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13	SUPERIOR COURT OF THE	E STATE OF CALIFORNIA
	COUNTY OF LOS ANGELES	
14		
15	SPENCER PRATT, AN INDIVDUAL; HEIDI PRATT, AN INDIVIDUAL;	CASE NO.: 258TCV01720
16	WILLIAM PRATT, AN INDIVIDUAL;	COMPLAINT FOR DAMAGES:
17	JANET PRATT, AN INDIVIDUAL;	1. Inverse Condemnation
	DAN TRAPP, AN INDIVDUAL; ZACH QUITTMAN, AN INDIVIDUAL;	1. Inverse Condemnation
18	NICOLE DIACO, AN INDIVIDUAL;	
19	MICHAEL BURGESS, AN INDIVIDUAL;	Demand for Jury Trial
20	JOANNE GARY, AN INDIVDUAL; FRANK LONGO, AN INDIVIDUAL;	
21	GINA GIGLIOTTI, AN INDIVIDUAL;	
	BERNARD GIGLIOTTI, AN	
22	INDIVIDUAL; AELINA LONGO, AN INDIVDUAL;	
23	MARCO LONGO, AN INDIVIDUAL;	
24	HOVSEP KOUZOUYAN, PRINCIPAL OF	
25	20300 PACIFIC COAST HIGHWAY, LLC;	
	NICHOLAS PICCIRILLO, AN INDIVIDUAL;	
26	CATHERINE MONTGRAIN, AN	
27	INDIVDUAL;	
	JANET BROWN, AN INDIVIDUAL;	

CAROLYN MINIUM, AN INDIVIDUAL; RYAN MINIUM, AN INDIVIDUAL; LINDA HINDS, AN INDIVIDUAL; and NATHAN WILLIAM COX, AN INDIVIDUAL; Plaintiffs, CITY OF LOS ANGELES, a governmental entity; and CITY OF LOS ANGELES ACTING BY AND THROUGH THE LOS ANGELES DEPARTMENT OF WATER AND POWER, a government entity; and DOES 1 through 100, inclusive, Defendants.

INTRODUCTION

- 1. This case arises out of the devastating Palisades Fire southeast of Palisades Drive in Pacific Palisades, California. Since it began on January 7, 2025, around 10:30 a.m., the Palisades Fire has become the worst natural disaster in the history of the City of Los Angeles. It has engulfed over 23,713 acres in flames, destroying at least 5,300 structures in Pacific Palisades, Malibu and Topanga Canyon, and injuring numerous civilians and firefighters. The Palisades Fire has killed at least nine people. The victims of the Palisades Fire lost their homes and businesses and all their earthly possessions in a matter of hours.
 - 2. The pictures below show part of the Pacific Palisades area before and after the fire:¹





3. Picture after picture reveals the extent of the devastation:²





¹ keithcody, Four Pacific Palisades Before & After Photos, Reddit, https://bit.ly/4g406kf (accessed Jan. 20, 2025).

² https://www.latimes.com/california/story/2025-01-17/some-residents-allowed-to-return-to-devastated-pacific-palisades-altadena-neighborhoods;

https://www.latimes.com/environment/story/2025-01-13/could-brush-clearance-have-helped-slow-the-spread-of-the-palisades-fire.

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weak by design."³ On information and belief, the Palisades Fire was an inescapable and unavoidable consequence of the water supply system servicing areas in and around Pacific Palisades as it was planned and constructed. The system necessarily failed, and this failure was a substantial factor in causing Plaintiffs to suffer the losses alleged in this Complaint.

As the New York Times put it, the Palisades Fire "expose[d] a web of governments,

- 5. For example, the Santa Ynez Reservoir, the reservoir that services Pacific Palisades, was completely offline and emptied before the fires erupted in the area, leaving fire crews little-to-no water to fight the Palisades Fire. The Santa Ynez Reservoir had been out of commission since February of 2024, awaiting repairs to its cover. Defendant Los Angeles Department of Water and Power ("LADWP") made the conscious decision to operate the water supply system with the reservoir drained and unusable as a "cost-saving" measure. With the Santa Ynez Reservoir effectively out of commission, hydrants in Pacific Palisades failed after three tanks each holding one million gallons of water went dry within a span of 12 hours. According to Janisse Quiñones, the LADWP's chief executive and chief engineer, by 4:45 p.m. on January 7, 2025, the first of the three tanks ran out of water; the second tank ran empty about 8:30 p.m. that same day; and the third was dry by 3:00 a.m. on January 8, 2025.
- 6. Gus Corona, the business manager of IBEW Local 18, the employee union for the LADWP, condemned the delay, telling the Los Angeles Times: "It's completely unacceptable that this reservoir was empty for almost a year for minor repairs." Mr. Corona added: "This work should have been done in-house, and they shouldn't have depended on a contractor to do it; I truly believe it's something that could have been avoided."
- 7. Defendants also designed the water system for public use such that it would not have enough water pressure to fight an urban fire.
- 8. Pushed by strong northeast winds, the fire spread rapidly down canyon and into heavily populated neighborhoods, incinerating everything in its path. Residents were forced to

³ https://www.nytimes.com/live/2025/01/19/us/los-angeles-wildfires-california#wildfires-los-angeles-governance.

abandon their vehicles on Palisades Drive and run for their lives. The following CAL FIRE Damage Inspection (DINS) map4 shows the areas engulfed by the fire so far:



- 9. The Palisades Fire spread quickly through Pacific Palisades and then west along Pacific Coast Highway into Malibu, pushed by hurricane-force winds with gusts up to 100 mph, low relative humidity and critical live fuel moisture levels. "You could have put a 10-lane freeway in front of that fire and it would not have slowed it one bit," said Chief Brian Fennessy of the Orange County Fire Authority.⁵
- 10. Over the following days, the fire spread rapidly and caused evacuations of tens of thousands of residents and caused widespread power outages, as well as school and road closures, extensive property damage, and loss of life.

JURISDICTION AND VENUE

- 11. This Court has subject matter jurisdiction over this matter under CAL. CODE. CIV. P. § 395(a) because Defendants have conducted significant business in the County of Los Angeles, California, so as to render the exercise of jurisdiction over Defendants by California courts consistent with traditional notions of fair play and substantial justice. The amount in controversy exceeds the jurisdictional minimum of this Court.
- 12. Venue is proper in this County under CAL. CODE CIV. P. § 395.5 because Defendant LADWP maintained its principal place of business at 111 North Hope Street, Los Angeles,

⁴ https://recovery.lacounty.gov/palisades-fire/.

 $^{^{5}\} https://www.latimes.com/environment/story/2025-01-13/could-brush-clearance-have-helped-slow-the-spread-of-the-palisades-fire.$

California, and Defendant City of Los Angeles is a municipal entity with the capacity to sue and be sued.

PLAINTIFFS

- 13. Plaintiffs are property owners, tenants and individuals who suffered varying types of injuries, damages, losses and harm as a result of the Palisades Fire.
- 14. Plaintiffs' damages include but are not limited to: (a) Complete loss of home and/or personal property; (b) Damage to home and/or personal property; (c) Insurance coverage short falls due to coverage limits, uncovered items (fine art, collectibles, landscaping) and high deductibles; (d) Mandatory evacuation from home/dwelling and related expenses; (e) Delay damages and expenses due to permitting and unreimbursed/inadequately covered rebuilding costs including loss of use, alternative housing, code compliance and required upgrades; (f) Personal injury damages; (g) medical expenses; and (h) other damages as may be proved at trial to include punitive damages if willful and/or conscious disregard for victims' property, health and safety can be shown.
- 15. At all times material, plaintiffs SPENCER PRATT, AN INDIVIDUAL and HEIDI PRATT, AN INDIVIDUAL; lawfully lived in and owned the home and real property located at 1420 Chautauqua Blvd., Pacific Palisades, CA 90272, and suffered damages as a result of the Palisades Fire.
- 16. At all times material, plaintiffs WILLIAM PRATT, AN INDIVIDUAL; and JANET PRATT, AN INDIVIDUAL; lawfully owned real property located at 333 Lombard Avenue, Pacific Palisades, CA 90272, and suffered damages as a result of the Palisades Fire.
- 17. At all times material, plaintiff DAN TRAPP, AN INDIVIDUAL; lawfully lived in and owned the home and real property located at 1368 Chautauqua Blvd., Pacific Palisades, CA 90272, and suffered damages as a result of the Palisades Fire.
- 18. At all times material, plaintiff ZACH QUITTMAN, AN INDIVIDUAL; lawfully lived in and owned the home and real property located at 16827 Livorno Drive, Pacific Palisades, CA 90272, and suffered damages as a result of the Palisades Fire.

- 19. At all times material, plaintiffs NICOLE DIACO, AN INDIVIDUAL and MICHAEL BURGESS, AN INDIVIDUAL; lawfully lived in and owned the home and real property located at 1216 Las Pulgas Road, Pacific Palisades, CA 90272, and suffered damages as a result of the Palisades Fire.
- 20. At all times material, plaintiff JOANNE GARY, AN INDIVIDUAL; lawfully lived in and owned the home and real property located at 21401 Calle Del Barco, Malibu, CA 90265, and suffered damages as a result of the Palisades Fire.
- 21. At all times material, plaintiff FRANK LONGO, AN INDIVIDUAL; lawfully lived in and owned the home and real property located at 21429 Pacific Coast Highway, Malibu, CA 90265, and suffered damages as a result of the Palisades Fire.
- 22. At all times material, plaintiffs GINA GIGLIOTTI, AN INDIVIDUAL and BERNARD GIGLIOTTI, AN INDIVIDUAL; lawfully lived in and owned the home and real property located at 21531 Pacific Coast Highway, Malibu, CA 90265, and suffered damages as a result of the Palisades Fire.
- 23. At all times material, plaintiffs AELINA LONGO, AN INDIVIDUAL and MARCO LONGO, AN INDIVIDUAL; lawfully lived in and rented the home and real property located at 21507 Pacific Coast Highway, Malibu, CA 90265, and suffered damages as a result of the Palisades Fire.
- 24. At all times material, plaintiff HOVSEP KOUZOUYAN, a principal of 20300 PACIFIC COAST HIGHWAY, LLC; owned the homes and real property located at 20300 Pacific Coast Highway, Malibu, CA 90265; 20302 Pacific Coast Highway, Malibu, CA 90265; and 20304 Pacific Coast Highway, Malibu, CA 90265 and suffered damages as a result of the Palisades Fire.
- 25. At all times material, plaintiff NICOLAS PICCIRILLO, AN INDIVIDUAL; owned the home and real property located at 879 Galloway, Pacific Palisades, CA 90272, and suffered damages as a result of the Palisades Fire.
- 26. At all times material, plaintiff CATHERINE MONTGRAIN, AN INDIVIDUAL; lawfully lived in and owned the home and real property located at 901 Galloway, Pacific Palisades, CA 90272, and suffered damages as a result of the Palisades Fire.

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28. At all times material, plaintiffs CHUCK MINIUM, AN INDIVIDUAL; CAROLYN MINIUM, AN INDIVIDUAL and RYAN MINIUM, AN INDIVIDUAL; lawfully lived in and owned the home and real property located at 1167 Embury Street, Pacific Palisades,

90272, and suffered damages as a result of the Palisades Fire.

CA 90272, and suffered damages as a result of the Palisades Fire.

29. At all times material, plaintiff LINDA HINDS, AN INDIVIDUAL; lawfully lived in and rented the home and real property located at 746 Hartzell, Pacific Palisades, CA 90272, and suffered damages as a result of the Palisades Fire.

in and owned the home and real property located at 1277 Chautauqua Blvd., Pacific Palisades, CA

At all times material, plaintiff JANET BROWN, AN INDIVIDUAL; lawfully lived

30. At all times material, plaintiff NATHAN WILLIAM COX, AN INDIVIDUAL; lawfully lived in and rented the home and real property located at 907 Hartzell, Pacific Palisades, CA 90272, and suffered damages as a result of the Palisades Fire.

DEFENDANTS

- 31. The LADWP is a public utility doing business in the State of California, with its principal place of business in the City of Los Angeles, State of California.
- 32. LADWP is the largest municipal utility in the entire United States. LADWP provides electricity and water service to more than four million residents and businesses in the City of Los Angeles, and more particularly, to Plaintiffs' residences, businesses, and properties. LADWP employs more than 11,000 people and has an annual budget of \$6.1 billion dollars.
- 33. The City of Los Angeles is a municipal entity with the capacity to sue and be sued. It is a Charter City under the laws of the State of California.
- 34. Plaintiffs do not currently know the true names and capacities of defendants DOES 1 through 100. Therefore, they sue these defendants under these fictitious names in accordance with Code of Civil Procedure section 474. These defendants are each directly and/or vicariously responsible, in some manner, for harms alleged herein. If/when Plaintiffs learn these defendants' true names and capacities, Plaintiffs will seek leave to amend this pleading accordingly.

35. "Defendants" refers collectively to LADWP, City of Los Angeles, and DOES 1 through 100.

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

FACTUAL ALLEGATIONS

- 37. The Palisades Fire has caused untold devastation, destroying Plaintiffs' homes, businesses, and all or most of their personal property.
- 38. LADWP and City of Los Angeles had a duty to properly construct, inspect, maintain and operate its water supply system. The Palisades Fire was an inescapable and unavoidable consequence of the water supply system operated by LADWP and City of Los Angeles as it was planned and constructed. The system necessarily failed, and this failure was a substantial factor in causing Plaintiffs to suffer the losses alleged in this Complaint.
- 39. Los Angeles Fire Department Captain, Erik Scott, acknowledged that the empty state of the reservoir negatively impacted the department's ability to fight the fire, explaining that there were "challenges with water pressure while battling the Pacific Palisades fire" and that water "pressure wasn't quite what we needed, and so it affected some fire hydrants."

⁶ https://www.cbsnews.com/news/fire-hydrants-ran-dry-extreme-demand-pacific-palisades/.

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- 40. Further, Mark Pestrella, director of Los Angeles County Public Works, said the hydrant system alone was "not designed to fight wildfires."⁷
- 41. Defendants deliberately designed and maintained this water supply system in this way, despite Los Angeles being in a fire-prone area. In the last 90 years, for example, more than 30 wildfires have scorched parts of neighboring Malibu. 8 The most recent was the Franklin Fire, which ignited on December 9, 2024. The Woolsey Fire, which started on November 8, 2018, burned 96,949 acres of land in Malibu, destroyed 1,643 structures, killed three people, and prompted the evacuation of more than 295,000 people.
- 42... Other government officials have acknowledged the deficiencies of the water supply system, noting "that the Santa Ynez Reservoir had been closed since about February for repairs to its cover, leaving a 117-million-gallon water storage complex empty in the heart of the Palisades for nearly a year."9
- 43. Upmanu Lall, director of the Water Institute at Arizona State University, attributed the lack of water availability and water pressure to the closing of the Santa Ynez Reservoir. Professor Lall determined that without water from the reservoir, fire fighters had to primarily rely on water tanks, which were not designed to fight such a large fire.¹⁰
- 44. Regardless, Defendants designed the water supply system such that it would not have enough water pressure to fight an urban fire.
- 45. The California Public Utilities Commission (CPUC) has created a map that identifies regions with significant with significant fire threat potential.
- 46. Defendants were put on notice of the extreme fire danger in the relevant zone with the publication of the CPUC Fire-Threat Map.

⁷ https://www.nbclosangeles.com/news/ california-wildfires/palisades-fire-firefighters-waterpressure/3597877/.

⁸ https://www.latimes.com/projects/la-me-malibu-wildfire-history/.

⁹ https://bit.ly/4anS18I.

¹⁰ https://www.youtube.com/watch?v=IV0eCYZq-sU.

- 47. On January 6, 2025, the National Weather Service forewarned of the imminent fire danger due to an incoming extreme wind event forecast to start that very Tuesday morning. The NWS warned the region to prepare for a life-threatening and destructive windstorm and predicted the weather event would "likely be the most destructive windstorm seen since 2011."
- 48. The overall public purpose being served by draining the Santa Ynez Reservoir and leaving it empty for nearly a year, according to LADWP, was to seek contractor bids rather than using in-house personnel to repair the Reservoir. This stated public purpose was far outweighed by the substantial risk posed to Pacific Palisades by wildfires. The degree of damage that resulted from the Palisades Fire far outweighed any benefit that could have been realized by outsourcing and delaying repairs to the Santa Ynez Reservoir. Plaintiffs' damages are extremely severe and far exceed the kind that are generally considered normal risks inherent in land ownership. Nevertheless, Plaintiffs' damages occurred because of the operation of this system as it was planned and constructed.
- 49. Plaintiffs have suffered real and personal property damage, personal injuries, loss of use of their homes, loss of income, business interruption, and emotional distress and seek fair compensation for themselves in this case caused by Defendants.
- 50. Plaintiffs may file notices with Defendants consistent with Government Code § 910, et seq. and will amend this Complaint to add additional causes of action once their claims have either been expressly denied by Defendants or the time to respond to their claims have expired by operation of law.

FIRST CAUSE OF ACTION

Inverse Condemnation

(Against LADWP, City of Los Angeles, and DOES 1-100)

51. Plaintiffs incorporate and re-allege each of the paragraphs above as though fully set forth at length herein.

¹¹ https://www.cbsnews.com/losangeles/news/windstorm-cause-power-outages-for-nearly-50000-la-county-residents/

- 52. Defendants' operation of its water supply and related infrastructure was a substantial cause of Plaintiffs' damages. They constitute a public improvement for a public use.
- 53. Defendants' facilities, reservoir, water supply system, hydrants, infrastructure and other public improvements, as deliberately designed and constructed, presented an inherent danger and risk of fire to private property. In acting in furtherance of the public objective of supplying water, the Defendants took and did take on or about January 7, 2025, and in the days thereafter and for about a year before, a known, calculated risk that private property would be damaged and destroyed by fire.
- 54. On or about January 7, 2025, and in the days thereafter, the inherent and foreseeable risk of a fire exacerbated by Defendants' water supply management and infrastructure occurred when the Palisades Fire burned and spread, which directly and according to law resulted in the taking of Plaintiffs' private property.
- 55. Defendants' reservoir, water supply system, hydrants, and other infrastructure were designed, engineered, constructed, used, operated, maintained by Defendants. That operation caused damages to Plaintiffs' property and the Defendants' conduct as described herein constitutes an improper taking or condemnation of their property under Article I § 19 of the California Constitution and Public Utilities Code § 612.
- 56. The conduct as described here was a substantial factor in causing damage to a property interest protected by the Fifth Amendment to the United States Constitution and Article I, Section 19, of the California Constitution, which entitles Plaintiffs to just compensation according to proof at trial for all damages incurred.
- 57. The above-described damage to Plaintiffs' property was proximately and substantially caused by the actions of Defendants, and each of them, in that Defendants' installation, ownership, operation, use control, and/or maintenance for a public use of the water supply system caused Plaintiffs' damages.
- 58. Plaintiffs have not received adequate compensation for the damage to and/or destruction of their property. This constitutes a taking or damaging of Plaintiffs' property by the Defendants, and each of them, without just compensation.

59. Under California Code of Civil Procedure §1036, Plaintiffs are entitled to recover all litigation costs and expenses with regard to the compensation for damage to properties, including attorney's fees, expert fees, consulting fees and litigation costs.

PRAYER FOR RELIEF

- 60. As a direct and legal result of the above-described damages to Plaintiffs' property, including loss of use, interference with access, enjoyment and marketability, and injury to personal property, Plaintiffs have been damaged in an amount to be proved at trial.
- 61. Plaintiffs seek the following damages in an amount according to proof at the time of trial.
 - a. Costs of repair, depreciation, and/or replacement of damaged, destroyed, and/or lost personal and/or real property;
 - b. Loss of the use, benefit, goodwill, and enjoyment of Plaintiffs' real and/or personal property and/or alternate living expenses;
 - c. Loss of wages, earning capacity, and/or business profits or proceeds and/or any related business interruption losses and displacement expenses;
 - d. All costs of suit, including attorneys' fees, expert fees, and related costs;
- e. Any and all relief, compensation, or measure of damages available to Plaintiffs by law based on the injuries and damages suffered by Plaintiffs;
 - f. Prejudgment interest, according to proof; and
- g. For such other and further relief as the Court shall deem proper, all according to proof.

DATED: January 21, 2025

MCNULTY LAW FIRM WOOD LAW FIRM

By: <u>Peter McNulty</u>
Peter McNulty, Esq.
Attorneys for Plaintiffs

DEMAND FOR TRIAL BY JURY

Plaintiffs hereby respectfully demand a jury trial on all causes of action for which a jury trial is available under the law of the State of California.

DATED: January 21, 2025

MCNULTY LAW FIRM WOOD LAW FIRM

By: <u>Peter McNulty</u>
Peter J. McNulty, Esq.
Brett L. Rosenthal, Esq.
Attorneys for Plaintiffs