

COPY

SUMMONS (CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

SOUTHERN CALIFORNIA GAS CO.; SEMPRA ENERGY; PACIFIC ENTERPRISES; and DOES 1-100, inclusive

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

ENVIRONMENTAL LAW FOUNDATION, Individually and in the public interest

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

JAN 11 2007

John A. Clark, Executive Officer/Clerk
By D. Garcia, Deputy

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
111 N. Hill Street
Los Angeles, CA 90012
Central Judicial District

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

CHRISTOPHER P. RIDOUT (SBN 143931) (213) 626-0571
Rose, Klein & Marias LLP
801 S. Grand Avenue, 11th Floor
Los Angeles, CA 90017-4645

DATE: JAN 11 2007

(Fecha)

JOHN A. CLARKE, CLERK
(Secretario)

D. Garcia, Deputy
(Adjunto)

(For proof of service of this summons, use Form Proof of Service of Summons (POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- under:
- | | |
|--|---|
| <input type="checkbox"/> CCP 416.10 (corporation) | <input type="checkbox"/> CCP 416.60 (minor) |
| <input type="checkbox"/> CCP 416.20 (defunct corporation) | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify): | |

4. ☐ by personal delivery on (date):

[SEAL]

Daniel Garcia

**NOTICE OF CASE ASSIGNMENT
LOS ANGELES SUPERIOR COURT**

CASE NUMBER _____

BC364555

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

Your case is assigned for all purposes to the judicial officer indicated below. There is additional information on the reverse side of this form.

ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
Hon. Gregory Alarcon	36	410	Hon. William Highberger	32	406
Hon. Alice E. Altoon	28	318	Hon. Ernest Hiroshige	54	512
Hon. Conrad Aragon	49	509	Hon. Jane Johnson	56	514
Hon. Helen I. Bendix	18	308	Hon. Elizabeth Allen White	48	506
Hon. Elihu M. Berle	42	416	Hon. Malcolm H. Mackey	55	515
Hon. Tricia Ann Bigelow	23	315	Hon. Jon M. Mayeda	72	731
Hon. Soussan Bruguera	71	729	Hon. Rita Miller	16	306
Hon. Susan Bryant-Deason	52	510	Hon. David L. Minning	61	632
Hon. James C. Chalfant	13	630	Hon. Aurelio Munoz	47	507
Hon. Victoria Chaney	324	CCW	Hon. Mary Ann Murphy	25	317
	89	532	Hon. Joanne O'Donnell	37	413
Hon. Ralph W. Dau	57	517	Hon. Victor H. Person	39	415
Hon. Maureen Duffy-Lewis	38	412	Hon. Mel Recana	45	529
Hon. James R. Dunn	26	316	Hon. Andria K. Richey	31	407
Hon. Mark Mooney	68	617	Hon. Teresa Sanchez-Gordon	74	735
Hon. William F. Fahey	78	730	Hon. Ann I. Jones	40	414
Hon. Irving Feffer	51	511	Hon. John P. Shook	53	513
Hon. Edward A. Ferns	69	621	Hon. Ronald M. Sohigian	41	417
Hon. Kenneth R. Freeman	64	601	Hon. Michael L. Stern	62	600
Hon. Haley J. Fromholz	20	310	Hon. Mary Thornton House	17	313
Hon. Richard Fruin	15	307	Hon. Rolf M. Treu	58	516
Hon. Terry Green	14	300	Hon. John Shepard Wiley Jr.	50	508
Hon. Elizabeth A. Grimes	30	400	Hon. Judith C. Chirlin	19	311
Hon. Paul Gutman	34	408	Hon. George Wu	33	409
Hon. Robert L. Hess	24	314		35	411
	3	224	OTHER		

Given to Plaintiff of record on _____

John A. Clarke, Executive Officer/Clerk

_____, DEPUTY
CLERK

COPY

CONFIRMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

JAN 11 2007

John A. Clark, Executive Officer/Clerk
By D. Garbia, Deputy

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13 Attorneys for Plaintiff ENVIRONMENTAL LAW FOUNDATION
14
15

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

18 ENVIRONMENTAL LAW FOUNDATION,
19 Individually and in the public interest,

20 Plaintiff,

21 vs.

22 SOUTHERN CALIFORNIA GAS CO.;
SEMPRA ENERGY; PACIFIC
23 ENTERPRISES; and DOES 1-100,
24 inclusive.

25 Defendants.
26

CASE NO.

BC364555

COMPLAINT FOR CIVIL PENALTIES,
STATUTORY, EQUITABLE AND
INJUNCTIVE RELIEF

VIOLATIONS OF CAL. HEALTH AND
SAFETY CODE §§ 25249.5, et seq.

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1 Plaintiff Environmental Law Foundation (hereinafter "Plaintiff" or "ELF") brings this
2 action on its own behalf and in the public interest, and hereby alleges as follows:

3
4 **INTRODUCTION**
5

6 1. In California, water is our most precious natural resource. Unfortunately,
7 Defendants are contaminating or are threatening to contaminate protected sources of
8 drinking water with chemicals that are known to cause cancer and birth defects. These
9 actions violate California's Safe Drinking Water and Toxic Enforcement Act ("Proposition
10 65"). Health and Safety Code § 25249.5, *et. seq.*

11 2. Defendants operate Southern California Gas Company's underground
12 natural gas storage facility ("facility"), which is located in the Playa del Rey region of Los
13 Angeles. See Exhibit 1. The natural gas is stored in a partially depleted oilfield that is
14 located approximately 6,000 feet below ground level. Therein, the stored natural gas
15 mixes with the remaining crude oil from the oilfield and the gas becomes enriched with
16 Benzene, Toluene and Ethylbenzene ("BTEX"), chemicals known by the State of
17 California to cause cancer and birth defects.

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1 3. The underground reservoir is connected to the surface by over 200 wells¹.
2 This action concerns twelve of those Wells, located in Playa del Rey and Marina del Rey
3 areas in Los Angeles.² The Wells were drilled in the 1920's and 1930's and extend the
4 6,000 feet from the reservoir to the surface level. In their path, they intersect the Ballona,
5 Silverado and Gage Aquifers³, which are protected sources of drinking water under the
6 Los Angeles Region's Water Quality Control Plan or "Basin Plan". As these 70 year old
7 Wells deteriorate, they develop cracks and leaks and BTEX is released from the Wells.
8 The BTEX then migrates upward to the surface, contaminating or threatening to
9 contaminate the aquifers.

10 4. Defendants have not only failed to prevent their gas from leaking from the
11 reservoir to the surface, they have been unable to prevent the gas from migrating
12 laterally underground to reach additional Wells. The conditional use permit that
13 authorizes this facility expressly requires that the company confine the gas to a section of
14 the underground reservoir that measures approximately 240 acres. See Exhibit 2.
15 However, the company stores the gas under extremely high pressure and, consequently,
16 the gas has migrated laterally far beyond the 240 acre footprint to an area that measures
17 roughly 2,000 acres. See Exhibit 3. In fact, natural gas has migrated to many Wells that
18 are located beyond the 240 acre footprint identified in its permit, including most if not all
19 of the Wells at issue in this action. See Exhibit 4.

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23 ¹ For the purposes of this complaint, "Wells" is defined as all types of wells that are owned by or
24 are under the responsibility of the Defendants, including those that were used to extract oil, dry wells,
25 wells that are or have been used for the facility's natural gas operations (i.e., injection, extraction and
monitoring), and all well-associated equipment.

26 ² The specific Wells that are subject to this complaint are Wells 13-1, 23-1, 29-1, 29-2, Champ 1,
Hisey 1, Joyce 1, Lor Mar 1, Merrill 1, O&M 1, Samarkand 1 and Troxel 1.

27 ³ Wells 13-1, 23-1, 29-1, 29-2, Champ 1, Hisey 1, Joyce 1, Lor Mar 1, Merrill 1, O&M 1 and
28 Samarkand 1 intersect the Silverado and Gage Aquifers. Well Troxel 1 intersects the Silverado and
Ballona Aquifers.

5. In failing to adequately contain their underground storage of natural gas, Defendants have caused the discharge or release of BTEX from their Wells and, consequently, have contaminated or threaten to contaminate the Ballona, Silverado and Gage Aquifers - protected sources of drinking water - with chemicals known to cause cancer and birth defects. See Exhibit 5. These activities are in violation of Health and Safety Code § 25249.5, *et. seq.* Each release from each Well is a violation of Health and Safety Code § 25249.5. The penalty for these violations is up to \$2,500 per violation per day. Health and Safety Code § 25249.7(b)(1).

6. This action seeks civil penalties and injunctive and declaratory relief to redress Defendants' knowing discharge or release of chemicals that cause cancer or birth defects into land or water where such chemicals pass or probably will pass into a source of drinking water, in violation of Health and Safety Code § 25249.5, *et. seq.*

PARTIES

A. THE PLAINTIFF

7. Plaintiff ENVIRONMENTAL LAW FOUNDATION (“ELF”) is a California nonprofit organization founded on Earth Day in 1991. ELF has a longstanding interest in reducing health hazards to the public posed by exposure to toxic chemicals, and particularly to protect those with the least choice and greatest vulnerability to toxic risks: children and inner-city dwellers. ELF is dedicated to the preservation and enhancement of human health and the environment. ELF brings this action in the public interest, pursuant to California Health and Safety Code § 25249.7(d). Plaintiff does not allege, nor has it suffered, an “injury” cognizable under Article III of the United States Constitution.

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1 **B. THE DEFENDANTS**

2 8. Defendant SOUTHERN CALIFORNIA GAS COMPANY ("SoCalGas") is a
3 California corporation with its principal place of business in San Diego, California.
4 SoCalGas provides natural gas and electricity to California customers from the Central
5 Valley to the Mexican border. SoCalGas is the nation's largest natural gas distribution
6 utility, serving 19.8 million consumers in more than 500 communities in Central and
7 Southern California. SoCalGas owns and operates four underground storage facilities in
8 Southern California. This action concerns the Playa Del Rey Storage Facility located at
9 8141 Gulana Ave., Playa Del Rey, California 90293.

10 9. Defendant SEMPRA ENERGY ("Sempra") is a California corporation with
11 its principal place of business in San Diego, California. Sempra is an energy services
12 holding company that was created in 1998 by a merger of Los Angeles-based Pacific
13 Enterprises, the parent company of SoCalGas and Enova Corporation, the parent
14 company of San Diego Gas & Electric. Sempra, a member of the S&P 500, serves the
15 largest customer base of any energy utility in the United States. It sells natural gas and
16 provides electricity and related products and services to more than twenty-nine (29)
17 million consumers in the United States, Europe, Canada, Mexico, South America and
18 Asia.

19 10. Defendant PACIFIC ENTERPRISES ("PacEnt") is a California corporation
20 with its principal place of business in San Diego, California. PacEnt, once a predecessor
21 of Sempra, was founded in 1886 as Pacific Lighting. It purchased several small gas
22 manufacturing and distribution companies in California, which ultimately became
23 SoCalGas. In 1941, PacEnt introduced a new system for storing natural gas in large
24 holding tanks - underground storage.

25 11. The true names and capacities of Defendants sued herein under California
26 Code of Civil Procedure § 474 as DOE Defendants 1 through 100, inclusive, are
27 presently unknown to Plaintiff, who therefore sues these Defendants by such fictitious
28 names. Each of the fictitiously named Defendants is responsible in some manner for the

1 conduct alleged herein and for the injuries suffered by the general public. Plaintiff will
2 seek to amend this Complaint and include these Doe Defendants' true names and
3 capacities when they are ascertained, and after they have been properly given notice
4 under Proposition 65.

5 12. Each named Defendant and DOE Defendants 1 through 100 (collectively
6 "Defendants") herein has employed ten (10) or more persons at all times relevant to this
7 action, and thus each is a "person in the course of doing business" within the meaning of
8 the Act. Health and Safety Code § 25249.11.

9 13. When, in this Complaint, reference is made to any act of the Defendants,
10 such shall be deemed to mean that the officers, directors, agents, employees, or
11 representatives of the Defendants committed or authorized such acts, or failed and
12 omitted to adequately supervise or properly control or direct their employees while
13 engaged in the management, direction, operation or control of the affairs of the
14 Defendants, and did so while acting within the scope of their employment or agency.

15 14. When, in this Complaint, reference is made to any act by a Defendant or
16 Defendants, such allegations and reference shall also be deemed to mean the acts and
17 failures of each Defendant acting individually, jointly and severally.

18 JURISDICTION AND VENUE

19
20
21 15. This Court has jurisdiction over all causes of action asserted herein
22 pursuant to California Constitution, Article VI, Section 10, because this case is a cause
23 not given by statute to other trial courts. This Court also has jurisdiction over this action
24 pursuant to Health & Safety Code § 25249.7, which allows enforcement of violations of
25 Proposition 65 in any Court of competent jurisdiction.

26 16. This Court has jurisdiction over Defendants named herein because they are
27 California corporations, corporations authorized to do business in California and
28 registered with the California Secretary of State, do sufficient business with sufficient

1 minimum contacts in California, or otherwise intentionally avail themselves of the
2 California market through the processing, sale and distribution of natural gas and
3 electricity in California, to render the exercise of jurisdiction over Defendants by the
4 California courts consistent with traditional notions of fair play and substantial justice.

5 17. Venue is proper in this Court because the discharges or releases occurred
6 in Los Angeles County. Furthermore, venue is proper in this Court under Health and
7 Safety Code § 25249.7.

8 18. With respect to violations of Health and Safety Code § 25249.5, *et seq.*, on
9 October 11, 2006, pursuant to Health and Safety Code § 25249.7, Plaintiff served
10 appropriate Notices of Violations of Proposition 65 to each of the named Defendants.
11 The Notices of Violation of Proposition 65 were also served to the California Attorney
12 General, the Los Angeles County District Attorney, and the Los Angeles City Attorney.
13 Each Notice of Violation included a Certificate of Service by Mail and a document entitled
14 "The State Drinking Water & Toxic Enforcement Act of 1986 (Proposition 65) A
15 Summary." Health and Safety Code § 25249.7(d).

16 19. None of these public prosecutors have commenced or is diligently
17 prosecuting an action against the violations alleged herein.

18
19 **STATUTORY AND REGULATORY BACKGROUND**
20

21 20. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an initiative
22 statute that was placed before the California electorate as "Proposition 65". It was
23 approved by the voters by nearly a two-to-one margin. Health and Safety Code
24 § 25249.5, *et. seq.*

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1 21. Health and Safety Code § 25249.5 absolutely prohibits any business from
2 contaminating California's drinking water supplies. Section 25249.5 provides:

3 No person in the course of doing business shall knowingly
4 discharge or release a chemical known to the state to cause
5 cancer or reproductive toxicity into water or onto or into land
 where such chemical passes or probably will pass into any
 source of drinking water. . .

6 22. Proposition 65 establishes a procedure by which the Governor lists
7 chemicals known to the state to cause cancer or reproductive toxicity. Health and Safety
8 Code § 25249.8. Pursuant to this authority, on February 27, 1987, Benzene was listed
9 as a known carcinogen. On December 26, 1997, Benzene was also listed as a known
10 reproductive toxicant. On January 1, 1991, Toluene was listed as a known reproductive
11 toxicant. On June 11, 2004, Ethylbenzene was listed as a known carcinogen. Each of
12 these chemicals became subject to the prohibitions under Health and Safety Code
13 § 25249.5 twenty months after they were listed. Health and Safety Code § 25249.9(a).

14 23. Under Proposition 65, a "source of drinking water" is defined as a present
15 source of drinking water or water that is identified in a water quality control plan or "Basin
16 Plan" as being suitable for domestic or municipal uses. Health and Safety Code
17 § 25249.11(d). Moreover, "water" is defined to include both surface and ground water,
18 pursuant to 22 CCR § 12102(w). The State Water Resources Control Board Resolution
19 No. 88-63 states that "[a]ll surface and ground waters of the State are considered to be
20 suitable, or potentially suitable, for municipal or domestic water supply and should be so
21 designated by the Regional Boards." In accordance with this policy, the Los Angeles
22 Regional Water Quality Control Board designated the West Coast sub-basin and the
23 Santa Monica sub-basin, which contain the Ballona, Silverado, and Gage Aquifers, as
24 having existing beneficial use for domestic drinking water.

25 24. Violations of Proposition 65 may be enforced by any person in the public
26 interest, after providing a 60-day notice of the violations to the Attorney General, District
27 Attorney, City Attorney and the alleged violator. Health and Safety Code
28 § 25249.7(d)(1). Remedies include injunctive relief to prevent actual or threatened

1 violations, and penalties of up to \$2,500 per day per violation. Health and Safety Code
2 § 25249.7(a) and (b).

3
4 **FACTUAL BACKGROUND**

5
6 **A. THE PLAYA DEL REY FACILITY**

7 25. Defendants operate the Southern California Gas Company, which is
8 located in the Playa del Rey region of Los Angeles and supplies natural gas to California
9 customers. The facility is located in a highly developed and populated residential section
10 of Los Angeles. The facility operates an import, storage, transfer and delivery system of
11 natural gas. Part of the operations include the underground storage of natural gas, for
12 which it uses a partially depleted oilfield located approximately 6,000 feet below ground
13 level. The reservoir is connected to the surface by over 200 Wells, which were drilled in
14 the 1920's and 1930's in order to retrieve the oil. Approximately 30% of the original oil
15 from the oilfield was depleted. In 1942, as part of the national war effort, the Federal
16 government allowed the reservoir to be converted into an underground storage facility for
17 natural gas. The oilfield is located under a thick layer of cap rock (a low permeable layer
18 of rock). It was believed that the cap rock would prevent the gas from leaking to the
19 surface, even though it had been punctured over 200 times when the Wells were
20 originally drilled. This belief was based on the assumption that the Wells would not leak.

21 26. Currently, pipelines deliver natural gas from Texas and Oklahoma to the
22 Playa del Rey facility. The imported natural gas is compressed and placed under
23 significant pressure in order to inject it into the underground reservoir. As the reservoir is
24 only partially depleted of crude oil, it has a high concentration of aromatic and volatile
25 organic compounds, including Benzene, Toluene and Ethylbenzene, chemicals that the
26 State of California recognizes as carcinogens and reproductive toxicants. When the
27 natural gas is injected underground under high pressure, it mixes with the crude oil from
28 the reservoir, becomes enriched with BTEX.

1 27. The twelve Wells that are subject to this action were drilled in the 1930's
2 using equipment and materials of the day. These 70 year old Wells have deteriorated
3 over time and have developed cracks and leaks. When leaks in the Wells develop, the
4 leaks allow BTEX to be released from the Well casings and into the soil and rock
5 formations that surround the Wells. The BTEX then moves vertically toward the surface,
6 passing into or threatening to pass into the Ballona, Silverado and Gage Aquifers, and
7 contaminating or threatening to contaminate these protected sources of drinking water.

8 28. Moreover, under the conditional use permit issued by the City of Los
9 Angeles Planning Commission, the company is required to confine the gas in the
10 reservoir to an area that measures approximately 240 acres. However, because the
11 company stores the gas under such high pressure, the gas has migrated outside of the
12 240 acre footprint and spans across an area that is roughly 2,000 acres. In fact, tests
13 have detected BTEX around the heads of Wells that are located outside of the 240 acre
14 footprint, including most if not all of the Wells at issue in this action, indicating that the
15 gas has not only migrated laterally, but that the Wells themselves leak.

16
17 **B. THE WELLS**

18 29. This action concerns releases or discharges from twelve (12) individual
19 Wells. Each of these Wells has and continues to discharge or release BTEX, which pass
20 or probably will pass into sources of drinking water in violation of Health and Safety Code
21 § 25249.5. The surface location of each of the Wells is located on a lot which the
22 Defendants are in the process of selling, presumably for more residential development.

23 30. Well "13-1" is located in Playa del Rey, which is within the City and County
24 of Los Angeles, California. Well 13-1 was drilled in 1935 to a depth of approximately
25 6,400 feet and it intersects the Silverado and Gage Aquifers. Well 13-1 was operated
26 periodically until it was abandoned in 1992.

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1 31. Well "23-1" is located in Playa del Rey, which is within the City and County
2 of Los Angeles, California. Well 23-1 was drilled in 1935 to a depth of approximately
3 6,500 feet, and it intersects the Silverado and Gage Aquifers. Well 23-1 was abandoned
4 in 1940, but in 1955 it was reworked and operated periodically until it was re-abandoned
5 in 1993.

6 32. Well "29-1" is located in Playa del Rey, which is within the City and County
7 of Los Angeles, California. Well 29-1 was drilled in 1935 to a depth of approximately
8 6,200 feet, and it intersects the Silverado and Gage Aquifers. Well 29-1 was abandoned
9 in 1941, but in 1956 it was reworked and operated periodically until it was re-abandoned
10 in 1994.

11 33. Well "29-2" is located in Playa del Rey, which is within the City and County
12 of Los Angeles, California. Well 29-2 was drilled in 1936 to a depth of approximately
13 6,300 feet, and it intersects the Silverado and Gage Aquifers. Well 29-2 was operated
14 until it was abandoned in 1994.

15 34. Well "Champ 1" is located in Playa del Rey, which is within the City and
16 County of Los Angeles, California. Champ 1 was drilled in 1935 to a depth of
17 approximately 6,900 feet, and it intersects the Silverado and Gage Aquifers. Champ 1
18 was abandoned in 1937, and re-abandoned in 1958.

19 35. Well "Hisey 1" is located in Playa del Rey, which is within the City and
20 County of Los Angeles, California. Hisey 1 was drilled in 1935 to a depth of
21 approximately 6,500 feet, and it intersects the Silverado and Gage Aquifers. Hisey 1 was
22 abandoned in 1939, but in 1956 it was reworked and operated periodically until it was re-
23 abandoned in 1992.

24 36. Well "Joyce 1" is located in Playa del Rey, which is within the City and
25 County of Los Angeles, California. Joyce 1 was drilled in 1935 to a depth of
26 approximately 6,700 feet, and it intersects the Silverado and Gage Aquifers. Joyce 1
27 was abandoned in 1941, but in 1956 it was reworked and operated until it was re-
28 abandoned in 1993.

1 37. Well "Lor Mar 1" is located in Playa del Rey, which is within the City and
2 County of Los Angeles, California. Lor Mar 1 was drilled in 1935 to a depth of
3 approximately 6,800 feet and it intersects the Silverado and Gage Aquifers. Lor Mar 1
4 was abandoned in 1936, but in 1956 it was reworked and operated until it was re-
5 abandoned in 1992.

6 38. Well "Merrill 1" is located in Playa del Rey, in the City and County of
7 California. Merrill 1 was drilled in 1935 to a depth of approximately 6,200 feet, and it
8 intersects the Silverado and Gage Aquifers. Merrill 1 was abandoned in 1942, but in
9 1956 it was reworked and operated periodically until it was re-abandoned in 1992.

10 39. Well "O&M 1" is located in Playa del Rey, which is within the City and
11 County of Los Angeles, California. O&M 1 was drilled in 1935 to a depth of
12 approximately 6,600 feet, and it intersects the Silverado and Gage Aquifers. O&M 1 was
13 abandoned in 1936 and it was re-abandoned in 1956.

14 40. Well "Samarkand 1" is located in Playa del Rey, which is within the City and
15 County of Los Angeles, California. Samarkand 1 was drilled in 1939 to a depth of
16 approximately 6,400 feet, and it intersects the Silverado and Gage Aquifers. Samarkand
17 1 was abandoned in 1992.

18 41. Well "Troxel 1" is located in Marina del Rey, which is within the City and
19 County of Los Angeles, California. Troxel 1 was drilled in 1930 to a depth of
20 approximately 5,900 feet, and it intersects the Ballona and Silverado Aquifers. Troxel 1
21 was abandoned in 1993, but required re-abandonment in 1994.

22
23 **C. DEFENDANTS' KNOWLEDGE OF THE LEAKING STORAGE WELLS**

24 42. Defendants have known that there were and are continuing to be leaks of
25 BTEX from each of the subject Wells. This activity has resulted in the continuous
26 discharge or release of chemicals known to cause cancer and birth defects into water or
27 into or onto land where the chemicals pass or probably will pass into sources of drinking
28 water.

43. Defendants' own soil gas testing in areas adjacent to the Wells made them aware that BTEX has and continues to migrate up and out of their Wells. Additionally, the abandonment history of Defendants' Wells reveal the inadequacy of the abandonment procedures for Wells connected to a high-pressure natural gas storage facility, as many of Defendants' Wells continue to leak subsequent to their abandonment. In fact, internal memoranda specifically describe the ways in which Well leaks occur at the Playa del Rey facility.

44. In addition, the Playa del Rey storage facility loses at least one (1) pound of gas per square inch per day, or approximately 1% of reservoir gas per year. In fact, SoCalGas admits that the reservoir leaks millions of cubic feet of gas annually.

45. Despite Defendants' knowledge that its Wells discharge or release toxic chemicals, they continue to operate their facility in such a manner that these chemicals pass or threaten to pass into protected sources of drinking water.

CLAIMS

Allegations Common to All Causes of Action

46. Proposition 65 prohibits a person in the course of doing business from knowingly discharging or releasing a chemical known to the State of California to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water. Health and Safety Code § 25249.5.

47. Pursuant to Health and Safety Code § 25249.8, Benzene was listed as a known carcinogen on February 27, 1987. On December 26, 1997, Benzene was listed as a known reproductive toxicant. On January 1, 1991, Toluene was listed as a known reproductive toxicant. On June 11, 2004, Ethylbenzene was listed as a known carcinogen. These chemicals became subject to the prohibitions under Health and Safety Code § 25249.5 twenty months after they were listed. Health and Safety Code § 25249.9(a).

///

1 48. Proposition 65 defines a "source of drinking water" as surface or ground
2 water that is a present source of drinking water or that is identified in a water quality
3 control plan as being suitable for domestic or municipal uses. Health and Safety Code
4 § 25249.11(d); 22 California Code of Regulations ("CCR") § 12102(w). The State Water
5 Resources Control Board Resolution No. 88-63 states that "[a]ll surface and ground
6 waters of the State are considered to be suitable, or potentially suitable, for municipal or
7 domestic water supply and should be so designated by the Regional Boards." In
8 accordance with this policy, the Los Angeles Regional Water Quality Control Board
9 designated the West Coast sub-basin and the Santa Monica sub-basin, which contain
10 the Ballona, Silverado and Gage Aquifers, as supporting existing beneficial uses for
11 domestic drinking water.

12 49. Defendants are "person[s] in the course of doing business", as that phrase
13 is defined under Health and Safety Code § 25249.11, because they are businesses with
14 ten (10) or more employees.

15 50. Defendants know and have known that discharges or releases of BTEX
16 from each Well have and continue to occur.

17 51. Proposition 65 provides that any person "violating or threatening to violate"
18 the statute may be enjoined in any court of competent jurisdiction. Health and Safety
19 Code § 25249.7. In addition, violators are liable for civil penalties of up to \$2,500 per day
20 per violation, recoverable in a civil action. *Id.*, § 25249.7(b). By the described acts,
21 Defendants are liable for a civil penalty of up to \$2,500 per day per for each discharge or
22 release of BTEX from each Well described in each Cause of Action. *Id.*, § 25249.7(b).

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1 **FIRST CAUSE OF ACTION**

2 **Violations of California Health and Safety Code § 25249.5, et seq.**
3 **(Against All Defendants, as to Well 13-1)**

4 52. Plaintiff incorporates by reference all of the above paragraphs as if fully set
5 forth herein.

6 53. Defendants own Well 13-1. Well 13-1 has and continues to discharge or
7 release BTEX, chemicals known to the State of California to cause cancer and/or birth
8 defects. These chemicals are discharged or released through leaks in Well 13-1 and
9 migrate vertically towards the surface through the Well casing or natural points of least
10 resistance in the rock and soil which surround the Well. BTEX passes or probably will
11 pass into the Silverado and Gage Aquifers, which are protected sources of drinking
12 water.

13 54. Therefore, Defendants in the course of doing business knowingly
14 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
15 into water or onto or into land where these chemicals pass or probably will pass into a
16 source of drinking water, in violation of Health and Safety Code § 25249.5.

17
18 **SECOND CAUSE OF ACTION**

19 **Violations of California Health and Safety Code § 25249.5, et seq.**
20 **(Against All Defendants, as to Well 23-1)**

21 55. Plaintiff incorporates by reference all of the above paragraphs as if fully set
22 forth herein.

23 56. Defendants own Well 23-1. Well 23-1 has and continues to discharge or
24 release BTEX, chemicals known to the State of California to cause cancer and/or birth
25 defects. These chemicals are discharged or released through leaks in Well 23-1 and
26 migrate vertically towards the surface through the Well casing or natural points of least

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1 resistance in the rock and soil which surround the Well. BTEX passes or probably will
2 pass into the Silverado and Gage Aquifers, which are protected sources of drinking
3 water.

4 57. Therefore, Defendants in the course of doing business knowingly
5 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
6 into water or onto or into land where these chemicals pass or probably will pass into a
7 source of drinking water, in violation of Health and Safety Code § 25249.5.

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9

THIRD CAUSE OF ACTION

10

Violations of California Health and Safety Code § 25249.5, *et seq.* (Against All Defendants, as to Well 29-1)

11

12 58. Plaintiff incorporates by reference all of the above paragraphs as if fully set
13 forth herein.

14 59. Defendants own Well 29-1. Well 29-1 has and continues to discharge or
15 release BTEX, chemicals known to the State of California to cause cancer and/or birth
16 defects. These chemicals are discharged or released through leaks in Well 29-1 and
17 migrate vertically towards the surface through the Well casing or natural points of least
18 resistance in the rock and soil which surround the Well. BTEX passes or probably will
19 pass into the Silverado and Gage Aquifers, which are protected sources of drinking
20 water.

21 60. Therefore, Defendants in the course of doing business knowingly
22 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
23 into water or onto or into land where these chemicals pass or probably will pass into a
24 source of drinking water, in violation of Health and Safety Code § 25249.5.

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1 **FOURTH CAUSE OF ACTION**

2 **Violations of California Health and Safety Code § 25249.5, *et seq.***
3 **(Against All Defendants, as to Well 29-2)**

4 61. Plaintiff incorporates by reference all of the above paragraphs as if fully set
5 forth herein.

6 62. Defendants own Well 29-2. Well 29-2 has and continues to discharge or
7 release BTEX, chemicals known to the State of California to cause cancer and/or birth
8 defects. These chemicals are discharged or released through leaks in Well 29-2 and
9 migrate vertically towards the surface through the Well casing or natural points of least
10 resistance in the rock and soil which surround the Well. BTEX passes or probably will
11 pass into the Silverado and Gage Aquifers, which are protected sources of drinking
12 water.

13 63. Therefore, Defendants in the course of doing business knowingly
14 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
15 into water or onto or into land where these chemicals pass or probably will pass into a
16 source of drinking water, in violation of Health and Safety Code § 25249.5.

17
18 **FIFTH CAUSE OF ACTION**

19 **Violations of California Health and Safety Code § 25249.5, *et seq.***
20 **(Against All Defendants, as to Well Champ 1)**

21 64. Plaintiff incorporates by reference all of the above paragraphs as if fully set
22 forth herein.

23 65. Defendants own Well Champ 1. Well Champ 1 has and continues to
24 discharge or release BTEX, chemicals known to the State of California to cause cancer
25 and/or birth defects. These chemicals are discharged or released through leaks in Well
26 Champ 1 and migrate vertically towards the surface through the Well casing or natural
27 points of least resistance in the rock and soil which surround the Well. BTEX passes or

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1 probably will pass into the Silverado and Gage Aquifers, which are protected sources of
2 drinking water.

3 66. Therefore, Defendants in the course of doing business knowingly
4 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
5 into water or onto or into land where these chemicals pass or probably will pass into a
6 source of drinking water, in violation of Health and Safety Code § 25249.5.

7
8 **SIXTH CAUSE OF ACTION**

9 **Violations of California Health and Safety Code § 25249.5, *et seq.***
10 **(Against All Defendants, as to Well Hisey 1)**

11 67. Plaintiff incorporates by reference all of the above paragraphs as if fully set
12 forth herein.

13 68. Defendants own Well Hisey 1. Well Hisey 1 has and continues to
14 discharge or release BTEX, chemicals known to the State of California to cause cancer
15 and/or birth defects. These chemicals are discharged or released through leaks in Well
16 Hisey 1 and migrate vertically towards the surface through the Well casing or natural
17 points of least resistance in the rock and soil which surround the Well. BTEX passes or
18 probably will pass into the Silverado and Gage Aquifers, which are protected sources of
19 drinking water.

20 69. Therefore, Defendants in the course of doing business knowingly
21 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
22 into water or onto or into land where these chemicals pass or probably will pass into a
23 source of drinking water, in violation of Health and Safety Code § 25249.5.

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1 **SEVENTH CAUSE OF ACTION**

2 **Violations of California Health and Safety Code § 25249.5, *et seq.***
3 **(Against All Defendants, as to Well Joyce 1)**

4 70. Plaintiff incorporates by reference all of the above paragraphs as if fully set
5 forth herein.

6 71. Defendants own Well Joyce 1. Well Joyce 1 has and continues to
7 discharge or release BTEX, chemicals known to the State of California to cause cancer
8 and/or birth defects. These chemicals are discharged or released through leaks in Well
9 Joyce 1 and migrate vertically towards the surface through the Well casing or natural
10 points of least resistance in the rock and soil which surround the Well. BTEX passes or
11 probably will pass into the Silverado and Gage Aquifers, which are protected sources of
12 drinking water.

13 72. Therefore, Defendants in the course of doing business knowingly
14 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
15 into water or onto or into land where these chemicals pass or probably will pass into a
16 source of drinking water, in violation of Health and Safety Code § 25249.5.

17
18 **EIGHTH CAUSE OF ACTION**

19 **Violations of California Health and Safety Code § 25249.5, *et seq.***
20 **(Against All Defendants, as to Well Lor Mar 1)**

21 73. Plaintiff incorporates by reference all of the above paragraphs as if fully set
22 forth herein.

23 74. Defendants own Well Lor Mar 1. Well Lor Mar 1 has and continues to
24 discharge or release BTEX, chemicals known to the State of California to cause cancer
25 and/or birth defects. These chemicals are discharged or released through leaks in Well
26 Lor Mar 1 and migrate vertically towards the surface through the Well casing or natural
27 points of least resistance in the rock and soil which surround the Well. BTEX passes or

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1 probably will pass into the Silverado and Gage Aquifers, which are protected sources of
2 drinking water.

3 75. Therefore, Defendants in the course of doing business knowingly
4 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
5 into water or onto or into land where these chemicals pass or probably will pass into a
6 source of drinking water, in violation of Health and Safety Code § 25249.5.

7
8 **NINTH CAUSE OF ACTION**

9 **Violations of California Health and Safety Code § 25249.5, *et seq.***
10 **(Against All Defendants, as to Well Merrill 1)**

11 76. Plaintiff incorporates by reference all of the above paragraphs as if fully set
12 forth herein.

13 77. Defendants own Well Merrill 1. Well Merrill 1 has and continues to
14 discharge or release BTEX, chemicals known to the State of California to cause cancer
15 and/or birth defects. These chemicals are discharged or released through leaks in Well
16 Merrill 1 and migrate vertically towards the surface through the Well casing or natural
17 points of least resistance in the rock and soil which surround the Well. BTEX passes or
18 probably will pass into the Silverado and Gage Aquifers, which are protected sources of
19 drinking water.

20 78. Therefore, Defendants in the course of doing business knowingly
21 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
22 into water or onto or into land where these chemicals pass or probably will pass into a
23 source of drinking water, in violation of Health and Safety Code § 25249.5.

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1 passes or probably will pass into the Silverado and Gage Aquifers, which are protected
2 sources of drinking water.

3 84. Therefore, Defendants in the course of doing business knowingly
4 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
5 into water or onto or into land where these chemicals pass or probably will pass into a
6 source of drinking water, in violation of Health and Safety Code § 25249.5.

7
8 **TWELFTH CAUSE OF ACTION**

9 **Violations of California Health and Safety Code § 25249.5, *et seq.***
10 **(Against All Defendants, as to Well Troxel 1)**

11 85. Plaintiff incorporates by reference all of the above paragraphs as if fully set
12 forth herein.

13 86. Defendants own Well Troxel 1. Well Troxel 1 has and continues to
14 discharge or release BTEX, chemicals known to the State of California to cause cancer
15 and/or birth defects. These chemicals are discharged or released through leaks in Well
16 Troxel 1 and migrate vertically towards the surface through the Well casing or natural
17 points of least resistance in the rock and soil which surround the Well. BTEX passes or
18 probably will pass into the Silverado and Ballona Aquifers, which are protected sources
19 of drinking water.

20 87. Therefore, Defendants in the course of doing business knowingly
21 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
22 into water or onto or into land where these chemicals pass or probably will pass into a
23 source of drinking water, in violation of Health and Safety Code § 25249.5.

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1 D. An award of statutory civil penalties of \$2,500 per day for each
2 separate violation of Health and Safety Code § 25249.5, *et seq.*;

3 E. Plaintiff's fees and costs, including reasonable attorneys' and expert
4 witness fees, as authorized by California Code of Civil Procedure § 1021.5 and any other
5 applicable provisions of law; and

6 F. Such other and further relief as this Court may deem necessary and
7 proper.

8 Respectfully submitted,

9 **ENVIRONMENTAL LAW FOUNDATION**
10 JAMES R. WHEATON
11 LYNNE R. SAXTON
12 DAN GILDOR
13 PHILLIP SHAKHNIS

14 **ROSE, KLEIN & MARIAS LLP**
15 CHRISTOPHER P. RIDOUT
16 ALEXIS B. DJIVRE

17 **LAW OFFICES OF SABRINA VENSUS**
18 SABRINA D. VENSUS

19 DATED: January 11, 2007

20 By: 

21 CHRISTOPHER P. RIDOUT
22 Attorneys for Plaintiff
23 Environmental Law Foundation
24
25
26
27
28

EXHIBIT "1"

SoCalGas Storage Facility and Surrounding Area

Exhibit 1

MAP LEGEND

■ SoCal Gas Facility

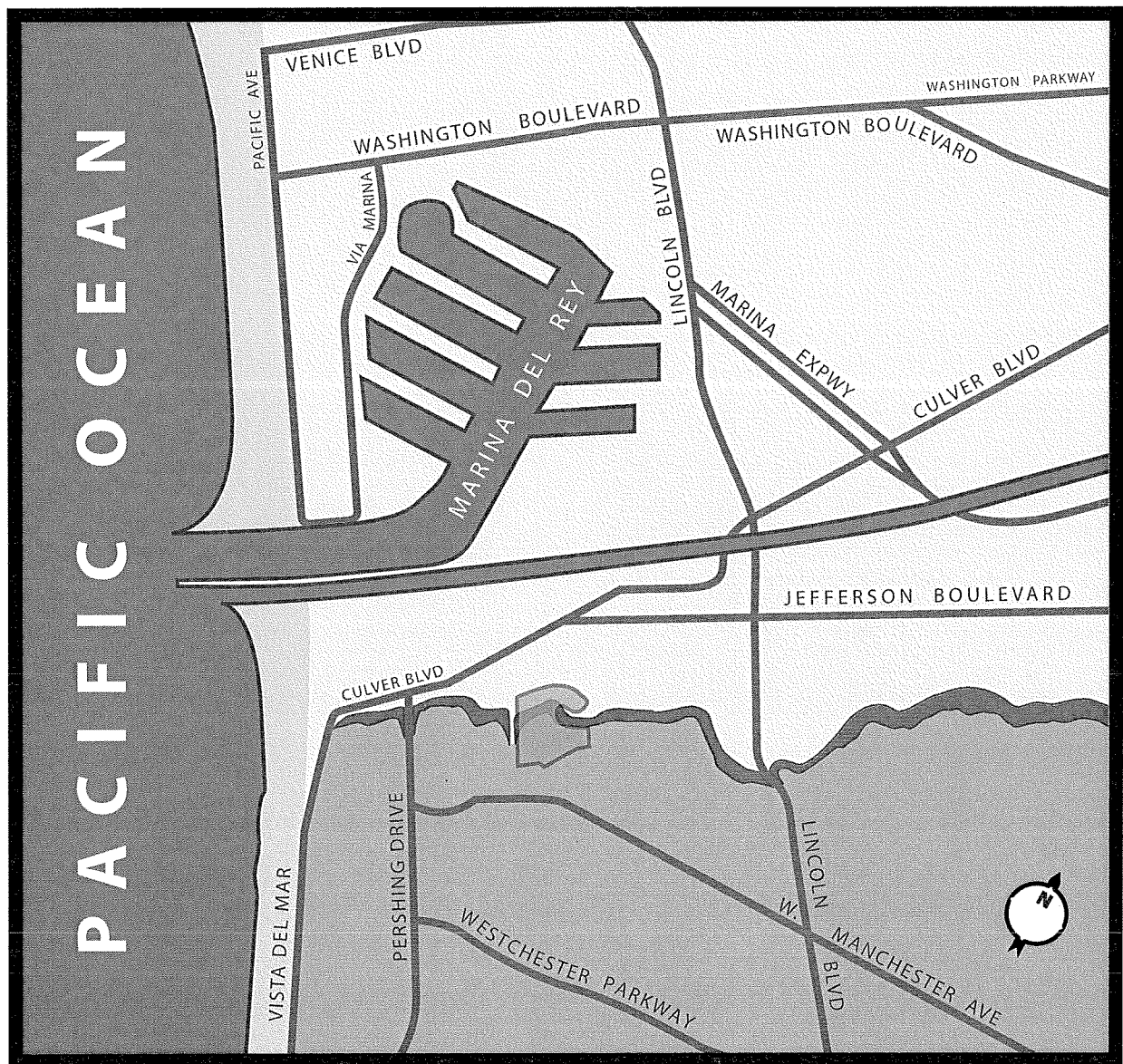


EXHIBIT "2"

SoCalGas Storage Facility and Surrounding Area

Exhibit 2

MAP LEGEND

- SoCal Gas Facility
- Conditional Use Permit Boundaries

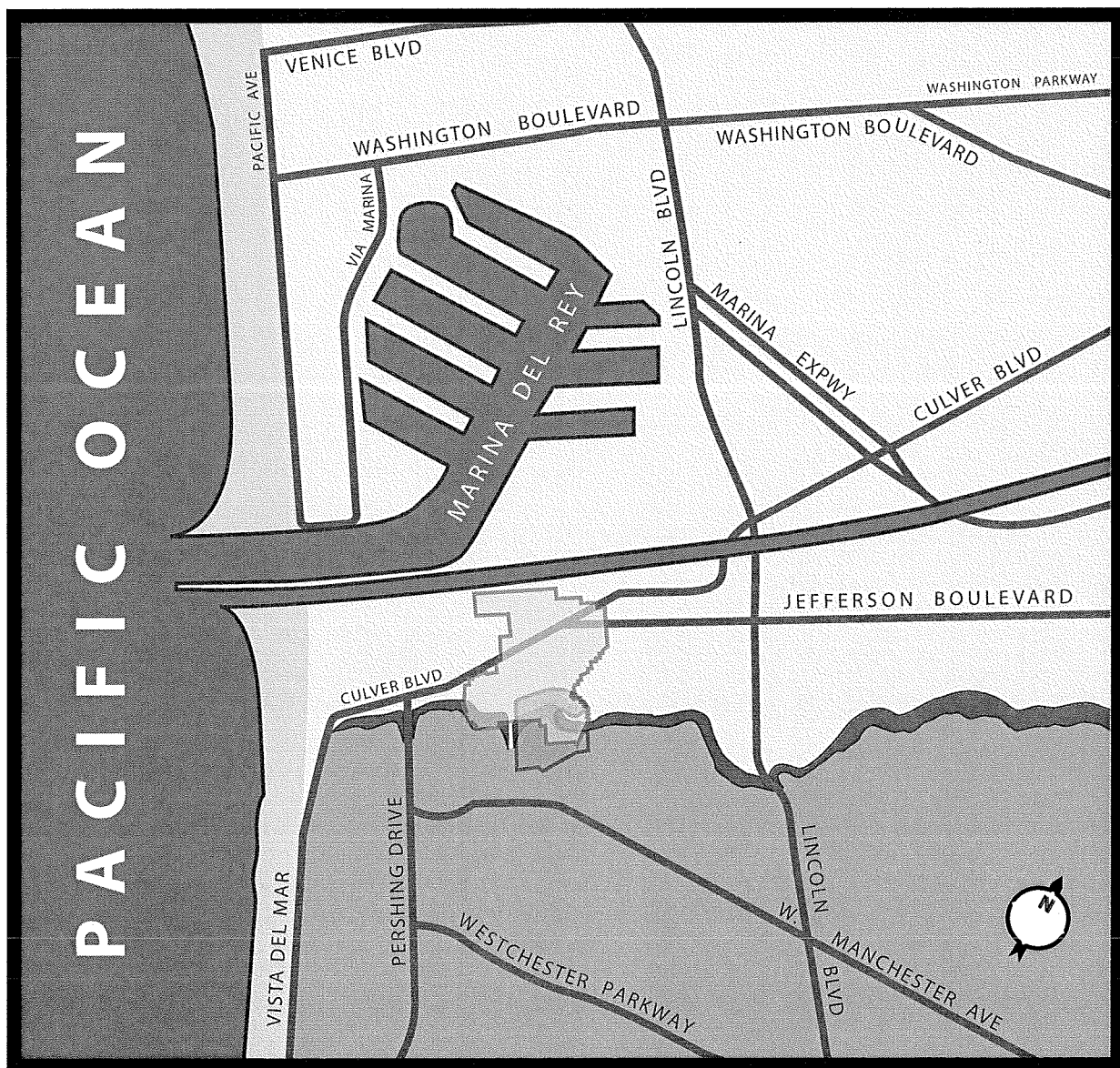






EXHIBIT "3"

SoCalGas Storage Facility and Surrounding Area

Exhibit 3

MAP LEGEND

-  **SoCal Gas Facility**
-  **Conditional Use Permit Boundaries**
-  **Gas Migration** (Documented)
-  **Gas Migration** (Estimated for illustrative purposes only)

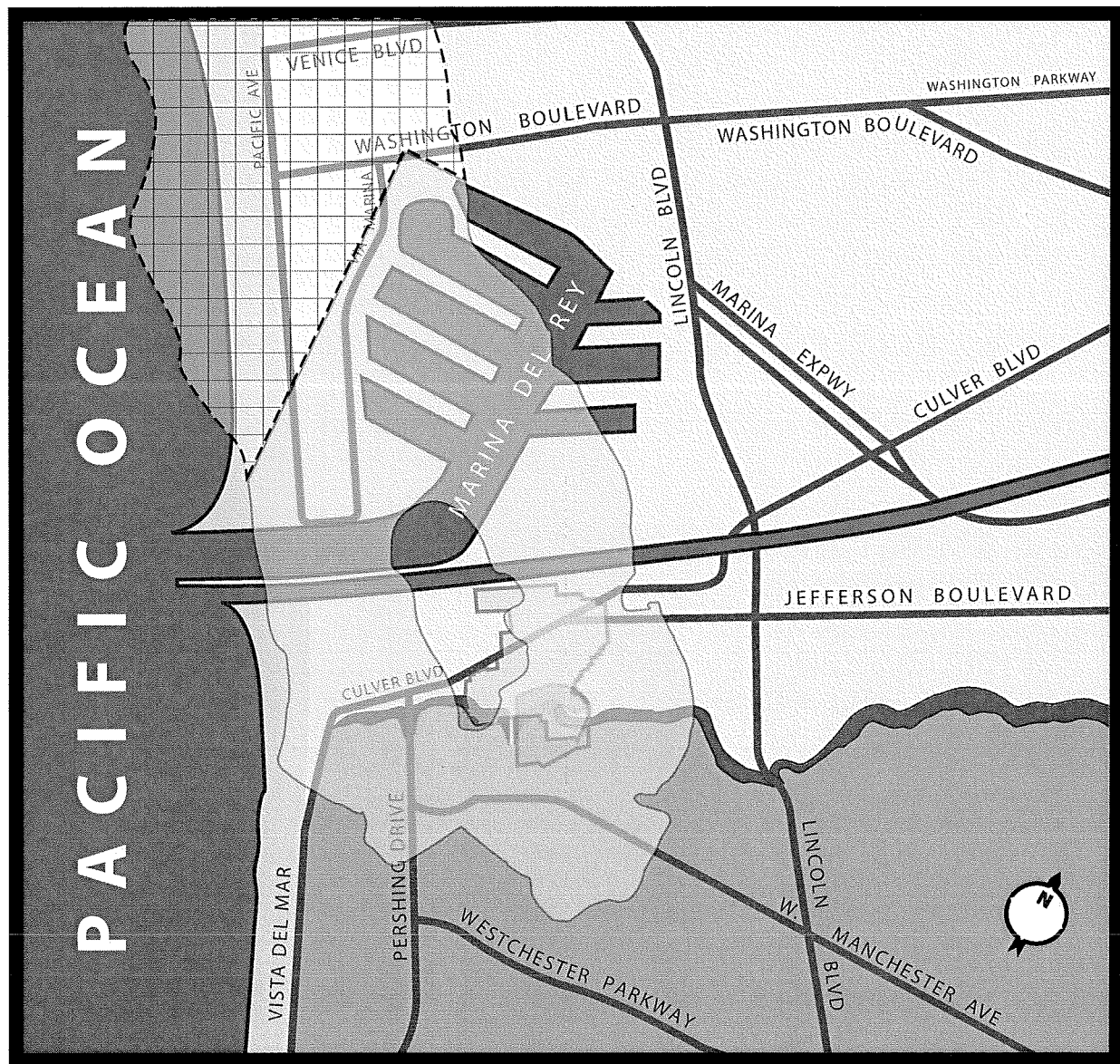








EXHIBIT "4"

SoCalGas Storage Facility and Surrounding Area

Exhibit 4

MAP LEGEND

-  **SoCal Gas Facility**
-  **Conditional Use Permit Boundaries**
-  **Gas Migration** (Documented)
-  **Gas Migration** (Estimated for illustrative purposes only)
-  **Wells in litigation**— ELF v. SoCal Gas
-  **Wells**

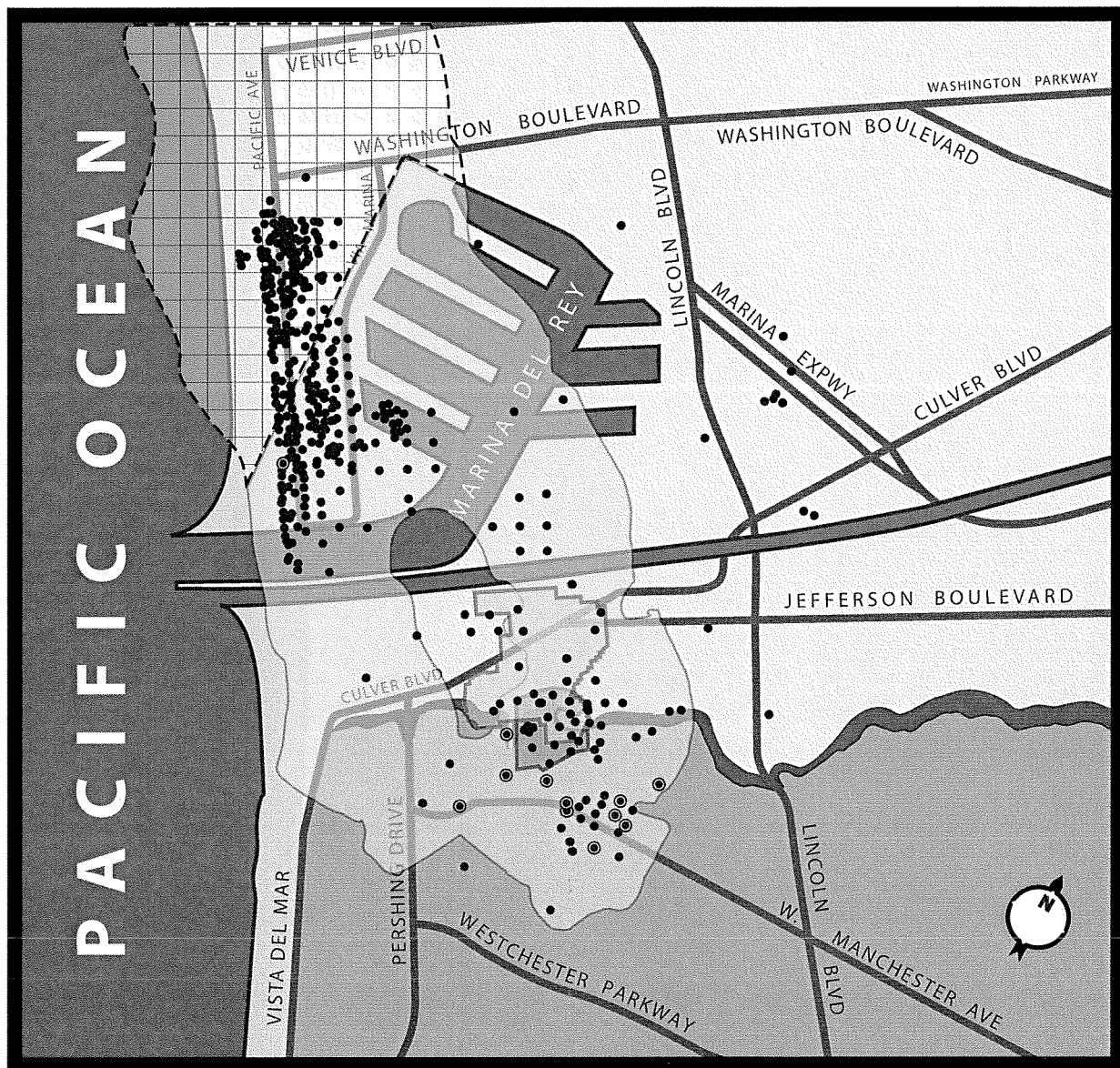
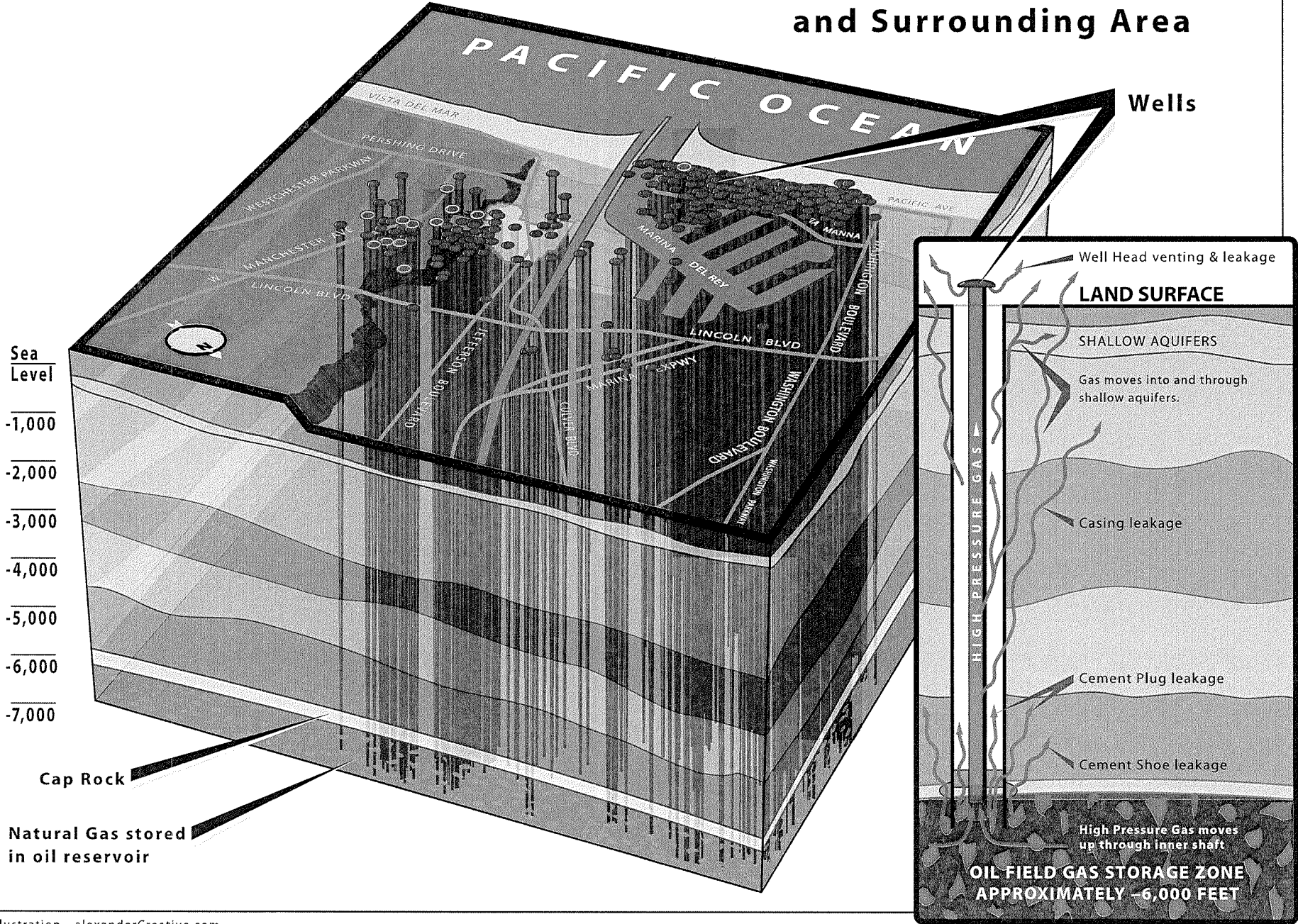


EXHIBIT "5"

SoCalGas Storage Facility and Surrounding Area



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): CHRISTOPHER P. RIDOUT (SBN 143931) Rose, Klein & Marias LLP 801 S. Grand Avenue, 11th Floor Los Angeles, CA 90017-4645 TELEPHONE NO.: (213) 626-0571 FAX NO.: (213) 623-7755 ATTORNEY FOR (Name): <u>Plaintiff Environmental Law Foundation</u>		FOR COURT USE ONLY CONFORMED COPY OF ORIGINAL FILED Los Angeles Superior Court JAN 11 2007 John A. Clark, Executive Officer/Clerk By <u>[Signature]</u> D. Garcia, Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: MAILING ADDRESS: <u>111 N. Hill Street</u> CITY AND ZIP CODE: <u>Los Angeles, CA 90012</u> BRANCH NAME: <u>Central Judicial District</u>		CASE NUMBER: BC364555 JUDGE: DEPT:	
CASE NAME: <u>Environmental Law Foundation, et al. v. Southern California Gas Co., et al.</u>			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-5 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input checked="" type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
--	--	--

2. This case ☒ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence	d. <input type="checkbox"/> Large number of witnesses e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. <input type="checkbox"/> Substantial postjudgment judicial supervision
--	--

3. Type of remedies sought (check all that apply):
 a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify):

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 11, 2007

CHRISTOPHER P. RIDOUT (SBN 143931)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

COPY

SHORT TITLE: Environmental Law Foundation, et al. v.
Southern California Gas Co., et al.X

CASE NUMBER

BC364555

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 20 ☐ HOURS/ ☒ DAYS.

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (See Column C below)

- | | |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office. |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 2., 3.
<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 2., 4.	
Non-Personal Injury/Property	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Intellectual Property (19)	<input type="checkbox"/> A6016 Intellectual Property	2., 3.

SHORT TITLE: Environmental Law Foundation, et al. v. Southern California Gas Co., et al.X		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach-Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute (not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer - Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: Environmental Law Foundation, et al. v. Southern California Gas Co., et al.X		CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review (Cont'd.)	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ / Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input checked="" type="checkbox"/> A6036 Toxic Tort/Environmental	1. ② ③, 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

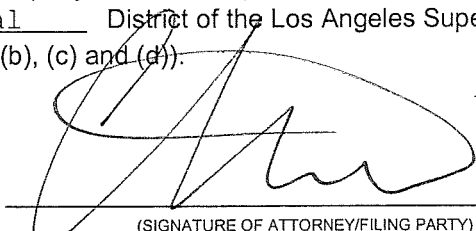
SHORT TITLE: Environmental Law Foundation, et al. v. Southern California Gas Co., et al.X	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS: 8141 Gulana Ave
CITY: Playa Del Rey	STATE: CA	ZIP CODE: 90293	

Item IV. *Declaration of Assignment*: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the LOS ANGELES SUPERIOR courthouse in the Central Judicial District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: January 11, 2007


 (SIGNATURE OF ATTORNEY/FILING PARTY)
 CHRISTOPHER P. RIDOUT (SBN 143931)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LASC Approved CIV 109 03-04 (Rev. 03/06).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form 982(a)(27), if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.