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15 Attorneys for Plaintiffs

16 **SUPERIOR COURT OF CALIFORNIA**
17 **COUNTY OF SACRAMENTO**

18 Lyla Hitchcock; Catherine
19 Barningham; Samuel Bridges;
20 Johnny Bridges; Colleen Bridges;
SEAN CAMPBELL; DIANNA EKIS;
21 BREANN CORTES; ANTHONY MOEHRING;
ROBERT CRAMER; SAMI DIFUNTORUM;
22 DALE ERICKSON; BRITTANY ETTLEMAN;
DELYLE HACKETT; REBECCA FERRERO;
23 MARÍA FLOREZ; ADRIAN GUY; ALVIN
GUY; GLADYS GUY; BONNIE GARCIA;
24 JAIRO GOMEZ; DONNA GOODWIN;
ANGELA GRAVES; ELIJAH GRAVES;
25 FRANKLIN MOEHRING; ADRIANNA GUY;
26 BRITTANY HANSEN; MISTY MAIN;
JEREMY HARRISON; BILL JACKSON;
27 HALLEE JOBE; JONATHAN HULSE; CHERI
JOHNSON; JENNIFER JONES; ASHLEY
28 LARSON; KALEB LLOYD; MICHAEL

Case No.:

**COMPLAINT FOR WRONGFUL
DEATH, INJURIES AND DAMAGES**

1. **INVERSE CONDEMNATION;**
2. **TRESPASS;**
3. **NUISANCE;**
4. **PUBLIC UTILITIES CODE §
2106;**
5. **NEGLIGENCE; AND**
6. **WRONGFUL DEATH.**

JURY TRIAL DEMANDED

FILED
Superior Court Of California,
Sacramento
12/16/2020
Istewart1
By _____, Deputy
Case Number:
34-2020-00290833

BY FAX

1 MCDONALD; MONETTE MCDONALD;
2 ADAM MEIVES; CRADEA MOEHRING;
3 JODIE MOSKIOS; PHILLIP MOSKIOS;
4 DARLENE NOWAK; DONALD NOWAK;
5 ALYSSA PEPPER; MICHAEL MOEHRING;
6 GLORIA JIMENEZ; RALPH PEREZ;
7 TRENTON PETERSON; QUENTIN
8 PETERSON; TRENTON PETERSON AS
9 PERSONAL REPRESENTATIVE AND/OR
10 SUCCESSOR IN INTEREST OF THE ESTATE
11 OF MARTIN RAY PETERSON;
12 KASSANDRA POLMATEER; FAWN
13 RENSINK; DALTON ALLEC; BREANNA
14 ROWAN; SARA SAENZ; STEVEN SAENZ;
15 WALTER SLATER; ANATHEA SPARROW;
16 BETHANY WILSON; RH TILLEY; MARLYN
17 WADDELL; THOMAS WADDELL; JUSTIN
18 WEST; EMILEE WILCHECK; MICHAEL
19 WILBOURN; ISMAEL WILLIAMS;
20 CHRISTOPHER WILSON; SILAS
21 YAMAMOTO;

22 Plaintiffs,

23 v.

24 PACIFICORP and DOES 1-200, inclusive,

25 Defendants.

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I.

INTRODUCTION

1. This Complaint arises from a wildfire that PacifiCorp’s powerlines caused in Siskiyou and Del Norte Counties in California and Joesphine County in Oregon on September 8, 2020, a wildfire now called the “Slater Fire.”



Flames of Slater Fire – Photo via Action News Now

2. The Slater Fire started when electrical equipment within PacifiCorp’s utility infrastructure contacted, or caused sparks to contact, surrounding vegetation. This occurred because: (1) PacifiCorp’s utility infrastructure was intended, designed, and constructed to pass electricity through exposed powerlines in vegetated areas; (2) PacifiCorp negligently, recklessly, and willfully failed to properly, safely, and prudently inspect, repair, maintain and operate the electrical equipment in its utility infrastructure; and/or (3) PacifiCorp negligently, recklessly, and willfully failed to maintain an appropriate clearance area between the electrical equipment in its utility infrastructure and surrounding vegetation.

3. The Slater Fire burned more than 157,000 acres, damaged or destroyed more than 700 structures, resulted in multiple injuries and fatalities, and catastrophically impacted the local community.

1 4. Plaintiffs are homeowners, renters, business owners, and other individuals and entities
2 whose property and lives were, literally and figuratively, destroyed by the Slater Fire.



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16 **Example of Destruction Caused by Slater Fire – Photo via Mt. Shasta News**

17 5. Plaintiffs now sue PacifiCorp and Does 1-200 for just compensation, damages, and all
18 other available remedies arising from the takings and harms caused by the Slater Fire.

19 **II.**
20 **JURISDICTION AND VENUE**

21 6. This Court, as a court of general jurisdiction, has subject-matter jurisdiction over this
22 unlimited civil case, as well as personal jurisdiction over each of Defendants.

23 7. Venue is proper in Sacramento County as Defendant PacifiCorp is a foreign corporation,
24 organized and existing under the laws of the State of Oregon, meaning venue is proper in any county in
25 California.

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III.
PARTIES

A. Plaintiffs

8. Plaintiffs are individuals and other legal entities who were, at all times relevant to this pleading, homeowners, renters, business owners, residents, occupants, and/or had property located in Siskiyou and Del Norte Counties in California and Joesphine County in Oregon.

9. Plaintiffs have elected to join their individual lawsuits in a single action under rules of permissive joinder. Plaintiffs do not seek class certification or relief on any class-wide, collective, or other group basis, but instead seek the damages and other remedies identified herein on an individual basis according to proof at trial or through alternative dispute resolution efforts.

B. Defendants

10. Defendant PacifiCorp was, at all times relevant to this pleading, an Oregon corporation with its headquarters in Portland, Oregon. At all times relevant to this pleading, PacifiCorp Corporation acted to provide a utility, including electrical services, to members of the public in California, including those in Siskiyou and Del Norte Counties. PacifiCorp did so through its agents, divisions, and sub-parts, including Pacific Power. “PacifiCorp” refers collectively to PacifiCorp and Pacific Power.

11. PacifiCorp is in the business of providing electricity to the residents of, among other places, Siskiyou and Del Norte Counties through a utility infrastructure, including a network of electrical transmission and distribution lines. PacifiCorp is a “public utility” under Public Utilities Code sections 216(a)(1) and 218(a).

12. The true names and capacities of defendants Does 1 through 200 are currently unknown to Plaintiffs who, therefore, sue these defendants under these fictitious names pursuant to Code of Civil Procedure §474. These defendants are each directly and/or vicariously responsible, in some manner, for the harms alleged herein. If/when Plaintiffs learn these defendants’ true names and capacities, Plaintiffs will seek leave to amend this pleading accordingly.

13. “Defendants” refers collectively to PacifiCorp and Does 1 through 200.

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1 14. At all times relevant to this pleading, Defendants, and/or each of them, were the agents,
2 servants, employees, partners, aiders and abettors, co-conspirators, and/or joint venturers of each of the
3 other Defendants; and were operating within the purpose and scope of said agency, service, employment,
4 partnership, enterprise, conspiracy, and/or joint venture; and each of Defendants has ratified and
5 approved the acts of each of the remaining Defendants. Each of Defendants aided and abetted,
6 encouraged, and rendered substantial assistance to the other Defendants in breaching their obligations
7 and duties to Plaintiffs, as alleged herein. In taking action to aid and abet and substantially assist the
8 commission of these wrongful acts and other wrongdoings alleged herein, each of Defendants acted with
9 an awareness of his/her/its primary wrongdoing and realized that his/her/its conduct would substantially
10 assist the accomplishment of the wrongful conduct, wrongful goals, and wrongdoing.

11 **IV.**
12 **FACTS**

13 15. The Slater Fire ignited on September 8, 2020, near the Slater Butte Fire Lookout, north of
14 Happy Camp, California.

15 16. PacifiCorp is the electrical provider in the area where the Slater Fire ignited, and
16 PacifiCorp owns and operates a transmission line that runs near the Slater Butte Fire Lookout.

17 17. On September 6, 2020, the National Weather Service issued a red-flag warning for the
18 area surrounding the Slater Butte Fire Lookout, calling for “strong, gusty winds with low relative
19 humidity,” and warning “high fire danger will likely contribute to a significant spread of new and existing
20 fires.”

21 18. Despite the red-flag warning, PacifiCorp did not de-energize its powerlines in the area of
22 the Slater Butte Fire Lookout.

23 19. Plaintiffs are informed and believe that the Slater Fire occurred because: (1) PacifiCorp’s
24 utility infrastructure was intended, designed, and constructed to pass electricity through exposed
25 powerlines in dry, vegetated areas; (2) PacifiCorp negligently, recklessly, and willfully failed to prudently
26 and safely inspect, maintain, and operate the electrical equipment in its utility infrastructure (including
27 failing to de-energize its powerlines in times of high fire risk); and/or (3) PacifiCorp negligently,
28 recklessly, and willfully failed to maintain the appropriate clearance area between the electrical

1 equipment in its utility infrastructure and surrounding vegetation.

2 20. The conditions and circumstances surrounding the ignition of the Slater Fire, including
3 the nature and condition of PacifiCorp’s electrical infrastructure, low humidity, strong winds, and tinder-
4 like dry vegetation were foreseeable by any reasonably prudent person and, therefore, were certainly
5 foreseeable to Defendants—those with special knowledge and expertise as electrical services providers
6 and their employees and agents. In fact, prior to the Slater Fire, PacifiCorp had identified the Happy
7 Camp area as an extreme risk area, where topography, historical fires and local fuel conditions put it at
8 higher danger.

9 21. This wildfire was not the result of an “act of God” or other *force majeure*. This wildfire
10 was started by sparks from high-voltage transmission lines, distribution lines, appurtenances, and other
11 electrical equipment within PacifiCorp’s utility infrastructure that ignited surrounding vegetation.
12 Despite knowing of an extreme fire risk, Defendants deliberately prioritized profits over safety. This
13 recklessness and conscious disregard for human safety was a substantial factor in bringing about the
14 Slater Fire.

15 22. The Slater Fire caused Plaintiffs to suffer substantial harms, including: wrongful death of
16 loved ones, damage to and/or destruction of real property; damage to and/or loss of personal property,
17 including cherished possessions; out-of-pocket expenses directly and proximately incurred as a result of
18 the fire; alternative living expenses; evacuation expenses; personal injuries; medical bills; lost wages;
19 loss of earning capacity; loss of business income and/or goodwill; and various types of non-economic
20 damages, including emotional distress, annoyance, inconvenience, disturbance, mental anguish, and loss
21 of quiet enjoyment of property. The harms caused by Defendants are extensive and ongoing.

22 **V.**

23 **CAUSES OF ACTION**

24 **FIRST CAUSE OF ACTION**

25 **Inverse Condemnation**

26 **(Against Defendants PacifiCorp and DOES 1-20)**

27 23. All previous paragraphs are incorporated into this cause of action.

28 24. On September 8, 2020, Plaintiffs were the owners of real property located within Siskiyou

1 and Del Norte Counties in California and Joesphine County in Oregon that was affected by the Slater
2 Fire.

3 25. Prior to and on September 8, 2020, Defendants had each designed, constructed, installed,
4 operated, controlled, used, and/or maintained the facilities, lines, wires, and/or other electrical equipment
5 within PacifiCorp's utility infrastructure, including the transmission and distribution lines in and around
6 the location of the Slater Fire, for the purpose of providing electrical services to large swaths of the public.

7 26. On September 8, 2020, Defendants were actually aware of the inherent dangers and risks
8 that the electrical equipment within PacifiCorp's electrical-utility infrastructure (as deliberately designed
9 and constructed) would ignite a wildfire like the Slater Fire.

10 27. This inherent risk was realized on September 8, 2020, when electrical equipment within
11 PacifiCorp's utility infrastructure ignited the Slater Fire, which resulted in the taking of Plaintiffs' real
12 property and/or private property.

13 28. This taking was legally and substantially caused by Defendants' actions and inactions in
14 designing, constructing, installing, operating, controlling, using, and/or maintaining the facilities, lines,
15 wires, and/or other electrical equipment within PacifiCorp's utility infrastructure.

16 29. Plaintiffs have not been adequately compensated, if at all, for this taking.

17 30. Pursuant to Article I, Section 19, of the California Constitution, Plaintiffs seek just
18 compensation for this taking, according to individual proof at trial.

19 31. Plaintiffs further seek, pursuant to Code of Civil Procedure section 1036, to recover all
20 reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering
21 fees, actually incurred because of this proceeding in the trial court and/or in any appellate proceeding in
22 which Plaintiffs prevails on any issue.

23 **SECOND CAUSE OF ACTION**

24 **Trespass**

25 **(Against All Defendants)**

26 32. All previous paragraphs are incorporated into this cause of action.

27 33. On September 8, 2020, Plaintiffs were the owners, tenants, and/or lawful occupiers of real
28 properties in the area of the Slater Fire.

1 34. Defendants negligently and/or recklessly allowed the Slater Fire to ignite and/or spread
2 out of control, which caused damage to Plaintiffs' property.

3 35. Plaintiffs did not grant permission for any fire to enter their property.

4 36. This trespass was a substantial factor in causing Plaintiffs to suffer economic and non-
5 economic damages including, but not limited to, destruction of and/or damage to real property,
6 destruction of and/or damage to structures, destruction of and/or damage to personal property, discomfort,
7 annoyance, inconvenience, mental anguish, loss of quiet enjoyment, and emotional distress. Plaintiffs
8 each seek damages to be determined, on an individual basis, according to proof at trial.

9 37. Those of Plaintiffs whose real property was under cultivation or used for the raising of
10 livestock have hired and retained counsel to recover compensation for their losses and damages caused
11 by the Slater Fire. Thus, they also seek to recover all reasonable attorneys' fees, expert fees, consultant
12 fees, and litigation costs and expense, as allowed under Code of Civil Procedure section 1021.9.

13 38. Defendants, including one or more PacifiCorp officers, directors, and/or managers, acted
14 recklessly and with conscious disregard to human life and safety, and this recklessness and conscious
15 disregard was a substantial factor in bringing about the Slater Fire. This is despicable and oppressive
16 conduct. Plaintiffs thus seek punitive damages in an amount sufficient to punish Defendants and deter
17 such conduct in the future.

18 **THIRD CAUSE OF ACTION**

19 **Nuisance**

20 **(Against All Defendants)**

21 39. All previous paragraphs are incorporated into this cause of action.

22 40. On September 8, 2020, Plaintiffs were the owners, tenants, and/or lawful occupiers of real
23 properties in the area of the Slater Fire.

24 41. Defendants' actions and inactions created a condition and/or permitted a condition to exist
25 that was harmful to health; offensive to the senses; an obstruction to the free use of property, so as to
26 interfere with the comfortable enjoyment of life and property; unlawfully obstructed the free passage or
27 use, in the customary manner, of public streets and highways; and a completely predictable fire hazard.

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1 42. These conditions interfered with Plaintiffs’ quiet enjoyment of their properties in a way
2 unique to each of Plaintiffs.

3 43. These conditions also affected a substantial number of people at the same time.

4 44. At no time did Plaintiffs consent to Defendants’ actions and inactions in creating these
5 conditions.

6 45. An ordinary person would be reasonably annoyed and disturbed by Defendants’ actions
7 and inactions in creating these conditions.

8 46. Defendants’ actions and inactions in creating these conditions were a substantial factor in
9 causing Plaintiffs to suffer economic and non-economic damages unique to each plaintiff (and different
10 from damages suffered by other plaintiffs) including, but not limited to, destruction of and damage to
11 real property, destruction of and damage to structures, destruction of and damage to personal property
12 and cherished possessions, discomfort, annoyance, inconvenience, mental anguish, loss of quiet
13 enjoyment, and emotional distress. Plaintiffs each seek damages to be determined, on an individual basis,
14 according to proof at trial.

15 47. The seriousness of the harm Defendants have caused Plaintiffs outweighs any public
16 benefit that Defendants may provide.

17 48. Defendants, including one or more PacifiCorp officers, directors, and/or managers, acted
18 recklessly and with conscious disregard to human life and safety, and this recklessness and conscious
19 disregard was a substantial factor in bringing about the Slater Fire. This is despicable and oppressive
20 conduct. Plaintiffs thus seek punitive damages in an amount sufficient to punish Defendants and deter
21 such conduct in the future.

22 **FOURTH CAUSE OF ACTION**

23 **Public Utilities Code Section 2106**

24 **(Against Defendants PacifiCorp and DOES 1-20)**

25 49. All previous paragraphs are incorporated into this cause of action.

26 50. PacifiCorp was on September 8, 2020, and is, a “public utility” for purposes of the Public
27 Utilities Code. PacifiCorp was, therefore, required to comply with the Public Utilities Act.

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1 51. Prior to and on September 8, 2020, PacifiCorp was also required to obey and comply with
2 every order, decision, direction, or rule made or prescribed by the Public Utilities Commission in the
3 matters specified under the Public Utilities Act, and any other matter in any way relating to or affecting
4 its business as a public utility, and was required to do everything necessary or proper to secure compliance
5 therewith by all of its officers, agents, and employees.

6 52. Defendants failed to furnish and maintain such adequate, efficient, just, and reasonable
7 service, instrumentalities, equipment, and facilities as are necessary to promote the safety, health,
8 comfort, and convenience of PacifiCorp patrons and the public, as required by Public Utilities Code
9 section 451.

10 53. Defendants failed to comply with the requirements for overhead line design, construction,
11 and maintenance, the application of which will ensure adequate service and secure safety to persons
12 engaged in the construction, maintenance, operation or use of overhead lines and to the public in general,
13 as required by Public Utilities Commission General Order 95, including Rules 31.2, 35, and 38, which
14 set forth inspection, vegetation-management, and minimum-clearance requirements.

15 54. Defendants failed to comply with the requirements for electric distribution and
16 transmission facilities regarding inspections in order to ensure safe and high-quality electrical service, as
17 required by Public Utilities Commission General Order 165.

18 55. Defendants' failure to comply with applicable provisions of the Public Utilities Act and
19 with applicable Public Utilities Commission orders and rules, was a substantial factor in causing Plaintiff
20 to suffer economic and non-economic damages including, but not limited to, destruction of and damage
21 to real property, destruction of and damage to structures, destruction of and damage to personal property
22 and cherished possessions, discomfort, annoyance, inconvenience, mental anguish, loss of quiet
23 enjoyment, and emotional distress. Plaintiffs each seek damages to be determined, on an individual basis,
24 according to proof at trial.

25 56. Defendants, including one or more PacifiCorp officers, directors, and/or managers, acted
26 recklessly and with conscious disregard to human life and safety, and this recklessness and conscious
27 disregard was a substantial factor in bringing about the Slater Fire. This is despicable and oppressive
28 conduct. Plaintiffs thus seek punitive damages in an amount sufficient to punish Defendants and deter

1 such conduct in the future.

2 **FIFTH CAUSE OF ACTION**

3 **Health & Safety Code Section 13007**

4 **(Against all Defendants)**

5 57. All previous paragraphs are incorporated into this cause of action.

6 58. Defendants negligently, recklessly, and/or in violation of law, allowed the Slater Fire to
7 be set and allowed the Slater Fire to escape to Plaintiffs' properties.

8 59. Defendants' negligent, reckless, and/or illegal actions and inactions in allowing the Slater
9 Fire to be set and escape to Plaintiffs' properties was a substantial factor in causing Plaintiffs to suffer
10 economic and non-economic damages including, but not limited to, destruction of and damage to real
11 property, destruction of and damage to structures, destruction of and damage to personal property and
12 cherished possessions, discomfort, annoyance, inconvenience, mental anguish, loss of quiet enjoyment,
13 and emotional distress. Plaintiffs each seek damages to be determined, on an individual basis, according
14 to proof at trial.

15 60. Defendants, including one or more PacifiCorp officers, directors, and/or managers, acted
16 recklessly and with conscious disregard to human life and safety, and this recklessness and conscious
17 disregard was a substantial factor in bringing about the Slater Fire. This is despicable and oppressive
18 conduct. Plaintiffs thus seek punitive damages in an amount sufficient to punish Defendants and deter
19 such conduct in the future.

20 **SIXTH CAUSE OF ACTION**

21 **Negligence**

22 **(Against All Defendants)**

23 61. All previous paragraphs, except those falling under Plaintiffs' cause of action for inverse
24 condemnation, are incorporated into this cause of action.

25 62. Defendants each have special knowledge and expertise far beyond that of a layperson with
26 regard to the safe design, engineering, construction, use, operation, inspection, repair, and maintenance
27 of PacifiCorp's electrical lines, infrastructure, equipment, and vegetation management efforts. The
28 provision of electrical services involves a peculiar and inherent danger and risk of wildfires.

1 63. Prior to and on September 8, 2020, Defendants had a non-delegable duty to apply a level
2 of care commensurate with, and proportionate to, the inherent dangers in designing, engineering,
3 constructing, operating, and maintaining electrical transmission and distribution systems. This duty also
4 required Defendants to maintain appropriate vegetation management programs, for the control of
5 vegetation surrounding PacifiCorp's exposed powerlines. This duty also required Defendants to consider
6 the changing conditions PacifiCorp's electrical transmission and distribution systems, as well as changing
7 geographic, weather, and ecological conditions. This duty also required Defendants to take special
8 precautions to protect adjoining properties from wildfires caused by PacifiCorp's electrical equipment.

9 64. Defendants each breached these duties by, among other things:

- 10 a. Failing to design, construct, operate, and maintain PacifiCorp's high-voltage
11 transmission and distribution lines and associated equipment, in a way that would
12 withstand the foreseeable risk of wildfires in the area of the Slater Fire;
- 13 b. Failing to prevent electrical transmission and distribution lines from improperly
14 sagging or making contact with other metal;
- 15 c. Failing to properly inspect and maintain vegetation within proximity to energized
16 transmission and distribution lines to mitigate the risk of fire;
- 17 d. Failing to conduct reasonably prompt, proper, and frequent inspections of
18 PacifiCorp's powerlines and associated equipment;
- 19 e. Failing to promptly de-energize exposed powerlines during fire-prone conditions
20 and reasonably inspect powerlines before re-energizing them;
- 21 f. Failing to properly train and supervise employees and agents responsible for
22 maintenance and inspection of powerlines; and/or
- 23 g. Failing to implement and follow regulations and reasonably prudent practices to
24 avoid fire ignition.

25 65. Defendants' failure to comply with applicable provisions of the Public Utilities Act and
26 Public Utilities Commission General Orders and Rules, as alleged herein, is negligence per se because
27 these statutes, orders, and rules are aimed at preventing the exact type of harm that Plaintiffs suffered
28 because of Defendants' failure to comply with these statutes, orders, and rules. That is, Plaintiffs are

1 within the class of individuals these statutes, orders, and rules were implemented to protect.

2 66. Defendants' negligence, including Defendants' negligence per se, was a substantial factor
3 in causing Plaintiffs to suffer economic and non-economic damages including, but not limited to,
4 destruction of and damage to real property, destruction of and damage to structures, destruction of and
5 damage to personal property and cherished possessions, discomfort, annoyance, inconvenience, mental
6 anguish, loss of quiet enjoyment, and emotional distress. Plaintiffs each seek damages to be determined,
7 on an individual basis, according to proof at trial.

8 67. Defendants, including one or more PacifiCorp officers, directors, and/or managers, acted
9 recklessly and with conscious disregard to human life and safety, and this recklessness and conscious
10 disregard was a substantial factor in bringing about the Slater Fire. This is despicable and oppressive
11 conduct. Plaintiffs thus seek punitive damages in an amount sufficient to punish Defendants and deter
12 such conduct in the future.

13 **SEVENTH CAUSE OF ACTION**

14 **Wrongful Death**

15 **(Against All Defendants)**

16 68. All previous paragraphs are incorporated into this cause of action.

17 69. Plaintiffs asserting wrongful-death claims were, at the time their loved ones perished as a
18 result of the Slater Fire, individuals with standing to seek wrongful-death damages pursuant to Code of
19 Civil Procedure section 377.60.

20 70. As alleged herein, these Plaintiffs' loved ones died as a result of Defendants' negligent,
21 reckless, and otherwise tortious conduct. These deaths were, therefore, "wrongful" for purposes of
22 asserting a claims for damages under Code of Civil Procedure section 377.60.

23 71. As direct and foreseeable result of these individuals' wrongful deaths, Plaintiffs suffered
24 economic damages, including lost financial support, lost gifts and benefits, funeral and burial expenses,
25 lost household services, as well as non-economic damages, including loss of love, companionship,
26 comfort, care, assistance, protection, affection, society, moral support, consortium, training, and
27 guidance. Plaintiffs seek damages in an amount to be proved on an individual basis according to proof.

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IV.

PRAYER FOR RELIEF

72. Plaintiffs seek the following damages in an amount according to proof at the time of trial:

a. Inverse Condemnation:

- (1) Repair, depreciation, and/or the replacement of damaged, destroyed, and/or lost personal and/or real property;
- (2) Loss of the use, benefit, goodwill, and enjoyment of Plaintiffs' real and/or personal property;
- (3) Loss of wages, earning capacity and/or business profits and/or any related displacement expenses;
- (4) Prejudgment interest from September 8, 2020;
- (5) Pursuant to Code of Civil Procedure section 1036 and all other applicable law, all reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of this proceeding in the trial court and/or in any appellate proceeding in which Plaintiffs prevails on any issue; and
- (6) Such other and further relief as the Court shall deem proper, all according to proof.

b. All Other Claims:

- (1) General and/or special damages determined on an individual basis according to proof;
- (2) Loss of the use, benefit, goodwill, and enjoyment of Plaintiffs' real and/or personal property;
- (3) Loss of wages, earning capacity, goodwill, and/or business profits or proceeds and/or any related displacement expenses;
- (4) Evacuation expenses and alternate living expenses;
- (5) Erosion damage to real property;
- (6) Past and future medical expenses and incidental expenses;

- 1 (7) Economic and non-economic wrongful-death damages, including, but not limited
2 to, the loss of care, assistance, protection, affection, society and moral support;
3 (8) Damages for personal injury, emotional distress, fear, annoyance, disturbance,
4 inconvenience, mental anguish, and loss of quiet enjoyment of property;
5 (9) Attorneys' fees, expert fees, consultant fees, and litigation costs and expense, as
6 allowed under Code of Civil Procedure section 1021.9 and all other applicable
7 law;
8 (10) Prejudgment interest from September 8, 2020;
9 (11) For punitive and exemplary damages against PacifiCorp in an amount sufficient
10 to punish Defendants' conduct and deter similar conduct in the future, as allowed
11 under Public Utilities Code section 2106 and all other applicable law; and
12 (12) Any and all other and further such relief as the Court shall deem proper, all
13 according to proof.

14 **VII.**

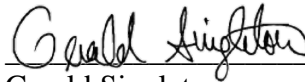
15 **JURY TRIAL DEMAND**

16 73. Plaintiffs demand a jury trial on all causes of action for which a jury trial is available under
17 the law.

18 SINGLETON SCHREIBER McKENZIE & SCOTT, LLP

19
20 Dated: December 16, 2020

By:



Gerald Singleton
Brett J. Schreiber
J. Domenic Martini
Timothy A. Scott
J. Ross Peabody
John C. Lemon

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25 Attorneys for Plaintiffs
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