

ENHANCED – LITIGATION-OPTIMIZED WILDFIRE COMPLAINT STRUCTURE

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

COMPLAINT FOR DAMAGES

PRIMARY CLAIM:

Inverse Condemnation (Cal. Const., art. I, § 19) – Strict Liability

ALTERNATIVE CLAIMS:

Negligence Per Se (Pub. Util. Code § 451; CPUC GO 95, GO 165; Pub. Res. Code § 4292)

General Negligence

Trespass

Public Nuisance

Private Nuisance

Violation of Pub. Util. Code § 2106 (attorneys' fees)

I. INTRODUCTION

This action arises from the ignition and rapid spread of the Eaton Fire on January 7, 2025, in a Very High Fire Hazard Severity Zone (VHFHSZ) within Eaton Canyon, Los Angeles County.

Plaintiffs allege that energized overhead electrical facilities owned, operated, and maintained by Southern California Edison Company (“SCE”) failed under forecasted extreme Santa Ana wind conditions, resulting in arc discharge/electrical fault and ignition of dry vegetation.

II. CORE LIABILITY THEORY – INVERSE CONDEMNATION (STRICT LIABILITY)

SCE, as a privately owned public utility, performs an inherently public function.

When utility facilities used for public service cause direct physical damage, liability is strict if the damage results from the risk inherent in the public improvement.

III. SPECIFIC FAILURE MECHANISM

Ignition occurred around 6:11–6:18 p.m. via one or more foreseeable wind-induced modes:

- Re-energization of a decommissioned/idle transmission line via induction/contact.
- Conductor clashing/slap or hardware failure.
- Insulator flashover or arc discharge under load.
- Inadequate vegetation clearance beneath conductors.
- Recloser/restrike following initial fault.

IV. PSPS AND FORESEEABILITY

National Weather Service issued Red Flag Warning/PDS days in advance.

SCE de-energized select circuits west of Eaton Canyon but kept subject circuits energized in a VHFHSZ despite extreme wind forecasts.

Selective mitigation was inconsistent with known wildfire ignition risks.

V. STATUTORY DUTY & NEGLIGENCE PER SE

SCE is subject to:

- Pub. Util. Code § 451 (safe/reliable service)

- GO 95 (design/loading standards)
- GO 165 (inspection/maintenance)
- Pub. Res. Code § 4292 (vegetation clearance)

VI. REBUTTAL OF DEFENSES

Santa Ana winds are recurring and foreseeable; warnings were issued in advance; utilities must design/operate for such conditions.

VII. DAMAGES

Plaintiffs seek recovery for total property destruction, loss of use/enjoyment, diminution in value, personal property loss, emotional distress, business interruption, relocation costs, prejudgment interest, attorneys' fees, and just compensation.

VIII. EVIDENCE PRESERVATION

SCE maintains exclusive control of SCADA logs, fault data, inspection records, pole-loading studies, and PSPS modeling decisions. Plaintiffs seek expedited discovery and preservation of all relevant materials.

IX. PRAYER

Compensatory damages, punitive damages where permitted, attorneys' fees, costs, declaratory relief, and all other relief deemed just and proper.