1	Gerald Singleton (SBN 208783) gsingleton@singletonschreiber.com	ELECTRONICALLY FILED Superior Court of California,					
2	Paul Starita (SBN 219573)	County of San Francisco					
3	SINGLETON SCHREIBER, LLP 591 Camino de la Reina, Suite 1025	Clerk of the Court					
4 5	San Diego, CA 92108 Tel. (619) 771-3473	Deputy Clerk					
6	Counsel for Plaintiffs						
7	SUPERIOR COURT OF TH	E STATE OF CALIFORNIA					
, 8	IN AND FOR THE COUNTY OF SAN FRANCISCO						
0							
9 10	LARA WHEELER and JULIE PETERSON, on behalf of themselves and all other similarly	Case No. CGC-23-607657					
11	situated individuals,	CLASS ACTION COMPLAINT (1) NEGLIGENCE (2) MEDICAL					
12	Plaintiffs,	MONITORING					
13	v.						
14	PG&E CORPORATION, a California						
15 16	Corporation; PACIFIC GAS AND ELECTRIC COMPANY, a California Corporation; DOES 1-200 inclusive,						
10 17	Defendants.						
18							
19	COMES NOW PLAINTIFFS, Lara Whe	eler, and Julie Peterson ("Plaintiffs") on behalf of					
20	themselves and all others similarly situated ("Class Members"), and by and through Plaintiffs'						
21	undersigned counsel, hereby submit this Complaint and jury demand against Defendants PG&E						
22	CORPORATION and PACIFIC GAS & ELECTRIC COMPANY and DOES 1 through 200,						
23	linclusive (collectively "PG&E") upon information and belief and based upon the investigation of						
24	counsel, thereby Plaintiffs' state and allege as follows:						
25	INTRODUCTION						
26	1. This is class action seeking redr	ess for all individuals who at all relevant times,					
27	owned or rented property, or otherwise resided i	in Plumas County, Butte County, Lassen County,					
28	Tehama County, Shasta County, Sierra County, Nevada County, Yuba County, Placer County and						
		1					
	CLASS ACTION COMPLAINT (1) NEG	ELIGENCE (2) MEDICAL MONITORING					

1 El Dorado County in Northern California (the "Northern California Counties") as well as for all 2 individuals who at all relevant times, owned or rented property, or otherwise resided in Washoe 3 County, Storey County, the Consolidated Municipality of Carson City, Douglas County, Lyon 4 County, Mineral County, Churchill County, and Pershing County in Northern Nevada ("Northern 5 Nevada Counties") (collectively the "Counties") for damages they suffered arising out of the Dixie 6 Fire.

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2. The Dixie Fire ignited on July 13, 2021, near Storrie Road above the Cresta Dam in Plumas County, California, and ravaged through Plumas County, Butte County, Lassen County, 9 and Tehama County in Northern California.

10 3. The Fly Fire started on July 22, 2021, at the area of Butterfly Valley Twain Road 11 and Highway 70 in Plumas County, California. The Fly Fire and Dixie Fire merged, contributing 12 to the damages caused by the Dixie Fire.¹

13 4. Both the Dixie Fire and Fly Fire each started, in their respective origin areas, when 14 a tree fell and struck a high voltage line – owned and operated by PG&E – igniting a vegetation 15 fire.

5. 16 The Dixie Fire burned more than 963,309 acres and destroyed 1,329 structures -17 making it the second largest wildfire in the history of the State of California.

The Dixie Fire raged for one-hundred and five (105) days,² feasting on abundant 18 6. 19 dry fuels and spewing heavy plumes of wildfire smoke in the air above it.

20 7. The wildfire smoke from the Dixie Fire reached levels of over 40,000 feet, 21 blanketing the Counties with thick, heavy smoke for approximately three (3) months.

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¹ Because the Dixie and Fly Fire merged, they will at times collectively be referred to as the "Dixie Fire." ² The Dixie Fire started on July 13, 2021 and was deemed "one-hundred percent contained" on October 26, 2021.

> 2 CLASS ACTION COMPLAINT (1) NEGLIGENCE (2) MEDICAL MONITORING

The wildfire smoke³ from the Dixie Fire consisted of a complex mixture of air 8. pollutants, including particulate matter ("PM"), carbon monoxide, carbon dioxide, nitrogen 3 oxides, volatile organic compounds, and polycyclic aromatic hydrocarbons, amongst other 4 dangerous air pollutants ("air pollutants").

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9. These air pollutants, when inhaled, are known to cause a number of health complications including but not limited to heart disease, lung disease, increased respiratory morbidity, including respiratory infections, asthma, chronic obstructive pulmonary disease, and even cancer.4

9 10. According to the United States Environmental Protection Agency's Air Quality Index ("AQI") scale,⁵ which measures air quality across the country, the air quality for the 10 Counties during the Dixie Fire reached and remained at hazardous and very unhealthy levels for 11 extended periods of time.⁶ 12

	Daily AQI Color	Levels of Concern	Values of Index	Description of Air Quality
	Green	Good	0 to 50	Air quality is satisfactory, and air pollution poses little or no risk.
	Yellow	Moderate	51 to 100	Air quality is acceptable. However, there may be a risk for some people, particularly those who are unusually sensitive to air pollution.
	Orange	Unhealthy for Sensitive Groups	101 to 150	Members of sensitive groups may experience health effects. The general public is less likely to be affected.
	Red	Unhealthy	151 to 200	Some members of the general public may experience health effects; members of sensitive groups may experience more serious health effects.
	Purple	Very Unhealthy	201 to 300	Health alert: The risk of health effects is increased for everyone.
	1 Maroon Air	Quality Hazardous	s indicate that	Health warning of emergency conditions: everyone is more likely to be about July 24, 2021, the arr quality
unhea heart partic ⁴ Reic nlm.n	Ithy to breathe a or respiratory co les that can aggr d et al, Critical R hih.gov/2708289	nd can be especially dange inditions," and such air pol avate existing health proble eview of Health Impacts of	erous for children llutants range "fro lems and increase of Wildfire Exposi-	h, the elderly, pregnant women and people with om known cancer-causing substances to tiny e the risk of heart attack or stroke." <i>ure</i> (Apr. 15, 2016) <https: pubmed.ncbi.<="" th=""></https:>

the Northern California Counties, specifically in and around the Plumas County area, skyrocketed
 to a level of 662, measuring as hazardous on the AQI scale.



Similarly, by late August 2021, the air quality levels in the Northern Nevada
 Counties peaked at the highest levels ever recorded in the State's history, prompting the Washoe
 County Health District – Air Quality Management Division, for the first time ever, to issue a "Stage
 Emergency Episode" advising all residents to stay indoors.⁷

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14. Air pollutants from the Dixie Fire continued to plague the Counties throughout September 2021, and only began to subside when the Dixie Fire was close to being fully contained in or around early October 2021.⁸

8 15. As a result of the Dixie Fire, that was caused by PG&E, Plaintiffs and all Class
9 Members were adversely affected in that they were exposed to dangerous levels of air pollutants
10 for extended periods of time.

11 16. Consequently, Plaintiffs and Class Members reasonably require present and future
medical monitoring to ensure early detection of any cancers, diseases, or illnesses caused by
lengthy and extreme exposure to air pollutants. Many of these conditions can be asymptomatic in
the patient prior to the manifestation of significant and sometimes fatal injuries.

15 17. Each and every Plaintiff and Class Member will be better off knowing the physical
side effects from their exposure to the Dixie Fire. The notice and plan diagnostic program
described below will equip Plaintiffs and Class Members and their doctors with the knowledge
they require to take steps to protect themselves from future harm.

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JURISDICTION AND VENUE

18. This Court has jurisdiction over this matter pursuant to Code of Civil Procedure
("CCP") §§ 395(a) and 410.10 because PG&E is incorporated in California, headquartered in San
Francisco, California, engages the bulk of its corporate activities in California, and maintains the
majority of its corporate assets in California to render the exercise of jurisdiction over PG&E
consistent with the traditional notions of fair play and substantial justice.

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19. Venue is proper in San Francisco County pursuant to CCP § 395.5 because PG&E

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27 7 Oxarat, *Stage 3 Air Quality Emergency Episode Downgraded to Stage 1* (Aug. 27, 2021) ">https://washoelife.
 28 2023).

⁸ See Exhibit A. Images and data compiled from https://gispub.epa.gov/airnow/index.html?tab=3.

1	performs business in San Francisco County, and a substantial part of the events, acts, omissions,		
2	and transactions complained of occurred in this county.		
3	20. The amount in controversy exceeds the jurisdictional minimum of this Court.		
4	THE PARTIES		
5	A. PLAINTIFFS		
6	21. Plaintiffs are individuals who, at all times relevant to this action, owned or rented		
7	property, or otherwise resided the Northern California Counties and/or Northern Nevada Counties		
8	during or after the Dixie Fire, and were exposed to air pollutants during or following the Dixie		
9	Fire, and/or subsequent remediation.		
10	22. Lara Wheeler, at all times relevant to this action, was and has been a resident of		
11	Plumas County in the State of California. Plaintiff Wheeler was exposed to air pollutants as a result		
12	of the Dixie Fire.		
13	23. Julie Peterson, at all times relevant to this action, was and has been a resident of		
14	Washoe County in the State of Nevada. Plaintiff Peterson was exposed to air pollutants as a result		
15	of the Dixie Fire.		
16	B. DEFENDANTS		
17	24. Defendant PG&E is incorporated in California and headquartered in San Francisco,		
18	California. PG&E provides public utility services that include the transmission and distribution of		
19	natural gas, and the generation, transmission, and distribution of electricity to millions of		
20	customers in Northern and Central California, including the residents of Plumas, Butte and Lassen		
21	Counties.		
22	25. The true names and capacities, whether individual, corporate, associate, or		
23	otherwise of Defendants Does 1 through 50, are unknown to Plaintiffs who, under CCP § 474, sue		
24	these Doe Defendants under fictitious names. Plaintiffs will amend this Complaint to show the true		
25	names and capacities of Doe Defendants when they are ascertained. Each of the Doe Defendants		
26	are in some manner legally responsible for the occurrences alleged in this Complaint, and		
27	Plaintiffs' damages as alleged were legally caused by each of those Doe Defendants.		
28	26. At all relevant times, each of the Defendants were the partners, principals, agents,		

1 employees, servants, and joint venturers of each other, and in doing the things alleged in this 2 Complaint were acting within the course and scope of their authority and relationship as partners, 3 principals, agents, employees, servants, and joint venturers with the permission, knowledge, and 4 consent of each other. 5 **CLASS ACTION** 27. Plaintiffs bring this action pursuant to Cal. Code of Civ. Proc. § 382, on behalf of 6 7 themselves and on behalf of all other persons similarly situated for direct, proximate and 8 foreseeable damages caused by exposure to wildfire smoke from the Dixie Fire. The proposed 9 Classes (collectively the "Class" or "Class Members") are hereby defined as follows: 10 11 General Class: All individuals who owned or rented property, or otherwise resided in the 12 Counties during or after the Dixie Fire, all of whom have developed, or in the future may 13 develop symptoms requiring medical treatment and/or medical expenses as a result of 14 being exposed to air pollutants caused by the Dixie Fire. 15 16 High Risk Class: All individuals who owned or rented property, or otherwise resided in the Counties during or after the Dixie Fire, who were sixty-five (65) years or older, eighteen 17 18 (18) or younger, pregnant, and/or had preexisting health conditions such as diabetes, heart 19 disease, lung disease, chronic obstructive pulmonary disease, and/or asthma, all of whom 20 have developed, or in the future may develop symptoms requiring medical treatment and/or 21 medical expenses as a result of being exposed to air pollutants caused by the Dixie Fire. 22 23 A. Excluded from the Class are assigned judges and members of their families within 24 the first degree of consanguinity, Defendants, and their subsidiaries, affiliates, officers, and 25 directors. 26 Β. The Class Action meets the statutory prerequisites for the maintenance of a Class 27 Action as set forth in Cal. Code of Civ. Proc. § 382, in that: 28 i. The persons who comprise the Class are so numerous that the joinder of all 7

such persons is impracticable and the disposition of their claims as a class will benefit the parties and the Court. While Plaintiffs are informed and believe that there are hundreds of thousands of persons who have been exposed to air pollutants from the Dixie Fire, who would be members of the Class, the precise number of Class Members are unknown to Plaintiffs but may be ascertained from objective evidence which Defendants possess.

 There is a well-defined community of interest in that nearly all factual, legal, statutory, declaratory, and injunctive relief issues that are raised in this Complaint are common to the Class will apply uniformly to every Class Member.

11 iii. The claims of the Plaintiffs are typical of the claims of the Class Members,
12 as all Class Members were and are similarly or identically harmed and their
13 claims arise from the same actions and/or inactions of Defendants. Each
14 Class Member was exposed to air pollutants from the Dixie Fire and as
15 result, each Class Member reasonably requires present and future medical
16 monitoring to ensure early detection of any cancers, diseases, or illnesses
17 caused by exposure to air pollutants.

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iv.The representative Plaintiffs will fairly and adequately represent and protect
the interests of the Class and has retained counsel who are competent and
experienced in Class Action litigation. There are no material conflicts
between the claims of the representative Plaintiffs and the Class Members
that would make class certification inappropriate. Counsel for the Class will
vigorously assert the claims of all Class Members.

v. A class action is superior to other available methods for the fair and efficient adjudication of this litigation because class treatment will obviate the need for unduly and unnecessary duplicative litigation that is likely to result in the absence of certification of this action pursuant to Cal. Code of Civ. Proc. § 382.

1	C. In add	lition to	o meeting the statutory prerequisites of a Class Action, this cause of
2	action is properly maintained as a Class Action pursuant to Cal. Code of Civ. Proc. § 382, in that:		
3	i. Without class certification and determination of declaratory, injunctive,		
4		statut	ory, and other legal questions within the class format, prosecution of
5		separ	ate actions by individual Class Members will create the risk of:
6		1)	Inconsistent or varying adjudications with respect to individual
7			Class Members which would establish incompatible standards of
8			conduct for the parties opposing the Class; and/or
9		2)	Adjudication with respect to individual Class Members which
10			would, as a practical matter, be dispositive of interests of the other
11			members that are not parties to the adjudication or substantially
12			impair or impede their ability to protect their interests.
13	ii.	Com	non questions of law and fact exist as to the Class Members with
14		respe	ct to the practices and violations of California law by Defendants and
15	predominate over any question affecting only individual Class Members.		
16	These include the following:		
17		1)	Whether Defendants acted negligently in their failure to properly
18			design, construct, operate, maintain, inspect, and manage its
19			electrical infrastructure, which resulted in the Dixie Fire;
20		2)	Whether Plaintiffs have been exposed to increased or significantly
21			increased risk of injury as a result of the Dixie Fire;
22		3)	Whether Plaintiffs and the Class are entitled to injunctive medical
23			monitoring relief they seek herein;
24		4)	Whether Defendants have any affirmative defenses that be litigated
25			on a class-wide basis; and/or
26		5)	Whether a Court-supervised notice and diagnostic program should
27			be established to mitigate or reduce the risk of injury as a result of
28			the effects of the Dixie Fire.
			9 COMPLAINT (1) NECLICENCE (2) MEDICAL MONITORING
		ACTION	COMPLAINT (1) NEGLIGENCE (2) MEDICAL MONITORING
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1	FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIFF				
2	A. THE DIXIE FIRE				
3	28. On or about July 13, 2021, the Dixie Fire was reported in a remote area near Storrie				
4	Road, above the Cresta Dam, in Plumas County, near the community of Pulga. The Dixie Fire				
5	quickly spread through neighborhoods, destroying everything in its path, including residences,				
6	structures, businesses, trees, and vegetation in the affected counties.				
7	29. The Dixie Fire burned over 963,309 acres, destroying 1,329 structures.				
8	30. The CAL FIRE Investigation Report, states as follows:				
9	The fire ignited below the Pacific Gas & Electric ("PG&E") Bucks 1101 12KV distribution circuit between pole number 120772797 and an				
10	unmarked pole approximately 300 feet east. The fire ignited when a 65' tall, damaged, and decayed Douglas-Fir tree when it fell and contacted				
11	conductors at approximately 6:48 AM. Two of the three fuses blew (opened) upon initial contact with the conductors, but the third fuse				
12	remained closed and kept a line energized. The tree being in contact with energized conductors and the ground created a high impedance full. The high impedance foult energized the tree which coursed heat				
15 14	and arcing to ignite a dry and receptive fuel bed over the course of 10				
14	hours. Because PG&E had an excessively delayed response to the fault, the fire was not discovered until a PG&E Troubleman (Scott CAMBELL) arrived at the scene at approximately 455: PM. Upon CAMBELL's discovery, the fire was too large for him to contain, and a 911 response was requested. Simultaneously the fire was visible from				
16					
17	Highway 70 and multiple parties reported the fire via 911.				
18	31. During CAL FIRE's investigation, Joe McNeil, certified arborist hired by CAL				
19	FIRE, concluded:				
20	[T] the tree that fell across the conductors was previously damaged and				
21	been noticeable at the ground level by inspectors pre fire, without				
22					
23	32. The CAL FIRE Report cites the following violations by PG&E:				
24	(a) Public Resources Code § 4293, highlighting, "[D]ead trees, old decadent or				
25	rotten trees, trees weakened by decay or disease and trees or portions thereof				
26	that are leaning toward the line which may contact the line from the side or				
27	may fall on the line shall be felled, cut, or trimmed so as to remove such				
28	hazard."				
	CLASS ACTION COMPLAINT (1) NEGLIGENCE (2) MEDICAL MONITORING				

- (b) Public Resources Code § 4421.
- (c) Penal Code §§ 452 and 452.1. Section 452.1.
- (d) Penal Code § 454.

33. The tree at issue was identified in a photograph by PG&E in its recent filing in connection with the criminal matter before the Honorable William Alsup in the United States District Court – Northern District of California. In that photograph, shown below, one can easily see the proximity of the tree to the adjacent power lines, and the hazard presented by the leaning tree.



34. On February 18, 2021, in an Order to Show Cause relating to the 2020 Zogg Fire,
Judge Alsup stated that he suspected PG&E was misinterpreting its vegetation management
obligations under California Public Resources Code § 4293 as not applying to healthy trees that
were leaning toward its distribution lines. As a result of PG&E's misinterpretation, Judge Alsup
ordered PG&E to show cause why its probation should not be amended to require PG&E to identify
and remove any tree leaning toward any distribution line "regardless of the health of the tree."

35. Even after this Order to Show Cause in February 2021, PG&E failed to identify the
subject tree for removal in its May 13, 2021 General Order 165 inspection of the subject
distribution line, which ultimately led to the Dixie Fire.

26 36. PG&E owes the public a non-delegable duty regarding the operation of its power
27 lines as it relates to maintenance, inspection, repair, and all other obligations imposed by the Public
28 Utilities Code and the Public Utilities Commission ("PUC"), specifically including, but not limited

1	to, General Orders Nos. 95 and 165. Even when PG&E hires contractors, its obligations remain
2	non-delegable. PG&E's acts and omissions, as described herein, were a cause of the Dixie Fire
3	and/or aggravated the spread and destruction of the Dixie Fire.
4	37. According to PG&E's report to the PUC and filings with Judge Alsup relating to
5	the Dixie Fire, the Cresta Dam lost power at 6:47 a.m. on July 13, 2021, yet PG&E failed to take
6	any action to turn off power until a PG&E Troubleman arrived on scene at the origin area of the
7	Dixie Fire, almost 10 hours later at approximately 4:40 p.m.
8	38. In an incident report to the PUC dated July 18, 2021, PG&E reported that, "[o]n
9	July 13, 2021, at approximately 0700 hours, PG&E's outage system indicated that Cresta Dam off
10	Highway 70 in the Feather River Canyon lost power." See screenshot below:
11	Summary: On July 13, 2021 at approximately 0700 hours, PG&E's outage system indicated that Cresta
12	Dam off of Highway 70 in the Feather River Canyon lost power. The responding PG&E troubleman observed from a distance what he thought was a blown fuse on the PG&E Bucks Creek 1101 12kV
13	Overhead Distribution Circuit uphill from his location. Due to the challenging terrain and road work
14	resulting in a bridge closure, he was not able to reach the pole with the fuse until approximately 1640 hours. There he observed two of three fuses blown and what appeared to him to be a healthy green
15	tree leaning into the Bucks Creek 1101 12 kV conductor, which was still intact and suspended on the
16	poles. He also observed a fire on the ground hear the base of the tree.
17	39. A PG&E troubleman responded to the power outage at the Bucks Creek 1101 12kV
18	overhead distribution circuit. "[H]e observed two of three fuses blown and what appeared to him
19	to be a healthy green tree leaning into Bucks Creek 1101 12kV conductor, which was still intact
20	and suspended on the poles. He also observed fire on the ground near the base of the tree."
21	The troubleman manually removed the third fuse and reported the fire, his supervisor called 9-1-1, and the 9-1-1 operator replied they were aware of the fire and responding. CAL FIRE air support arrived on
22	scene by approximately 1730 hours and began dropping fire retardant and water. In response to a CAL
23	status report, the CAL FIRE website stated the fire was approximately 1-2 acres; later that evening CAL
24	FIRE reported the fire had grown to 10-15 acres and ground resources had problems accessing the area. According to the CAL FIRE website as of July 18, 2021 at 2007 hours, the Dixie Fire has burned
25	approximately 19,000 acres and is 15 percent contained. The fire has generally burned in remote
26	CAL FIRE stated a firefighter suffered minor injuries and was able to walk away). On July 18, 2021, CAL
27	FIRE investigators collected the following PG&E equipment: portions of the Bucks Creek 1101 12 kV line, including conductor, jumpers, insulators, and fuse cutouts, as well as portions of the tree. PG&E submits
28	this report in an abundance of caution given CAL FIRE's collection of PG&E facilities in connection with
	under the media criterion. This information is preliminary.
	12 CLASS ACTION COMPLAINT (1) NECLICENCE (2) MEDICAL MONITODING
	CLASS ACTION COMPLAINT (1) NEOLIGENCE (2) MEDICAL MONITORING



40. At approximately 6:48 a.m. on July 13, 2021, a power outage occurred at Cresta
Dam, located on Highway 70 in the Feather River Canyon at the end of the Bucks Creek 1101
Line, and the standby generator activated.

13 41. PG&E did not consider the outage a high-priority issue and issued a non-emergency
14 tag for a troubleman to investigate the issue. This non-emergency request meant that an employee
15 needed only address the issue sometime that day, and the situation was not urgent.

42. Accordingly, a PG&E troubleman was not dispatched to the Cresta Dam until
approximately 10:47 a.m. and proceeded to stop to address another non-emergency tag on his way
to the Cresta Dam. The troubleman did not arrive to the dam until approximately 12:30 p.m.—
more than five hours after the outage.

20 43. Once he arrived at the Cresta Dam, the troubleman was unable to determine the
21 cause of the outage, but saw a fuse hanging down from a pole on the circuit.

- 44. The troubleman then waited for more than three hours to travel to the pole—
 arriving at approximately 4:40 p.m. Once he arrived at the pole, the troubleman saw that a fire
 had erupted, and that there was a Douglas Fir tree leaning against the line.
- 45. At all times relevant to this action, PG&E had specific knowledge that wildfire is
 the greatest risk to the public from its electrical operations. PG&E specifically knew that wildfire
 could result in injury to members of the public and destruction of structures and property.
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46. PG&E chose to accept and continue implementing its current practices that have

resulted in significant safety issues in its electrical system by failing to treat the conditions of its
 aging electrical assets, and failing to inspect, maintain, repair, and replace equipment and facilities.
 PG&E's choice has resulted in numerous deaths, injuries, and damage to structures and property
 from wildfires, just as PG&E knew it could, when they made that choice.

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B. THE FLY FIRE

6 47. On or about July 22, 2021, the Fly Fire began in the area of Butterfly Twain Road
7 and Highway 70 in Plumas County, California. The Fly and Dixie Fires merged, contributing to
8 the damages caused by the Dixie Fire.

9 48. As set forth herein, Plaintiffs are informed and believe, that the Fly Fire started
10 when a White Fir tree fell and struck PG&E's electrical infrastructure, which sparked a fire and
11 resulted in the damages complained of herein. The below excerpt is pulled from the electric safety
12 incident reported by PG&E to California Public Utilities Commission:

Summary: On July 22, 2021, a wildfire began in the area of Butterfly Valley Twain Road and 13 Highway 70 in Plumas County, California (the Fly Fire). The National Wildfire Coordinating 14 Group website (the website) reported as of July 25, 2021 at 0000 hours that the Fly Fire had 15 consumed 4,300 acres and was 5% contained and that, as of the night of July 24/25, the Fly Fire had merged with the Dixie Fire and that the website would not be providing further updates on 16 the Fly Fire. At approximately 1701 hours on July 22, 2021, wildfire cameras first showed 17 smoke in the general direction of Butterfly Valley Twain Road and Highway 70. According to PG&E?s records, SmartMeters and a line recloser on the portion of the PG&E distribution line 18 serving the area, the Gansner 1101 circuit, reported alarms and other activity between 19 approximately 1650 and 1810 hours, when that portion of the line was deenergized. On August 2, 2021, PG&E assisted the U.S. Forest Service (USFS) with moving and examining a tree that 20 was resting on conductor on the Gansner 1101 circuit. PG&E is cooperating with the USFS?s 21 investigation and is reporting this to the CPUC under the media criterion. The data currently 22 available to PG&E do not establish the cause of the Fly Fire. This information is preliminary.

23 49. PG&E's Electric Incident Report confirms that on the afternoon of July 22, 2021, 24 PG&E found the fallen White Fir leaning against its power line near the ignition site of the Fly

- 25 Fire, which merged with the Dixie Fire on the night of July 24, 2021.
 - 50. The White Fir was resting on PG&E's Gansner 1101 Circuit.
- 27 51. PG&E owes the public a non-delegable duty with regard to the operation of its
 28 power lines as it relates to maintenance, inspection, repair, and all other obligations imposed by

the PUC, specifically including, but not limited to, General Orders Nos. 95 and 165. Even when
 PG&E hires contractors, its obligations remain non-delegable. PG&E's acts and omissions, as
 described herein, were a cause of the Fly Fire and/or aggravated the spread and destruction of the
 Fly Fire.

5 52. According to PG&E's report to the PUC and filings with Judge Alsup relating to 6 the Fly Fire, on July 22, 2021, the day the Fly Fire ignited, at approximately 4:49 p.m. and 4:50 7 p.m., certain SmartMeters on the Gansner 1101 Circuit reported powering down. PG&E line 8 reclosers detected a line to ground fault on each phase of the Gansner 1101 Circuit, respectively, 9 at approximately 4:50 p.m. and 4:51 p.m. PG&E further reported smoke from the Fly Fire in videos 10 taken from Fire Watch cameras starting at 5:01 p.m. PG&E later assisted the U.S. Forest Service 11 with moving a tree that was resting on a high voltage conductor on the Gansner 1101 Circuit, 12 upstream of the SmartMeters that powered down and downstream of the line reclosers mentioned 13 above.

At all times relevant to this action PG&E had specific knowledge that wildfire is
the greatest risk to the public from its electrical operations. PG&E specifically knew that wildfire
could result in injury to members of the public and destruction of structures and property.

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C.

CIVIL JUDGMENT

(a)

18 54. On April 11, 2022, the Plumas County Superior Court entered a stipulated civil
19 judgment against PG&E in a civil action brought by the District Attorneys of Plumas, Shasta,
20 Lassen, Tehama, and Butte Counties. The stipulated civil judgment resolved all of PG&E's
21 potential liability to the five counties damaged or destroyed by PG&E as a result of the Dixie Fire.⁹
22 As part of the judgment, PG&E and the various district attorneys acknowledged the following
23 facts:

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At all times relevant to this action PG&E had specific knowledge that wildfire is the greatest risk to the public from its electrical operations.PG&E specifically knew that wildfire could result in injury to members of the public and destruction of structures and property.

1		(b)	The Dixie Fire ignited adjacent to PG&E's Bucks Creek 1101 12kV
2			Overhead Distribution Line, between pole 100403908 and pole 100403909,
3			which was approximately 300 feet east.
4		(c)	The Dixie Fire ignited after an approximately 65' tall Douglas Fir tree fell
5			and contacted conductors on PG&E's Bucks Creek 1101 12kV Overhead
6			Distribution Line at approximately 6:48 a.m.
7		(d)	Upon the tree falling on the line, fuses on two of three conductors operated
8			(opened), but the third fuse remained closed due to minimal fault current,
9			and the third conductor remained energized. CAL FIRE posits that the tree
10			being in contact with the third conductor that remained energized and the
11			ground created a high impedance fault, which eventually led to an ignition
12			approximately ten hours after the fuses operated.
13		(e)	According to PG&E, the Line had been subject to routine and mid-cycle
14			vegetation management inspections in each of the past few years, and no
15			PG&E inspection had identified the tree as a potential hazard.
16		(f)	The Dixie Fire was first discovered by a PG&E Troubleman who arrived at
17			the scene between approximately 4:30 and 5:00 p.m.
18	D. WILD	FIRE	SMOKE & AIR POLLUTANTS FROM THE DIXIE FIRE
19	55.	As a	result of Defendants' acts and/or omissions that caused the Dixie Fire,
20	Plaintiffs and	all Cla	ss Members were adversely affected in that they were exposed to wildfire
21	smoke consist	ing of a	langerous levels of air pollutants.
22	56.	Wildfi	re smoke is a complex, physical and chemical composition that is determined
23	by the type of	f fuel (1	trees, shrubbery, grass, etc.) and combustion conditions. Wildfire smoke is
24	composed of	various	air pollutants known to be harmful to human health including particulate
25	matter, carbo	n mono	oxide, carbon dioxide, nitrogen oxides, volatile organic compounds, and
26	polycyclic aro	matic h	ydrocarbons, amongst other dangerous air pollutants.
27	57.	The in	itial release of such air pollutants is not the end of the damage that may result
28	from a wildfin	re. Inst	ead, the toxicity of such air pollutants appears to increase the further they

travel from the fire ignition site, as smoke particles will undergo chemical reactions—typically,
 oxidation—which converts particles into highly reactive compounds that have even greater
 capacity to damage cells and tissue.¹⁰

4 58. The oxidation process can double the toxicity of smoke compounds in the first few
5 hours after they are first emitted and may even quadruple the smoke toxicity over the following
6 days.¹¹

Toxic smoke compounds may linger in the atmosphere for days, weeks, or even
months depending on the length of the wildfire and the amount it burns.¹² Accordingly, the
negative health effects of smoke inhalation may persist even months after a wildfire has been
extinguished.

11 60. Globally, wildfire smoke has been estimated to cause over 339,000 premature
12 deaths a year—a number far greater than the deaths caused directly from fires.¹³

13 || Particulate Matter

Particle matter ("PM") is one of the leading sources of danger to human health from
wildfire smoke. PM is contained in the air we breathe indoors and outdoors; however, the quantity
of PM substantially increases during wildfire activity.¹⁴ Unlike other pollutants in wildfire smoke,
PM is the only pollutant that is not a gas. Instead, PM particles are microscopic solid- or liquidstate particles that are suspended in the air.

19 62. PM is typically composed of a mixture of compounds, usually present as soot or
20 oily substances high in elemental and organic carbon, black carbon, minerals, dissolved gasses,
21 and/or metallic compounds.^{15,16}

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63. PM air particles are characterized by their diameter and typically grouped into two

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 24
 ¹⁰ Hirschlag, *The long distance harm to health caused by wildfires* (Jun. 7, 2023) < https://www.bbc.com/future/ article/20200821-how-wildfire-pollution-may-be-harming-your-health> (as of Jul. 12, 2023).
 ¹¹ Id.

25 12^{10} Id.

¹³ Id.

26 ¹⁴ Environmental Protection Agency, *Particulate Matter (PM) Basics* (Jul. 11, 2023) https://www.epa.gov/pm-pollution/particulate-matter-pm-basics (as of Jul. 12, 2023).

27 ¹⁵ Boose, *What Is Particulate Matter*? (Mar. 23, 2022) <https://blog.breezometer.com/what-is-particulate-matter/> (as of Jul. 12, 2023).

28 ¹⁶ Chen *et al.*, *Cardiovascular health impacts of wildfire smoke exposure* (Jan. 7, 2021) <https://particleand fibretoxicology.biomedcentral.com/articles/10.1186/s12989-020-00394-8> (as of Jul. 12, 2023).

categories: course particles ("PM₁₀") and fine particles ("PM_{2.5}").

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64. PM_{10} are smaller than or equal to 10 μ m and make up a small percentage of particles present in wildfires. PM_{10} particles may be inhaled into the lungs and cause local and systemic inflammation of the respiratory system. Exposure to PM_{10} may cause respiratory diseases such as asthma and bronchitis.¹⁷

6 65. In comparison, PM_{2.5} consists of particles smaller than 2.5 μm and is the main
7 pollutant in wildfire smoke, making up approximately 90% of the total particle mass of wildfire
8 smoke. These particles are of particular concern because they are smaller than the width of human
9 hair, typically 50 to 70 μm, or a particle of beach sand, typically about 90 μm wide.¹⁸



However, a wildfire can abruptly increase ambient levels of $PM_{2.5}$ to more than 2000 µg/m3.²⁰ Accordingly, studies have shown that wildfire activity may cause indoor $PM_{2.5}$ pollution to increase by 77-78% of that found outdoors during wildfire activity.²¹

- 68. Other studies have revealed that PM_{2.5} levels increased to the 90th percentile and
 correlated with increased levels of ambient carbon monoxide (CO), ozone (O3), and nitric oxide
 (NO) during wildfires.²²
- 69. Not all PM_{2.5} particles are made equally, as PM_{2.5} emanating wildfires can be up to
 ten (10) times more harmful than the same type of air pollution coming from combustion activity.²³
 Accordingly, prolonged exposure to PM_{2.5} from wildfires results in more adverse effects than
 everyday PM_{2.5} particles suspended in the air.

For instance, PM_{2.5} from wildfire smoke can affect the cardiovascular system by
 causing pulmonary and oxidative stress and inflammation, triggering the autonomic nervous
 system.²⁴ PM_{2.5} may also enter the bloodstream, where the tiny particles can cause cardiovascular
 diseases or enter organs beyond the respiratory and cardiovascular systems. This poses a range of
 long and short-term health threats.

16 71. Various studies have shown that long-term PM_{2.5} may lead to various types of
17 cancer. Long-term exposure to such particles has also been associated with an increased likelihood
18 of developing severe COVID-19 symptoms.²⁵ Furthermore, long term effects of PM_{2.5} may result
19 in cardiac arrhythmias, worsening heart failure, and triggering atherosclerotic/ischemic
20 cardiovascular complications, particularly in certain high-risk subpopulations.²⁶

The health effects and risks of PM_{2.5} exposure and inhalation vary by age. Exposure
to PM_{2.5} is more dangerous for children and those in middle to old age compared to those in young
adulthood. For instance, children under eighteen (18) years of age are considered "sensitive" to

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- 25 $||_{20}$ Supra, fn. 16.
 - 2^{1} Supra, fn. 19.
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27 27 27 28 23 Kekatos, Toxic smoke from Canadian wildfires could impact health of millions of Americans (Jun. 5, 2023)
 28 28 24 Supra, fn. 18.
 25 Supra, fn. 15.

²⁶ *Supra*, fn. 16.

wildfire smoke—even if they do not have a pre-existing illness or chronic condition.

73. For those with pre-existing respiratory issues and cardiovascular disease like asthma or other respiratory diseases, wildfire smoke and exposure to PM2.5 may lead to breathing difficulties and exacerbate such symptoms and diseases. Accordingly, inhalation of wildfire smoke may affect developing lungs, result in or exacerbate asthma symptoms and/or trigger asthma attacks, result in increased respiratory symptoms and decreased lung function, and induce symptoms like coughing, wheezing, difficulty breathing, and chest tightness.

8 74. Those with cardiovascular disease may be particularly prone to increased risks of 9 heart attacks and sudden death from cardiac arrhythmia, heart failure, or stroke.

10 75. Increased levels of air pollutants like PM have also been shown to be associated 11 with cardiovascular disease-the leading cause of death worldwide-including ischemic heart disease and stroke.²⁷ 12

13 **Carbon Monoxide**

14 76. Carbon monoxide (CO) is a colorless, odorless gas that is most present and 15 concentrated during a fire's smoldering stages (typically at the end of a fire). Carbon monoxide 16 particles are also almost invisible to the naked eye.

17 77. Carbon monoxide is deadly, even in small amounts. Concentrated exposure to 18 carbon monoxide may result in red blood cell poisoning, cell death, and interference with oxygen 19 update. Furthermore, carbon monoxide exposure has been tied to headaches, reduce alertness, and 20 aggravation of a heart condition known as angina. Exposure has also been tied to the worsening of 21 pre-existing conditions such as asthma and heart disease.

- 22 **Carbon Dioxide**
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78. Carbon dioxide (CO_2) is a colorless, odorless, non-flammable gas that may be released through the burning of gasoline, coal, oil, and wood. Carbon dioxide acts as a simple asphyxiant, a gas that reduces or displaces the normal oxygen in breathing air.

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79. Extreme carbon dioxide concentrations may cause oxygen-depleted air. Extreme exposure to such air may lead to suffocation and death. Exposure to high levels of carbon dioxide

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- ²⁷ Id.

may result in rapid breathing, confusion, increased cardiac output, elevated blood pressure, and increased arrhythmias. Mild exposure may cause headaches and drowsiness.

3 Nitrogen Oxides

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80. Nitrogen oxides (NO_x) consists of a group of related gases. Nitrogen oxide exposure
may result in changes to the pulmonary system, including pulmonary edema, pneumonitis,
bronchitis, bronchiolitis, emphysema, and methemoglobinemia. Symptoms like cough, hyperpnea,
and dyspnea may also result.

8 81. Nitrogen dioxide (NO₂), one type of nitrogen oxide, can form when fossil fuels like 9 wood or natural gas are burned in wildfires. Nitrogen dioxide dissolves the airway lining fluid and 10 creates a powerful acid that damages small airways in the lungs and may damage structural and 11 functional lung cells. Nitrogen dioxide can also initiate free radical generation, causing protein 12 oxidation, lipid peroxidation, and cell membrane damage, and reduce resistance to infection by 13 altering macrophage and immune function.

Nitrogen dioxide exposure may also cause increased inflammation of the airways,
worsened cough and wheezing, reduced lung function, increased asthma attacks, and a greater
likelihood of emergency department and hospital admissions. For children, exposure to nitrogen
dioxide has been found to cause asthma.

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Volatile Organic Compounds

19 83. Volatile organic compounds (VOCs) are a class of chemicals that vaporize into air
20 Typically colorless, these compounds may be released through gasoline, burning wood, and/or
21 other fuels.

84. Because VOCs consists of a class of chemicals, exposure to VOCs has varying
health effects. At the most extreme, exposure to VOCs may be hazardous, as some have been
proven to be carcinogenic, such as benzene (leukemia), formaldehyde (nose and throat, leukemia),
TCE (kidney cancer), chloroform (bladder, intestine, liver and kidney cancer), and naphthalene
(throat cancer).

27 85. Low levels of exposure to VOCs may cause eye, nose, and throat irritation,
28 headaches, nosebleeds, fatigue, nausea, and dizziness. Higher exposure may cause liver, kidney,

1 or central nervous system damage, along with possible vision and memory problems.

2 **Polycyclic Aromatic Hydrocarbons**

3 86. Polycyclic aromatic hydrocarbons (PAHs) are a class of chemicals that may be 4 released from the burning of coal, oil, gas, wood, garbage, and tobacco. PAHs can bind to or form 5 small particles in the air.

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87. Scientists consider several of the PAHs to be carcinogenic. Long-term health 7 effects of exposure to PAHs may include cancer, cataracts, kidney and liver damage, and jaundice. 8 Repeated skin contact may result in redness and inflammation the skin, and when exposed to 9 sunlight, skin that has come into contract with PAHs may peel and blister.

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Health Effects on Populations Most at Risk

11 88. Even for otherwise healthy individuals without pre-existing conditions, brief 12 exposure to wildfire smoke can lead to stinging eyes, irritated sinuses, wheezing, shortness of breath, headaches, itchy skin, and coughing.²⁸ 13

14 89. However, for populations such as children, pregnant woman, the elderly, people 15 with pre-existing lung or heart diseases and respiratory infections, those suffering from COVID-16 19, and stroke survivors, the adverse health effects of wildfire smoke inhalation are more acute, as these populations are more likely to suffer chronic symptoms.²⁹ 17

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90. Children are at risk for exposure to wildfire smoke because they tend to breathe 19 faster, are more active outdoors, and breathe in more air per pound of body weight in comparison 20 to adults. Additionally, their lungs are still developing, meaning that any exposure children have to poor air quality from wildfires may result in negative impacts on their long-term health.³⁰

- 22 91. Adults older than 60 can be at a higher risk of harmful effects from wildfire smoke 23 due to the frequency of pre-existing respiratory and heart conditions, as well as a decline in natural 24 physiological defense systems.
- 25

26 ²⁸ Blum, How Worried Should You Be About Be About Wildfire Smoke Exposure? (Jun. 28, 2023). <https://www.nytimes.com/2023/06/08/us/wildfire-smoke-health-risks.html> (as of Jul. 12, 2023).

27 ²⁹ Puget Sound Clean Air Agency, *Wildfire Smoke* https://pscleanair.gov/517/Wildfire-Smoke (as of Jul. 12, 2023). 28

³⁰ Children's Hospital Colorado, *Wildfire Smoke and Kids: Health Effects* https://www.childrenscolorado.org/ conditions-and-advice/parenting/parenting-articles/wildfire-smoke/> (as of Jul. 12, 2023).

1 92. Individuals with chronic respiratory or cardiovascular disease, such as those living 2 with heart or lung diseases like coronary artery disease, asthma or chronic obstructive pulmonary 3 disease (COPD), are also more likely to be affected when fine particle pollution reaches an 4 unhealthy level. 5 93. Pregnant women are more at risk to wildfire exposure, as exposure has been 6 associated with pregnancy loss, low birth weight, and preterm delivery. Some studies have also 7 indicated that wildfire exposure may cause cellular damage in first- and second-trimester 8 placentas.³¹ Health Effects on the General Population 9 10 94. In the short term, exposure to wildfire smoke has been linked to increased 11 hospitalization and emergency department visits for visits for respiratory symptoms, exacerbation of asthma, and chronic obstructive pulmonary disease (COPD).³² 12 13 95. Long term health effects from wildfire exposure include eye and respiratory tract

irritation, respiratory infection, asthma, COPD, reduced lung function, bronchitis, exacerbation of
asthma, heart failure, increased risk of all-cause mortality, premature death, and respiratory
morbidity, and cancer.^{33, 34}

10	accumu, neuro innieros nervano, premiarare deura, una respiratory			
16	morbidity, and cancer. ^{33, 34}			
17	CAUSES OF ACTION			
18	<u>COUNT I</u>			
19	NEGLIGENCE			
20	(Against all Defendants)			
21	96. Plaintiffs and Class Members, hereby re-allege and incorporate by reference each			
22	and every allegation contained above as though the same were set forth herein in full.			
23	97. Plaintiffs and Class Members bring this cause of action for negligence against all			
24	Defendants, and/or each of them.			
25				
26	³¹ Lapid, <i>What are the health risks from wildfire smoke</i> ? (Jun. 7, 2023) https://www.reuters.com/world/americas/			
27	what-are-health-risks-wildfire-smoke-2023-06-07/> (as of Jul. 12, 2023). ³² Supra, fn. 16.			
28	 ³³ Environmental Protection Agency, <i>Particulate Matter (PM) Basics</i> (Mar. 27, 2023) https://www.epa.gov/air-research/wildland-fire-research-health-effects-research (as of Jul. 12, 2023). ³⁴ Supra, fn. 19. 			
	23			
	CLASS ACTION COMPLAINT (1) NEGLIGENCE (2) MEDICAL MONITORING			

1	98. Defendants, and/or each of them, as owners and/or controllers of the Electr	ical	
2	System, were under a duty codified in Civil Code § 1714(a), which states, in pertinent part:		
3 4	Everyone is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter has, willfully or by want of		
5	ordinary care, brought the injury upon himself or herself.		
6	99. Specifically, Defendants, and/or each of them, were under a duty to maintain	the	
7	Electrical System in their possession in a reasonably safe condition.		
8	100. At all relevant times, Defendants, and/or each of them, operated, controlled, and	l/or	
9	maintained the Electrical System.		
10	101. At all times relevant, Defendants, and/or each of them, were required to o	wn,	
11	design, control, possess, operate, install, construct, inspect, maintain, and manage the Electr	ical	
12	System, including the real estate, rights-of-way, vegetation, easements, fixtures, conduct	ors,	
13	devices, poles, conduits, apparatus, parts, and equipment in accordance with all standards, la	ws,	
14	rules, regulations, and orders pertaining thereto.		
15	102. Defendants, and/or each of them, in connection with the production, s	ale,	
16	transmission, and distribution of electricity have a non-delegable duty, commensurate with	and	
17	proportionate to the danger of transmitting power, to own, design, control, possess, constr	uct,	
18	operate, install, inspect, maintain, and/or manage the Electrical System in a proper, reasonal	ole,	
19	careful, and safe manner.		
20	103. The Dixie and Fly Fires were a direct and legal result of the negliger	ice,	
21	carelessness, recklessness, and/or unlawfulness of Defendants, and/or each of them. Defenda	nts,	
22	and/or each of them, breached their respective duties owed individually and/or collectively to		
23	Plaintiff by, including but not limited to:		
24	(a) Failing to comply with the applicable statutory, regulatory, and	l/or	
25	professional standards of care;		
26	(b) Failing to timely and properly maintain, manage, inspect, and/or mon	itor	
27	the Electrical System, and/or adjacent vegetation;		
28	(c) Failing to make the power lines in the Electrical System safe under all	the	

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1		(1)	Exigencies created by surrounding circumstances and conditions;
2		(d)	Failing to conduct adequate, reasonably prompt, proper, effective, and/or
3			frequent inspections of the Electrical System and adjacent vegetation;
4		(e)	Failing to design, construct, monitor, and/or maintain the Electrical System
5			in a manner that avoids the potential to ignite a fire or fires during long, dry
6			seasons;
7		(f)	Failing to install the equipment necessary and/or to inspect and repair the
8			equipment installed, to prevent the power lines in the Electrical System
9			from improperly sagging, operating, and/or making contact with other
10			power lines placed on its poles or vegetation and igniting fires;
11		(g)	Failing to keep electrical equipment in its Electrical System in a safe
12			condition and/or manage electrical equipment in its Electrical to prevent fire
13			at all times;
14		(h)	Failing to de-energize power lines in its Electrical System during fire-prone
15			conditions;
16		(i)	Failing to de-energize power lines in its Electrical System after the fire(s)'
17			ignition;
18		(j)	Failing to properly train and to supervise employees and agents responsible
19			for maintenance and inspection of the Electrical System and/or vegetation
20			areas nearby that Electrical System;
21		(k)	Failing to remove leaning trees in danger of contacting the Electrical
22			System;
23		(1)	Violating Health & Safety Code § 13007 by allowing fire to be set to the
24			property of another;
25		(m)	Violating Public Resources Code § 4293; and/or
26		(n)	Failing to maintain its Electrical Equipment in accordance with the
27			requirements of PUC General Orders 95 and 165.
28	104.	Furth	er, CAL FIRE's Investigation Report directly found that PG&E's prolonged
		CLASS	25
		ULASS A	ACTION COMILLATINT (1) INCOLIDENCE (2) MEDICAL MONTORING

response to the initial outage and fault that occurred at 6:48 a.m., was a direct factor in the ignition of the Dixie Fire. Had PG&E arrived on scene earlier, they could have detected the fault (subject tree in conductors) and opened the third fuse before it had time to ignite a receptive fuel bed. The supervisory control and data acquisition data shows the fault and subsequent outage occurred at approximately 6:48 a.m. According to witness statements from Butte County Public Works employees, the bridge work did not commence until 9:00-9:30 a.m. This provided several hours for PG&E to respond to the location of the fault prior to the bridge work.

8 105. CAL FIRE determined that when PG&E could not access the fault because of the 9 bridge work, they could have opened the 941 switch and de-energized that portion of the Bucks 10 1101 circuit related to the Dixie Fire. It is common and historic knowledge that the Highway 70 11 corridor is known for extreme fire danger and poor access. Several large and devastating fires 12 including the Camp Fire, (a PG&E caused fire) have ignited over the last several years in that 13 geographical area. It is also common knowledge that the month of July in Butte County and 14 surrounding areas is peak fire season, yet no sense of urgency was demonstrated by PG&E to 15 determine the cause of the fault in a fire-prone area during a severe time of year.

16 106. CAL FIRE determined through vegetative inspections required of PG&E that the
subject [Douglas-Fir] tree (approximately 65 feet tall and located approximately 50 feet from the
conductors) should have been discovered and removed between 2008 and 2021. Had the subject
tree have been removed as required by Public Resource Code § 4293, the Dixie Fire would not
have ignited on July 13, 2021.

21 107. Plaintiffs and Class Members are informed and believe, and on that basis allege,
22 that the White Fir tree which fell on the Gansner 1101 Circuit should have also been tagged and
23 removed prior to the start of the Fly Fire.

108. As a direct and legal result of Defendants' actions and/or omissions causing the
Dixie Fire, Plaintiffs and Class Members were exposed to air pollutants and have an increased or
significantly increased risk in health, strength, and/or activity in amount according to proof of trial.

27 109. As a further direct and legal result of the Defendants' actions and/or omissions,
28 Plaintiffs and Class Members all presently require and will continue to require the employment of

physicians and other healthcare providers to examine and treat injuries suffered as a result of the
 Dixie Fire.

110. The Dixie Fire was a result of Defendants' continued practice of prioritizing profits
over safety, wherein they failed to properly maintain and/or inspect their electrical equipment
knowing that the likely outcome was a fire that could result in injury to members of the public and
destruction of structures and property.

111. Defendants, including one or more PG&E officers, directors, and/or managers have
deliberately, have a history of acting recklessly and with conscious disregard to human life and
safety, and this history of recklessness and conscious disregard was a substantial factor in bringing
about the Dixie Fire. This is despicable and oppressive conduct. Plaintiffs and the Class thus seek
punitive damages in an amount sufficient to punish Defendants' and deter such conduct in the
future.

<u>COUNT II</u>

13

14

15

MEDICAL MONITORING

(Against all Defendants)

16 112. Plaintiffs and Class Members hereby re-allege and incorporate by reference each
17 and every allegation contained above as though the same were set forth herein in full.

18 113. Defendants were fully aware of the danger of exposing citizens to wildfires when
19 they failed to properly design, construct, operate, maintain, inspect, and manage its electrical
20 infrastructure.

114. As a proximate result of Defendants' acts and/or omissions, Plaintiffs and Class
Members experienced significant exposure to wildfire smoke and other toxic, carcinogenic
substances at levels that are far higher than normal. These toxic substances, including PM, carbon
monoxide, carbon dioxide, nitrogen oxides, volatile organic compounds, and polycyclic aromatic
hydrocarbons are dangerous and have been proven to cause cancer and other serious diseases and
illnesses in humans.

27 115. As a proximate result of Defendants acts and/or omissions, Plaintiffs and Class
28 Members have an increased risk of developing a variety of wildfire exposure-related illnesses,

including, but not limited to eye and respiratory tract irritation, respiratory infection, asthma,
 COPD, reduced lung function, bronchitis, exacerbation of asthma, heart failure, all-cause
 mortality, premature death, respiratory morbidity, and cancer. The increased risk of such illnesses,
 diseases, and/or cancer makes periodic diagnostic medical examinations reasonably necessary.

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116. This increased risk will warrant a reasonable physician to order monitoring. Early diagnosis of these diseases and/or cancers has significant value for Plaintiffs and Class Members because diagnoses will help them monitor and minimize the harm therefrom.

8 117. Diagnostic and/or monitoring procedures exist that comport with contemporary 9 scientific principles and the standard of care and make possible early detection of potential injury 10 to Plaintiffs and Class Members, which would not be possible without such diagnostic and/or 11 monitoring procedures. The proposed Court-supervised diagnostic and/or monitoring program 12 includes, but is not limited to, anatomical baseline exams and diagnostic exams. This program is 13 necessary and includes more monitoring than will be typically provided to Class Members to 14 detect, prevent, and mitigate injury that may occur if the treatment is delayed, and enable prompt 15 treatment of the adverse consequences of the Dixie Fire.

16 118. As a result of toxic exposure to the wildfire smoke emanating from the Dixie Fire,
17 the need for Plaintiffs' and Class Members' future monitoring is reasonably certain, and the
18 monitoring is reasonable.

19 119. By monitoring and testing Plaintiffs and Class Members who are at increased risk
20 of injury from the Dixie Fire, the risk of Plaintiffs and Class Members suffering injury and disease
21 may be significantly reduced, as the physicians of Plaintiffs and Class Members will have gained
22 the information necessary to choose appropriate interventions and treatments.

120. A Court-supervised monitoring procedure is reasonably necessary according to
contemporary scientific principles to enable Plaintiffs to obtain early detection and diagnosis of
the potential injury and increased risk of injury as a result of the Dixie Fire.

26 121. Plaintiffs therefore seek an injunction creating a Court-supervised, Defendant27 funded medical monitoring regime for Plaintiffs and Class Members, which will facilitate the early
28 diagnoses and adequate treatment in the event a Dixie Fire related injury is discovered.

1 122. Accordingly, Defendants should be required to establish a Court-supervised and 2 Court-administered trust fund, in an amount to be determined, to pay for the medical monitoring 3 for protocol for all Class Members, which includes, among other things: (1) a notice campaign to 4 all Class Members informing them of the availability and necessity of the medical monitoring 5 protocol (2) a baseline and diagnostic exam related to, including, but not limited to, smoke 6 inhalation problems and/or carcinogenic and/or other toxic effects.

7 Defendants' negligent conduct has caused significant increased risk, as described 123. 8 above, that the law recognizes as an injury to legally protected rights, giving rise to claims for 9 injunctive/equitable relief. The distribution of damages to individual Class Members without 10 programmatic relief as described above is inadequate, inefficient, and/or inferior to a judicial 11 injunctive, declaratory, or equitable degree, establishing and supervising class-wide medical 12 monitoring services as described and sought herein. Plaintiffs and Class Members have no 13 adequate remedy at law, in that monetary damages cannot compensate them for the increased risks 14 of disease or illness in relation to the Dixie Fire.

15 124. Without a Court-supervised comprehensive medical monitoring fund as described
16 herein, Plaintiffs and Class Members will continue to face increased risks of injury without proper
17 diagnosis and opportunity for rehabilitation.

18

PRAYER FOR RELIEF

19 125. For an Order certifying the Class, as defined herein, and appointing Plaintiffs and
20 their Counsel to represent the Class.

21 126. For an order granting an injunction for the requested medical monitoring relief to 22 provide Plaintiffs and Class Members with periodic medical examinations and such other medical 23 procedures as are reasonably necessary and designed to facilitate early detection and treatment of 24 conditions related to the Dixie Fire. In addition, for the establishment of a Court-supervised 25 medical monitoring program/fund to gather and forward to treating physicians of Plaintiffs and the 26 Class Members information relating to the prevention, detection, and treatment of conditions 27 related to the exposure to the Dixie Fire.

28

127. For an award of attorneys' fees, costs, and litigation expenses, to extent permitted

1	by law.	
2	128.	For pre-judgment and post-judgment interest to Plaintiffs and Class Members.
3	129.	For punitive and exemplary damages against PG&E, according to proof.
4	130.	For such further relief this Court may deem just and proper.
5		DEMAND FOR JURY TRIAL
6	131.	Plaintiffs and Class Members hereby demand a jury trial, on all issues and causes
7	of action.	
8		
9	Dated: July 1	3, 2023 SINGLETON SCHRIBER, LLP
10		Genald Singleton
11		By: Gerald Singleton
12		Paul Starita Attorneys for Plaintiffs, LARA WHEFT FR and
13		JULIE PETERSON, on behalf of themselves and all other similarly situated individuals
14		and an other similarly situated mervicuals
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	C	LASS ACTION COMPLAINT (1) NEGLIGENCE (2) MEDICAL MONITORING

EXHIBIT A


























































































































































































































