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Superior Court of California
County of Los Angeles

FEB 02 2016

Sherri R. Carter, Executive Officer/Clerk
By Raul Sanchez, Deputy

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

14 MICHAEL ROTHMAN, an individual,)
15 and MICHELLE ROSENFELD, an)
16 individual, as successors and heirs of)
17 ZELDA ROTHMAN, deceased,)

18 Plaintiffs,)

19 vs.)

20 SOUTHERN CALIFORNIA GAS)
21 COMPANY, a California Corporation;)
22 SEMPRA ENERGY, a California)
23 Corporation; and Does 1 through 100,)
24 inclusive,)

25 Defendants.)

CASE NO.: BC607923

Assigned for all purposes to the Hon. Rita Miller
[Dept. 16]

**FIRST AMENDED COMPLAINT AND
DEMAND FOR JURY TRIAL**

1. Wrongful Death;
2. Negligence;
3. Strict Liability;
4. Private Nuisance;
5. Public Nuisance;
6. Inverse Condemnation;
7. Trespass.

Complaint filed: January 22, 2016

1 Plaintiffs Michael Rothman and Michelle Rosenfield, individually and on behalf of the
2 estate of Zelda Rothman, deceased, allege with respect to their own acts and on information and
3 belief with respect to all other matters:

4 **GENERAL ALLEGATIONS**

5 1.

6 **INTRODUCTION**

7 1. Defendants are responsible for a natural gas leak in Aliso Canyon, California that
8 constitutes one of the worst man-made ecological disasters in California's history and which led
9 to the recent death of Zelda Rothman, a deceased elderly resident of the neighboring Porter
10 Ranch neighborhood. This leak is from an artificial gas storage well and it has already and
11 continues to cause substantial harm to the health and property of the plaintiffs, the decedent, and
12 of the other 30,000 residents of Porter Ranch California, a residential community about a mile
13 away from defendants' leaking well.

14 2. Defendants discovered the leak on or about October 23, 2015 and by late
15 December of 2015 the leaking well had already released more greenhouse gases than 330,000
16 cars produce in a year¹, the equivalent of 1.6 million metric tons of carbon dioxide.² The well
17 continues, to this day, to release 30,000 kilograms of methane per hour though at its height it
18 released as much as 60,000 kilograms an hour. This gas sits in the air and has migrated into the
19 water table. The severity of this situation has led to California's governor, Jerry Brown,
20 declaring Porter Ranch a state of emergency.

21 3. Zelda Rothman was an elderly woman suffering from lung cancer living less than
22 three miles from the gas leak. Continuously leaking gas exacerbated Ms. Rothman's condition
23 and disrupted her already fragile health. The gas replaced precious oxygen in the air that she
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25 ¹ One estimate puts the leak as high as the equivalent of 2.3 million cars. "What Went Wrong
26 With Porter Ranch?" *LA Weekly*, December 22, 2015, <http://www.laweekly.com/news/what-went-wrong-at-porter-ranch-6405804>

27 ²"Brown declares state of emergency at Porter Ranch amid massive gas leak," *Los Angeles*
28 *Times*, January 6, 2016, <http://www.latimes.com/local/lanow/la-me-ln-brown-declared-emergency-at-porter-ranch-amid-massive-gas-leak-20160106-story.html>

1 breathed, causing her to suffer from difficult and labored breathing. As a result, she required the
2 use of an oxygen tank that she was tied to twenty-four hours a day. The gas, and carcinogens
3 within the gas, also weakened Ms. Rothman and caused intense headaches and migraines,
4 among other symptoms. In this weakened state, Ms. Rothman's health further deteriorated and
5 ultimately hastened and led to her death.

6 4. The recent death of Ms. Rothman and the pain and discomfort that she was
7 forced to suffer in the last months of her life could have been avoided but for defendants'
8 recklessness and indifference for well-being and property of the plaintiffs, the decedent and
9 other residents of Porter Ranch. Specifically, defendants could have shut down the well as soon
10 as they detected the leak if the well had a "sub-surface safety valve." However, the defendants
11 removed the well's safety valve in 1979 and decided it was not important enough to replace.

12 5. Defendants have also been unreasonably slow to acknowledge and respond to the
13 leak. As a result, defendants estimate that they will not be able to plug the leak until at least late
14 February of 2016 and possibly not until late March. In the meantime, Ms. Rothman suffered
15 irreversible injury and her heirs are unable to enjoy use of her real property and that property
16 continues to lose value all due to the gas leak.

17 2.

18 **THE PARTIES**

19 6. Decedent Zelda Rothman ("Zelda" or the "decedent"), resided at all times herein
20 mentioned, in Los Angeles County. While alive, Zelda owned a home in Porter Ranch,
21 California. Zelda Rothman died on January 25, 2016. Her health deterioration was hastened
22 due to the gas leak at the Aliso Canyon Facility less than three miles from her home.

23 7. Plaintiff Michael Rothman ("Michael"), resides now and at all times herein
24 mentioned, in Los Angeles County. Michael is the son and heir of Zelda Rothman and sole
25 brother of plaintiff Michelle Rosenfield.

26 8. Plaintiff Michelle Rosenfield ("Michelle"), resides now and at all times herein
27 mentioned, in Los Angeles County. Michelle is the daughter and heir of Zelda Rothman and
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sole sister of plaintiff Michael Rothman. Michelle and Michael are the sole heirs of Zelda Rothman.

9. Defendant Southern California Gas (“So. Cal. Gas”) is a California corporation with its principal place of business in Los Angeles, California. So. Cal. Gas is the largest natural gas distribution utility in the country. It services 21.4 million Americans in more than 500 communities. At all relevant times, So. Cal. Gas has owned, operated, maintained and managed the Aliso Canyon gas and oil storage facility at 12801 Tampa Avenue, Los Angeles, California 91326. This is located about a mile from the Porter Ranch neighborhood.

10. Defendant Sempra Energy (“Sempra”) is a California corporation with its principal place of business in San Diego, California. Sempra is the parent company of So. Cal. Gas.

11. The true names and capacities, whether individual, corporate, associate or otherwise, of defendants Does 1 through 100, inclusive, are unknown to plaintiffs at this time, who therefore sue said defendants by such fictitious names. When the true names and capacities of said defendants are ascertained, plaintiffs will seek leave of Court to amend this complaint to allege their true names and capacities. Plaintiffs are informed and believe and thereon allege that each defendant designated herein as a Doe is responsible in some manner for each other defendant’s acts and omissions, and for the resulting injuries and damages to plaintiffs, as alleged herein.

12. Plaintiffs are informed and believe and based thereon allege that at all times herein mentioned, each defendant was the agent, servant, representative, alter ego and/or employee of each other defendant and was acting within the course and scope of their authority as such agent and/or employee, and with the permission, consent and ratification of each other defendant.

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FACTUAL BACKGROUND**So. Cal. Gas and the leak**

13. So. Cal. Gas is the nation's largest natural gas distribution utility. So. Cal. Gas owns and operates one of the largest natural gas storage fields in the country in Aliso Canyon. This Aliso Canyon facility holds natural gas that So. Cal. Gas collected from other locations and injected into the facility for storage. This natural gas is primarily comprised of methane, a potent greenhouse gas, and various amounts of other toxic chemicals including carbon dioxide, mercaptans, benzene, toluene, hydrogen sulfides, sulfur dioxide, nitrogen and hydrogen sulfide. The Aliso Canyon storage field has a capacity of 86 billion cubic feet of natural gas.

14. On October 23, 2015, So Cal. Gas employees noticed a leak out of the ground near a well called Standard Sesnon 25 ("SS-25"). It was unclear how long that well had been leaking gas up to that point yet it was late afternoon, so the employees decided to take no action and to instead address the issue the following day.

15. When the So. Cal. Gas employees returned the following day, they realized the extent of the gas leak and tried unsuccessfully to control the expulsion of natural gas from the well by injecting the well with brine and mud, a mixture of water, potassium chloride and bentonite clay. The injections were blocked by an ice plug formed by the bonding of water molecules and methane. At that point in time, the well was releasing as much as 60,000 kilograms of gas every hour. The gas was released into the air and travelled downhill into the neighboring community of Porter Ranch.

16. The SS-25 well is more than sixty years old. When it was built, it was not sealed to the surrounding rock formation with cement from the surface to the bottom of the well, as newer wells are. Instead, it was only cemented to a depth of 6,600 feet; the rest is exposed pipe. At the top, there is a 7" casing surrounded by an 11" casing which is cemented to the rock. Gas is now leaking through the 7" casing at 470 feet down to the bottom of the outer casing at 990 feet and out through the rock to the surface. See the below picture for an illustration of the design.

1 17. Since it was built, the well has been used for oil, gas and water. The use of the
2 pipes for water is dangerous as it is likely to compromise the integrity of the well's pipes.

3 18. So. Cal. Gas waited until December 4, 2015 to begin drilling a single relief well.
4 A second relief well is necessary to slow down the release of gas but defendants would not
5 begin to start drilling that second well until January 20, 2016. Defendants should have drilled
6 both relief wells as soon as they discovered the leak. Had they done so, the amount of gas
7 released by the well would have been substantially smaller.

8 19. The severity of the leak could also have been avoided but for defendants'
9 removal of safety devices within the well. Defendants could have shut down the well as soon as
10 they detected the leak if the well had a "sub-surface safety valve." However, the defendants
11 removed the well's safety valve in 1979 and did not deem it important enough to replace and did
12 not want to incur the costs of replacing the valve.

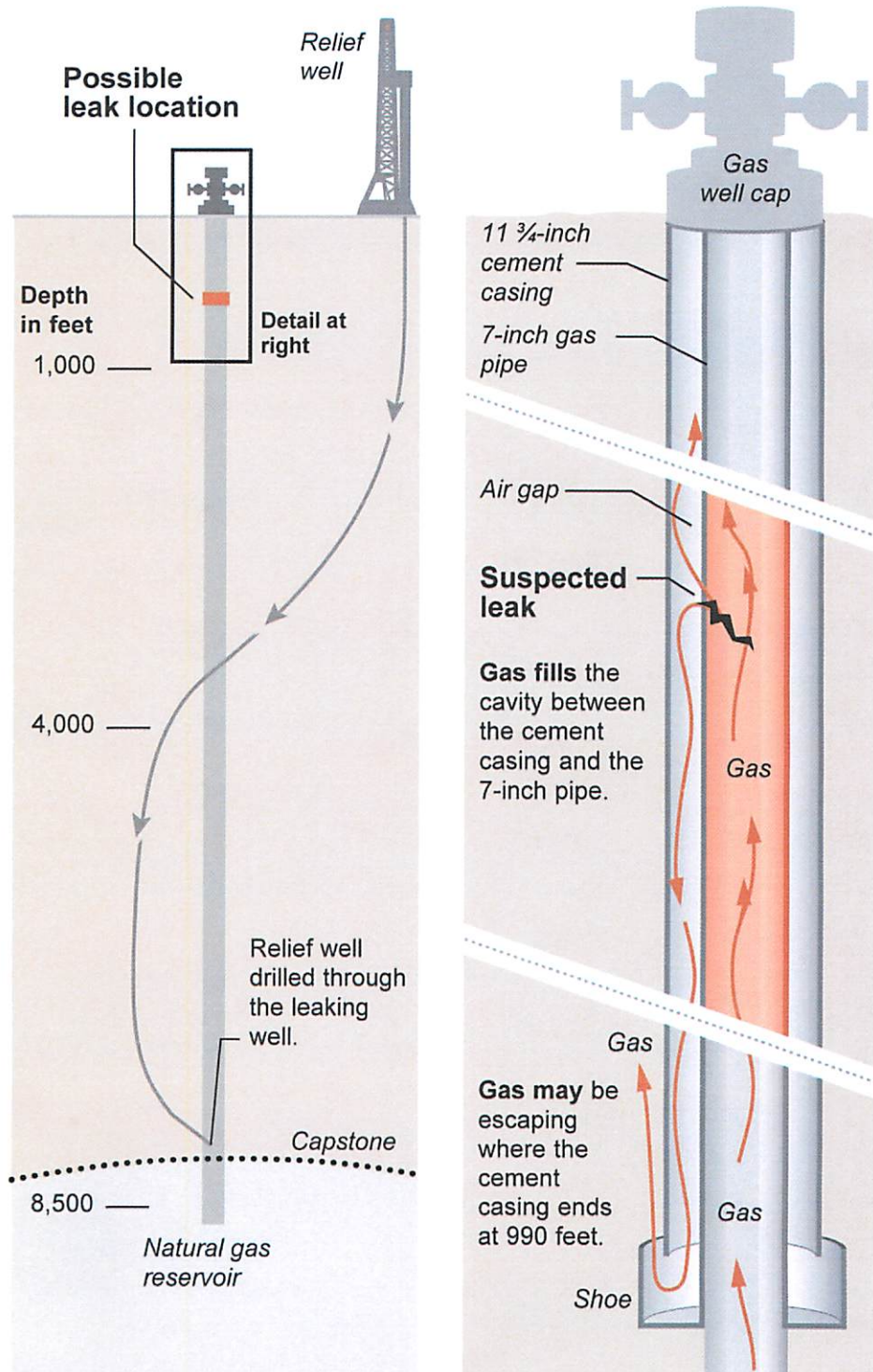
13 20. Defendants have also been unreasonably slow to acknowledge and respond to the
14 leak. As a result, defendants estimate that they will not be able to plug the leak until at least late
15 February of 2016 and possibly not until late March. Defendants also failed to timely report the
16 gas leak to regulatory agencies and the residents of Porter Ranch, including the plaintiffs, of the
17 gas leak and the extent of the health risks that are caused by the leak.

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Locating the gas leak

Engineers speculate that the leak is coming from a hole in a 7-inch-diameter pipe about 500 feet below the surface.



Source: Southern California Gas Co.

@latimesgraphics

1 **The danger arising from the gases that the well is releasing**

2 21. As explained above, the primary gas leaking from the well is methane. A leak of
3 solely methane would have been dangerous enough. However, the well is also releasing into the
4 air a number of other harmful, toxic, and carcinogenic gases including carbon dioxide,
5 mercaptan, benzene, toluene, hydrogen sulfides, sulfur dioxide, nitrogen and hydrogen sulfide.
6 These gases are flammable, contain a putrid smell, are highly irritating to eyes, skin, and upper
7 respiratory tract and can cause headaches, dizziness, an inability to breathe comfortably, nausea,
8 vomiting and even more severe injuries.

9 22. For example, carbon dioxide can an affect respiratory function and cause
10 excitation followed by depression of the central nervous system. Exposure to mercaptan can
11 cause anemia, internal bleeding, cancer, dermatitis, fever, cough, dyspnea, tightness and burning
12 in the chest, dizziness, headache, loss of sense of smell, nausea, vomiting and diarrhea,
13 respiratory irritation, respiratory paralysis, pulmonary edema, tremors and seizures. It may also
14 cause liver and kidney damage, tachycardia and hypertension. Similarly Benzene can cause
15 dizziness, headaches, irregular heartbeat, tremors, unconsciousness and even death. Toluene can
16 affect the central nervous system causing tinnitus, dizziness, confusion, headache, vertigo,
17 seizures, ataxia, stupor, and coma. It also can affect breathing by causing bronchospasm,
18 asphyxia, acute lung injury (ALI), and aspiration pneumonitis.

19 23. Exposure to hydrogen sulfides can cause nausea, bronchial constriction (airway
20 problems), headaches, dizziness, and altered breathing, among other symptoms. Sulfur dioxide
21 is a severe irritant and so people with lung disease who are exposed to this chemical can
22 experience restricted airway, coughing, bronchospasm, and other respiratory problems. It is
23 severely irritating to the eyes, mucous membranes, skin, and respiratory tract.

24 24. The problem with any level of these chemicals and gases in the air is that they are
25 likely to displace oxygen. If less oxygen is available to breathe, symptoms such as rapid
26 breathing, rapid heart rate, clumsiness, emotional upsets and fatigue can result. As less oxygen
27 becomes available, nausea and vomiting, collapse, convulsions, coma and death can occur.

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1 These symptoms and danger become increasingly more severe for those who are living with
2 lung disease or asthma.

3 **Zelda Rothman**

4 25. Zelda Rothman was an elderly woman who owned and lived in a house in Porter
5 Ranch, California. In the spring of 2015, her doctors diagnosed her with lung cancer.

6 26. In or about late October and early December of 2015, she began to experience
7 new symptoms that she previously did not have and symptoms that she had previously become
8 more severe. Specifically, her breathing became extremely more labored and difficult. By the
9 end of December, she required oxygen on a twenty-four hour basis.

10 27. Also during this time period, she began to have extreme headaches. The
11 headaches were so severe that she saw a neurologist who informed her that the headaches had no
12 connection to her cancer diagnosis.

13 28. The breathing problems and headaches were a result of the gas leak that occurred
14 in late October only a few miles from Zelda Rothman's home. The leaked gas permeated the air
15 that the plaintiff breathed, her home, and possibly her water supply. In addition to causing
16 Zelda severe discomfort, the gas and the symptoms that it created weakened Zelda and
17 contributed to and hastened her death on January 25, 2016.

18 29. The physical injuries that Zelda Rothman suffered in the last months of her life
19 and ultimately her death, as well as damage to the value and use of her home, were a result of
20 defendants' recklessness and negligence.

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22 **FIRST CAUSE OF ACTION**

23 **(Wrongful Death)**

24 PLAINTIFFS ON THEIR OWN BEHALF FOR A FIRST CAUSE OF ACTION
25 AGAINST DEFENDANTS AND DOES 1 THROUGH 100, INCLUSIVE, AND EACH OF
26 THEM, FOR WRONGFUL DEATH ALLEGE:

27 30. Plaintiffs incorporate by reference each and every of the foregoing paragraphs as
28 though set forth in full in this cause of action.

1 31. At all times relevant, defendants owned, constructed, operated, managed and
2 maintained the Aliso Canyon gas storage facility.

3 32. Plaintiffs' mother, Zelda Rothman, owned a residential property in the Porter
4 Ranch neighborhood, located within a short distance of the Aliso Canyon gas storage facility.

5 33. Defendants owed Zelda Rothman a duty of reasonable care in owning,
6 constructing, managing, and maintaining the gas storage facility.

7 34. Defendants breached these duties by negligently and carelessly constructing,
8 operating, and/or maintaining the storage facility with a reckless disregard for the rights and
9 well-being of Zelda Rothman.

10 35. Defendants also breached these duties by their failure to truthfully disclose the
11 leak and the extent of the health implications of the leak in a timely and reasonable fashion.

12 36. This negligence and recklessness directly and proximately caused the leak of
13 natural gas into the air that Zelda Rothman breathed and the property that the plaintiff owned
14 and in which she resided. The leak exacerbated her health conditions and led to her death.

15 37. Defendants knew or should have known that their operations would result in
16 leaks of dangerous chemicals that would contaminate Zelda Rothman's land, home, and/or
17 person.

18 38. Defendants' actions resulted in the pollution of air and deprived the plaintiffs of
19 their mother and the support and companionship that she provided. Defendants took these
20 actions with a willful and knowing disregard of the rights and safety of the community.
21 Plaintiffs should, therefore, be awarded punitive and exemplary damages under Civil Code
22 section 3294 sufficient to punish Defendants for engaging in this conduct and to deter similar
23 conduct in the future.

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1 **SECOND CAUSE OF ACTION**

2 **(Negligence)**

3 PLAINTIFFS ON BEHALF OF THE ESTATE OF ZELDA ROTHMAN FOR A
4 SECOND CAUSE OF ACTION AGAINST DEFENDANTS AND DOES 1 THROUGH 100,
5 INCLUSIVE, AND EACH OF THEM, FOR NEGLIGENCE ALLEGE:

6 39. Plaintiffs incorporate by reference each and every of the foregoing paragraphs as
7 though set forth in full in this cause of action.

8 40. At all times relevant, defendants owned, constructed, operated, managed and
9 maintained the Aliso Canyon gas storage facility.

10 41. Plaintiffs own a residential property in the Porter Ranch neighborhood, located
11 within a short distance of the Aliso Canyon gas storage facility.

12 42. Defendants owe and owed the plaintiffs and the decedent a duty of reasonable
13 care in owning, constructing, managing, and maintaining the gas storage facility.

14 43. Defendants breached these duties by negligently and carelessly constructing,
15 operating, and/or maintaining the storage facility with a reckless disregard for the rights and
16 well-being of the plaintiffs and the decedent.

17 44. Defendants also breached these duties by their failure to truthfully disclose the
18 leak and the extent of the health implications of the leak in a timely and reasonable fashion.

19 45. This negligence and recklessness directly and proximately caused the leak of
20 natural gas into the air that the decedent breathed and the property that the plaintiffs own.
21 Further, it has caused plaintiffs and the decedent to suffer both personal and property injuries,
22 including but not limited to the pollution of plaintiffs' property, the diminution in the value of
23 the property, the use and enjoyment of their property, and adverse health effects, including
24 death.

25 46. Defendants knew or should have known that their operations would result in
26 leaks of dangerous chemicals that would contaminate the plaintiffs' land, homes, and/or persons.

27 47. Defendants' actions resulted in the pollution of air and deprived residents of
28 Porter Ranch, including plaintiffs, of their ability to live in their home free of health problems.

1 Defendants took these actions with a willful and knowing disregard of the rights and safety of
2 the community. Plaintiffs should, therefore, be awarded punitive and exemplary damages under
3 Civil Code section 3294 sufficient to punish Defendants for engaging in this conduct and to
4 deter similar conduct in the future.

5
6 **THIRD CAUSE OF ACTION**

7 **(Strict Liability)**

8 PLAINTIFFS ON BEHALF OF THE ESTATE OF ZELDA ROTHMAN FOR A
9 THIRD CAUSE OF ACTION AGAINST DEFENDANTS AND DOES 1 THROUGH 100,
10 INCLUSIVE, AND EACH OF THEM, FOR STRICT LIABILITY, ALLEGE:

11 48. Plaintiffs incorporate by reference each and every of the foregoing paragraphs as
12 though set forth in full in this cause of action.

13 49. In constructing, operating, managing and maintaining the Aliso Canyon gas
14 storage facility, a facility storing large amounts of flammable, carcinogenic, explosive, noxious
15 natural gas, chemicals, pollutants, and contaminants, in underground storage wells in close
16 proximity to residential housing developments, defendants were engaged in an ultra-hazardous
17 activity.

18 50. Defendants' activity was inherently dangerous and necessarily involved a high
19 degree of risk of harm to others due to its volume and its flammable, toxic, and repulsive
20 qualities. These qualities and risks associated with the storage of the chemicals persist despite
21 due care to the natural gas storage.

22 51. Engaging in the ultra-hazardous activity has caused leaks, release of noxious
23 odors, increased risk of fire, and contamination in plaintiffs' property, in addition to injury to
24 plaintiffs' and the decedent's persons.

25 52. Defendants, by and through their officers, directors, employees and/or managing
26 agents continue to injure plaintiffs by their failure to truthfully and fully inform plaintiffs
27 regarding the nature and extent of the gas leak, lack of diligence in effecting safety and
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1 remediating measures, and delays in making permanent repairs to the leaking natural gas well at
2 the Aliso Canyon gas storage facility,

3 53. Defendants' actions resulted in the pollution of air and deprived plaintiffs of their
4 ability to safely live in their home free of health problems. Defendants took these actions with a
5 willful and conscious disregard for the rights and safety of plaintiffs, the decedent, and their
6 community amounting to fraud, oppression, and malice. Plaintiffs should therefore be awarded
7 punitive damages under Civil Code section 3294 sufficient to punish defendants for engaging in
8 this conduct to deter similar conduct in the future.

9
10 **FOURTH CAUSE OF ACTION**

11 **(Private Nuisance)**

12 PLAINTIFFS ON BEHALF OF THE ESTATE OF ZELDA ROTHMAN FOR A
13 FOURTH CAUSE OF ACTION AGAINST DEFENDANTS AND DOES 1 THROUGH 100,
14 INCLUSIVE, AND EACH OF THEM, FOR PRIVATE NUISANCE, ALLEGE:

15 54. Plaintiffs incorporate by reference each and every of the foregoing paragraphs as
16 though set forth in full in this cause of action.

17 55. Defendants failed to exercise reasonable care in the course of constructing,
18 operating, and/or maintaining their Aliso Canyon storage facility and injection wells and
19 continue to allow leaks, releases, emissions, and/or migration of pollutants to the surrounding
20 area including plaintiffs' properties. Defendants created a condition that is harmful to plaintiffs'
21 and the decedent's health and free use of their properties so as to seriously interfere with
22 comfortable enjoyment of their life and property, including creating conditions such that certain
23 residents had to physically flee from their homes. Plaintiffs suffer from the ongoing
24 contamination of the air surrounding their home and the threat of continued leaks, releases,
25 emissions, and/or migration of pollutants to the surrounding area including plaintiffs' property.

26 56. The continuing condition created by the Defendants harmed plaintiffs. This harm
27 includes, but is not limited to, polluted land and air in and around plaintiffs' properties and
28 adverse health effects due to exposure.

1 57. Plaintiffs did not consent to Defendants' conduct.

2 58. An ordinary person of reasonable sensibility would reasonably be annoyed and/or
3 disturbed by the conditions created by Defendants.

4 59. Defendants' aforementioned conduct constitutes a nuisance within the meaning
5 of section 3749 of the Civil Code in that it is injurious to health and/or offensive to the senses of
6 plaintiffs and/or unreasonably interferes with the comfortable enjoyment of plaintiffs' land
7 and/or the free and customary use of plaintiffs' property.

8 60. Defendants' conduct, including constructing, operating, and/or maintaining the
9 Aliso Canyon storage facility and its injection wells was a substantial factor, and likely the only
10 cognizable factor, in causing the harm. Further, continuing harm remains due to the current and
11 ongoing contamination of plaintiffs' properties. The seriousness of defendants' conduct
12 referenced above outweighs the public benefits of the defendants' Aliso Canyon storage facility
13 operations because gas leaks seriously deprive plaintiffs of peaceful enjoyment of their home
14 and pollute the air of the surrounding properties and neighborhoods. In comparison, the social
15 value and primary purpose of such activity is the maximization of profit for corporations with no
16 incentive to take precautions to ensure the safety and environmental integrity of the storage
17 facility. Plaintiffs have no speedy, plain, or adequate remedy of law for the injuries presently
18 being suffered or for the aggravation of such injuries. Unless the nuisance created by defendants
19 is restrained by a preliminary and permanent injunction, plaintiffs will suffer great and
20 irreparable injury in that dangerous levels of noxious odors, hazardous gases, chemicals,
21 pollutants, and contaminants will continue to emanate from defendants' Aliso Canyon storage
22 facility, pollute the air, plaintiffs' property, and continue to damage the right of plaintiffs to live
23 in their home without harmful exposure.

24 61. Defendants' actions resulted in the pollution of air and deprived residents of
25 Porter Ranch, like the plaintiffs, of their ability to live in their homes free of health problems.
26 Defendants took these actions with a willful and knowing disregard of the rights and safety of
27 the community. Plaintiffs should, therefore, be awarded punitive and exemplary damages under
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1 Civil Code section 3294 sufficient to punish Defendants for engaging in this conduct and to
2 deter similar conduct in the future.

3 62. As a further result of this wrongful conduct, plaintiffs suffered, and will continue
4 to suffer, the loss of the quiet use and enjoyment of their property in addition to all of their
5 general damages in an amount to be set forth according to proof at trial.

6
7 **FIFTH CAUSE OF ACTION**

8 **(Public Nuisance)**

9 PLAINTIFFS ON BEHALF OF THE ESTATE OF ZELDA ROTHMAN FOR A FIFTH
10 CAUSE OF ACTION AGAINST DEFENDANTS AND DOES 1 THROUGH 100,
11 INCLUSIVE, AND EACH OF THEM, FOR PUBLIC NUISANCE, ALLEGE:

12 63. Plaintiffs incorporate by reference each and every of the foregoing paragraphs as
13 though set forth in full in this cause of action.

14 64. Defendants failed to exercise reasonable care in the course of constructing,
15 operating, and/or maintaining the Aliso Canyon storage facility and injection wells, and continue
16 to allow noxious odors, hazardous gases, chemicals, pollutants, and contaminants to be leaked,
17 released, emitted or migrated to the surrounding areas including plaintiffs' property. Defendants
18 created a continuing condition that is harmful to plaintiffs' and the decedent's health and free
19 use of their homes so as to seriously interfere with comfortable enjoyment of their life and
20 property.

21 65. The continuing conditions created by the Defendants harmed residents in Porter
22 Ranch and the surrounding neighborhoods, and a substantial number of people at the same time.
23 The harmful condition includes pollution of the plaintiffs' land, home, and person from noxious
24 odors, hazardous gases, chemicals, pollutants, and contaminants emanating and/or migrating
25 from Defendants' Aliso Canyon storage facility and injection wells.

26 66. Plaintiffs did not consent to the defendants' conduct.

27 67. Defendants' aforementioned conduct constitutes a nuisance within the meaning
28 of section 3749 of the Civil Code in that it is injurious to health and/or offensive to the senses of

1 plaintiffs and/or unreasonably interferes with the comfortable enjoyment of plaintiffs' property
2 and/or the free use, in the customary manner, of their property.

3 68. As a result of defendants' conduct, plaintiffs suffered a type of harm that is
4 different from the type of harm suffered by the general public. Specifically, plaintiffs have lost
5 the use and enjoyment of their land, including, but not limited to exposure to an array of
6 pollutants in their person and on their land, and the continuing threat of leaks, releases,
7 emissions, and/or migration of dangerous levels of noxious odors, hazardous gases, chemicals,
8 pollutants, and contaminants.

9 69. An ordinary person of reasonable sensibilities would be reasonably annoyed
10 and/or disturbed by the condition created by defendants.

11 70. The seriousness of defendants' conduct referenced above outweighs the public
12 benefits of the defendants' Aliso Canyon storage facility operations because gas leaks seriously
13 deprive plaintiffs of peaceful enjoyment of their homes and pollute the air of the surrounding
14 properties and neighborhoods. In comparison, the social value and primary purpose of such
15 activity is the maximization of profit for corporations with no incentive to take precautions to
16 ensure the safety and environmental integrity of the storage facility.

17 71. Defendants' conduct, including constructing, operating, and/or maintaining the
18 Aliso Canyon storage facility and its injection wells was a substantial factor, and likely the only
19 cognizable factor, in causing the harm. Further, continuing harm remains due to the current and
20 ongoing contamination of plaintiffs' property.

21 72. Plaintiffs further allege that as a consequence of defendants' acts and/or failures
22 to act, this public nuisance must be abated. Plaintiffs have no speedy, plain, or adequate remedy
23 of law for the injuries presently being suffered or for the aggravation of such injuries. Unless the
24 nuisance created by defendants is restrained by a preliminary and permanent injunction,
25 plaintiffs will suffer great and irreparable injury in that dangerous levels of noxious odors,
26 hazardous gases, chemicals, pollutants, and contaminants will continue to emanate from
27 defendants' Aliso Canyon storage facility, pollute the air, plaintiffs' property, and continue to
28 damage the right of plaintiffs to live in their home without harmful exposure.

1 hazardous gases, chemicals, pollutants, and contaminants to enter onto and into plaintiffs' real
2 property. Consequently, defendants' actions are the direct and proximate cause of the physical
3 damage to plaintiffs' property that has rendered said property valueless and virtually unusable.

4 80. The acts and omissions of defendants constitute a physical invasion of plaintiffs'
5 real property for a public use, placing a burden on plaintiffs that is direct, substantial, and
6 peculiar to the property itself.

7 81. The exorbitant amount of interference that defendants have caused to plaintiffs'
8 property amounts to a taking of said property without lawful authority and without formal
9 exercise of the power of eminent domain, resulting in inverse condemnation.

10
11 **SEVENTH CAUSE OF ACTION**

12 **(Trespass)**

13 PLAINTIFFS ON BEHALF OF THE ESTATE OF ZELDA ROTHMAN FOR A
14 SEVENTH CAUSE OF ACTION AGAINST DEFENDANTS AND DOES 1 THROUGH 100,
15 INCLUSIVE, AND EACH OF THEM, FOR TRESPASS, ALLEGE:

16 82. Plaintiffs incorporate by reference each and every of the foregoing paragraphs as
17 though set forth in full in this cause of action.

18 83. In the construction, operation, and/or maintenance of the Aliso Canyon storage
19 facility and injection wells owned and/or operated by defendants, defendants intentionally,
20 recklessly, willfully, and/or negligently caused dangerous levels of noxious odors, hazardous
21 gases, chemicals, pollutants, and contaminants to enter onto plaintiffs' property by leaks,
22 releases, emissions, and/or migration from the Aliso Canyon storage facility.

23 84. Plaintiffs did not give permission for this entry.


24 85. Plaintiffs suffered harm from defendants' conduct including, but not limited to
25 polluted land and air in and around plaintiffs' property and adverse health effects due to
26 exposure.

27 86. Defendants' actions were a substantial factor in causing the harm to the plaintiffs
28 as there were no other independent causes of the trespass onto plaintiffs' property.

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DATED: February 2, 2016

LAW OFFICES OF SCOTT GLOVSKY, APC

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