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CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

NOV 23 2015

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

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| WILLAM GANDSEY, individually, and on behalf of all others similarly situated,<br><br>Plaintiffs,<br><br>v.<br><br>SOUTHERN CALIFORNIA GAS COMPANY, SEMPRA ENERGY, and DOES 1-100,<br><br>Defendants. | Case No.: BC601844<br><br>CLASS ACTION<br><br>COMPLAINT<br><br>(1) Negligence<br>(2) Private Nuisance<br>(3) Public Nuisance<br><br>DEMAND FOR JURY TRIAL |

Plaintiff ("Plaintiff"), by his attorneys, hereby brings this class action against Defendant Southern California Gas Company ("SoCal Gas"), Defendant Sempra Energy, and DOES 1-100. All allegations herein are based upon information and belief except those allegations which pertain to Plaintiff or his counsel, which are based on personal knowledge. Plaintiff's information and belief are based upon, inter alia, Plaintiff's own investigation and the investigation conducted by Plaintiff's attorneys. Each allegation either has evidentiary support or is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

## I

## OVERVIEW

1. This is a class action brought by Plaintiff to assert claims in his own right and in his capacity as the class representatives of all others similarly situated. This class action seeks monetary damages against Defendants SoCal Gas and Sempra Energy arising from ongoing uncontrolled natural gas leak at Defendants' Aliso Canyon natural gas storage facility, causing the release of dangerous gases, chemicals, and noxious odors into the environment and, specifically, into the community of Porter Ranch immediately adjacent to the Aliso Canyon facility, in which Plaintiff and the putative Class members reside.

2. The natural gas leak was first reported to governmental regulatory authorities by Defendants on October 23, 2015. As of the date of the filing of this Complaint, all efforts to correct the natural gas leak have failed and the natural gas leak continues unabated. Defendants have stated that it may take months before the leak can be corrected.

3. Since the initiation of the leak, which Plaintiff believes may have been some time before October 23, 2015, Plaintiff's home, property, and community have been, and continue to be, physically invaded by gases, chemicals, noxious odors, pollutants, and contaminants emanating from the natural gas leak at Defendants' Aliso Canyon facility, located at 12801 Tampa Avenue, Los Angeles, California.

4. The Aliso Canyon natural gas storage facility is the largest of four natural gas storage fields owned and operated by Defendants in the Southern California and is located approximately one mile from the community of Porter Ranch, in Los Angeles, California.

5. Since the start of the natural gas leak, the Southern California Air Quality Management District has logged 499 odor complaints from residents in the area surrounding the Aliso Canyon facility. Complaints have included negative health impacts, including nausea, dizziness, vomiting, shortness of breath, nose bleeds, and headaches.

6. The California Air Resources Board estimates that the natural gas leak at Defendants' Aliso Canyon facility is emitting approximately 44,000 to 50,000 kilograms of methane per hour. This would mean that to date the Aliso Canyon gas leak has generated approximately .080 million metric tons

of carbon dioxide equivalent, equaling one-quarter of the methane released throughout the entire state of California during that same time period.

7. The Los Angeles County Department of Public Health has recommended that Defendant SoCal Gas offer free, temporary relocation to any area residents affected by odors from the Aliso Canyon site. However, there has been inadequate information provided to the residents on their exposure levels, what are the health implications of the exposure levels, and what remedial action, including relocation, should they take in response to the ongoing exposure.

8. Defendants have stated that the problem is very complex and requires very complex solution, indicating that the process to cap and repair this leak may take several months.

9. Throughout this period, Plaintiff and the Class members continue to suffer the negative effects from being exposed to gas and other pollutants being uncontrollably released into the atmosphere around their homes, parks and schools.

## II

## JURISDICTION AND VENUE

10. This Court has jurisdiction under Code of Civil Procedure section 410.10. Plaintiff's damages exceed the jurisdictional minimum of this Court. Venue is proper in the County of Los Angeles because a substantial amount of Defendants' conduct complained of here took place in Los Angeles County, and because Plaintiff resides and suffered injury in the County of Los Angeles.

11. Venue is proper in this Court pursuant to California Civil Procedure Code sections 395 and 395.5 because Defendant SoCal Gas is headquartered in the County of Los Angeles.

## III

## PARTIES

### A. Plaintiff

12. Plaintiff William Gandsey is a resident of Los Angeles County, California, and lives well within the exposure zone within the Porter Ranch community of Los Angeles, California, from the site of the uncontrolled natural gas well leak at Defendants' Aliso Canyon facility.

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**B. Defendants**

13. Defendant SoCal Gas is a California corporation with its principal place of business in Los Angeles, California. Defendant SoCal Gas is the nation's largest gas distribution utility, providing natural gas to consumers throughout central and Southern California.

14. Defendant Sempra Energy Sempra Energy is a California corporation with its principal place of business in San Diego, California. Sempra Energy is the parent company of Defendant SoCal Gas.

15. The true names and capacities of Defendants sued herein as DOES 1 through 100, inclusive, are currently unknown to Plaintiff, who therefore sues such Defendants by such fictitious names. Each of the Defendants designated herein as a DOE is legally responsible in some manner for the unlawful acts referred to herein. Plaintiff will seek leave of Court to amend this Complaint to reflect the true names and capacities of the Defendants designated herein as DOES when such identities become known.

16. Based upon information and belief, Plaintiff alleges that at all times mentioned herein, each and every Defendant was acting as an agent and/or employee of each of the other Defendants, and at all times mentioned was acting within the course and scope of said agency and/or employment with the full knowledge, permission, and consent of each of the other Defendants. In addition, each of the acts and/or omissions of each Defendant alleged herein were made known to, and ratified by, each of the other Defendants.

## IV

## FACTUAL ALLEGATIONS

**A. Natural Gas**

17. Defendant SoCal Gas is the nation's largest natural gas distribution utility. Natural gas is a colorless and odorless gas in its pure form composed mainly of approximately 80 percent methane.

18. Methane is in a category of greenhouse gases known as short-lived climate pollutants.

19. Because of the danger posed by undetected natural gas leaks, natural gas distributors add substances such as t-butyl mercaptan and tetrahydrothiophene so that the presence of natural gas can be detected by an obvious and distinct odor.

20. Inhalation of these mercaptans can cause neurological, gastrointestinal, and respiratory symptoms such as nausea, dizziness, vomiting, shortness of breath, and headaches. The odors alone can be directly responsible for these health effects. As long as the mercaptans are present in the atmosphere, these negative health affects will continue.

**B. Defendants' Aliso Canyon Natural Gas Storage Facility**

21. Defendants' Aliso Canyon facility is the largest of four natural gas storage fields owned and operated by Defendants in Southern California. The facility sits in approximately 3,600 acres in the mountains approximately one mile north of the Porter Ranch community of Los Angeles, California.

22. The Aliso Canyon facility sits on top of an underground geological formation left from depleted oil reserve. This natural geological formation extends 8,500 feet below the earth's surface, under layers of impermeable rock. Defendants' pipe natural gas from the Rockies, Southwest United States, and from throughout California and then pump it thousands of feet below the surface using high-powered compressors at underground storage facilities, such as Aliso Canyon, until it is ultimately delivered to consumers.

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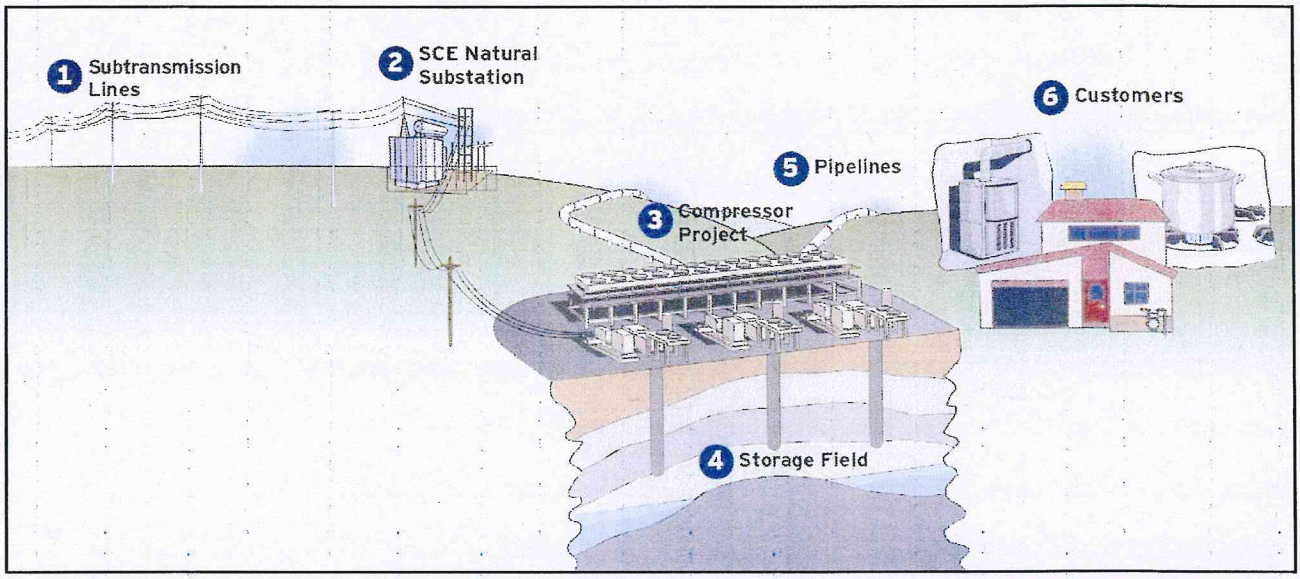
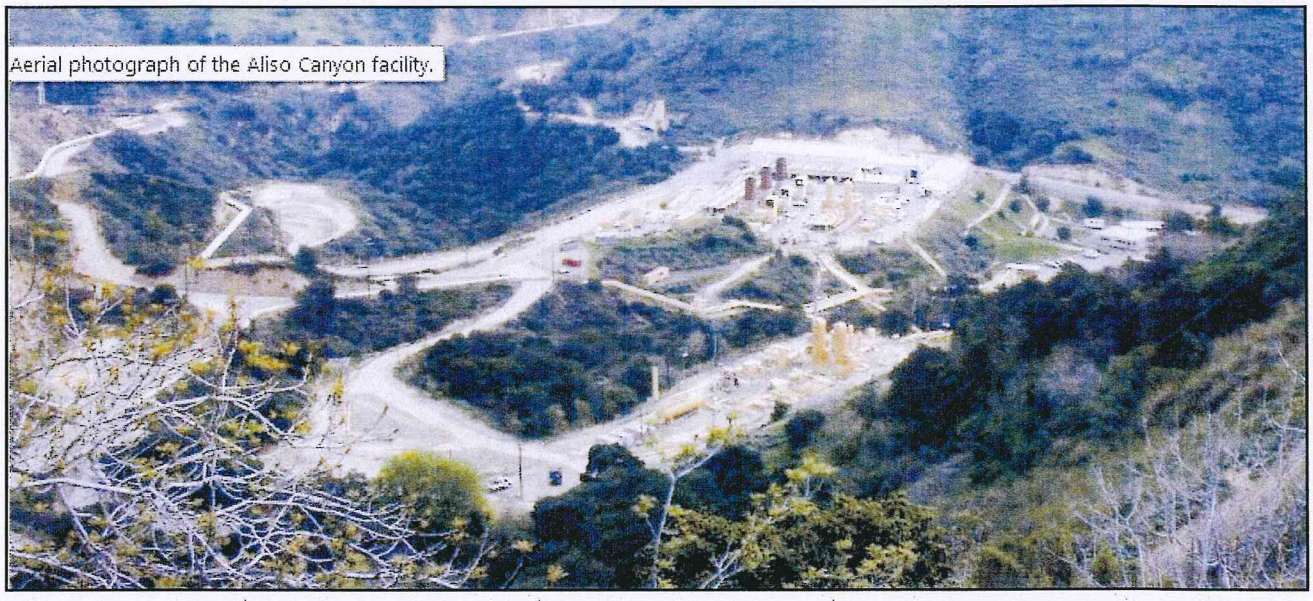




Aerial photograph of the Aliso Canyon facility.

23. Defendants are currently in the construction phases of the Aliso Canyon Turbine Replacement Project – a $200 million project in which the three main turbine compressors at the Aliso Facility are being replaced.

**C. The Aliso Facility Leak**

24. On October 23, 2015, Defendants first reported that they detected the presence of a leak in pipe casing several hundred feet below the earth's surface.

25. Though Defendant SoCal Gas has stated that it cannot determine how much gas has leaked into the air until after it has successfully stopped the leak, the California Air Resources Board released a report estimating that natural gas is leaking from the pipe at the rate of approximately 50,000 kilograms per hour.

26. Thus far, Defendants' efforts to plug the leak have been unsuccessful. Defendant SoCal Gas initially tried pumping fluid into the well with no success. Defendant SoCal Gas has now indicated that it will need to drill a new relief well in order to seal the leak – a process that could take several months.

27. On November 18, 2015, the Division of Oil, gas, and Geothermal Resources ("DOGGR"), the lead state regulatory agency overseeing the Aliso Facility leak, issued an emergency order stating that Defendant SoCal Gas had failed to fully inform state officials about the well's status and requiring Defendant to produce information by November 19 including: downhole videos; well logs; pressure surveys; pressure testing; and spinner surveys. The order also required Defendant to disclose by November 21 identifying when relief well site preparation will be completed and when drilling will start.

**D. The Impact on the Porter Ranch Community**

28. The residents of the adjacent community of Porter Ranch have borne the brunt of the uncontrolled release of natural gas and other pollutants into the atmosphere. In addition to the release of methane and mercaptans previously referenced, air testing has revealed the presence of benzene (a known carcinogen), tuolene (a substance when inhaled in low levels is known to cause tiredness, confusion, weakness, memory loss, nausea, and loss of appetite), hydrogen sulfides, and sulfur dioxide.

29. But most significantly, Plaintiff and the Class members are being harmed by the odors caused by the mercaptans being emitted from the natural gas leak. These harms include suffering from nausea, dizziness, vomiting, shortness of breath, and headaches. On November 19, 2015, the Los Angeles Department of Public Health issued a Preliminary Environmental Health Assessment stating that these symptoms are expected to persist as long as the odors persist.

30. The invasion of Plaintiff's and the Class members' property by pollutants, noxious odors, and other contaminants has caused Plaintiff to suffer injuries including, but not limited, exposure to noxious odors, and other contaminants.

31. The invasion of Plaintiff's and the Class members' property by pollutants, noxious odors, and other contaminants has interfered with Plaintiff's use and enjoyment of both his property and of public property located within the community of Porter Ranch.

32. Defendants negligently failed to construct, maintain, and/or operate the Aliso Facility and caused the invasion of Plaintiff's property and the property of the Class members by pollutants, noxious odors, and other contaminants.

33. Defendants are vicariously liable for all damages suffered by Plaintiff and the Class members caused by Defendants' employees, representatives and agents, who, during the course and scope of their employment, allowed or failed to correct the problem(s) which caused the uncontrolled release of natural gas, pollutants, noxious odors, and other contaminants into atmosphere and which physically invaded Plaintiff's property.

## V

## CLASS ACTION ALLEGATIONS

34. Plaintiff brings this case, and each of his respective causes of action, as a class action pursuant to California Code of Civil Procedure section 382.

35. The "Class" is composed of: "All California residents who reside in the Porter Ranch community of Los Angeles, California, who have been exposed to gases and noxious odors emanating from the natural gas leak at Defendants' Aliso Canyon Storage Facility, since October 23, 2015.

36. Excluded from the above Class is any entity in which Defendants have a controlling interest, and officers or director of Defendants.

37. The members of the Class are so numerous that a joinder of all members would be impracticable. The Los Angeles Department of City Planning estimated that the population of Porter Ranch was 30,571 in 2008. While the exact number of the members of the Class is unknown to Plaintiffs at this time and can be determined only by appropriate discovery, Plaintiff believes that the Class is likely to include thousands of members.

38. Membership in the Class is ascertainable. The Class definition identifies groups of unnamed plaintiffs by describing a set of common characteristics sufficient to allow a member of that group to identify himself or herself as having a right to recover based on the description. Other than by direct notice, alternatively proper and sufficient notice of this action may be provided to the Class members through notice published in newspapers or other publications.

39. A well-defined community of interest in the questions of law or fact involving and affecting all members of the Class exists, and common questions of law or fact are substantially similar and predominate over questions that may affect only individual Class members. The questions of law and fact common to Plaintiff and the Class members include, among others, the following:

a. Whether Defendants were negligent in their construction, maintenance, and operation of the Aliso Canyon natural gas storage facility;

b. Whether Defendants owed any duties to Class Members;

c. Whether Defendants' negligence was the cause of the uncontrolled natural gas leak that occurred on October 23, 2015, and continues unabated as of the filing of this Complaint;

d. Whether gases and other chemicals have been released into the environment from the natural gas leak at the Aliso Canyon facility that pose a threat to the health and safety of Class Members;

e. Whether it was reasonably foreseeable that Defendants' failure to properly construct, maintain, and/or operate the Aliso Canyon natural gas storage facility would result in bodily harm to Class Members;

f. Whether it was reasonably foreseeable that Defendants' failure to properly construct, maintain, and/or operate the Aliso Canyon natural gas storage facility would result in an invasion of Plaintiff's possessory interests;

g. The extent to which Class Members have been harmed by the uncontrolled release of gases and chemicals into the atmosphere at Defendants' Aliso Canyon facility;

h. What is the proper measure of damages incurred by the Class members.

40. Plaintiff's claims are typical of all of the members of the Class. The evidence and the legal theories regarding Defendant's alleged wrongful conduct are substantially the same for Plaintiff and all of the Class members.

41. Plaintiff will fairly and adequately protect the interests of the Class members. Plaintiff has retained competent counsel experienced in class action litigation to ensure such protection. Plaintiff and his counsel intend to prosecute this action vigorously.

42. The class action is superior to all other available methods for the fair and efficient adjudication of this case or controversy. Because the injury suffered by the Class members may be relatively small, the expense and burden of individual litigation make it virtually impossible for Plaintiff and Class members individually to seek redress for the alleged wrongful conduct. Even if any individual persons or group(s) of Class members could afford individual litigation, it would be unduly burdensome to the courts in which the individual litigation(s) would proceed. The class action device is preferable to individual litigation(s) because it provides the benefits of unitary adjudication, economies of scale, and comprehensive adjudication by a single court. In contrast, the prosecution of separate actions by individual Class members would create a risk of inconsistent or varying adjudications with respect to individual Class members that would establish incompatible standards of conduct for the party (or parties) opposing the Class and would lead to repetitious trials of the numerous common questions of fact and law. Plaintiff knows of no difficulty that will be encountered in the management of this litigation that would preclude its maintenance as a class action. As a result, a class action is superior to other available methods for the fair and efficient adjudication of this controversy.

## VI

## VIOLATIONS ALLEGED

43. Plaintiff alleges the following violations on behalf of the Class:

### FIRST CAUSE OF ACTION

### NEGLIGENCE

44. Plaintiff incorporates by reference all allegations of the preceding paragraphs as though fully set forth herein.

45. At all times relevant herein, Defendants owned and operated the Aliso Canyon natural gas storage facility.

46. Defendants negligently and improperly constructed, maintained, and/or operated the Aliso Canyon facility, in that Defendants caused the emission of noxious odors, gases, pollutants, and contaminants in Plaintiff's home, land, and property.

47. As a direct and proximate result of Defendants' negligence in constructing, maintaining, and/or operating the Aliso Canyon facility, Plaintiff's property was, and is being, invaded noxious odors, gases, pollutants, and contaminants.

48. As a further direct and proximate result of Defendants' foregoing conduct, Plaintiff suffered both personal and property damage as alleged herein.

49. The invasion and subsequent damages suffered by Plaintiff was reasonably foreseeable by Defendants.

50. By failing to properly construct, maintain and/or operate the Aliso Canyon facility, Defendants failed to exercise their duty of ordinary care and diligence so that noxious odors, gases, pollutants, and air contaminants would not invade Plaintiff's property.

51. Defendants knowingly breached their duty to exercise ordinary care and diligence when they improperly constructed, maintained and/or operated the Aliso Canyon facility and knew, or should have known upon reasonable inspection that such actions would cause Plaintiff's property to be invaded by noxious odors, gases, pollutants, and air contaminants.

52. As a direct and proximate result of the failure of Defendants to exercise ordinary care, Plaintiff's residence was invaded by noxious odors, gases, pollutants, and air contaminants, causing injury to Plaintiff.

53. Defendants are liable to Plaintiff for all damages arising from their negligent conduct, including compensatory and exemplary relief.

**SECOND CAUSE OF ACTION**

**PRIVATE NUISANCE**

54. Plaintiff incorporates by reference all allegations of the preceding paragraphs as though fully set forth herein.

55. The noxious odors, gases, pollutants, and contaminants which entered Plaintiff's property originated from the Aliso Canyon natural gas storage facility constructed, maintained, and/or operated by Defendants.

56. The noxious odors, gases, pollutants, and contaminants invading Plaintiff's property are harmful to health, indecent and/or offensive to the senses, and an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and obstructed the free use, in the customary manner, of public parks, including in, but not limited to, the following ways:

a. causing Plaintiff to remain inside his home and forego use of his yard;

b. causing Plaintiff to keep doors and windows closed when weather conditions otherwise would not so require; and

c. causing Plaintiff embarrassment and reluctance to invite guests to his home.

57. Defendants owed and continue to owe a duty to Plaintiff to take positive action to prevent and/or abate the invasion of the private interests of Plaintiff.

58. By constructing and/or failing to reasonably maintain or repair the Aliso Canyon Facility, Defendants have negligently created an unreasonable risk of foreseeable harm by causing the invasion of Plaintiff's property by noxious odors, gases, pollutants, and contaminants.

59. As a foreseeable, direct, and proximate cause of the foregoing conduct of Defendants, Plaintiff suffered injuries and damages to his property as alleged herein.

60. The injuries and damages suffered by Plaintiff are especially injurious to him, as compared with the public.

61. Plaintiff did not consent to for noxious odors, gases, pollutants, and contaminants to enter and settle upon his land and property.

62. By causing noxious odors, gases, pollutants, and contaminants produced and/or controlled by Defendants to physically invade Plaintiff's land and property, Defendants intentionally, recklessly, and negligently created a nuisance which substantially and unreasonably interfered with Plaintiff's comfortable use and enjoyment of his property.

63. Defendants' substantial and unreasonable interference with Plaintiff's use and enjoyment of his property constitutes a nuisance for which Defendants are liable to Plaintiff for all damages arising from such nuisance, including compensatory and exemplary relief.

**THIRD CAUSE OF ACTION**

**PUBLIC NUISANCE**

64. Plaintiff incorporates by reference all allegations of the preceding paragraphs as though fully set forth herein.

65. The noxious odors, gases, pollutants, and contaminants which entered Plaintiff's property and the public spaces within Plaintiff's community of Porter Ranch originated from the Aliso Canyon natural gas storage facility constructed, maintained, and/or operated by Defendants.

66. The noxious odors, gases, pollutants, and contaminants invading Plaintiff's property and the public spaces within Plaintiff's community of Porter Ranch are harmful to health, indecent and/or offensive to the senses, and an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and obstructed the free use, in the customary manner, of public parks, including in, but not limited to, the following ways:

a. causing Plaintiff to remain inside his home and forego use of the public spaces within his community of Porter Ranch.

67. Defendants owed and continue to owe a duty to Plaintiff to take positive action to prevent and/or abate the interference with the public interest.

68. By constructing and/or failing to reasonably maintain or repair the Aliso Canyon Facility, Defendants have negligently created an unreasonable risk of foreseeable harm by causing the invasion of Plaintiff's property and the public spaces within Plaintiff's community of Porter Ranch by noxious odors, gases, pollutants, and contaminants, thereby affecting a substantial number of people at the same time.

69. As a foreseeable, direct, and proximate cause of the foregoing conduct of Defendants, Plaintiff suffered injuries and damages as alleged herein.

70. The injuries and damages suffered by Plaintiff are especially injurious to him, as compared with the public.

71. Plaintiff did not consent to Defendants' conduct resulting in noxious odors, gases, pollutants, and contaminants entering and settling upon his land and property and upon the public spaces in his community of Porter Ranch.

72. By causing noxious odors, gases, pollutants, and contaminants produced and/or controlled by Defendants to physically invade Plaintiff's land and property, Defendants negligently created a nuisance which substantially and unreasonably interfered with Plaintiff's comfortable use and enjoyment of his property and the public spaces within his community of Porter Ranch.

73. Defendants' substantial and unreasonable interference with Plaintiff's use and enjoyment of his property and the public spaces within the community of Porter Ranch constitutes a nuisance for which Defendants are liable to Plaintiff for all damages arising from such nuisance, including compensatory and exemplary relief.

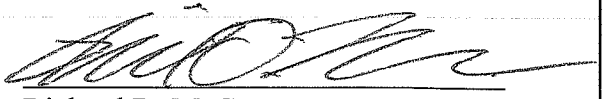
## PRAYER FOR RELIEF

WHEREFORE, Plaintiff and the Class pray for judgment as follows:

1. For an order certifying this action as a class action;
2. For an order appointing Plaintiff as representative of the Class and his counsel of record as Class counsel;
3. Judgment in favor o Plaintiff and the Class members and against Defendants;
4. For an award of actual, general, special, incidental, statutory, compensatory and consequential damages in an amount to be proven at trial;
5. For costs;
6. For interest;
7. For attorneys' fees under applicable law, including California Code of Civil Procedure § 1021.5; and
8. For such other relief as the Court deems just and proper.

DATED: November 23, 2015.

**McCuneWright, LLP**

BY: 

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