

FILED
5/28/2025 1:51 PM
Clerk of the Napa Superior Court
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*Exempt from filing fee under
Government Code section 6103*

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF NAPA

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13 CALIFORNIA DEPARTMENT OF FORESTRY
14 AND FIRE PROTECTION,

15 Plaintiff,

16 v.

17 PACIFIC GAS AND ELECTRIC COMPANY, a
18 California Corporation, and DOES 1-50,
19 INCLUSIVE,

20 Defendants.

Case No. 25CV001103

COMPLAINT FOR FIRE COST
RECOVERY

[Health & Safety Code, §§ 13009, 13009.1]

1 Plaintiff, the California Department of Forestry and Fire Protection (Plaintiff or CAL
2 FIRE), alleges as follows:

3 INTRODUCTION

4 1. CAL FIRE brings this action under Health and Safety Code sections 13009 and
5 13009.1, and various other provisions of the Public Resources and Health and Safety Codes, to
6 recover fire suppression, investigation, administrative, accounting, and collection costs, totaling
7 not less than \$1,785,340.43, incurred as a result of a fire known as the Old Fire that ignited May
8 31, 2022 (the Old Fire). CAL FIRE also seeks recovery of expert fees, reasonable attorney fees,
9 and costs pursuant to Code of Civil Procedure section 1021.8, and pre-judgment interest under
10 Civil Code section 3287. Through their negligence and law violations, the defendants, and each
11 of them, started the Old Fire, and allowed it to spread, as more fully alleged below.

12 PARTIES

13 2. CAL FIRE is, and at all times herein was, a state agency created within the California
14 Natural Resources Agency. (Pub. Resources Code, § 701.) CAL FIRE is responsible for
15 providing fire protection, fire prevention, maintenance, and enhancement of the state's forest,
16 range, and brushland resources, contract fire protection, associated emergency services, assistance
17 in civil disasters and other non-fire emergencies, and for enhancing and enforcing forest and fire
18 laws. (Pub. Resources Code, §§ 713, 714.) CAL FIRE is authorized to file suit pursuant to
19 Government Code section 945.

20 3. The defendants are "persons" within the meaning of Health and Safety Code section
21 19 and Public Resources Code section 4101.

22 4. Plaintiff is informed and believes, and on that basis alleges, that defendant Pacific
23 Gas and Electric Company (PG&E) is a California corporation whose principal place of business
24 is in Oakland, California. Plaintiff is informed and believe, and on that basis alleges, that at all
25 times relevant to this complaint, PG&E owned and operated the power lines that arced and
26 dropped hot material into dry vegetation, igniting the Old Fire, as alleged in more detail below.

27 5. The true names and capacities of defendants Does 1 through 50, inclusive, whether
28 corporate, individual, or otherwise, are unknown to CAL FIRE, which therefore sues such

defendants by fictitious names. CAL FIRE will seek leave of court to amend this complaint to show their true names and capacities when they have been ascertained. On information and belief, the Doe defendants, and each of them, are connected to and responsible for the acts complained of herein.

6. CAL FIRE is informed and believes, and thereon alleges, that, at all times relevant herein, each of the defendants was the agent and/or employee of, and/or engaged in a joint venture with, each of the remaining defendants, and in doing the acts alleged herein, was acting within the course and scope of such agency, employment, or joint venture.

VENUE

7. Venue is proper in Napa County because the Old Fire burned in, and CAL FIRE incurred costs in, Napa County, giving rise to obligations and liability herein alleged against each defendant, and because defendants reside in, manage, own, operate, possess, or lease property in, do business in, and/or employ agents or employees within Napa County.

GENERAL ALLEGATIONS

8. Arcing is a known cause of fires. When arcing occurs over a receptive fuel bed, it is foreseeable that it may cause a fire.

9. CAL FIRE makes the allegations of this paragraph on information and belief. On May 31, 2022, electrical power transmission lines owned, operated, and maintained by Defendant PG&E (Power Lines) created electrical arcs by contacting each other, separating from related equipment, or otherwise. CAL FIRE alleges that among the equipment which comprises the Power lines are, at least, two electrical conductors. The arcing from the electrical conductors emitted hot material, including, but not necessarily limited to, molten metal and/or sparks, into a receptive fuel bed of dried grasses below the Power Lines, igniting the Old Fire. As a direct, foreseeable, and proximate consequence of the negligence and violations of law described in this complaint, the Old Fire burned approximately 570 acres in Napa County. The Old Fire burned out of defendants' control, onto property they did not own, and damaged or destroyed property owned by other parties.

10. CAL FIRE is informed and believes, and thereon alleges, that PG&E installed, controlled, operated, and/or maintained the Power Lines and associated devices, electrical conductors, poles, and equipment described herein at all relevant times. CAL FIRE is informed and believes, and thereon alleges, that each other defendant participated in the installation, inspection, control, operation, and/or maintenance of the Power Lines and associated devices, electrical conductors, poles, and equipment pursuant to an agency, contract, service, employment, and/or joint venture relationship with PG&E.

11. CAL FIRE is informed and believes, and thereon alleges, that the Old Fire ignited in Napa, California, at approximately 3:35 p.m. on May 31, 2022, when electrical conductors made contact, causing an electrical arc to emit hot material, including, but not necessarily limited to, molten metal and/or sparks, into a receptive fuel bed of dried vegetation below the Power Lines, igniting flames that became the Old Fire.

12. The California Public Utilities Commission's Safety and Enforcement Division determined that PG&E's conductors made contact and led to the ignition of the Old Fire.

13. TSH Consulting issued a report stating that PG&E's conductors appear to have made electrical contact mid-span, and the markings on the conductor are consistent with line slaps.

14. EFI Global issued a report that both conductors exhibited arcing during contact with each other, and the molten ejecta resulting from such contact is a competent ignition source for combustibles below the Power Lines.

15. Defendants were suppliers of electricity to members of the public at all times relevant to this complaint. In that capacity, defendants installed, constructed, built, maintained, and/or operated Power Lines in mountainous land, forest-covered land, brush-covered land, or grass-covered land for the purpose of conducting electricity for delivery to the public, and had a duty to meet all obligations under Public Resources Code sections 4421 and 4422, and General Order 95.

16. Defendants, and each of them, failed to properly install, operate, maintain, and/or inspect the Power Lines and/or associated devices, electrical conductors, poles, and equipment so as to mitigate or remove the reasonably foreseeable fire hazard they presented.

17. CAL FIRE makes the allegations of this paragraph on information and belief. As a direct, foreseeable, and proximate consequence of defendants' failure to properly install, operate, and/or maintain the Power Lines, associated devices, electrical conductors, poles, and equipment, defendants' Power Lines, associated devices, electrical conductors, poles, and equipment created conditions that set a fire or allowed a fire to be set, including, but not necessarily limited to, two of the electrical conductors contacting each other, and creating hot material, including, but not necessarily limited to, molten metal and/or sparks that fell into the dried grasses below, igniting the Old Fire.

18. The Old Fire spread from its area of origin and burned approximately 570 acres of third parties' land in Napa County.

19. As alleged herein, defendants, and each of them, set the Old Fire or allowed the Old Fire to be set negligently and in violation of the law, including, but not limited to, Public Resources Code sections 4421 and 4422, Health and Safety Code section 13001, and California Public Utilities Commission General Order 95, and allowed the fire to escape control and to burn private property.

20. As a direct, foreseeable, and proximate consequence of the Old Fire, CAL FIRE, acting by and through its firefighting units, incurred reasonable costs of not less than \$1,785,340.43 to suppress the Old Fire, and for investigation, administrative, accounting, and collection activities. As of the time of filing this complaint, CAL FIRE has incurred and will continue to incur additional administrative, collection, and litigation costs as a result of the Old Fire.

21. Health and Safety Code sections 13009 and 13009.1 allow public entities to recover fire suppression costs from persons who, negligently or in violation of the law, set fires or allow fires to be set, or kindle or attend fires and allow them to escape onto public or private property.

FIRST CAUSE OF ACTION
(Health & Safety Code §§ 13009 and 13009.1 Cost Recovery – Against All Defendants)

22. CAL FIRE incorporates Paragraphs 1 through 21 by reference as though fully set forth herein.

A. Negligence

23. Defendants, and each of them, owed the public and CAL FIRE a duty to exercise reasonable care in the operation and maintenance of the Power Lines and their associated devices, electrical conductors, poles, and equipment, including properly installing, maintaining, operating, and inspecting the Power Lines and their associated devices, electrical conductors, poles, and equipment.

24. CAL FIRE is informed and believes, and thereupon alleges, that defendants, and each of them, breached their duty to exercise care in the operation of their infrastructure, including by failing to properly install, maintain, and/or operate the Power Lines and their associated devices, electrical conductors, poles, and equipment in a careful and safe manner, including, but not limited to, ensuring that the Power Lines were a safe distance apart. As a result of that breach, arcing from the Power Lines emitted hot material, including, but not necessarily limited to, molten metal and/or sparks, into a receptive fuel bed of dried grasses below the Power Lines, igniting the Old Fire.

25. CAL FIRE is informed and believes, and thereupon alleges, that defendants knew or should have known that it was foreseeable that their acts, omissions, and/or carelessness in failing to exercise ordinary care in the installation, inspection, operation, and maintenance of the Power Lines could be harmful to others, including through damage caused by a fire.

26. CAL FIRE is entitled to a presumption of negligence under the doctrine of *res ipsa loquitur*. On information and belief, arcing of electrical equipment that ignites wildland fires such as the Old Fire ordinarily does not happen in the absence of negligence. Defendants had exclusive control and management of the Power Lines and their associated devices, electrical conductors, poles, and equipment. Defendants have superior access to information concerning the precise cause of the events leading to the Old Fire and CAL FIRE did not cause or contribute to the events that created the harm alleged in this complaint. Defendants' negligence may, accordingly, be inferred from the general facts alleged in this complaint.

27. Defendants' violations of law identified below were a direct, foreseeable, actual, and legal cause of the Old Fire, and thus defendants were also negligent per se.

28. Because defendants, and each of them, negligently set the Old Fire and/or negligently allowed the Old Fire to be set and cause the harm alleged in this complaint, defendants, and each of them, are liable for CAL FIRE's suppression, investigation, administrative, accounting, and collection costs arising as a direct, foreseeable, and proximate consequence of the Old Fire as herein alleged pursuant to sections 13009 and 13009.1.

B. Violation of Law – Public Resources Code sections 4421 and 4422

29. CAL FIRE is informed and believes, and thereon alleges, that defendants, and each of them, caused fire to be set to brush or other flammable material on land that is not under defendants' legal control without the permission of the owner, lessee, or agent of the owner or lessee of the land in violation of Public Resources Code section 4421.

30. CAL FIRE is informed and believes, and thereon alleges, that defendants, and each of them, allowed the Old Fire, kindled by them, to escape from their control and to spread to the land of persons other than the land from which the fire originated in violation of Public Resources Code section 4422.

31. Because defendants, and each of them, violated Public Resources Code sections 4421 and 4422 directly, foreseeably, and proximately causing CAL FIRE to incur suppression, investigation, administrative, accounting, and collection costs arising from the Old Fire as alleged herein, defendants, and each of them, are liable to CAL FIRE for those costs pursuant to sections 13009 and 13009.1.

C. Violation of Law – Health and Safety Code section 13001

32. Health and Safety Code section 13001 provides, "Every person is guilty of a misdemeanor who, through careless or negligent action, throws or places any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire, in any place where it may directly or indirectly start a fire, or who uses or operates a welding torch, tar pot or any other device which may cause a fire, who does not clear the inflammable material surrounding the operation or take such other reasonable precautions necessary to insure against the starting and spreading of fire."

33. CAL FIRE is informed and believes, and thereon alleges, that defendants, and each of them, operated the Power Lines and their associated devices, electrical conductors, poles, and equipment in a manner that could and did place a glowing or flaming substance in a place where it caused a fire. The Power Lines and their associated devices, electrical conductors, poles, and equipment were devices that may cause a fire, and defendants used or operated them without taking reasonable precautions necessary to insure against the starting and spreading of fire as alleged herein.

34. Because defendants, and each of them, violated Health and Safety Code section 13001, directly, foreseeably, and proximately causing CAL FIRE to incur suppression, investigation, administrative, accounting, and collection costs arising from the Old Fire as alleged herein, defendants, and each of them, are liable to CAL FIRE for those costs pursuant to Sections 13009 and 13009.1.

D. Violation of Law – General Order No. 95

35. Defendants are required to comply with a number of standards for their Power Lines, as set forth in California Public Utilities Commission General Order No. 95 (GO-95). Rule 18 of GO-95 requires companies to undertake corrective action within the time period stated for each of the applicable priority levels, including Level 2 priority work that includes any other risk of at least moderate potential impact to safety or reliability. In addition, a company may not use its Field Safety Reassessment program to delay maintenance and repair work, which results in maintenance work being delayed beyond the company's internal due dates and in some cases beyond GO-95 Rule 18 required due dates. Rule 31.1 of GO-95 requires that electrical supply systems be of suitable design and construction for their intended use, regard being given to the conditions under which they are to be operated, and maintained in a condition that will enable the furnishing of safe, proper, and adequate service. Rule 38 of GO-95 sets forth the minimum vertical, horizontal, or radial clearances of wires from other wires.

36. CAL FIRE is informed and believes, and thereon alleges, that defendants, and each of them, installed and maintained their Power Lines in a way that does not meet the standards set

1 forth in General Order No. 95, and that defendants' failure to comply with GO-95 was the
2 foreseeable and proximate cause of the arcing event that led to the Old Fire.

3 37. Because defendants, and each of them, violated General Order No. 95, directly,
4 foreseeably, and proximately causing CAL FIRE to incur suppression, investigation,
5 administrative, accounting, and collection costs arising from the Old Fire as alleged herein,
6 defendants, and each of them, are liable to CAL FIRE for those costs pursuant to sections 13009
7 and 13009.1.

8 38. CAL FIRE is informed and believes, and thereon alleges, as a direct, foreseeable, and
9 proximate result of defendants' negligence and violations of law, CAL FIRE incurred (1) fire
10 suppression costs; (2) investigation and report-making costs; and (3) costs relating to accounting
11 for the Old Fire and the collection of funds pursuant to Health and Safety Code sections 13009
12 and 13009.1, including, but not limited to, the administrative costs of operating a fire suppression
13 cost recovery program. These costs were incurred in suppressing the Old Fire, were the
14 proximate result of the wrongful conduct of defendants, and each of them, and were reasonably
15 incurred by CAL FIRE.

16 39. CAL FIRE sent defendants letters of demand for payment on December 12, 2024,
17 and on February 26, 2025, for the amount of \$1,785,340.43. Defendants have not paid CAL
18 FIRE any amount of the money owed. Pursuant to Civil Code sections 3287 and 3289, CAL
19 FIRE is entitled to pre-judgment interest from the date of its demand on February 26, 2025. Code
20 of Civil Procedure section 1021.8 provides that whenever the Attorney General prevails in an
21 action to enforce Health and Safety Code sections 13009 and 13009.1, the Court shall award to
22 the Attorney General all costs of investigation and prosecuting the action, including expert fees,
23 reasonable attorney fees, and costs.

24 PRAYER FOR RELIEF

25 WHEREFORE, CAL FIRE prays for judgment against the defendants, and each of them, as
26 follows:

27 1. For the sum of \$1,785,340.43 for fire suppression, investigation, administrative,
28 accounting, and collection costs associated with the Old Fire;

- 1 2. For pre- and post-judgment interest as allowed by law;
- 2 3. For any additional costs of investigating and making reports with respect to the Old
- 3 Fire, as provided by Health and Safety Code section 13009.1, subdivision (a)(1), in an amount to
- 4 be proven at trial;
- 5 4. For any additional administrative, accounting, and collection costs attributable to the
- 6 Old Fire, as provided by Health and Safety Code section 13009.1, subdivision (a)(2), in an
- 7 amount to be proven at trial;
- 8 5. For all costs of investigating and prosecuting this action, including expert fees,
- 9 reasonable attorney fees, and costs as provided in Code of Civil Procedure section 1021.8; and
- 10 6. For such other and further relief as this Court deems just and proper.

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12 Dated: May 28, 2025

Respectfully submitted,

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