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Clerk of the Napa Superior Court
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12 **THE SUPERIOR COURT OF CALIFORNIA**
13 **COUNTY OF NAPA**

14 Valerie EVANS, *individually and on*
15 *behalf of others similarly situated,*

16 *Plaintiff,*

17 *v.*

18 PG&E CORPORATION,
19 PACIFIC GAS AND
ELECTRIC CO., and DOES 1-
20 50,

21 *Defendants.*

Case No.: 17CV001224
Judge:
Dept:

**PLAINTIFF'S ORIGINAL
CLASS ACTION
COMPLAINT**

- 1. NEGLIGENCE
- 2. NEGLIGENCE PER SE
- 3. STRICT LIABILITY
- 4. DECLARATORY AND
INJUNCTIVE RELIEF

JURY DEMAND

1 Plaintiff Valerie Evans files this Original Class Action Complaint against PG&E
2 Corporation, Pacific Gas & Electric Company (together, “PG&E”), and Does 1-50 (collectively,
3 “Defendants”).¹ Ms. Evans seeks damages on her own behalf and on behalf of all those whose
4 property was damaged in the Southern LNU Complex Fire that devastated Napa and Solano
5 counties beginning on October 8, 2017, and which continues to burn as of the date of filing this
6 complaint.

7 I. PARTIES

8 1. Plaintiff Valerie Evans is a resident of San Mateo, California who owns a condominium
9 at 110 Bonnie Brook Drive, Napa, California, which was completely destroyed by the Southern
10 LNU Complex Fire.

11 2. Defendant PG&E Corporation maintains its headquarters at 77 Beale Street, San
12 Francisco, California, and is incorporated in California.

13 3. Defendant Pacific Gas and Electric Company is a subsidiary of PG&E Corporation. It
14 maintains its headquarters at 77 Beale Street, San Francisco, California, and is incorporated in
15 California.

16 4. The true names of Does 1-50 are unknown to Plaintiff, who sues these Defendants
17 under fictitious names pursuant to CALIFORNIA CODE OF CIVIL PROCEDURE § 474. The
18 fictitiously named Defendants are contractors hired by PG&E to clear vegetation and/or trim and
19 fell trees around power lines in Napa County. Plaintiff will amend this Complaint to allege the true
20 names of the Doe Defendants once they are learned through discovery.

21 II. JURISDICTION AND VENUE

22 5. This Court has subject-matter jurisdiction over the causes of action asserted here
23 pursuant to California Constitution, Article VI, § 10, because this case is a cause not given by
24 statute to other trial courts.

25
26
27 ¹ Ms. Evans’ allegations are made on personal knowledge as to her experiences and on information
28 and belief, based on the investigation of her counsel, as to all other matters.

1 Excluded from this Class are any employees, officers, or directors of any of the Defendants, any
2 attorneys appearing in this case, and any judges assigned to hear this case as well as their immediate
3 family and staff.

4 19. **Numerosity.** The Class members are so numerous that joinder of all members is
5 impracticable. While the exact number of Class members is unknown at this time and can only be
6 ascertained through appropriate discovery, Ms. Evans is informed and believes that the Southern
7 LNU Complex Fires destroyed at least 481 structures and damaged or threatened at least an
8 additional 1,052 structures.

9 20. **Existence and Predominance of Common Questions.** Common questions of law and
10 fact exist as to all members of the Class and predominate over any individual questions. These
11 common questions include, among others:

- 12 (a) whether Defendants were negligent in failing to maintain adequate
13 vegetation clearance around power lines in Napa County;
- 14 (b) whether Defendants were negligent in failing to adequately trim and/or
15 fell trees near power lines in Napa County;
- 16 (c) whether Defendants were negligent per se in failing to comply with
17 California law and California Public Utility Commission (“CPUC”) Regulations for vegetation clearance and trimming and/or felling trees around power lines;
- 18 (d) whether Defendants’ negligence and/or negligence per se caused the
19 Southern LNU Complex Fire;
- 20 (e) whether Defendants are strictly liable for damages caused by their
21 hazardous activities;
- 22 (f) whether, as a result of Defendants’ unlawful actions, Ms. Evans and the
23 Class are entitled to injunctive, declaratory, and monetary relief and, if so,
24 the amount and nature of such relief.

25 21. **Typicality.** Ms. Evans’ claims are typical of the Class members’ claims as she, like all
26 Class members, suffered damage to her property as a result of the Southern LNU Complex Fire.
27 Ms. Evans bases her claims and those brought on behalf of the Class on the same legal and remedial
28 theories, and Ms. Evans is entitled to relief under the same causes of action and on the same facts
as other Class members.

1 particularly in light of the increased vegetation growth caused by an exceptionally wet Spring, the
2 presence of drought-stricken trees, and the foreseeable dry, windy Fall conditions.

3 29. Defendants' negligence proximately caused the Southern LNU Complex Fire, injuries
4 to Ms. Evans and the Class members, and damage to their properties.

5 30. In light of the known risks of wildfire, Defendants' failure to take due care was
6 despicable conduct carried on in conscious disregard of Plaintiff's and the Class members' rights
7 and safety. Defendants' conduct in failing to maintain safe vegetation clearances and trim and/or
8 fell trees around power lines they own, control, operate, and/or maintain in conscious disregard of
9 Plaintiff's and the Class members' rights also constituted oppression, because it subjected Plaintiff
10 and the Class members to cruel and unjust hardship. Plaintiff and the Class members are therefore
11 entitled to exemplary damages under CALIFORNIA CIVIL CODE § 3294.

12 **COUNT TWO - NEGLIGENCE PER SE**

13 31. Ms. Evans incorporates by reference all preceding paragraphs as though fully stated
14 here.

15 32. Pursuant to CALIFORNIA PUBLIC RESOURCES CODE §§ 4292 & 4293 and Rule
16 35 of CPUC General Order 95, Defendants have a legal responsibility to maintain minimum
17 vegetation clearances around power lines and to trim and/or fell dead or weakened trees that could
18 fall on power lines that they own, control, operate, or maintain.

19 33. On information and belief, Defendants failed to comply with the requirements of
20 CALIFORNIA PUBLIC RESOURCES CODE §§ 4292 & 4293 and Rule 35 of General Order 95,
21 leading to dangerous conditions in Napa County, where vegetation grew closer to power lines than
22 the minimum clearances specified by statute and rule, and dead or weakened trees remained
23 dangerously close to power lines which Defendants owned, controlled, operated, and/or
24 maintained.

25 34. Defendants' violation of these statutes and rules proximately caused the Southern
26 LNU Complex Fire, injuries to Ms. Evans and the Class members, and damage to their properties.

1 **VII. JURY DEMAND**

2 Ms. Evans demands a trial by jury.

3
4 Dated: October 25, 2017

Respectfully submitted,

5 By: /s/ Michael A. Caddell

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