCE
2. STRICT LIABILITY –  
ULTRAHAZARDOUS  
ACTIVITY
3. PRIVATE NUISANCE
4. INVERSE CONDEMNATION
5. TRESPASS

**JURY TRIAL DEMANDED**

COMES NOW the Plaintiffs, individually, who request a trial by jury, and allege as follows:

**THE PARTIES**

1. At all relevant times, Plaintiff PRIANKA SHAHRIN (hereinafter "PRIANKA") is a resident of the Porter Ranch neighborhood in the County of Los Angeles, State of California.
2. At all relevant times, Plaintiff IGOR MARTINOV (hereinafter "IGOR") is a resident of the Porter Ranch neighborhood in the County of Los Angeles, State of California.
3. At all relevant times, Plaintiff ILAN M., a minor, by and through Guardian ad

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5. TRESPASS

**JURY TRIAL DEMANDED**

COMES NOW the Plaintiffs, individually, who request a trial by jury, and allege as  
follows:

**THE PARTIES**

1. At all relevant times, Plaintiff PRIANKA SHAHRIN (hereinafter "PRIANKA") is a  
resident of the Porter Ranch neighborhood in the County of Los Angeles, State of California.
2. At all relevant times, Plaintiff IGOR MARTINOV (hereinafter "IGOR") is a  
resident of the Porter Ranch neighborhood in the County of Los Angeles, State of California.
3. At all relevant times, Plaintiff ILAN M., a minor, by and through Guardian ad

1 Litem, PRIANKA SHAHRIN, was a resident of the Porter Ranch neighborhood, in the County of  
2 Los Angeles, State of California. ILAN M. is the biological son of PRIANKA SHAHRIN.

3 4. At all relevant times, Plaintiff EDUARD MARTINOV is a resident of the Porter  
4 Ranch neighborhood, in the County of Los Angeles, State of California.

5 5. Plaintiffs are informed and believe and based thereon allege that Defendant  
6 SOUTHERN CALIFORNIA GAS COMPANY (hereinafter "SOCAL GAS") is, and at all times  
7 mentioned in this Complaint was, a corporation duly organized and existing under the laws of the  
8 State of California. SOCAL GAS is a company doing business in and throughout the State of  
9 California.

10 6. Plaintiffs are informed and believe and based thereon allege that Defendant  
11 SEMPRA ENERGY (hereinafter "SEMPRA") is, and at all times mentioned in this Complaint  
12 was, a corporation duly organized and existing under the laws of the State of California. SEMPRA  
13 is a company doing business in and throughout the State of California. SEMPRA owns, operates,  
14 and manages SOCAL GAS as a subsidiary.

15 7. The true names and capacities, whether individual, corporate, associate, or  
16 otherwise, of Defendants DOES 1 through 100, inclusive are unknown to Plaintiffs who therefore  
17 sue such defendants by fictitious names, but will amend this Complaint to show their true names  
18 and capacities when same have been ascertained. Plaintiffs are informed and believe and thereon  
19 allege that each of the defendants designated herein as "DOE" is in some manner, and to some  
20 extent, legally responsible for the events and happenings herein referred to and caused injury and  
21 damage proximately thereby to Plaintiffs as herein alleged.

22 8. Plaintiffs are informed and believe and based thereon allege that at all times relevant  
23 herein, Defendant DOES 1 through 20 were the agents and employees of Defendant SOCAL GAS,  
24 and, in doing all of the things hereinafter mentioned, were acting within the scope of their authority  
25 and employment as such agents and employees and with the permission and consent of the SOCAL  
26 GAS.  
27  
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9. Plaintiffs are informed and believe and based thereon allege that at all times relevant herein, Defendant DOES 21 through 40 were the agents and employees of Defendant SEMPRA, and, in doing all of the things hereinafter mentioned, were acting within the scope of their authority and employment as such agents and employees and with the permission and consent of the SEMPRA.

10. Plaintiffs are informed and believe and based thereon allege that at all times mentioned herein, each of the Defendants was the agent, servant, employee, and/or joint venturer of each of the remaining defendants and at all times, was acting within the course and/or scope of such employment, agency, service, or venture.

11. Plaintiffs are informed and believe and based thereon allege that at all times herein mentioned, each of the Defendants was the co-tortfeasor of each of the other Defendants and responsible for the total harm, damages and wrong suffered by the decedent and Plaintiffs, and each of them.

## GENERAL ALLEGATIONS

12. Defendant SOCAL GAS is the nation's largest natural gas distribution utility, and provides natural gas and related services the central and southern regions of the State of California.

13. At all relevant times, Defendant SOCAL GAS has owned, operated, maintained, and managed the Aliso Canyon gas and oil storage facility (herein after "Aliso Canyon Facility") at 12801 Tampa Ave. Los Angeles, California 91326, adjacent to the northernmost border of the neighborhood of Porter Ranch.

14. The Aliso Canyon Facility is one of the largest natural gas storage fields in the United States, with 115 wells and a capacity for 86 billion cubic feet of natural gas, located thousands of feet underground. The storage field is a depleted oil field that has been converted to store natural gas which is pumped and injected-in from sources including the Rocky Mountains.

15. Some time prior to October 23, 2015, a well at Defendant SOCAL GAS' Aliso Canyon Facility began to spew noxious odors, hazardous gases, chemicals, pollutants, and contaminants from at least one of its underground wells, due to a massive well failure and blowout.

1           16.     Despite knowledge of the leak, Defendant SOCAL GAS refused to report the  
2 dangerous leak of noxious odors, hazardous gases, chemicals, pollutants, and contaminants to the  
3 appropriate governmental authorities or to the neighboring community of Porter Ranch.

4           17.     On October 23, 2015, Defendant SOCAL GAS reported the foregoing leak to  
5 government regulatory agencies, but not local residents, that it detected an uncontrolled flow of  
6 fluids and gas from a storage well at the Aliso Canyon Facility.

7           18.     Defendant SOCAL GAS failed to timely report the gas leak to regulatory agencies  
8 and neighboring communities susceptible to fallout from the leak, including the Porter Ranch  
9 neighborhood.

10          19.     Defendant SOCAL GAS failed to inform residents of neighboring communities,  
11 such as Porter Ranch, of the disastrous gas leak, putting the health and well-being of thousands of  
12 families in jeopardy.

13          20.     When Defendant SOCAL GAS did inform residents of Porter Ranch regarding the  
14 gas leak, those residents were intentionally misinformed regarding the extent of exposure and risks  
15 from such exposure to the chemicals and compounds found in the cloud of natural gas and  
16 additives engulfing their neighborhood.

17          21.     The natural gas erupting from Defendant SOCAL GAS' Aliso Canyon Facility is  
18 composed primarily of methane. However, mercaptans, benzene, toluene, hydrogen sulfides, and  
19 sulfur dioxide were also all present in the toxic cloud.

20          22.     Mercaptans are flammable, putrid smelling compounds added to natural gas in order  
21 to provide a way to non-mechanically detect an otherwise colorless, odorless gas. According to the  
22 Center for Disease Control, Mercaptans are highly irritant to the eyes, skin, and upper respiratory  
23 tract and can cause headaches, dizziness, nausea, vomiting, coma, and death. Mercaptans are also  
24 denser than natural air, and as such, have easily flowed from the higher altitude Aliso Canyon  
25 Facility down into the lower altitude neighborhood of Porter Ranch, where they have settled.

26          23.     Benzene is a known carcinogen. Exposure to benzene can cause short term  
27 symptoms such as drowsiness, dizziness, headaches, and eye, skin, and respiratory tract infections.  
28

1 Long term exposure to benzene can cause blood disorders

2 24. Toluene, is a dangerous gaseous chemical that can cause acute and chronic damage  
3 to the central nervous system, cause fatigue, sleepiness, headaches, and nausea.

4 25. Methane is the primary element in natural gas. It is highly flammable, explosive,  
5 and is an asphyxiant that can displace oxygen.

6 26. These gaseous chemicals and compounds are erupting from Defendant SOCAL  
7 GAS' Aliso Canyon Facility at a rate of approximately 50,000 kilograms (110,000 pounds) per  
8 hour. At that rate, the gas leak has currently released over a million metric tons (approximately  
9 two billion pounds) of natural gases into the atmosphere and Porter Ranch community.

10 27. Out of concern for pilot safety, the Federal Aviation Administration has banned  
11 aircraft flights over Porter Ranch due to the gas leak until early next year. The no-fly zone spans a  
12 one-half mile diameter and extends 2,000 feet into the air.

13 28. This rate of eruption stands to continue due to Defendant SOCAL GAS' continued  
14 replenishment of natural gases into the affected gas storage well.

15 29. Porter Ranch, a community of 30,000 people, which is located approximately 0.5  
16 miles from the affected gas well at the Aliso Canyon Facility, has experienced toxic impacts from  
17 the air contamination since the massive failure of the gas storage well.

18 30. Plaintiffs are all residents of the Porter Ranch community who will continue to be  
19 subject to the constantly replenished cloud of noxious odors, hazardous gases, chemicals,  
20 pollutants, and contaminants for several months, until Defendant SOCAL GAS is able to remedy  
21 the leak.

22 31. The failure of the well should have never happened, and the incredible duration of  
23 the crisis should have and would have been avoided had Defendant SOCAL GAS established and  
24 promptly implemented appropriate contingency plans for such an event.

25 32. Defendant SOCAL GAS negligently and with conscious disregard for the safety of  
26 others, delayed reporting of the disastrous leak, created the conditions which allowed the well to  
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28

1 fail, and exacerbated the effects of that failure by its lack of preparedness for such a disaster.<sup>1</sup>

2 33. Plaintiffs have and continue to suffer physical, psychological, and emotional injuries  
3 due to Defendant SOCAL GAS' undertaking of an ultra-hazardous activity, as well as its  
4 negligence in operation, maintenance and repair of its facility, and its conscious disregard for the  
5 health and safety of others and the community at large.

6 34. Defendants SOCAL GAS, SEMPRA ENERGY, and DOES 1-100 have also caused  
7 Plaintiffs to experience physical ailments, including but not limited to nausea, pounding headaches,  
8 nosebleeds, vomiting, rashes, and paleness.

9 35. Plaintiffs also continue to experience emotional and psychological injuries as a  
10 result of Defendants' activities. This includes, but is not limited to, anxiety, panic attacks,  
11 depression, and concern for the health of themselves and all members of their household.

12 36. Due to Defendants SOCAL GAS, SEMPRA, and DOES 1-100's undertaking of an  
13 ultra-hazardous activity, as well as its negligence in operation, maintenance and repair of its  
14 facility, and its conscious disregard for the health and safety of others and the community at large,  
15 Plaintiffs' lives were interrupted, and they have been forced to relocate from their home until the  
16 noxious odors, hazardous gases, chemicals, pollutants, and contaminants from the Aliso Canyon  
17 Facility are contained.

18 37. Defendants SOCAL GAS, SEMPRA, and DOES 1-100's undertaking of an  
19 ultra-hazardous activity; their negligence in operation, maintenance and repair of the Aliso Canyon  
20 Facility; and their conscious disregard for the health and safety of others, has resulted in Plaintiffs  
21 being forced to relocate from their home because they cannot safely stay there while it is subject to  
22 the noxious odors, hazardous gases, chemicals, pollutants, and contaminants leaking from from the  
23 Aliso Canyon Facility.  
24

25  
26  
27 <sup>1</sup> Defendant SOCAL GAS exacerbated its own leak when it attempted to remedy the gas leak by filling the well bore  
28 with heavy brine and barite, which ended up causing further damage to the leaking well, increasing the volume of gas  
per day. Moreover, equipment necessary to permanently stop the leak was located in the Gulf of Mexico area, causing a  
delay of several days.

1           38.       As a result, Defendants SOCAL GAS and SEMPRA have temporarily relocated  
2 all four (4) Plaintiffs here, from their large, accommodating house to a hotel that is less than a like-  
3 kind substitute. While safe from the gas, the relocation hotel lacks the space and location of  
4 Plaintiffs' home. Moreover, Plaintiffs are forced to spend the holiday season away from their  
5 family home.

6           39.       Plaintiffs have been regularly and consistently exposed to the toxic gases  
7 released into the Porter Ranch community, experiencing, among many other things, the putrid  
8 smell of mercaptans inside and outside of their home, nausea, pounding headaches, nosebleeds,  
9 vomiting, rashes, and paleness. Within recent days, the noxious smell of mercaptans has increased,  
10 and as a result, so have the headaches, nausea, nosebleeds, rashes, and paleness.

11           40.       In addition, minor Plaintiffs' school is located dangerously close to the epicenter  
12 of the Aliso Canyon Facility gas leak, forcing their parents to choose between their children's  
13 health or education.

14           41.       Defendants' creation of and failure to abate the gas leak at the Aliso Canyon  
15 Facility has resulted in substantial impairment of Plaintiffs' use and enjoyment of their property as  
16 well as personal injuries to each and every Plaintiff.

### 17                               **FIRST CAUSE OF ACTION**

### 18                               **NEGLIGENCE**

19                               **(Against Defendants SOCAL GAS, SEMPRA, and DOES 1-100)**

20           42.       Plaintiffs reallege and incorporate by reference every allegation contained in this  
21 Complaint as though set forth herein in full.

22           43.       At all times mentioned herein, Defendants SOCAL GAS, SEMPRA, and DOES  
23 1 through 100, inclusive, and each of them, owned, constructed, operated, managed, and  
24 maintained the Aliso Canyon Facility, a facility storing copious amounts of natural gas with  
25 noxious odors, hazardous gases, chemicals, pollutants, and contaminants, in underground storage  
26 wells.  
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1           44.       At all times mentioned herein, Defendants SOCAL GAS, SEMPRA, and DOES  
2 1 through 100 owed multiple duties to Plaintiffs to use reasonable care in owning, constructing,  
3 operating, managing, and maintaining its storage wells at the Aliso Canyon Facility.

4           45.       Defendants SOCAL GAS, SEMPRA, and DOES 1 through 100, inclusive, and  
5 each of them, by and through their officers, directors, employees and/or managing agents, breached  
6 their duty by negligently, carelessly, or recklessly owning, constructing, operating, managing, and  
7 maintaining the natural gas storage wells at the Aliso Canyon Facility. This negligence,  
8 carelessness, or recklessness directly and proximately caused leaks, eruptions, releases, emissions,  
9 and migration of noxious odors, hazardous gases, chemicals, pollutants, and contaminants into  
10 Plaintiffs' land, home, and person.

11           46.       Said breach of duty by Defendants SOCAL GAS, SEMPRA, and DOES 1  
12 through 100, inclusive, and each of them, by and through their officers, directors, employees and/or  
13 managing agents, also directly and proximately caused increased concentrations of noxious odors,  
14 hazardous gases, chemicals, pollutants, and contaminants on Plaintiffs' land and person to such an  
15 extent that Plaintiffs have suffered personal and property injuries.

16           47.       The past, present, and ongoing injuries to Plaintiffs, which are, were, and will be  
17 directly and proximately caused by Defendants SOCAL GAS, SEMPRA, and DOES 1 through  
18 100, inclusive, and each of them, by and through their officers, directors, employees and/or  
19 managing agents, include polluted land and air in and around Plaintiffs' property; diminution in the  
20 value of Plaintiffs' property; and adverse health effects to Plaintiffs, including but not limited to,  
21 dizziness, nausea, drowsiness, headaches, nose bleeds, paleness, rashes, and vomiting.

22           48.       Defendants SOCAL GAS, SEMPRA, and DOES 1 through 100, inclusive, and  
23 each of them, by and through their officers, directors, employees and/or managing agents continue  
24 to act negligently, carelessly, and recklessly in their management, construction, maintenance,  
25 mitigation, and repair of the gas storage well leak through, among other things, their conduct  
26 causing the gas leak, failure to truthfully inform Plaintiffs and all residents of Porter Ranch  
27 regarding the nature and extent of the natural gas leak and its effects, lack of diligence in effecting  
28

1 safety measures, and delays in making permanent repairs to the leaking natural gas well at the  
2 Aliso Canyon Facility.

3 **SECOND CAUSE OF ACTION**

4 **STRICT LIABILITY – ULTRAHAZARDOUS ACTIVITY**

5 **(Against Defendants SOCAL GAS, SEMPRA, and DOES 1-100)**

6 49. Plaintiffs reallege and incorporate by reference every allegation contained in this  
7 Complaint as though set forth herein in full.

8 50. In owning, constructing, operating, managing, and maintaining the Aliso Canyon  
9 Facility, a facility storing copious amounts of flammable, explosive natural gas with noxious odors,  
10 hazardous gases, chemicals, pollutants, and contaminants, in underground storage wells in close  
11 proximity to a residential housing development, Defendants SOCAL GAS, SEMPRA, and DOES  
12 1-100, were engaged in an ultrahazardous activity.

13 51. Defendants SOCAL GAS, SEMPRA, and DOES 1-100's business of storing,  
14 using, receiving, and providing natural gas with noxious odors, hazardous gases, chemicals,  
15 pollutants, and contaminants to others is inherently and unavoidably dangerous in that its very  
16 nature involves a high degree of risk of harm to others due to its flammable, toxic, and repulsive  
17 qualities. These and all risks associated with SOCAL GAS, SEMPRA, and DOES 1-100's business  
18 persist despite due care due to the aforesaid flammable and toxic nature of natural gas storage.

19 52. Engaging in the foregoing ultrahazardous activity has caused leaks, eruptions,  
20 releases, emissions, and migration of noxious odors, hazardous gases, chemicals, pollutants, and  
21 contaminants into Plaintiffs' land, home, and person, resulting in personal and property injuries.

22 53. The past, present, and ongoing injuries to Plaintiffs, which are, were, and will be,  
23 directly and proximately caused by Defendants SOCAL GAS, SEMPRA, and DOES 1 through  
24 100, inclusive, and each of them, by and through their officers, directors, employees and/or  
25 managing agents, include polluted land and air in and around Plaintiffs' property; diminution in the  
26 value of Plaintiffs' property; and adverse health effects to Plaintiffs, including but not limited to  
27 dizziness, nausea, drowsiness, headaches, nose bleeds, paleness, rashes, and vomiting.  
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54. Defendants SOCAL GAS, SEMPRA, and DOES 1 through 100, inclusive, and each of them, by and through their officers, directors, employees and/or managing agents continue to injure Plaintiffs by their failure to truthfully inform Plaintiffs and all residents of Porter Ranch regarding the nature and extent of the natural gas leak and its effects, lack of diligence in effecting safety measures, and delays in making permanent repairs to the leaking natural gas well at the Aliso Canyon Facility.

55. Defendants SOCAL GAS, SEMPRA, and DOES 1-100's actions resulted in the pollution of air, and deprived Plaintiffs of their ability to live in their home free of health problems. Defendants SOCAL GAS, SEMPRA, and DOES 1-100 took these actions with a willful, conscious, disregard for the rights and safety of Plaintiffs' and their community, amounting to oppression, fraud, or malice. Plaintiffs should therefore be awarded punitive and exemplary damages under Civil Code section 3294 sufficient to punish Defendants for engaging in this conduct and to deter similar conduct in the future.

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

### **THIRD CAUSE OF ACTION**

## PRIVATE NUISANCE

**(Against Defendants SOCAL GAS, SEMPRA, and DOES 1-100)**

57. Plaintiffs reallege and incorporate by reference every allegation contained in this Complaint as though set forth in full herein.

1           58.       In the course of owning, constructing, operating, managing, and maintaining the  
2 Aliso Canyon Facility, a facility storing copious amounts of natural gas with noxious odors,  
3 hazardous gases, chemicals, pollutants, and contaminants, in underground storage wells,  
4 Defendants SOCAL GAS, SEMPRA, and DOES 1-100 created a condition that is injurious to the  
5 health of all Plaintiffs and indecent and offensive to the senses, which also obstructs and interferes  
6 with the comfortable enjoyment of life and property in such a way that Plaintiffs have suffered  
7 diminution in value of their property, and every Plaintiffs' health is in jeopardy simply by being  
8 present in their home.

9           59.       The gravitas of the foregoing damage caused to Plaintiffs' property and person is  
10 beyond what a reasonable person can expect another to bear, even in light of the social utility of  
11 storing and providing natural gas.

12           60.       The interference caused by Defendants SOCAL GAS, SEMPRA, and DOES 1-  
13 100 is to such a degree that it substantially annoys and disturbs Plaintiffs as well as all residents of  
14 the Porter Ranch neighborhood. Defendants SOCAL GAS, SEMPRA, and DOES 1-100's conduct  
15 approximately 0.5 miles away from Plaintiffs' neighborhood has caused significant and substantial  
16 diminution in the value of Plaintiffs' property; short and long term negative health effects  
17 including, but not limited to, dizziness, nausea, drowsiness, pounding headaches, nose bleeds,  
18 paleness, rashes, and vomiting by creating a toxic cloud of noxious odors, hazardous gases,  
19 chemicals, pollutants, and contaminants from the gas leak at their Aliso Canyon Facility that now  
20 pours over the Porter Ranch neighborhood.

21           61.       Defendants SOCAL GAS, SEMPRA, and DOES 1-100's actions resulted in the  
22 pollution of air, and deprived Plaintiffs of their ability to live in their home free of health problems.  
23 Defendants SOCAL GAS, SEMPRA, and DOES 1-100 took these actions with a willful and  
24 conscious disregard for the rights and safety of Plaintiffs' and their community, amounting to  
25 oppression, fraud, or malice. Plaintiffs should therefore be awarded punitive and exemplary  
26 damages under Civil Code section 3294 sufficient to punish Defendants for engaging in this  
27 conduct and to deter similar conduct in the future.  
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62. In addition, Plaintiffs should be awarded attorney's fees under Code of Civil Procedure 1021.5 because the successful prosecution of this action will confer a significant benefit, both pecuniary and non-pecuniary, on the general public by abating environmental harm and preventing future harm to residents of Porter Ranch and communities across the State of California. Further, the necessity and financial burden of private enforcement makes such an award appropriate as the litigation is not economically feasible or viable for Plaintiffs to pursue on their own at their own expense, and such fees should not, in the interest of justice, be paid out of the recovery, if any.

#### **FOURTH CAUSE OF ACTION**

## INVERSE CONDEMNATION

**(Against Defendants SOCAL GAS, SEMPRA, and DOES 1-100)**

63. Plaintiffs reallege and incorporate by reference every allegation contained in this Complaint as though set forth in full herein.

64. Article I, Section 19 of the California Constitution provides the basis for recovery against government entities and public utilities via the theory of inverse condemnation when private property is taken or damaged for a public use without just compensation to the owner.

65. Defendants SOCAL GAS, SEMPRA, and DOES 1-100 are in the business of providing natural gas utility services to consumers in Central and Southern California.

66. Defendants SOCAL GAS, SEMPRA, and DOES 1-100's collection and transmission of copious amounts of natural gas with noxious odors, hazardous gases, chemicals, pollutants, and contaminants at the Aliso Canyon Facility for purposes of serving the public with natural gas is a public use.

67. As a result of Defendant SOCAL GAS, SEMPRA, and DOES 1-100's collection and transmission of natural gas at Aliso Canyon Facility, Defendants have intentionally, recklessly, willfully, negligently, or as the result of engaging in an ultra-hazardous activity, caused dangerous levels of noxious odors, hazardous gases, chemicals, pollutants, and contaminants to enter onto and into Plaintiffs' real property. Consequently, Defendants' actions are the direct and proximate cause

1 of the physical damage to Plaintiffs' property that has rendered said property valueless and  
2 virtually unusable.

3 68. The acts and omissions of Defendants SOCAL GAS, SEMPRA, and DOES 1-100  
4 constitute a physical invasion of Plaintiffs' real property for a public use, placing a burden on  
5 Plaintiffs that is direct, substantial, and peculiar to the property itself.

6 69. The exorbitant amount of interference that Defendants SOCAL GAS, SEMPRA,  
7 and DOES 1-100 have caused to Plaintiffs' property amounts to a taking of said property without  
8 lawful authority and without formal exercise of the power of eminent domain, resulting in inverse  
9 condemnation.

### 10 **FIFTH CAUSE OF ACTION**

#### 11 **TRESPASS**

12 **(Against Defendants SOCAL GAS, SEMPRA, and DOES 1-100)**

13 70. Plaintiffs reallege and incorporate by reference every allegation contained in this  
14 Complaint as though set forth in full herein.

15 71. In Defendant SOCAL GAS, SEMPRA, and DOES 1-100's construction, operation,  
16 management, and maintenance of the Aliso Canyon Facility, Defendants intentionally, recklessly,  
17 willfully, negligently, or as the result of engaging in an extra-hazardous activity, caused dangerous  
18 levels of noxious odors, hazardous gases, chemicals, pollutants, and contaminants to enter onto  
19 Plaintiffs' property by leaks, releases, emissions, and migration from the Aliso Canyon Facility.

20 72. Plaintiffs did not give permission for this entry.

21 73. Plaintiffs suffered harm from Defendants SOCAL GAS, SEMPRA, and DOES 1-  
22 100's conduct, including, but not limited to, polluted land and air in and around Plaintiffs' property;  
23 diminution in the value of Plaintiffs' property; and adverse health effects to Plaintiffs, including but  
24 not limited to dizziness, nausea, drowsiness, headaches, nose bleeds, paleness, rashes, and  
25 vomiting.

26 74. Defendants SOCAL GAS, SEMPRA, and DOES 1-100's actions were a substantial  
27 factor in causing the harm to Plaintiffs as there were no other independent causes of the trespass  
28

1 onto Plaintiffs' property.

2 75. Defendants SOCAL GAS, SEMPRA, and DOES 1-100's actions resulted in the  
3 pollution of air, and deprived Plaintiffs of their ability to live in their home free of health problems.  
4 Defendants SOCAL GAS, SEMPRA, and DOES 1-100 took these actions with a willful and  
5 conscious disregard for the rights and safety of Plaintiffs' and their community, amounting to  
6 oppression, fraud, or malice. Plaintiffs should therefore be awarded punitive and exemplary  
7 damages under Civil Code section 3294 sufficient to punish Defendants for engaging in this  
8 conduct and to deter similar conduct in the future.

9 76. In addition, Plaintiffs should be awarded attorney's fees under Code of Civil  
10 Procedure 1021.5 because the successful prosecution of this action will confer a significant benefit,  
11 both pecuniary and non-pecuniary, on the general public by abating environmental harm and  
12 preventing future harm to residents of Porter Ranch and communities across the State of California.  
13 Further, the necessity and financial burden of private enforcement makes such an award  
14 appropriate as the litigation is not economically feasible or viable for Plaintiffs to pursue on their  
15 own at their own expense, and such fees should not, in the interest of justice, be paid out of the  
16 recovery, if any.

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ILAN M., and EDUARD MARTYNOV pray for the following damages and relief:

1. For general damages according to proof and in accordance with California *Code of Civil Procedure* section 425.10;
2. For special damages according to proof and in accordance with California *Code of Civil Procedure* section 425.10;
3. For punitive damages against Defendant SOCAL GAS, SEMPRA, and DOES 1 through 100, in an amount necessary to punish and/or set an example of said Defendants;
4. For costs of suit incurred herein;
5. For prejudgment interest, according to proof;
6. For reasonable attorneys' fees pursuant to California Code of Civil Procedure section 1021.5;
7. For all statutorily allowed damages; and
8. For such other relief as the Court may deem just and proper.

McNICHOLAS & McNICHOLAS, LLP

By:

Matthew S. McNicholas  
Justin J. Eballar  
Attorneys for Plaintiffs  
PRIANKA SHAHRIN, IGOR MARTINOV,  
ILAN M., a minor by and through his  
Guardian ad Litem, PRIANKA SHAHRIN,  
and EDUARD MARTINOV



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**DEMAND FOR TRIAL BY JURY**

Plaintiffs PRIANKA SHAHRIN, IGOR MARTINOV,  
ILAN M., and EDUARD MARTYNOV hereby demand trial of all causes by jury.

Dated: December 18, 2015

McNICHOLAS & McNICHOLAS, LLP

By: \_\_\_\_\_

Matthew S. McNicholas

Justin J. Eballar

Attorneys for Plaintiffs

PRIANKA SHAHRIN, IGOR MARTINOV,  
ILAN M., a minor by and through his  
Guardian ad Litem, PRIANKA SHAHRIN,  
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Attorneys for Plaintiffs,  
PRIANKA SHAHRIN, IGOR MARTINOV,  
ILAN M., and EDUARD MARTYNOV

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

PRIANKA SHAHRIN, an individual; IGOR  
MARTINOV, an individual; ILAN M., a  
minor by and through his Guardian ad Litem,  
PRIANKA SHAHRIN; and EDUARD  
MARTINOV, an individual,

Plaintiffs,

vs.

SOUTHERN CALIFORNIA GAS  
COMPANY, a corporation; and SEMPR  
ENERGY, a corporation; and DOES 1 through  
100.

Defendants.

Case No.

**COMPLAINT FOR DAMAGES**

1. NEGLIGENCE
2. STRICT LIABILITY –  
ULTRAHAZARDOUS  
ACTIVITY
3. PRIVATE NUISANCE
4. INVERSE CONDEMNATION
5. TRESPASS

**JURY TRIAL DEMANDED**

COMES NOW the Plaintiffs, individually, who request a trial by jury, and allege as  
follows:

**THE PARTIES**

1. At all relevant times, Plaintiff PRIANKA SHAHRIN (hereinafter "PRIANKA") is a  
resident of the Porter Ranch neighborhood in the County of Los Angeles, State of California.
2. At all relevant times, Plaintiff IGOR MARTINOV (hereinafter "IGOR") is a  
resident of the Porter Ranch neighborhood in the County of Los Angeles, State of California.
3. At all relevant times, Plaintiff ILAN M., a minor, by and through Guardian ad

1 Litem, PRIANKA SHAHRIN, was a resident of the Porter Ranch neighborhood, in the County of  
2 Los Angeles, State of California. ILAN M. is the biological son of PRIANKA SHAHRIN.

3 4. At all relevant times, Plaintiff EDUARD MARTINOV is a resident of the Porter  
4 Ranch neighborhood, in the County of Los Angeles, State of California.

5 5. Plaintiffs are informed and believe and based thereon allege that Defendant  
6 SOUTHERN CALIFORNIA GAS COMPANY (hereinafter "SOCAL GAS") is, and at all times  
7 mentioned in this Complaint was, a corporation duly organized and existing under the laws of the  
8 State of California. SOCAL GAS is a company doing business in and throughout the State of  
9 California.

10 6. Plaintiffs are informed and believe and based thereon allege that Defendant  
11 SEMPRA ENERGY (hereinafter "SEMPRA") is, and at all times mentioned in this Complaint  
12 was, a corporation duly organized and existing under the laws of the State of California. SEMPRA  
13 is a company doing business in and throughout the State of California. SEMPRA owns, operates,  
14 and manages SOCAL GAS as a subsidiary.

15 7. The true names and capacities, whether individual, corporate, associate, or  
16 otherwise, of Defendants DOES 1 through 100, inclusive are unknown to Plaintiffs who therefore  
17 sue such defendants by fictitious names, but will amend this Complaint to show their true names  
18 and capacities when same have been ascertained. Plaintiffs are informed and believe and thereon  
19 allege that each of the defendants designated herein as "DOE" is in some manner, and to some  
20 extent, legally responsible for the events and happenings herein referred to and caused injury and  
21 damage proximately thereby to Plaintiffs as herein alleged.

22 8. Plaintiffs are informed and believe and based thereon allege that at all times relevant  
23 herein, Defendant DOES 1 through 20 were the agents and employees of Defendant SOCAL GAS,  
24 and, in doing all of the things hereinafter mentioned, were acting within the scope of their authority  
25 and employment as such agents and employees and with the permission and consent of the SOCAL  
26 GAS.  
27  
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1           9.       Plaintiffs are informed and believe and based thereon allege that at all times relevant  
2 herein, Defendant DOES 21 through 40 were the agents and employees of Defendant SEMPRA,  
3 and, in doing all of the things hereinafter mentioned, were acting within the scope of their authority  
4 and employment as such agents and employees and with the permission and consent of the  
5 SEMPRA.

6           10.      Plaintiffs are informed and believe and based thereon allege that at all times  
7 mentioned herein, each of the Defendants was the agent, servant, employee, and/or joint venturer  
8 of each of the remaining defendants and at all times, was acting within the course and/or scope of  
9 such employment, agency, service, or venture.

10          11.      Plaintiffs are informed and believe and based thereon allege that at all times herein  
11 mentioned, each of the Defendants was the co-tortfeasor of each of the other Defendants and  
12 responsible for the total harm, damages and wrong suffered by the decedent and Plaintiffs, and  
13 each of them.

14                                   **GENERAL ALLEGATIONS**

15          12.      Defendant SOCAL GAS is the nation's largest natural gas distribution utility, and  
16 provides natural gas and related services the central and southern regions of the State of California.

17          13.      At all relevant times, Defendant SOCAL GAS has owned, operated, maintained,  
18 and managed the Aliso Canyon gas and oil storage facility (herein after "Aliso Canyon Facility") at  
19 12801 Tampa Ave. Los Angeles, California 91326, adjacent to the northernmost border of the  
20 neighborhood of Porter Ranch.

21          14.      The Aliso Canyon Facility is one of the largest natural gas storage fields in the  
22 United States, with 115 wells and a capacity for 86 billion cubic feet of natural gas, located  
23 thousands of feet underground. The storage field is a depleted oil field that has been converted to  
24 store natural gas which is pumped and injected-in from sources including the Rocky Mountains.

25          15.      Some time prior to October 23, 2015, a well at Defendant SOCAL GAS' Aliso  
26 Canyon Facility began to spew noxious odors, hazardous gases, chemicals, pollutants, and  
27 contaminants from at least one of its underground wells, due to a massive well failure and blowout.  
28

1           16.     Despite knowledge of the leak, Defendant SOCAL GAS refused to report the  
2 dangerous leak of noxious odors, hazardous gases, chemicals, pollutants, and contaminants to the  
3 appropriate governmental authorities or to the neighboring community of Porter Ranch.

4           17.     On October 23, 2015, Defendant SOCAL GAS reported the foregoing leak to  
5 government regulatory agencies, but not local residents, that it detected an uncontrolled flow of  
6 fluids and gas from a storage well at the Aliso Canyon Facility.

7           18.     Defendant SOCAL GAS failed to timely report the gas leak to regulatory agencies  
8 and neighboring communities susceptible to fallout from the leak, including the Porter Ranch  
9 neighborhood.

10          19.     Defendant SOCAL GAS failed to inform residents of neighboring communities,  
11 such as Porter Ranch, of the disastrous gas leak, putting the health and well-being of thousands of  
12 families in jeopardy.

13          20.     When Defendant SOCAL GAS did inform residents of Porter Ranch regarding the  
14 gas leak, those residents were intentionally misinformed regarding the extent of exposure and risks  
15 from such exposure to the chemicals and compounds found in the cloud of natural gas and  
16 additives engulfing their neighborhood.

17          21.     The natural gas erupting from Defendant SOCAL GAS' Aliso Canyon Facility is  
18 composed primarily of methane. However, mercaptans, benzene, toluene, hydrogen sulfides, and  
19 sulfur dioxide were also all present in the toxic cloud.

20          22.     Mercaptans are flammable, putrid smelling compounds added to natural gas in order  
21 to provide a way to non-mechanically detect an otherwise colorless, odorless gas. According to the  
22 Center for Disease Control, Mercaptans are highly irritant to the eyes, skin, and upper respiratory  
23 tract and can cause headaches, dizziness, nausea, vomiting, coma, and death. Mercaptans are also  
24 denser than natural air, and as such, have easily flowed from the higher altitude Aliso Canyon  
25 Facility down into the lower altitude neighborhood of Porter Ranch, where they have settled.

26          23.     Benzene is a known carcinogen. Exposure to benzene can cause short term  
27 symptoms such as drowsiness, dizziness, headaches, and eye, skin, and respiratory tract infections.  
28

1 Long term exposure to benzene can cause blood disorders

2 24. Toluene, is a dangerous gaseous chemical that can cause acute and chronic damage  
3 to the central nervous system, cause fatigue, sleepiness, headaches, and nausea.

4 25. Methane is the primary element in natural gas. It is highly flammable, explosive,  
5 and is an asphyxiant that can displace oxygen.

6 26. These gaseous chemicals and compounds are erupting from Defendant SOCAL  
7 GAS' Aliso Canyon Facility at a rate of approximately 50,000 kilograms (110,000 pounds) per  
8 hour. At that rate, the gas leak has currently released over a million metric tons (approximately  
9 two billion pounds) of natural gases into the atmosphere and Porter Ranch community.

10 27. Out of concern for pilot safety, the Federal Aviation Administration has banned  
11 aircraft flights over Porter Ranch due to the gas leak until early next year. The no-fly zone spans a  
12 one-half mile diameter and extends 2,000 feet into the air.

13 28. This rate of eruption stands to continue due to Defendant SOCAL GAS' continued  
14 replenishment of natural gases into the affected gas storage well.

15 29. Porter Ranch, a community of 30,000 people, which is located approximately 0.5  
16 miles from the affected gas well at the Aliso Canyon Facility, has experienced toxic impacts from  
17 the air contamination since the massive failure of the gas storage well.

18 30. Plaintiffs are all residents of the Porter Ranch community who will continue to be  
19 subject to the constantly replenished cloud of noxious odors, hazardous gases, chemicals,  
20 pollutants, and contaminants for several months, until Defendant SOCAL GAS is able to remedy  
21 the leak.

22 31. The failure of the well should have never happened, and the incredible duration of  
23 the crisis should have and would have been avoided had Defendant SOCAL GAS established and  
24 promptly implemented appropriate contingency plans for such an event.

25 32. Defendant SOCAL GAS negligently and with conscious disregard for the safety of  
26 others, delayed reporting of the disastrous leak, created the conditions which allowed the well to  
27

1 fail, and exacerbated the effects of that failure by its lack of preparedness for such a disaster.<sup>1</sup>

2 33. Plaintiffs have and continue to suffer physical, psychological, and emotional injuries  
3 due to Defendant SOCAL GAS' undertaking of an ultra-hazardous activity, as well as its  
4 negligence in operation, maintenance and repair of its facility, and its conscious disregard for the  
5 health and safety of others and the community at large.

6 34. Defendants SOCAL GAS, SEMPRA ENERGY, and DOES 1-100 have also caused  
7 Plaintiffs to experience physical ailments, including but not limited to nausea, pounding headaches,  
8 nosebleeds, vomiting, rashes, and paleness.

9 35. Plaintiffs also continue to experience emotional and psychological injuries as a  
10 result of Defendants' activities. This includes, but is not limited to, anxiety, panic attacks,  
11 depression, and concern for the health of themselves and all members of their household.

12 36. Due to Defendants SOCAL GAS, SEMPRA, and DOES 1-100's undertaking of an  
13 ultra-hazardous activity, as well as its negligence in operation, maintenance and repair of its  
14 facility, and its conscious disregard for the health and safety of others and the community at large,  
15 Plaintiffs' lives were interrupted, and they have been forced to relocate from their home until the  
16 noxious odors, hazardous gases, chemicals, pollutants, and contaminants from the Aliso Canyon  
17 Facility are contained.

18 37. Defendants SOCAL GAS, SEMPRA, and DOES 1-100's undertaking of an  
19 ultra-hazardous activity; their negligence in operation, maintenance and repair of the Aliso Canyon  
20 Facility; and their conscious disregard for the health and safety of others, has resulted in Plaintiffs  
21 being forced to relocate from their home because they cannot safely stay there while it is subject to  
22 the noxious odors, hazardous gases, chemicals, pollutants, and contaminants leaking from from the  
23 Aliso Canyon Facility.  
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26  
27 <sup>1</sup> Defendant SOCAL GAS exacerbated its own leak when it attempted to remedy the gas leak by filling the well bore  
28 with heavy brine and barite, which ended up causing further damage to the leaking well, increasing the volume of gas  
per day. Moreover, equipment necessary to permanently stop the leak was located in the Gulf of Mexico area, causing a  
delay of several days.

38. As a result, Defendants SOCAL GAS and SEMPRA have temporarily relocated all four (4) Plaintiffs here, from their large, accommodating house to a hotel that is less than a like-kind substitute. While safe from the gas, the relocation hotel lacks the space and location of Plaintiffs' home. Moreover, Plaintiffs are forced to spend the holiday season away from their family home.

39. Plaintiffs have been regularly and consistently exposed to the toxic gases released into the Porter Ranch community, experiencing, among many other things, the putrid smell of mercaptans inside and outside of their home, nausea, pounding headaches, nosebleeds, vomiting, rashes, and paleness. Within recent days, the noxious smell of mercaptans has increased, and as a result, so have the headaches, nausea, nosebleeds, rashes, and paleness.

40. In addition, minor Plaintiffs' school is located dangerously close to the epicenter of the Aliso Canyon Facility gas leak, forcing their parents to choose between their children's health or education.

41. Defendants' creation of and failure to abate the gas leak at the Aliso Canyon Facility has resulted in substantial impairment of Plaintiffs' use and enjoyment of their property as well as personal injuries to each and every Plaintiff.

**FIRST CAUSE OF ACTION**

## NEGLIGENCE

**(Against Defendants SOCAL GAS, SEMPRA, and DOES 1-100)**

42. Plaintiffs reallege and incorporate by reference every allegation contained in this Complaint as though set forth herein in full.

43. At all times mentioned herein, Defendants SOCAL GAS, SEMPRRA, and DOES 1 through 100, inclusive, and each of them, owned, constructed, operated, managed, and maintained the Aliso Canyon Facility, a facility storing copious amounts of natural gas with noxious odors, hazardous gases, chemicals, pollutants, and contaminants, in underground storage wells.



1           44.       At all times mentioned herein, Defendants SOCAL GAS, SEMPRA, and DOES  
2 1 through 100 owed multiple duties to Plaintiffs to use reasonable care in owning, constructing,  
3 operating, managing, and maintaining its storage wells at the Aliso Canyon Facility.

4           45.       Defendants SOCAL GAS, SEMPRA, and DOES 1 through 100, inclusive, and  
5 each of them, by and through their officers, directors, employees and/or managing agents, breached  
6 their duty by negligently, carelessly, or recklessly owning, constructing, operating, managing, and  
7 maintaining the natural gas storage wells at the Aliso Canyon Facility. This negligence,  
8 carelessness, or recklessness directly and proximately caused leaks, eruptions, releases, emissions,  
9 and migration of noxious odors, hazardous gases, chemicals, pollutants, and contaminants into  
10 Plaintiffs' land, home, and person.

11           46.       Said breach of duty by Defendants SOCAL GAS, SEMPRA, and DOES 1  
12 through 100, inclusive, and each of them, by and through their officers, directors, employees and/or  
13 managing agents, also directly and proximately caused increased concentrations of noxious odors,  
14 hazardous gases, chemicals, pollutants, and contaminants on Plaintiffs' land and person to such an  
15 extent that Plaintiffs have suffered personal and property injuries.

16           47.       The past, present, and ongoing injuries to Plaintiffs, which are, were, and will be  
17 directly and proximately caused by Defendants SOCAL GAS, SEMPRA, and DOES 1 through  
18 100, inclusive, and each of them, by and through their officers, directors, employees and/or  
19 managing agents, include polluted land and air in and around Plaintiffs' property; diminution in the  
20 value of Plaintiffs' property; and adverse health effects to Plaintiffs, including but not limited to,  
21 dizziness, nausea, drowsiness, headaches, nose bleeds, paleness, rashes, and vomiting.

22           48.       Defendants SOCAL GAS, SEMPRA, and DOES 1 through 100, inclusive, and  
23 each of them, by and through their officers, directors, employees and/or managing agents continue  
24 to act negligently, carelessly, and recklessly in their management, construction, maintenance,  
25 mitigation, and repair of the gas storage well leak through, among other things, their conduct  
26 causing the gas leak, failure to truthfully inform Plaintiffs and all residents of Porter Ranch  
27 regarding the nature and extent of the natural gas leak and its effects, lack of diligence in effecting  
28

1 safety measures, and delays in making permanent repairs to the leaking natural gas well at the  
2 Aliso Canyon Facility.

3 **SECOND CAUSE OF ACTION**

4 **STRICT LIABILITY – ULTRAHAZARDOUS ACTIVITY**

5 **(Against Defendants SOCAL GAS, SEMPRA, and DOES 1-100)**

6 49. Plaintiffs reallege and incorporate by reference every allegation contained in this  
7 Complaint as though set forth herein in full.

8 50. In owning, constructing, operating, managing, and maintaining the Aliso Canyon  
9 Facility, a facility storing copious amounts of flammable, explosive natural gas with noxious odors,  
10 hazardous gases, chemicals, pollutants, and contaminants, in underground storage wells in close  
11 proximity to a residential housing development, Defendants SOCAL GAS, SEMPRA, and DOES  
12 1-100, were engaged in an ultrahazardous activity.

13 51. Defendants SOCAL GAS, SEMPRA, and DOES 1-100's business of storing,  
14 using, receiving, and providing natural gas with noxious odors, hazardous gases, chemicals,  
15 pollutants, and contaminants to others is inherently and unavoidably dangerous in that its very  
16 nature involves a high degree of risk of harm to others due to its flammable, toxic, and repulsive  
17 qualities. These and all risks associated with SOCAL GAS, SEMPRA, and DOES 1-100's business  
18 persist despite due care due to the aforesaid flammable and toxic nature of natural gas storage.

19 52. Engaging in the foregoing ultrahazardous activity has caused leaks, eruptions,  
20 releases, emissions, and migration of noxious odors, hazardous gases, chemicals, pollutants, and  
21 contaminants into Plaintiffs' land, home, and person, resulting in personal and property injuries.

22 53. The past, present, and ongoing injuries to Plaintiffs, which are, were, and will be,  
23 directly and proximately caused by Defendants SOCAL GAS, SEMPRA, and DOES 1 through  
24 100, inclusive, and each of them, by and through their officers, directors, employees and/or  
25 managing agents, include polluted land and air in and around Plaintiffs' property; diminution in the  
26 value of Plaintiffs' property; and adverse health effects to Plaintiffs, including but not limited to  
27 dizziness, nausea, drowsiness, headaches, nose bleeds, paleness, rashes, and vomiting.  
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54. Defendants SOCAL GAS, SEMPRA, and DOES 1 through 100, inclusive, and each of them, by and through their officers, directors, employees and/or managing agents continue to injure Plaintiffs by their failure to truthfully inform Plaintiffs and all residents of Porter Ranch regarding the nature and extent of the natural gas leak and its effects, lack of diligence in effecting safety measures, and delays in making permanent repairs to the leaking natural gas well at the Aliso Canyon Facility.

55. Defendants SOCAL GAS, SEMPRA, and DOES 1-100's actions resulted in the pollution of air, and deprived Plaintiffs of their ability to live in their home free of health problems. Defendants SOCAL GAS, SEMPRA, and DOES 1-100 took these actions with a willful, conscious, disregard for the rights and safety of Plaintiffs' and their community, amounting to oppression, fraud, or malice. Plaintiffs should therefore be awarded punitive and exemplary damages under Civil Code section 3294 sufficient to punish Defendants for engaging in this conduct and to deter similar conduct in the future.

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

### **THIRD CAUSE OF ACTION**

## PRIVATE NUISANCE

**(Against Defendants SOCAL GAS, SEMPRA, and DOES 1-100)**

57. Plaintiffs reallege and incorporate by reference every allegation contained in this Complaint as though set forth in full herein.

1           58.       In the course of owning, constructing, operating, managing, and maintaining the  
2 Aliso Canyon Facility, a facility storing copious amounts of natural gas with noxious odors,  
3 hazardous gases, chemicals, pollutants, and contaminants, in underground storage wells,  
4 Defendants SOCAL GAS, SEMPRA, and DOES 1-100 created a condition that is injurious to the  
5 health of all Plaintiffs and indecent and offensive to the senses, which also obstructs and interferes  
6 with the comfortable enjoyment of life and property in such a way that Plaintiffs have suffered  
7 diminution in value of their property, and every Plaintiffs' health is in jeopardy simply by being  
8 present in their home.

9           59.       The gravitas of the foregoing damage caused to Plaintiffs' property and person is  
10 beyond what a reasonable person can expect another to bear, even in light of the social utility of  
11 storing and providing natural gas.

12           60.       The interference caused by Defendants SOCAL GAS, SEMPRA, and DOES 1-  
13 100 is to such a degree that it substantially annoys and disturbs Plaintiffs as well as all residents of  
14 the Porter Ranch neighborhood. Defendants SOCAL GAS, SEMPRA, and DOES 1-100's conduct  
15 approximately 0.5 miles away from Plaintiffs' neighborhood has caused significant and substantial  
16 diminution in the value of Plaintiffs' property; short and long term negative health effects  
17 including, but not limited to, dizziness, nausea, drowsiness, pounding headaches, nose bleeds,  
18 paleness, rashes, and vomiting by creating a toxic cloud of noxious odors, hazardous gases,  
19 chemicals, pollutants, and contaminants from the gas leak at their Aliso Canyon Facility that now  
20 pours over the Porter Ranch neighborhood.

21           61.       Defendants SOCAL GAS, SEMPRA, and DOES 1-100's actions resulted in the  
22 pollution of air, and deprived Plaintiffs of their ability to live in their home free of health problems.  
23 Defendants SOCAL GAS, SEMPRA, and DOES 1-100 took these actions with a willful and  
24 conscious disregard for the rights and safety of Plaintiffs' and their community, amounting to  
25 oppression, fraud, or malice. Plaintiffs should therefore be awarded punitive and exemplary  
26 damages under Civil Code section 3294 sufficient to punish Defendants for engaging in this  
27 conduct and to deter similar conduct in the future.  
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62. In addition, Plaintiffs should be awarded attorney's fees under Code of Civil Procedure 1021.5 because the successful prosecution of this action will confer a significant benefit, both pecuniary and non-pecuniary, on the general public by abating environmental harm and preventing future harm to residents of Porter Ranch and communities across the State of California. Further, the necessity and financial burden of private enforcement makes such an award appropriate as the litigation is not economically feasible or viable for Plaintiffs to pursue on their own at their own expense, and such fees should not, in the interest of justice, be paid out of the recovery, if any.

#### **FOURTH CAUSE OF ACTION**

## INVERSE CONDEMNATION

**(Against Defendants SOCAL GAS, SEMPRA, and DOES 1-100)**

63. Plaintiffs reallege and incorporate by reference every allegation contained in this Complaint as though set forth in full herein.

64. Article I, Section 19 of the California Constitution provides the basis for recovery against government entities and public utilities via the theory of inverse condemnation when private property is taken or damaged for a public use without just compensation to the owner.

65. Defendants SOCAL GAS, SEMPRA, and DOES 1-100 are in the business of providing natural gas utility services to consumers in Central and Southern California.

66. Defendants SOCAL GAS, SEMPRA, and DOES 1-100's collection and transmission of copious amounts of natural gas with noxious odors, hazardous gases, chemicals, pollutants, and contaminants at the Aliso Canyon Facility for purposes of serving the public with natural gas is a public use.

67. As a result of Defendant SOCAL GAS, SEMPRA, and DOES 1-100's collection and transmission of natural gas at Aliso Canyon Facility, Defendants have intentionally, recklessly, willfully, negligently, or as the result of engaging in an ultra-hazardous activity, caused dangerous levels of noxious odors, hazardous gases, chemicals, pollutants, and contaminants to enter onto and into Plaintiffs' real property. Consequently, Defendants' actions are the direct and proximate cause

1 of the physical damage to Plaintiffs' property that has rendered said property valueless and  
2 virtually unusable.

3 68. The acts and omissions of Defendants SOCAL GAS, SEMPRA, and DOES 1-100  
4 constitute a physical invasion of Plaintiffs' real property for a public use, placing a burden on  
5 Plaintiffs that is direct, substantial, and peculiar to the property itself.

6 69. The exorbitant amount of interference that Defendants SOCAL GAS, SEMPRA,  
7 and DOES 1-100 have caused to Plaintiffs' property amounts to a taking of said property without  
8 lawful authority and without formal exercise of the power of eminent domain, resulting in inverse  
9 condemnation.

### 10 **FIFTH CAUSE OF ACTION**

#### 11 **TRESPASS**

#### 12 **(Against Defendants SOCAL GAS, SEMPRA, and DOES 1-100)**

13 70. Plaintiffs reallege and incorporate by reference every allegation contained in this  
14 Complaint as though set forth in full herein.

15 71. In Defendant SOCAL GAS, SEMPRA, and DOES 1-100's construction, operation,  
16 management, and maintenance of the Aliso Canyon Facility, Defendants intentionally, recklessly,  
17 willfully, negligently, or as the result of engaging in an extra-hazardous activity, caused dangerous  
18 levels of noxious odors, hazardous gases, chemicals, pollutants, and contaminants to enter onto  
19 Plaintiffs' property by leaks, releases, emissions, and migration from the Aliso Canyon Facility.

20 72. Plaintiffs did not give permission for this entry.

21 73. Plaintiffs suffered harm from Defendants SOCAL GAS, SEMPRA, and DOES 1-  
22 100's conduct, including, but not limited to, polluted land and air in and around Plaintiffs' property;  
23 diminution in the value of Plaintiffs' property; and adverse health effects to Plaintiffs, including but  
24 not limited to dizziness, nausea, drowsiness, headaches, nose bleeds, paleness, rashes, and  
25 vomiting.

26 74. Defendants SOCAL GAS, SEMPRA, and DOES 1-100's actions were a substantial  
27 factor in causing the harm to Plaintiffs as there were no other independent causes of the trespass  
28

1 onto Plaintiffs' property.

2 75. Defendants SOCAL GAS, SEMPRA, and DOES 1-100's actions resulted in the  
3 pollution of air, and deprived Plaintiffs of their ability to live in their home free of health problems.  
4 Defendants SOCAL GAS, SEMPRA, and DOES 1-100 took these actions with a willful and  
5 conscious disregard for the rights and safety of Plaintiffs' and their community, amounting to  
6 oppression, fraud, or malice. Plaintiffs should therefore be awarded punitive and exemplary  
7 damages under Civil Code section 3294 sufficient to punish Defendants for engaging in this  
8 conduct and to deter similar conduct in the future.

9 76. In addition, Plaintiffs should be awarded attorney's fees under Code of Civil  
10 Procedure 1021.5 because the successful prosecution of this action will confer a significant benefit,  
11 both pecuniary and non-pecuniary, on the general public by abating environmental harm and  
12 preventing future harm to residents of Porter Ranch and communities across the State of California.  
13 Further, the necessity and financial burden of private enforcement makes such an award  
14 appropriate as the litigation is not economically feasible or viable for Plaintiffs to pursue on their  
15 own at their own expense, and such fees should not, in the interest of justice, be paid out of the  
16 recovery, if any.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs PRIANKA SHAHRIN, IGOR MARTINOV,  
ILAN M., and EDUARD MARTYNOV pray for the following damages and relief:

1. For general damages according to proof and in accordance with California *Code of Civil Procedure* section 425.10;
2. For special damages according to proof and in accordance with California *Code of Civil Procedure* section 425.10;
3. For punitive damages against Defendant SOCAL GAS, SEMPRA, and DOES 1 through 100, in an amount necessary to punish and/or set an example of said Defendants;
4. For costs of suit incurred herein;
5. For prejudgment interest, according to proof;
6. For reasonable attorneys' fees pursuant to California Code of Civil Procedure section 1021.5;
7. For all statutorily allowed damages; and
8. For such other relief as the Court may deem just and proper.

Dated: December 18, 2015

McNICHOLAS & McNICHOLAS, LLP

By: \_\_\_\_\_

Matthew S. McNicholas  
Justin J. Eballar  
Attorneys for Plaintiffs  
PRIANKA SHAHRIN, IGOR MARTINOV,  
ILAN M., a minor by and through his  
Guardian ad Litem, PRIANKA SHAHRIN,  
and EDUARD MARTINOV



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**DEMAND FOR TRIAL BY JURY**

Plaintiffs PRIANKA SHAHRIN, IGOR MARTINOV,  
ILAN M., and EDUARD MARTYNOV hereby demand trial of all causes by jury.

Dated: December 18, 2015

McNICHOLAS & McNICHOLAS, LLP

By: \_\_\_\_\_

Matthew S. McNicholas

Justin J. Eballar

Attorneys for Plaintiffs

PRIANKA SHAHRIN, IGOR MARTINOV,  
ILAN M., a minor by and through his  
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