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1 Matthew S. McNicholas, Esq. (State Bar No. 190249)
Justin J. Eballar, Esq. (State Bar No. 294718)
2 McNICHOLAS & McNICHOLAS, LLP
10866 Wilshire Boulevard, Suite 1400
3 Los Angeles, California 90024-4338
4 (310) 474-1582

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Los Angeles Superior Court

DEC 18 2015

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

5 Attorneys for Plaintiffs,
DENNY TAN, GUNYA TAN, DEWI TAN,
6 RINA HIURIONO, RYAN T., and KAYLIE T.

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10 DENNY TAN, an individual; GUNYA TAN,
11 an individual; DEWI TAN, an individual;
12 RINA HIURIONO, an individual; RYAN T.,
a minor by and through his Guardian ad
13 Litem, GUNYA TAN; and KAYLIE T., a
minor by and through her Guardian ad Litem,
14 GUNYA TAN,
15 Plaintiffs,
16 vs.
17 SOUTHERN CALIFORNIA GAS
18 COMPANY, a corporation; and SEMPRA
ENERGY, a corporation; and DOES 1 through
19 100.
20 Defendants.

Case No. BC 6 0 4 8 1 5

COMPLAINT FOR DAMAGES

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

JURY TRIAL DEMANDED

21
22 COMES NOW the Plaintiffs, individually, request a trial by jury, and allege as follows:

23 THE PARTIES

- 24 1. At all relevant times, Plaintiff DENNY TAN (hereinafter “DENNY”) is a resident
25 of the Porter Ranch neighborhood in the County of Los Angeles, State of California.
- 26 2. At all relevant times, Plaintiff GUNYA TAN (hereinafter “GUNYA”) is a resident
27 of the Porter Ranch neighborhood in the County of Los Angeles, State of California.
- 28 3. At all relevant times, Plaintiff DEWI TAN (hereinafter “DEWI”) is a resident of the

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Los Angeles, California 90024-4338
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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

DENNY TAN, an individual; GUNYA TAN,
an individual; DEWI TAN, an individual;
RINA HIURIONO, an individual; RYAN T.,
a minor by and through his Guardian ad
Litem, GUNYA TAN; and KAYLIE T., a
minor by and through her Guardian ad Litem,
GUNYA TAN,

Plaintiffs,

vs.

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

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1. NEGLIGENCE
2. STRICT LIABILITY –
ULTRAHAZARDOUS
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5. TRESPASS

JURY TRIAL DEMANDED

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

THE PARTIES

1. At all relevant times, Plaintiff DENNY TAN (hereinafter "DENNY") is a resident of the Porter Ranch neighborhood in the County of Los Angeles, State of California.
2. At all relevant times, Plaintiff GUNYA TAN (hereinafter "GUNYA") is a resident of the Porter Ranch neighborhood in the County of Los Angeles, State of California.
3. At all relevant times, Plaintiff DEWI TAN (hereinafter "DEWI") is a resident of the

1 Porter Ranch neighborhood in the County of Los Angeles, State of California.

2 4. At all relevant times, Plaintiff RINA HIURIONO (hereinafter "RINA") is a resident
3 of the Porter Ranch neighborhood in the County of Los Angeles, State of California.

4 5. At all relevant times, Plaintiff RYAN T., a minor, by and through Guardian ad
5 Litem, GUNYA TAN, was a resident of the Porter Ranch neighborhood, in the County of Los
6 Angeles, State of California. RYAN T. is the biological son of GUNYA TAN.

7 6. At all relevant times, Plaintiff KAYLIE T., a minor, by and through Guardian ad
8 Litem, GUNYA TAN, was a resident of the Porter Ranch neighborhood, in the County of Los
9 Angeles, State of California. KAYLIE T. is the biological daughter of GUNYA TAN.

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

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

20 9. The true names and capacities, whether individual, corporate, associate, or
21 otherwise, of Defendants DOES 1 through 100, inclusive are unknown to Plaintiffs who therefore
22 sue such defendants by fictitious names, but will amend this Complaint to show their true names
23 and capacities when same have been ascertained. Plaintiffs are informed and believe and thereon
24 allege that each of the defendants designated herein as "DOE" is in some manner, and to some
25 extent, legally responsible for the events and happenings herein referred to and caused injury and
26 damage proximately thereby to Plaintiffs as herein alleged.
27

10. Plaintiffs are informed and believe and based thereon allege that at all times relevant herein, Defendant DOES 1 through 20 were the agents and employees of Defendant SOCAL GAS, 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 SOCAL GAS.

11. 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.

12. 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.

13. 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

14. 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.

15. 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.

16. 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

1 thousands of feet underground. The storage field is a depleted oil field that has been converted to
2 store natural gas which is pumped and injected in from sources including the Rocky Mountains.

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

6 18. Despite knowledge of the leak, Defendant SOCAL GAS refused to report the
7 dangerous leak of noxious odors, hazardous gases, chemicals, pollutants, and contaminants to the
8 appropriate governmental authorities or to the neighboring community of Porter Ranch.

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

12 20. Defendant SOCAL GAS failed to timely report the gas leak to regulatory agencies
13 and neighboring communities susceptible to fallout from the leak, including the Porter Ranch
14 neighborhood.

15 21. Defendant SOCAL GAS failed to inform residents of neighboring communities,
16 such as Porter Ranch, of the disastrous gas leak, putting the health and well-being of thousands of
17 families in jeopardy.

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

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

25 24. Toluene, is a dangerous gaseous chemical that can cause acute and chronic damage
26 to the central nervous system, cause fatigue, sleepiness, headaches, and nausea.
27

1 25. Benzene is a known carcinogen. Exposure to benzene can cause short term
2 symptoms such as drowsiness, dizziness, headaches, and eye, skin, and respiratory tract infections.
3 Long term exposure to benzene can cause blood disorders

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

10 27. Methane is the primary element in natural gas. It is highly flammable, explosive,
11 and is an asphyxiant that can displace oxygen.

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

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

19 30. This rate of eruption stands to continue due to Defendant SOCAL GAS' continued
20 replenishment of natural gases into the affected gas storage well.

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

24 32. Plaintiffs are all residents of the Porter Ranch community who will continue to be
25 subject to the constantly replenished cloud of toxic gas for several months, until Defendant
26 SOCAL GAS is able to remedy the leak.
27

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

4 34. Defendant SOCAL GAS negligently and with conscious disregard for the safety of
5 others, delayed reporting of the disastrous leak, created the conditions which allowed the well to
6 fail, and exacerbated the effects of that failure by its lack of preparedness for such a disaster.¹

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

11 36. Defendants SOCAL GAS, SEMPRA ENERGY, and DOES 1-100 have also caused
12 Plaintiffs to experience physical ailments, including but not limited to nausea, pounding headaches,
13 nosebleeds, vomiting, rashes, and paleness.

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

17 38. Plaintiffs' lives were interrupted by Defendants SOCAL GAS and/or SEMPRA'S
18 failed relocation efforts concerning all Plaintiffs. Defendants SOCAL GAS and SEMPRA offered
19 relocation to all six (6) Plaintiffs here, from their large, accommodating house to a two (2) bed
20 hotel with insufficient space to reasonably accommodate all persons in their family.

21 39. Plaintiffs' lives were further interrupted after the second day of relocation to a
22 hotel, when they were forced to return to their home because Defendants SOCAL GAS and
23 SEMPRA refused to continue subsidizing their relocation.
24

25
26
27 ¹ 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 40. Plaintiffs have been regularly and consistently exposed the toxic gases released
2 into the Porter Ranch community, experiencing, among many other things, the putrid smell of
3 mercaptans inside and outside of their home. In addition, minor Plaintiffs' school is located
4 dangerously close to the epicenter of the Aliso Canyon Facility gas leak, forcing their parents to
5 choose between their children's health or education. Finally, Defendants' actions have affected the
6 health of Plaintiffs' pets, who vomit on a regular basis due exposure to the toxic gases, causing
7 further stress and emotional damage to Plaintiffs.

8 41. Plaintiff DENNY also owns a restaurant, which continues to be subject to the
9 negative effects of the noxious odors, hazardous gases, chemicals, pollutants, and contaminants
10 introduced into the local atmosphere by Defendants SOCAL GAS, SEMPRA ENERGY, and
11 DOES 1-100.

12 42. Plaintiff DENNY's family-owned and managed restaurant, the Silver Panda, is
13 located in the City of Chatsworth, County of Los Angeles, State of California, near the
14 neighborhood of Porter Ranch. The Silver Panda is a well-known, successful Chinese restaurant
15 that has remained in business for twenty-five (25) years.

16 43. The leak and consequent spread of noxious odors, hazardous gases, chemicals,
17 pollutants, and contaminants from Defendants SOCAL GAS, SEMPRA ENERGY, and DOES 1-
18 100's Aliso Canyon Facility has caused the Silver Panda to lose of business, goodwill, value, and
19 ultimately, income, by creating an unappealing and unsafe environment for its customers, many
20 who have avoided patronage altogether.

21 44. In the month of November, Plaintiff DENNY'S employees were subjected to the
22 noxious odors, hazardous gases, chemicals, pollutants, and contaminants from Defendants SOCAL
23 GAS, SEMPRA ENERGY, and DOES 1-100's Aliso Canyon Facility in such a way that he had no
24 choice but to send them home to avoid further exposure. At other times, Plaintiff DENNY has the
25 restaurant due to effects from the noxious odors, hazardous gases, chemicals, pollutants, and
26 contaminants from Defendants SOCAL GAS, SEMPRA ENERGY, and DOES 1-100's Aliso
27 Canyon Facility.
28

1 **FIRST CAUSE OF ACTION**

2 **NEGLIGENCE**

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

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

6 46. At all times mentioned herein, Defendants SOCAL GAS, SEMPRA, and DOES
7 1 through 100, inclusive, and each of them, owned, constructed, operated, managed, and
8 maintained the Aliso Canyon Facility, a facility storing copious amounts of natural gas with
9 noxious odors, hazardous gases, chemicals, pollutants, and contaminants, in underground storage
10 wells.

11 47. At all times mentioned herein, Defendants SOCAL GAS, SEMPRA, and DOES
12 1 through 100 owed multiple duties to Plaintiffs to use reasonable care in owning, constructing,
13 operating, managing, and maintaining its storage wells at the Aliso Canyon Facility.

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

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

26 50. The past, present, and ongoing injuries to Plaintiffs, which are, were, and will be
27 directly and proximately caused by Defendants SOCAL GAS, SEMPRA, and DOES 1 through
28

1 100, inclusive, and each of them, by and through their officers, directors, employees and/or
2 managing agents, include polluted land and air in and around Plaintiffs' property; diminution in the
3 value of Plaintiffs' property; diminution in the value of and income from DENNY'S business,
4 SILVER PANDA; and adverse health effects to Plaintiffs and their pets, including but not limited
5 to dizziness, nausea, drowsiness, headaches, nose bleeds, paleness, rashes, and vomiting.

6 51. Defendants SOCAL GAS, SEMPRA, and DOES 1 through 100, inclusive, and
7 each of them, by and through their officers, directors, employees and/or managing agents continue
8 to act negligently, carelessly, and recklessly in their management, construction, maintenance,
9 mitigation, and repair of the gas storage well leak through, among other things, their conduct
10 causing the gas leak, failure to truthfully inform Plaintiffs and all residents of Porter Ranch
11 regarding the nature and extent of the natural gas leak and its effects, lack of diligence in effecting
12 safety measures, and delays in making permanent repairs to the leaking natural gas well at the
13 Aliso Canyon Facility.

14 **SECOND CAUSE OF ACTION**

15 **STRICT LIABILITY – ULTRAHAZARDOUS ACTIVITY**

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

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

19 53. In owning, constructing, operating, managing, and maintaining the Aliso Canyon
20 Facility, a facility storing copious amounts of natural gas with noxious odors, hazardous gases,
21 chemicals, pollutants, and contaminants, in underground storage wells in close proximity to a
22 residential housing development, Defendants SOCAL GAS, SEMPRA, and DOES 1-100, were
23 engaged in an ultrahazardous activity.

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

3 55. Engaging in the foregoing ultrahazardous activity has caused leaks, eruptions,
4 releases, emissions, and migration of noxious odors, hazardous gases, chemicals, pollutants, and
5 contaminants into Plaintiffs' land, home, and person, resulting in injury to Plaintiffs' property,
6 person, and business.

7 56. The past, present, and ongoing injuries to Plaintiffs, which are, were, and will be,
8 directly and proximately caused by Defendants SOCAL GAS, SEMPRA, and DOES 1 through
9 100, inclusive, and each of them, by and through their officers, directors, employees and/or
10 managing agents, include polluted land and air in and around Plaintiffs' property; diminution in the
11 value of Plaintiffs' property; diminution in the value of and income from DENNY'S business,
12 SILVER PANDA; and adverse health effects to Plaintiffs and their pets, including but not limited
13 to dizziness, nausea, drowsiness, headaches, nose bleeds, paleness, rashes, and vomiting.

14 57. Defendants SOCAL GAS, SEMPRA, and DOES 1 through 100, inclusive, and
15 each of them, by and through their officers, directors, employees and/or managing agents continue
16 to injure Plaintiffs by their failure to truthfully inform Plaintiffs and all residents of Porter Ranch
17 regarding the nature and extent of the natural gas leak and its effects, lack of diligence in effecting
18 safety measures, and delays in making permanent repairs to the leaking natural gas well at the
19 Aliso Canyon Facility.

20 58. Defendants SOCAL GAS, SEMPRA, and DOES 1-100's actions resulted in the
21 pollution of air, and deprived Plaintiffs of their ability to live in their home free of health problems.
22 Defendants SOCAL GAS, SEMPRA, and DOES 1-100 took these actions with a willful,
23 conscious, disregard for the rights and safety of Plaintiffs' and their community, amounting to
24 oppression, fraud, or malice. Plaintiffs should therefore be awarded punitive and exemplary
25 damages under Civil Code section 3294 sufficient to punish Defendants for engaging in this
26 conduct and to deter similar conduct in the future.
27

59. 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)

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

61. In the course of owning, constructing, operating, managing, and maintaining 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, Defendants SOCAL GAS, SEMPRA, and DOES 1-100 created a condition that is injurious to the health of all Plaintiffs and indecent and offensive to the senses, which also obstructs and interferes with the comfortable enjoyment of life and property in such a way that Plaintiffs have suffered diminution in value of their property, Plaintiff DENNY'S business has suffered, and every Plaintiffs' health is in jeopardy simply by being present in their home.

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

63. The interference caused by Defendants SOCAL GAS, SEMPRRA, and DOES 1-100 is to such a degree that it substantially annoys and disturbs Plaintiffs as well as all residents of the Porter Ranch neighborhood. Defendants SOCAL GAS, SEMPRRA, and DOES 1-100's conduct

1 approximately 0.5 miles away from Plaintiffs' neighborhood has caused significant and substantial
2 diminution in the value of Plaintiffs' property; loss of business income; short and long term
3 negative health effects including, but not limited to, dizziness, nausea, drowsiness, pounding
4 headaches, nose bleeds, paleness, rashes, and vomiting by creating a toxic cloud of noxious odors,
5 hazardous gases, chemicals, pollutants, and contaminants from the gas leak at their Aliso Canyon
6 Facility that now pours over the Porter Ranch neighborhood.

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

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

2 **INVERSE CONDEMNATION**

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

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

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

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

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

15 70. As a result of Defendant SOCAL GAS, SEMPRA, and DOES 1-100's collection
16 and transmission of natural gas at Aliso Canyon Facility, Defendants have intentionally, recklessly,
17 willfully, negligently, or as the result of engaging in an ultra-hazardous activity, caused dangerous
18 levels of noxious odors, hazardous gases, chemicals, pollutants, and contaminants to enter onto and
19 into Plaintiffs' real property. Consequently, Defendants' actions are the direct and proximate cause
20 of the physical damage to Plaintiffs' property that has rendered said property valueless and
21 virtually unusable.

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

25 72. The exorbitant amount of interference that Defendants SOCAL GAS, SEMPRA,
26 and DOES 1-100 have caused to Plaintiffs' property amounts to a taking of said property without
27 lawful authority and without formal exercise of the power of eminent domain, resulting in inverse
28

1 condemnation.

2 **FIFTH CAUSE OF ACTION**

3 **TRESPASS**

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

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

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

12 75. Plaintiffs did not give permission for this entry.

13 76. Plaintiffs suffered harm from Defendants SOCAL GAS, SEMPRA, and DOES 1-
14 100's conduct, including, but not limited to, polluted land and air in and around Plaintiffs' property;
15 diminution in the value of Plaintiffs' property; diminution in the value of and income from
16 DENNY'S business, SILVER PANDA; and adverse health effects to Plaintiffs and their pets,
17 including but not limited to dizziness, nausea, drowsiness, headaches, nose bleeds, paleness,
18 rashes, and vomiting.

19 77. Defendants SOCAL GAS, SEMPRA, and DOES 1-100's actions were a substantial
20 factor in causing the harm to Plaintiffs as there were no other independent causes of the trespass
21 onto Plaintiffs' property.

22 78. Defendants SOCAL GAS, SEMPRA, and DOES 1-100's actions resulted in the
23 pollution of air, and deprived Plaintiffs of their ability to live in their home free of health problems.
24 Defendants SOCAL GAS, SEMPRA, and DOES 1-100 took these actions with a willful and
25 conscious disregard for the rights and safety of Plaintiffs' and their community, amounting to
26 oppression, fraud, or malice. Plaintiffs should therefore be awarded punitive and exemplary
27 damages under Civil Code section 3294 sufficient to punish Defendants for engaging in this
28

1 conduct and to deter similar conduct in the future.

2 79. In addition, Plaintiffs should be awarded attorney's fees under Code of Civil
3 Procedure 1021.5 because the successful prosecution of this action will confer a significant benefit,
4 both pecuniary and non-pecuniary, on the general public by abating environmental harm and
5 preventing future harm to residents of Porter Ranch and communities across the State of California.
6 Further, the necessity and financial burden of private enforcement makes such an award
7 appropriate as the litigation is not economically feasible or viable for Plaintiffs to pursue on their
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RINA HIURIONO, RYAN T., and KAYLIE T. pray for the following damages and relief:

- Dated: December 16, 2015

By: 

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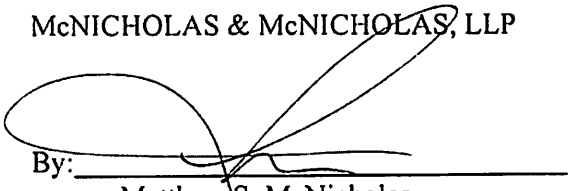
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DEMAND FOR TRIAL BY JURY

Plaintiffs DENNY TAN, GUNYA TAN, DEWI TAN, RINA HIURIONO, RYAN T., and
KAYLIE T. hereby demand trial of all causes by jury.

Dated: December 16, 2015

McNICHOLAS & McNICHOLAS, LLP



By: _____

Matthew S. McNicholas
Justin J. Eballar
Attorneys for Plaintiffs
DENNY TAN, GUNYA TAN, DEWI TAN,
RINA HIURIONO, RYAN T. by and through
his Guardian ad Litem, GUNYA TAN, and
KAYLIE T. by and through her Guardian ad
Litem, GUNYA TAN