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17 SUPERIOR COURT OF THE STATE OF CALIFORNIA
18 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

19 CITY OF MALIBU,

20 Plaintiff,

21 vs.

22 STATE OF CALIFORNIA; CALIFORNIA
23 DEPARTMENT OF PARKS AND
24 RECREATION, a government entity; CITY
25 OF LOS ANGELES ACTING BY AND
26 THROUGH THE LOS ANGELES
27 DEPARTMENT OF WATER AND POWER,
28 a government entity; CITY OF LOS
ANGELES, a government entity; COUNTY
OF LOS ANGELES, a government entity;
MOUNTAINS RECREATION AND
CONSERVATION AUTHORITY; SANTA
MONICA MOUNTAINS CONSERVANCY,
a government entity; and DOES 1 through
100,

Defendants.

Case No.

**COMPLAINT FOR DAMAGES &
DEMAND FOR JURY TRIAL**

- (1) Dangerous Conditions of Public Property
- (2) Public Nuisance
- (3) Inverse Condemnation
- (4) Inverse Condemnation
- (5) Dangerous Conditions of Public Property
- (6) Public Nuisance

Trial Date: None Set

Exempt from Filing Fees (Govt Code § 6103)
Deemed Verified (Code of Civ. Proc. § 446)

29 The CITY OF MALIBU (“Plaintiff” or “Malibu”), through its undersigned attorneys, bring this
30 Complaint for damages against the STATE OF CALIFORNIA; CALIFORNIA DEPARTMENT
31 OF PARKS AND RECREATION, a government entity; CITY OF LOS ANGELES, a government

1 entity; CITY OF LOS ANGELES ACTING BY AND THROUGH THE LOS ANGELES
2 DEPARTMENT OF WATER AND POWER, a government entity; COUNTY OF LOS
3 ANGELES, a government entity; MOUNTAINS RECREATION AND CONSERVATION
4 AUTHORITY; SANTA MONICA MOUNTAINS CONSERVANCY, a government entity; and
5 DOES 1 through 100 (collectively, “Defendants”).

6 INTRODUCTION

7 1. Plaintiff the City of Malibu is known for its natural beauty, stunning coastlines,
8 abundant parkland and hiking trails, and breathtaking ocean views. Its location provides its residents
9 and visitors with the unique ability to experience a small town feel and abundant outdoor recreation
10 while being within commuting distance to the economic hub of the City of Los Angeles and the
11 greater Los Angeles County. Malibu is also home to a diverse community of residents, ranging
12 from long-established families, working professionals, and retirees to artists, educators, and small
13 business owners. These residents put down roots in this eclectic community—some decades ago—
14 buying homes, establishing businesses, schools, civic organizations, and places of worship that have
15 richly contributed to the vitality of the City’s cultural, communal, and economic fabric.

16 2. But the City of Malibu’s entire character changed on January 7, 2025 when
17 Defendants’ unlawful conduct caused the Palisades Fire to ignite and spread into the Malibu
18 community, claiming a dozen lives, including at least six in Malibu, and injuring numerous civilians
19 and firefighters.¹ The Palisades Fire also destroyed over 700 homes and dozens of businesses in
20 Malibu, leaving the City of Malibu devoid of the vibrant community it once enjoyed. Indeed, to
21 date—more than one year after the Palisades Fire—the City of Malibu is still reeling from the
22 destruction it left in its wake: a hollowed out community, burned and destroyed buildings and
23 homes, a shrinking tax base, emotionally and physically scarred citizens, and untold environmental
24 damage.

25
26 ¹ *Incident Update: Palisades Fire*, Cal Fire (Feb. 10, 2025, 3:46 PM)
27 [https://www.fire.ca.gov/incidents/2025/1/7/palisades-fire/updates/fc673f28-0d66-402b-9ebe-
2380a9bf3c26](https://www.fire.ca.gov/incidents/2025/1/7/palisades-fire/updates/fc673f28-0d66-402b-9ebe-2380a9bf3c26); Sean Greene et al., *Mapping the Damage from the Eaton and Palisades Fire*, L.A.
28 Times (Jan. 27, 2025, 9:03 PM), [https://www.latimes.com/california/story/2025-01-16/mapping-
los-angeles-damage-from-the-eaton-and-palisades-fires-altadena-pasadena](https://www.latimes.com/california/story/2025-01-16/mapping-los-angeles-damage-from-the-eaton-and-palisades-fires-altadena-pasadena).

1 3. As described in more detail below, the Palisades Fire was not an accident, an Act of
2 God, or permissive firefighting activity shielded by governmental immunities. Rather, the fire was
3 a foreseeable and proximate result of the unlawful conduct of Defendant State of California,
4 operated by the California Department of Parks and Recreation (collectively “the State”), that
5 harbored a dangerous condition on State-owned land where the Palisades Fire was allowed to ignite.
6 Shockingly, the State elevated rare plants over human lives in failing to inspect and address the
7 dangerous burn scar from the Lachman Fire that ignited just days before on its own land – its
8 smoldering embers remaining clearly visible to anyone who cared to look.

9 4. The Palisades Fire was also the foreseeable and proximate result of conscious and
10 deliberate policy decisions by the City of Los Angeles (the “City”) and the Los Angeles Department
11 of Water and Power (“LADWP”) to leave reservoirs empty for over a year, fail to provide for the
12 maintenance of essential firefighting infrastructure, and adopt a cost-saving approach that shifted
13 risk onto surrounding communities, including Plaintiff. Defendants County of Los Angeles
14 (“County”), Mountains Recreation and Conservation Authority (“MRCA”) and Santa Monica
15 Mountains Conservancy (“SMMC”) also bear culpability for the damage caused by the Palisades
16 Fire in Malibu, as described below.

17 5. The Palisades Fire devastated large portions of the City of Malibu. According to
18 then-Mayor Doug Stewart, one-third of Malibu was wiped out by January 8, 2025, dislocating a
19 large portion of the city and depleting its community and tax base.² This devastation included large
20 portions of neighborhoods like Big Rock, La Costa, and Carbon Beach, among others.³ It damaged
21 or destroyed over 1,500 structures along the eastern edge of Malibu.⁴ The Director of Malibu’s
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23
24

25 _____
26 ² Robin Young and Hafsa Quraishi, *Malibu mayor on how hard his city was hit by the Palisades
fire* (Jan. 14, 2025), <https://www.wbur.org/hereandnow/2025/01/14/malibu-palisades-fire>.

27 ³ *About One-third of Malibu Burned In The Palisades Fire. Where Does It Go From Here?*, LA
Times Studios (July 30, 2025), <https://www.youtube.com/watch?v=0zsMg7gkC6Y>.

28 ⁴ Christopher Thornberg, Ph.D., *Assessing the Ongoing Impact of the 2025 Los Angeles Fires on
Malibu Business* at 4 (April 2025).

1 Community Development Department, Yolanda Bundy, reported that, in total, 700 homes and
2 approximately 10% of structures in Malibu were destroyed.⁵

3 6. Many local businesses were among the victims most affected by the Palisades Fire.
4 Well-known local restaurants, like Moonshadows, The Reel Inn, Cholada Thai, and Rosenthal Wine
5 Bar & Patio, were burned to the ground.⁶ According to one analysis, “[n]early half of all jobs in the
6 City of Malibu are located at properties that were completely destroyed by the fire.”⁷ Additionally,
7 even for local businesses that avoided direct impact, prolonged closure of the Pacific Coast Highway
8 also prevented access to the center of the City of Malibu, adversely impacting their revenue and
9 employees.⁸ The City of Malibu continues to suffer broad economic losses tied to the displacement
10 of approximately 1,400 residents, resulting in annual household spending losses, visitor spending
11 losses due to reduced tourism activity and a depleted tax base as a result of the displacement of
12 residents and businesses. Power outages and school closures also impacted the Malibu area, with
13 many residents forced to relocate to enroll their children in other schools.⁹

14 7. The Palisades Fire turned swaths of beloved neighborhoods and local establishments
15 of Malibu to ash and rubble, and catastrophically impacted the local community beyond it. The true
16 toll from the Palisades Fire is incalculable and can never be fully compensated, but estimates put
17 the economic loss as high as \$250 billion dollars.¹⁰

18
19
20 ⁵ Hayley Mattson, *Palisades Fire Devastates Malibu*, The Malibu Times (Jan. 8, 2025),
21 <https://malibutimes.com/palisades-fire-devastates-malibu>.

22 ⁶ *LA Fires: Moonshadows Malibu, Rosenthal Wine among PCH businesses destroyed*, FOX 11
23 (Jan. 8, 2025), <https://www.foxla.com/news/la-fires-moonshadows-malibu-pch-businesses-destroyed>.

24 ⁷ Christopher Thornberg, PhD, *Assessing the Ongoing Impact of the 2025 Los Angeles Fires on Malibu Business* at 6 (April 2025), accessible at <https://publicpolicy.pepperdine.edu/institutes-initiatives/alternative-viewpoints-research-initiative.htm>.

25 ⁸ *Id.* at 4.

26 ⁹ Maaz Alin, *Santa Monica-Malibu School District Saves \$22 Million with High Credit Ratings*,
27 Santa Monica Daily Press (June 30, 2025), <https://smdp.com/news/education/santa-monica-malibu-school-district-saves-dollar22-million-with-high-credit-ratings/>.

28 ¹⁰ Roger Vincent, *Estimated Cost of Fire Damage Balloons to More Than \$250 Billion*, L.A. Times
(Jan. 24, 2025), <https://www.latimes.com/business/story/2025-01-24/estimated-cost-of-fire-damage-balloons-to-more-than-250-billion>.



11 Devastation to Carbon Beach Caused By The Palisades Fire¹¹



22
23 Burn scars in the hills above Pacific Coast Highway left by the Palisades Fire in Malibu, CA¹²

24
25 ¹¹ Mike Blake, *Photos Show Devastation to Malibu's Iconic Beachfront Homes After Palisades*
26 *Fire*, Reuters (Jan. 17, 2025), [https://www.reuters.com/pictures/photos-show-devastation-malibus-
iconic-beachfront-homes-after-palisades-fire-2025-01-17/](https://www.reuters.com/pictures/photos-show-devastation-malibus-
iconic-beachfront-homes-after-palisades-fire-2025-01-17/).

27 ¹² Jeff Gritchen, *Photos: Drone Images Display Stunning Devastation from Palisades Fire* (Jan.
28 16, 2025), [https://www.dailynews.com/2025/01/16/photos-drone-images-display-stunning-
devastation-from-palisades-fire/](https://www.dailynews.com/2025/01/16/photos-drone-images-display-stunning-
devastation-from-palisades-fire/).



Moonshadows Restaurant Completely Burned to the Ground¹³

8. It took 44 days and untold resources for firefighters to finally contain the Palisades Fire six weeks later, on February 20. In the end, the Palisades Fire burned approximately 23,707 acres (nearly the size of San Francisco), destroyed at least 6,833 structures (including more than 5,500 single-family residences), damaged at least another 973 structures, and threatened to destroy over twelve thousand more homes and businesses. The Palisades Fire and the tragic devastation it caused in the City of Malibu was, unequivocally, the outcome of Defendants’ unlawful actions.

JURISDICTION AND VENUE

9. Pursuant to California Code of Civil Procedure Section 410.10, *et seq.*, this Court has subject matter jurisdiction over this entire action because, at all times relevant herein, Defendants have conducted significant business in the County of Los Angeles so as to render the exercise of jurisdiction over Defendants by this Court consistent with the traditional notions of fair play and substantial justice. The amount in controversy exceeds the jurisdictional minimum of this Court.

¹³ Adam Carlton, *Before-and-After Photos Show the Sudden Devastation from the L.A. Wildfires* (Jan. 14, 2025) <https://people.com/l-a-fires-before-and-after-photos-capture-the-devastation-8771953>.

1 state cabinet-level agency of the STATE OF CALIFORNIA (“STATE”), created pursuant to
2 California Government Code §§ 12800 and 12805, *et seq.* CA STATE PARKS operates the largest
3 park system in the United States.

4 14. Defendant CITY OF LOS ANGELES is a municipal entity with the capacity to sue
5 and be sued. It is a charter city under the laws of the State of California.

6 15. Defendant LOS ANGELES DEPARTMENT OF WATER AND POWER is a public
7 utility doing business in the State of California and a department within the government of
8 Defendant City. Its principal place of business is 111 North Hope Street, Los Angeles, California
9 90012. It provides water and electricity services to more than four million residents and businesses
10 within in the City of Los Angeles.

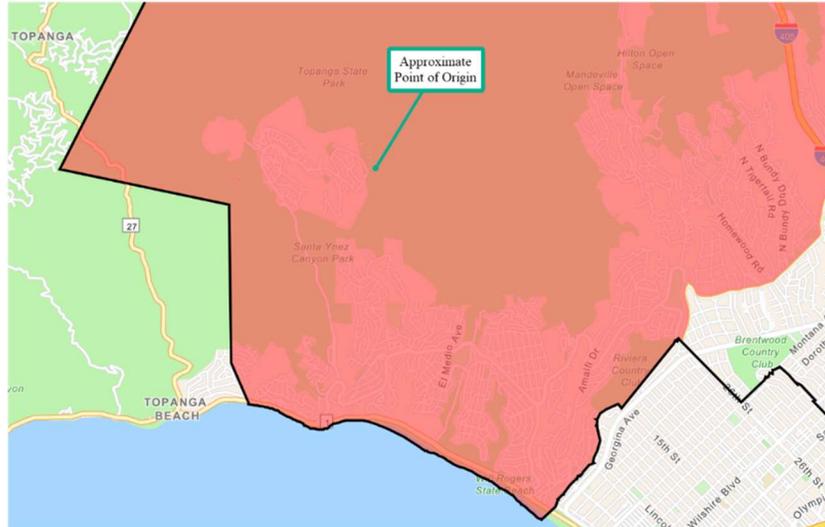
11 16. At all times alleged herein, and as described further below, Defendant City and
12 Defendant LADWP, and each of them, were the agents, servants, employees, partners, aiders and
13 abettors, co-conspirators, and/or joint venturers of each other and were at all times acting within the
14 purpose and scope of said agency, service, employment, partnership, enterprise, conspiracy, and/or
15 joint venture, and each of Defendant City and Defendant LADWP has ratified and approved the acts
16 of the other.

17 17. COUNTY OF LOS ANGELES (“County”) is, and at all relevant times was, a
18 government corporation organized under the law of the State of California. The COUNTY OF LOS
19 ANGELES is a legal entity with the capacity to sue and be sued. L.A. COUNTY WATERWORKS
20 DISTRICT 29 (“LACWD29”) is a division of Los Angeles County Public Works, and agency of
21 the COUNTY OF LOS ANGELES. LACWD29 is a special district formed in accordance with
22 Division 16, Sections 55000 through 55991 of the State Water Code to supply water for urban use
23 in Malibu. District 29 is operated by the Los Angeles County Public Works, Waterworks Division,
24 and is governed by the Los Angeles County Board of Supervisors.

25 18. MOUNTAINS RECREATION AND CONSERVATION AUTHORITY (“MRCA”) is,
26 and at all times was, a joint powers authority that owned and had responsibility to administer
27 properties in the Santa Monica Mountains, located in the County of Los Angeles, with their principal
28 place of business in the County of Los Angeles, State of California.

1 **A. The Years Before The Palisades Fire**

2 23. For years, Los Angeles County Fire Department has maintained a map designating
3 very high fire hazard severity zones. The Palisades Fire’s point of origin is in this zone¹⁴:



13 24. Many fires have burned in the region. From the mid-1920s to 2012, “at least 25 fires
14 are known to have burned through all or part of Topanga State Park.”¹⁵ Even more fires have ignited
15 in the years since. For example, in 2018, the Woolsey Fire burned nearly 97,000 acres and over
16 1,600 structures in Los Angeles and Ventura Counties and killed three people.¹⁶ In December 2024,
17 the Franklin Fire burned more than 4,000 acres and destroyed at least 20 structures in Malibu.¹⁷

18 25. Close calls also occurred in the Pacific Palisades, just next to the Santa Ynez
19 Reservoir. In October 2019, a fire broke out at the base of Palisades Drive and spread over
20 approximately 18 acres in 15 minutes.¹⁸ It ultimately consumed over 40 acres and threatened 200
21 homes, but a major disaster was averted.¹⁹ Then, in May 2021, the warnings grew louder. Another

22
23 ¹⁴ *Fire Zone Map*, LAFD, <https://lafd.org/fire-prevention/brush/fire-zone/fire-zone-map>. This
24 designation triggers certain actions by the local agency responsible for the zone. See Cal. Code
25 Regs. tit. 14, § 1280.02.

26 ¹⁵ Topanga State Park Final General Plan (Oct. 2012), accessible at
27 <https://www.parks.ca.gov/pages/21299/files/01finalgp-exec-ch1.pdf>.

28 ¹⁶ *Woolsey Fire*, Cal. Fire, <https://www.fire.ca.gov/incidents/2018/11/8/woolsey-fire>.

¹⁷ *Franklin Fire* County of Los Angeles Fire Department, <https://fire.lacounty.gov/franklin-fire/>.

¹⁸ Karen Zraick, *Pacific Palisades Fire Evacuation Orders Lifted in California*, N.Y. Times (Oct.
24, 2019), <https://www.nytimes.com/2019/10/21/us/pacific-palisades-fires.html>.

¹⁹ *Id.*; see also Cal Fire, *Palisades Fire*, <https://www.fire.ca.gov/incidents/2019/10/21/palisades-fire/> (last visited May 17, 2025).

1 fire was ignited in a remote area off Michael Lane and Palisades Court, about a mile from the 2025
2 Palisades Fire.²⁰ That fire spread over 1,200 acres.²¹

3 26. Rather than ensure that the water supply and electrical systems were state-of-the-
4 art—even as the fire risk in the Highlands neighborhood at the top of Pacific Palisades became more
5 and more focused—the City and LADWP rested on their laurels. The consequences were disastrous.

6 **B. The Months Before The Fire**

7 27. The fire danger in the Santa Monica Mountains near the Palisades Fire’s point of
8 origin had only increased in the months just prior to January 2025. Weather data made clear that
9 Southern California, including the area in and around Pacific Palisades, had experienced two years
10 of above-average rainfall leading up to the summer of 2024,²² producing above-average growth of
11 flammable vegetation in Topanga State Park.

12 28. The risks multiplied substantially in the summer of 2024, which was the hottest
13 summer ever recorded in Southern California.²³ This record heat, combined with below-average
14 rainfall, dried out the now-abundant fuel in the Santa Monica Mountains.

15 29. In the month immediately prior to the Palisades Fire, the area around Pacific
16 Palisades received only 0.01 inches of rainfall—compared to a historical average December rainfall
17 of 2.34 inches in that area.²⁴ More widely across Los Angeles County, December 2024 ranked as
18 the tenth driest December on record in the past 130-plus years.²⁵

19 _____
20 ²⁰ *Firefighters Battle Pacific Palisades Brush Fire*, KCAL News (May 15, 2021, 7:30 AM),
<https://www.cbsnews.com/losangeles/news/firefighters-battle-pacific-palisades-brush-fire/>.

21 ²¹ Cal Fire, *Palisades Fire*, <https://www.fire.ca.gov/incidents/2021/5/14/palisades-fire/> (last visited
22 May 17, 2025).

23 ²² *Total Seasonal Rainfall (Precipitation) vs. Historical Seasonal Average, Santa Monica,*
California, 1908-2024, L.A. Almanac, <https://www.laalmanac.com/weather/we139a.php> (showing
24 13.89 inches and 15.63 inches above average rainfall in Santa Monica, CA for the years ending June
25 30, 2023 and June 30, 2024, respectively, roughly a 25% increase for the 2022-2023 season over
26 the average, and roughly a 40% increase for the 2023-2024 season over the average).

27 ²³ Heather Waldman, *NOAA: Summer 2024 Was California’s Hottest on Record*, KCRA (Sept. 10,
28 2024), <https://www.kcra.com/article/summer-2024-california-hottest-on-record/62144078>.

²⁴ *Seasonal Rainfall (Precipitation) 2024-2025, Santa Monica, California*, L.A. Almanac,
<https://www.laalmanac.com/weather/we139a.php> (showing rainfall in Santa Monica for the 2024-
2025 season to date at 3.76 inches below normal through December 2024).

²⁵ *California Drought Conditions: L.A. County*, <https://www.drought.gov/states/California/county/Los%20angeles>.

1 30. Leading up to January 7, 2025, government agencies and news outlets reported that
2 all of Los Angeles County was experiencing significant and rapidly intensifying drought conditions
3 that exacerbated fire risks.²⁶ According to the U.S. Drought Monitor, before December 10, 2024,
4 none of Los Angeles County was “Abnormally Dry.”²⁷ But by December 31, 2024, 16.1% was
5 “Abnormally Dry,” and the remaining 83.9% of Los Angeles County was experiencing “Moderate
6 Drought.” By January 7, 2025, conditions had worsened further, with 59.6% of Los Angeles County
7 now experiencing “Severe Drought,” and the remaining 40.4% experiencing “Moderate Drought.”²⁸
8 Thus, in only one month’s time, all of Los Angeles County had rapidly reached moderate to severe
9 levels of drought.²⁹ These severe drought conditions drastically increased the risk of a devastating
10 wildfire.

11 31. On November 13, 2024, a brush fire broke out on a hillside in the Pacific Palisades—
12 immediately next to the Santa Ynez Reservoir. Firefighters successfully extinguished the fire.
13 Afterward, a Public Information Officer with the LAFD stated: “Fortunately, this is not a wind
14 event . . . we do have a challenge with water in that area because there aren’t any hydrants so we are
15 sending what we call water tenders, which are trucks that carry a lot of water to be able to act as a
16 source.”³⁰

21 ²⁶ See, e.g., Grace Toohey, *With Negligible Rain in 8 months, Southern California Swings Toward*
22 *Drought*, L.A. Times (Jan. 4, 2025), <https://www.latimes.com/california/story/2025-01-04/southern-california-officially-enters-drought-as-forecast-remains-bone-dry>; Diana Leonard,
23 *Why Drought and a Big Wind Event Spell Fire Trouble for Southern California*, Wash. Post. (Jan.
24 5, 2025), <https://www.washingtonpost.com/weather/2025/01/05/southern-california-drought-santa-ana-winds-fire-risk-forecast/>.

25 ²⁷ *California Drought Conditions: L.A. County*,
<https://www.drought.gov/states/California/county/Los%20angeles>.

26 ²⁸ *Id.*

27 ²⁹ *U.S. Drought Monitor: Data Tables*, Univ. Neb.-Lincoln, <http://droughtmonitor.unl.edu/DmData/DataTables.aspx>.

28 ³⁰ Will Conybeare, *Vegetation Fire Consumes Hillside in Pacific Palisades*, KTLA 5 News (Nov.
13, 2024, 11:27 AM), <http://ktla.com/news/local-news/vegetation-fire-consumes-hillside-in-pacific-palisades/>.



The November 13, 2024 Fire³¹

32. The November fire clarified the risk calculus of leaving the reservoir, with its life-saving source of water, empty. After the experience of the November fire—particularly in light of the LAFD’s warning that it could have been much worse in a wind event—LADWP should have refilled the Santa Ynez Reservoir and ensured that adequate water was available for firefighting in the Pacific Palisades. Instead, it consciously chose to leave a risky and clearly inadequate water-supply system in place.

C. The January 1, 2025 Lachman Fire

33. On January 1, 2025, in the early morning, another brush fire broke out near Skull Rock on the Temescal Ridge Trail adjacent to the Highlands neighborhood in the Pacific Palisades.³² This fire was named the “Lachman Fire.”

34. The Temescal Trail Head 2 camera located on LADWP’s Temescal Water Tank above The Summit neighborhood of Pacific Palisades captured the below image of the Lachman Fire on January 1, 2025, at 1:50 a.m.

³¹ *Id.*

³² Sarah Krouse et al., ‘Same Spot!’: Is a Small New Year’s Morning Blaze Connected to the Los Angeles Fire Disaster?, Wall St. J. (Jan. 14, 2025, 12:13 PM), <https://www.wsj.com/us-news/same-spot-is-a-small-new-years-morning-blaze-connected-to-the-los-angeles-fire-disaster-e5056038>.



35. News footage showed flames towering over homes as firefighters rushed into backyards with hoses. At approximately 3:30 a.m., LAFD reported that they had stopped the forward progress of the fire, and by approximately 4:48 a.m., announced that firefighters had “completed the hose line around the perimeter of the fire and it is fully contained.”³³



LAFD Alert-CONTAINED Pacific Palisades Brush Fire 1699 Via Las Palmas MAP: bit.ly/4gBBvEy FS23; Fully contained DETAILS: bit.ly/40hxvDi



google.com
34°04'33.3"N 118°32'49.1"W

4:48 AM · Jan 1, 2025 · 5,208 Views

³³ Richard Winton, *Fire returns to Pacific Palisades in a crucial test to find the cause of January’s inferno*, LA Times (April 28, 2025), <https://www.latimes.com/california/story/2025-04-28/controlled-burn-pacific-palisades-atf>.



CONTAINED BRUSH FIRE 01/01/2025 INC#0042

CONTAINED Brush Fire; INC#0042; 04:46AM; 1699 Via Las Palmas; <https://bit.ly/4gBBvEy>; Pacific Palisades; Firefighters completed the hose line around the perimeter of the fire and it is fully contained. Some resources will be released as the mop up operation continues to ensure no flare ups. No structures damaged and no injuries reported. Fire held at eight acres. No further updates anticipated. ; FS 23; Batt 9; West Bureau; Council District 11; AO1 AO2 BC11 BC17 BC18 BC9 BP23 CM40 CM42 E10 E105 E11 E15 E19 E23 E263 E269 E290 E3 E37 E43 E5 E51 E58 E59 E62 E63 E67 E68 E69 E71 E73 E84 E87 E89 E9 E90 E93 E95 EA1 EA2 EM9 HOC H0D H2 H3 H4 HA2 HA3 HA4 RA23 RA37 RA69 T63 T69 T90 WT77 WT88; CH7; 12 13; Margaret Stewart

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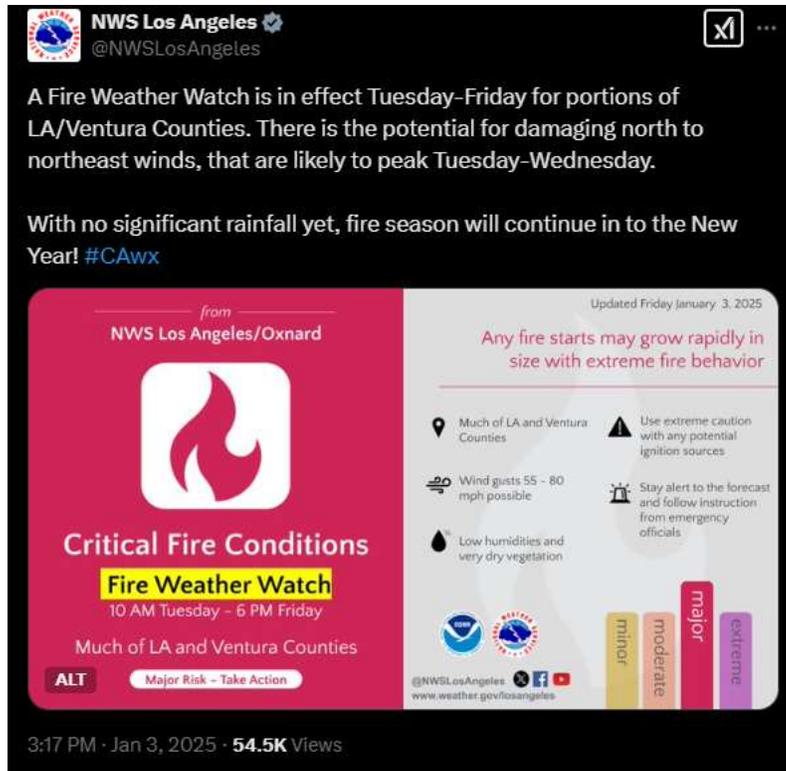
36. The Lachman Fire put Defendants on notice that fuel moisture levels, relative humidity, and heavy vegetation growth provided the perfect conditions for wildfires and were a threat to the surrounding area.

D. The Week Before The Fire

37. Defendants were aware of the risks of a catastrophic wildfire on January 7, 2025, and received specific warnings in the week leading up to the Palisades Fire.

38. On January 3, 2025 at 3:17 pm, the National Weather Service (“NWS”) in Los Angeles issued a “Fire Weather Watch” effective from Tuesday, January 7, 2025, through Friday, January 10, 2025 for Los Angeles and Ventura Counties, including the Palisades Fire area of origin. It warned that Critical Fire Conditions would be present and that “[a]ny fire starts may grow rapidly in size with extreme fire behavior.”

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39. On January 5, 2025 at 5:02 p.m., the NWS upgraded the Fire Weather Watch to “Extreme Fire Conditions” with “Widespread Damaging Winds” for most of Los Angeles and Ventura Counties. The NWS further warned of “rapid fire growth and extreme fire behavior with any fire starts.”

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Widespread damaging winds and extreme fire weather conditions are expected Tuesday afternoon through at least Wednesday.

Scattered downed trees and power outages are likely, in addition to rapid fire growth and extreme behavior with any fire starts. #CAwx

5:02 PM · Jan 5, 2025 · 64.6K Views

40. On January 6, 2025, the NWS in Los Angeles issued a rare and dire “Particularly Dangerous Situation” Red Flag Warning for “Extreme Fire Conditions” for Los Angeles and Ventura Counties. The NWS warned of “damaging wind gusts 50-80 mph, isolated 80-100 mph for mountains/foothills” and “extreme fire behavior.” The Palisades Fire area of origin was of “greatest concern,” as depicted in the map below. Mayor Bass recirculated the map on January 6.

1 43. Further on January 6, 2025, the NWS in Los Angeles issued its most severe fire weather
2 warning – “LIFE-THREATENING & DESTRUCTIVE WINDSTORM!!!” – for several areas,
3 including the area that the Palisades Fire would eventually ravage.



24 41. On January 7, 2025 at 8:36 a.m., LAFD posted a warning on its social media account
25 on X stating “Extreme #fireweather coming today. Your #LAFD asks you to be #readyssetgo.”
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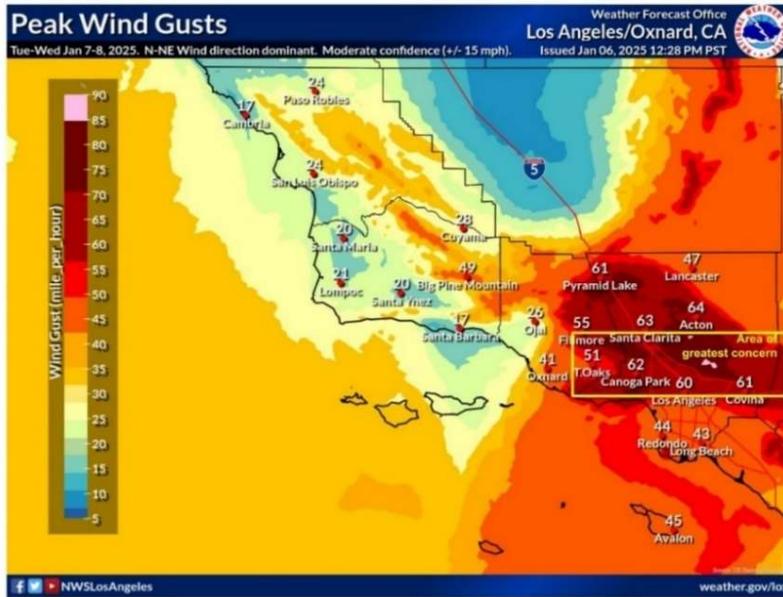
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Extreme #fireweather coming today. Your #LAFD asks you to be #readysetgo lafd.org/wildfire



8:36 AM · Jan 7, 2025 · 57.8K Views



42. In spite of these dire warnings, the State and CA State Parks failed to adequately inspect the Lachman Fire burn scar, while the City and LADWP remained committed to their plan, which insured an inadequate water supply infrastructure. When the warnings proved prescient, the destruction was a foregone conclusion.

1 **II. The State And CA State Parks Allowed The Dangerous Condition Of The Lachman**
2 **Fire Burn Scar To Cause The Palisades Fire**

3 43. Just six days after the Lachman Fire, on January 7, the Palisades Fire was ignited as
4 a direct and proximate result of a rekindling of the smoldering embers left unaddressed from the
5 Lachman Fire. These embers, in turn, rekindled and ignited on property owned and operated by CA
6 STATE PARKS.

7 44. Plaintiff is informed and believes that the STATE and CA STATE PARKS did not
8 adequately inspect its property, post a fire watch or use a thermal imaging camera at the Lachman
9 Fire site after the reported containment of the fire to ensure that there were no embers, hot spots or
10 residual heat remaining in the vegetation. Below are photographs taken on January 2, 2025 at 8:07
11 a.m. of the Lachman Fire burn area by a hiker, which shows that no firefighters remained on scene
12 less than four hours after the fire was declared “fully contained.”



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1 45. Video and photographic evidence taken in the days following January 1, 2025
2 confirms that the burn scar area was still smoldering. According to a CBS News report, a hiker
3 named Zane Mitchell took the photo below on the Temescal Ridge Trail early on the morning of
4 January 1, 2025, after LAFD reported the fire was fully contained. This photo depicts smoke
5 emitting from the burn scar of the Lachman Fire.³⁴



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22 46. A different Pacific Palisades resident captured drone footage of the Lachman Fire
23 burn scar at approximately 8:38 a.m. on January 1. The footage showed smoke emitting from the
24 southern end of the burn scar at approximately the same location that was later determined by the
25 federal Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) to be the origin point of the
26

27
28 ³⁴ CBS News Confirmed, Instagram (Jan. 23, 2025),
<https://www.instagram.com/cbsnewsconfirmed/reel/DFLeAPiR6Jx/>

1 Palisades Fire. The footage also depicted an individual walking nearby, within view of the smoke.
2 On information and belief that individual was a State Parks ranger. A still image from the drone
3 footage with arrows added to identify the smoke and the individual is below.



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14 47. On January 2, a hiker on the Skull Rock Trailhead captured yet another video of
15 smoke continuing to rise from the Lachman Fire burn scar. In that video, the hiker stated “It’s still
16 smoldering.”³⁵ The smoke, noticeably visible from the Lachman Fire burn scar on at least January
17 1 and January 2, put the State on notice of the dangerous conditions present in the State park
18 following the Lachman Fire. In fact, at least one State employee, a State Parks ranger, admitted at
19 a deposition that she observed “evidence of smoldering” from the Lachman Fire burn scar on
20 January 1.³⁶

21 48. Even though the State was on notice that the burn scar was still smoldering, State
22 Parks employees who visited the burn scar after January 2 admitted in depositions that they did not

23
24 ³⁵ Jenny Jarvie and Noah Haggerty, *‘It’s Still Smoldering.’ A Hiker’s Video of Palisades Fire Raises*
25 *Questions About State’s Responsibility*, L.A. Times (Oct. 26, 2025),
<https://www.latimes.com/california/story/2025-10-26/could-the-state-have-done-more-to-prevent-the-palisades-fire>.

26 ³⁶ Carolyn Johnson, *State Parks employees didn’t report smoldering Lachman Fire before it*
27 *exploded into Palisades Fire, testimony reveals*, NBC Los Angeles (Jan. 8, 2026),
28 <https://www.nbclosangeles.com/news/local/state-parks-employees-didnt-report-smoldering-lachman-fire-before-it-exploded-into-palisades-fire-testimony-reveals/3829043/>

1 walk the perimeter of the burn scar to inspect the site.³⁷ They failed to inspect the burn scar despite
2 a State Parks policy in the State’s Department of Parks and Recreation Operations Manual that
3 states, “Areas of a park unit which have burned will remain closed until appropriate Department
4 staff have inspected the area and rectified any public safety, property or resource protection
5 issues.”³⁸

6 49. Not only were State employees on notice of the danger from the smoldering Lachman
7 Fire burn scar, but they actively worsened that danger by interfering with firefighters’ efforts to
8 extinguish and remove material from the burn scar in order to prevent reignition. For example, a
9 State environmental scientist spoke with an LAFD Chief on January 1 and requested that LAFD put
10 back some of the dry vegetation that fire crews had cut around the Lachman Fire.³⁹ In fact, CA
11 State Park policy encouraged the protection of “sensitive” plants in Topanga State Park after a
12 wildfire even at the expense of robust mop up procedures. The Wildfire Management Plan for the
13 Park stated that “modified mop up for ground fuels should be utilized where possible” and “spading
14 should be minimized and restricted to hot areas near fire lines.”⁴⁰

15 50. Palisades resident Don Griffin took the photograph below on the left of the Lachman
16 Fire on January 1 from his backyard and then took the photograph on the right of the Palisades Fire
17 on January 7 shortly after it erupted.

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20 ³⁷ Jenny Jarvie and Alene Tchekmedyian, *A new view of two critical days that set the stage for the*
21 *devastating Palisades fire*, L.A. Times (Dec. 27, 2025),
22 <https://www.latimes.com/california/story/2025-12-27/new-view-of-two-critical-days-that-set-stage-for-palisades-fire>

23 ³⁸ *Id.*

24 ³⁹ Carolyn Johnson, *State Parks employees didn't report smoldering Lachman Fire before it*
25 *exploded into Palisades Fire, testimony reveals*, NBC Los Angeles (Jan. 8, 2026),
<https://www.nbclosangeles.com/news/local/state-parks-employees-didnt-report-smoldering-lachman-fire-before-it-exploded-into-palisades-fire-testimony-reveals/3829043/>

26 ⁴⁰ Jenny Jarvie, Alene Tchekmedyian, and Noah Haggerty, *Documents raise new questions about*
27 *restrictions on Jan. 1 Lachman fire mop-up*, L.A. Times (Nov. 27, 2025),
28 <https://www.latimes.com/california/story/2025-11-27/document-adds-to-questions-about-restrictions-on-lachman-fire-mop-up>



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51. Plaintiff is informed and believes, and on that basis alleges, that the Palisades Fire was ignited as a direct and proximate result of a rekindling of the smoldering embers left over from the Lachman Fire, which embers and rekindling occurred on property owned and operated by CA STATE PARKS.

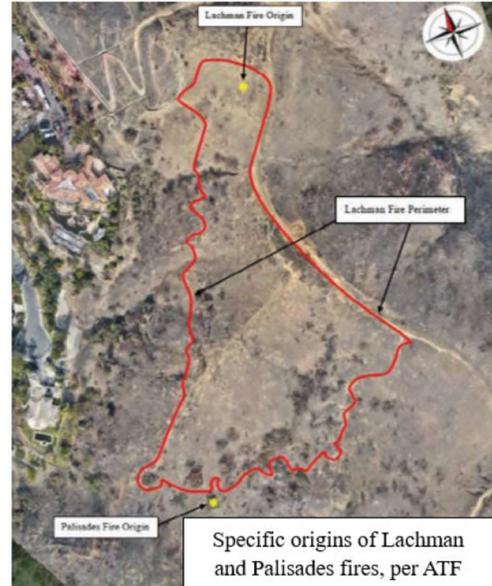
52. On October 8, 2025, the U.S. Attorney's Office, Central District of California, announced the arrest of an individual on a federal criminal complaint charging him with starting the Lachman Fire on January 1, 2025. According to that federal criminal complaint, the Palisades Fire was caused by an ember from the Lachman Fire, which continued to smolder within the root structure of the vegetation. The anticipated winds on January 7 created conditions which reignited overgrown brush and spread, becoming the Palisades Fire.⁴¹

⁴¹ *United States of America v. Jonathan Rinderknecht*, USCD Case No. 2:25-mj-06103-DUTY

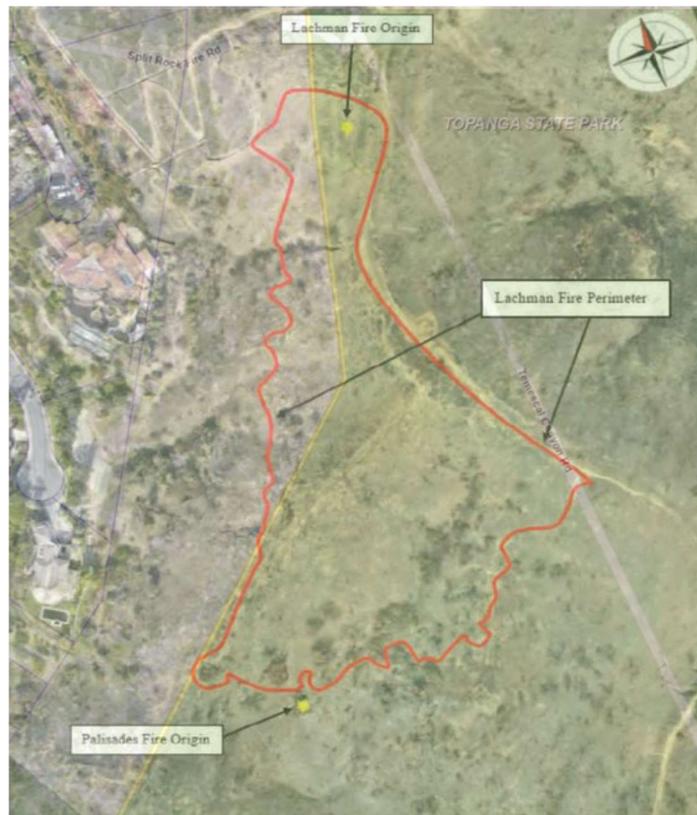
1 53. The federal criminal complaint included an image of the ATF's identification of the
2 Palisades Fire Origin location – squarely on land owned and controlled by the State of California.
3 Below are side-by-side images of the State Property line and ATF Palisades Fire Origin image
4 followed by images overlaid on each other:



14 State of California's property -
15 Topanga State Park



16 Specific origins of Lachman
17 and Palisades fires, per ATF



1 54. Regarding the cause of the Palisades Fire, many experts had already opined that the
2 Palisades Fire was ignited from a rekindling of the embers left after the Lachman Fire. For example,
3 Tom Pierce, a certified fire investigator from Montana, reviewed video footage of the January 1.
4 2025, and January 7, 2025, fires and stated, “I would say this is a rekindle from the original fire on
5 Jan. 1.” Ed Norskog, author of *Arson Investigation in the Wildlands*, supported the rekindle theory:
6 “[A rekindle] is entirely possible. The winds were extraordinary. . . . It could rekindle a fire even
7 seven days later. . . . Any wildland fire investigator will tell you it happens all the time.” As a result,
8 Plaintiff is informed and believes, and based thereon alleges, that the Palisades Fire was the direct
9 and proximate result of a rekindling which occurred on the burn scar left from the Lachman Fire.

10 55. Plaintiff is informed and believes, and on that basis alleges, that between the time the
11 Lachman Fire was contained on January 1, 2025, and the morning before the start of the Palisades
12 Fire on January 7, 2025, there had been no perceptible wind in the Santa Monica Mountains. The
13 winds began picking up in the morning of January 7, 2025, as had been predicted, and ignited a new
14 fire from the embers left on the Lachman Fire burn scar.

15 56. Plaintiff is informed and believes, and on that basis alleges, that Defendants knew or
16 should have known about the risk that embers in the burn scar of the Lachman Fire would rekindle
17 and ignite a new fire. For example, the California State Fire Training Student Manual 2013 for
18 Wildland Urban Interface Environment states: “When the fire has been contained, the real work
19 begins. If not all the material near the fireline is extinguished, you run the risk of the fire rekindling
20 and escaping. This is something you do not want to experience or contribute to. **Remember, it is**
21 **common that hot material could still be found on large fires months after the fire was**
22 **controlled.** Mop-up [the process of ensuring a contained fire is completely extinguished] is one of
23 the most important phases of fire suppression because any remaining burning debris may rekindle
24 the fire making all previous efforts worthless. Many fires have been lost because of sloppy mop-
25 up.”⁴²

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28 ⁴² Command 1C WUI Command Operations for the Company Officer, p. 191-2 (2013) (emphasis added).

1 57. Former LAFD Asst. Chief Patrick Butler, now chief of the Redondo Beach Fire
2 Department, said that chaparral can burn underground without visible flames for weeks after the
3 original fire seemingly has been put out. He said he had to deal with flare-ups of unseen embers for
4 about a week after the 2019 Getty fire, for which he served as an LAFD commander. Rekindles are
5 “a very common phenomenon,” said Butler, who left the LAFD in 2021 after three decades, during
6 which he oversaw arson investigations and other special operations for three years. After a large
7 fire, most of the surrounding vegetation has already burned, Butler said. But after a smaller fire like
8 the January 1, 2025 Lachman Fire, he said, “a rekindle can easily grow in the right conditions, like
9 high winds.”⁴³

10 58. “An 8-acre fire in that fuel type is also consistent with potential re-ignite,” said Alan
11 Carlson, a retired Cal Fire deputy chief who worked more than 50 years as a wildland fire
12 investigator and headed Cal Fire’s Northern Region law enforcement division. “Wind direction
13 looks to be consistent with a possible rekindle of the first fire. Gusty winds are consistent with hot
14 materials blowing across control lines.”⁴⁴

15 59. Terry Taylor, a retired wildland fire investigator who now works as an instructor,
16 said of the possibility of rekindling: “These sorts of fuels, especially when they are dry, the fire goes
17 deep down into the root structure, so you may not get it out even if you dump water on it.” Carlson
18 also agreed with Taylor that, “smoldering embers, under the right conditions, could have rekindled
19 even after six days.” Further, the morning report of fire on January 7, 2025, is also consistent with
20 a rekindle, he added. “During the night it is less likely to have been observed, could have smoldered
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24 ⁴³ [Paul Pringle](https://www.latimes.com/california/story/2025-02-15/lafd-should-have-had-10-engines-patrolling-palisades-hills) and [Alene Tchekmedyan](https://www.latimes.com/california/story/2025-02-15/lafd-should-have-had-10-engines-patrolling-palisades-hills), *LAFD Could Have had at Least 10 Engines Patrolling*
25 *Palisades Hills, Former Chiefs Say*, LA Times (Feb. 15, 2025),
[https://www.latimes.com/california/story/2025-02-15/lafd-should-have-had-10-engines-patrolling-](https://www.latimes.com/california/story/2025-02-15/lafd-should-have-had-10-engines-patrolling-palisades-hills)
26 [palisades-hills](https://www.latimes.com/california/story/2025-02-15/lafd-should-have-had-10-engines-patrolling-palisades-hills)

27 ⁴⁴ Matthias Gafni and Juli Johnson, *Was the Palisades Fire Started by a Rekindling of a Blaze*
28 *From New Year’s Day?*, San Francisco Chronicle (Jan. 11, 2025),
[https://www.sfchronicle.com/california-wildfires/article/how-did-palisades-fire-start-](https://www.sfchronicle.com/california-wildfires/article/how-did-palisades-fire-start-20029236.php)
[20029236.php](https://www.sfchronicle.com/california-wildfires/article/how-did-palisades-fire-start-20029236.php)

1 for an extended period of time before going to flame as the winds picked up,” Carlson said. Taylor
2 called a rekindling “very possible,” and as a former investigator, “I’d want to get into it big time.”⁴⁵

3 60. Rekindled embers have resulted in numerous fires, including several extremely well-
4 known devastating fires, some of them very recent. Notably, in October 2024 investigators
5 concluded that the deadly 2023 Maui fire likely reignited from winds carrying an ember into a dry
6 gully. Other rekindling fires include the devastating Oakland fire of 1991 which destroyed 3,000
7 homes, and which started when a seven-acre fire from the previous day was rekindled by strong
8 winds. The 2021 Marshall Fire in Colorado, which burned 1,000 homes, resulted from a rekindled
9 burn from buried embers coupled with a fire started by a power line spark, both spread by high
10 winds.

11 61. Accordingly, the State was on actual and constructive notice that there was a
12 dangerous condition that increased the risk for a future fire on their land.

13 **III. LADWP Deliberately Chose To Maintain A Water-Supply System That Was In**
14 **Disrepair**

15 62. LADWP deliberately designed, constructed, inspected, maintained, and operated the
16 water-supply systems in the Pacific Palisades, including the fire hydrant system, in part for the
17 purpose of fighting wildfires. LADWP’s *2023-2025 Wildfire Mitigation Plan* made the following
18 promises:

19 The Water System also has water storage tanks and reservoirs that are available for
20 use during wildfire events. Should the need arise, LADWP’s crews are available to
21 provide support in water distribution system operations related to firefighting
22 efforts. There are formal agreements with LAFD and Los Angeles County Fire
23 Department (LACoFD) on the use of LADWP’s tanks, reservoirs, and helipads
24 within the Los Angeles Metro and Aqueduct areas as well as over 60,000 fire
25 hydrants citywide that are available to support fire-fighting efforts.⁴⁶

26 63. The City of Los Angeles likewise made assurances to its citizens in two Emergency
27 Operations Plans. In the *Dam/ Reservoir Failure Hazard Specific Appendix*, the City delegated and
28 assigned responsibilities to the City’s different agencies, including LADWP. The City wrote:

27 ⁴⁵ *Id.*

28 ⁴⁶ *2023-2025 Wildfire Mitigation Plan*, LADWP (2024) at 15, <https://www.ladwp.com/sites/default/files/2024-06/2024%20LADWP%20Wildfire%20Mitigation%20Plan.pdf>.

1 “LADWP will maintain water supply to the distribution system for fire suppression and customer
2 needs.”⁴⁷

3 64. Thus, the City and LADWP deliberately maintained their reservoirs and hydrants as
4 parts of a public-improvement system whose purpose included the prevention of damage from
5 wildfires. They recognized the important role of its water-supply system in a metropolitan firefight.
6 Yet, they nonetheless deliberately maintained the water-supply system in a way that failed to prevent
7 the destruction of the Palisades Fire.

8 65. Every year, firefighters inspect the fire hydrants in Los Angeles, reporting to
9 LADWP when fire hydrants need repair. Retired Battalion Chief Rick Crawford stressed the
10 importance of inspecting, maintaining, and repairing the hydrant system. “It’s critical to get those
11 repaired immediately... shouldn’t take one day, one week, let alone one year,” Crawford said.
12 “Hydrants [are] the lifeblood of firefighting.”⁴⁸ But, on information and belief, LADWP
13 deliberately delayed the repair of hydrants that were identified as faulty.

14 66. After the fire, LADWP posted an article on its website, *Correcting Misinformation*
15 *About LADWP’s Water System*. LADWP claimed: “Any assertion that fire hydrants in the Pacific
16 Palisades were broken before the Palisades fire is misleading and false . . . LADWP repaired every
17 hydrant needing repairs as reported by LA Fire Department inspectors.”⁴⁹

18 67. An independent investigation found results to the contrary. In 2024, firefighters
19 inspected 65,979 hydrants and submitted a list of 1,350 fire hydrants needing further inspection or
20 repairs. This included hydrants in the Pacific Palisades area near where the fire broke out.⁵⁰ The

21 _____
22 ⁴⁷ *Emergency Operations Plan: Dam/Reservoir Failure Hazard Specific Index*, City of L.A. (Nov.
23 2019) at 43, [https://emergency.lacity.gov/sites/g/files/wph1791/files/2022-09/Dam](https://emergency.lacity.gov/sites/g/files/wph1791/files/2022-09/Dam%20Reservoir%20Failure%202019.pdf)
24 [%20Reservoir%20Failure%202019.pdf](https://emergency.lacity.gov/sites/g/files/wph1791/files/2022-09/Dam%20Reservoir%20Failure%202019.pdf).

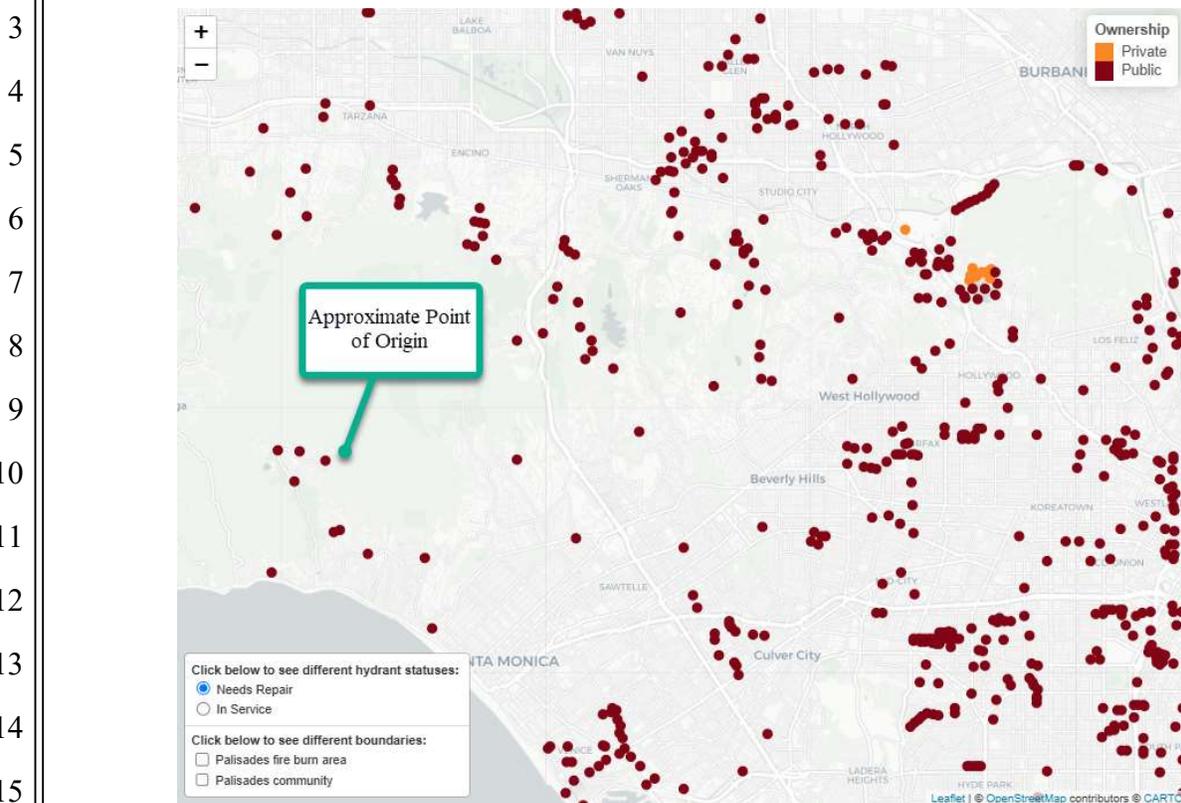
25 ⁴⁸ Ross Palombo, *KCAL News Investigation Finds More than 1,300 Fire Hydrants Need*
26 *Maintenance Across LA*, KCAL News (Feb. 12, 2025, 5:58 PM), [https://www.cbsnews.com](https://www.cbsnews.com/losangeles/news/kcal-news-investigation-finds-more-than-1300-fire-hydrants-need-maintenance-across-la/#)
27 [/losangeles/news/kcal-news-investigation-finds-more-than-1300-fire-hydrants-need-maintenance-](https://www.cbsnews.com/losangeles/news/kcal-news-investigation-finds-more-than-1300-fire-hydrants-need-maintenance-across-la/#)
28 [across-la/#](https://www.cbsnews.com/losangeles/news/kcal-news-investigation-finds-more-than-1300-fire-hydrants-need-maintenance-across-la/#).

29 ⁴⁹ *Correcting Misinformation About LADWP’s Water System*, LADWP (Jan. 11, 2025),
30 [https://www.ladwpnews.com/pacific-palisades-fire-correcting-misinformation-about-ladwps-](https://www.ladwpnews.com/pacific-palisades-fire-correcting-misinformation-about-ladwps-water-system/)
31 [water-system/](https://www.ladwpnews.com/pacific-palisades-fire-correcting-misinformation-about-ladwps-water-system/).

32 ⁵⁰ Ross Palombo, *KCAL News Investigation Finds More than 1,300 Fire Hydrants Need*
33 *Maintenance Across LA*, KCAL News (Feb. 12, 2025, 5:58 PM), <https://www.cbsnews.com>

1 defects in the hydrants LAFD identified included broken valves, bent or damaged stems, and leaks.⁵¹

2 The red dots below show hydrants that were found to be in need of repair.



16 68. Making matters worse, many of the hydrants that had received service were outdated.
17 Seventeen percent of all hydrants in Los Angeles—including twenty-four percent of those within
18 the Palisades Fire’s perimeter—had only a 2.5-inch outlet. According to an investigation by *The*
19 *New York Times*, “The standard for modern fire hydrants is to be equipped with a larger outlet for
20 firefighters to draw a greater volume of water, in addition to at least one other outlet.”⁵² As the
21 American Water Works Association, which establishes industry standards for fire hydrants across
22 the country, stated in the article, a single 2.5-inch outlet is “not considered to be suitable for normal
23

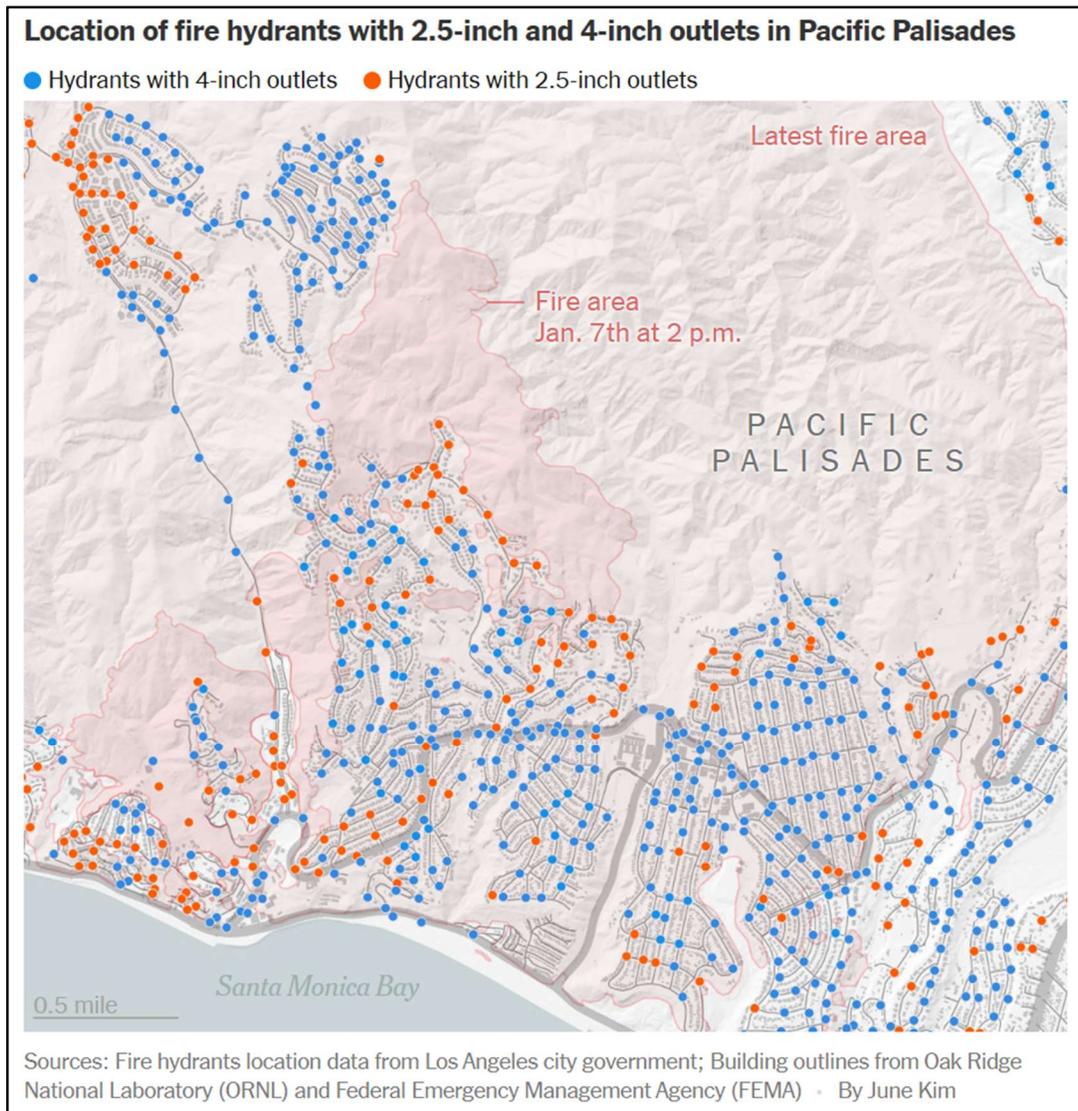
24 [/losangeles/news/kcal-news-investigation-finds-more-than-1300-fire-hydrants-need-maintenance-](#)
25 [across-la/#](#).

26 ⁵¹ Matt Hamilton, *LAFD Did Not Alert DWP to More than 1,000 Fire Hydrants Needing Repair*,
27 *L.A. Times* (Mar. 21, 2025) <https://www.latimes.com/california/story/2025-03-01/lafd-dwp-more-than-1-000-fire-hydrants-needing-repair>.

28 ⁵² Mike Baker & Robert Gebeloff, *Los Angeles Had Substandard Hydrants Near Devastating Fire’s Starting Point*, *N.Y. Times* (Feb. 4, 2025), <https://www.nytimes.com/2025/02/04/us/los-angeles-fire-hydrants-substandard.html>.

1 fire-protection service.”⁵³ In contrast, hydrants with 4-inch outlets allow firefighters to distribute a
2 larger volume of water more quickly. Additional outlets also allow firefighters to attach more than
3 one hose or provide backup if the primary outlet fails.

4 69. Michael Fronimos, a fire chief in Michigan who has pressed fire departments to
5 assess their hydrant systems, “expressed surprise to see images of the smaller-capacity hydrants that
6 [were] still operating in the Palisades.”⁵⁴ The map below, from *The New York Times*, shows the
7 prevalence of outdated hydrants in and near the Palisades Fire’s perimeter.



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28 ⁵³ *Id.*
⁵⁴ *Id.*

1 70. And it was not just fire hydrants that LADWP intentionally left unrepaired and
2 outdated. LADWP also deliberately left two reservoirs empty in the months preceding the fire. In
3 the late 1960s and early 1970s, LADWP built the Santa Ynez Reservoir. In 1972, the chief water
4 engineer for LADWP told the *Los Angeles Times* that the reservoir would “increase fire
5 protection.”⁵⁵

6 71. Around December 2008, LADWP installed a cover on the Santa Ynez Reservoir to
7 aid compliance efforts with new regulations from the U.S. Environmental Protection Agency. The
8 cover was designed to “strengthen protection against microbial contaminants.”⁵⁶ But the cover came
9 with significant risk because it would hinder firefighting efforts. To mitigate this risk, LADWP
10 constructed a new cistern at the Pacific Palisades Reservoir for LAFD’s large helicopters to use in
11 fighting brush fires. According to LADWP project manager Paul Rugar: “Once the floating cover
12 is in place, [LAFD’s larger] helicopters will no longer be able to dip their snorkel into the Santa
13 Ynez Reservoir, but will instead have to use the cistern at Pacific Palisades Reservoir. However,
14 the smaller choppers will still be able to land at Santa Ynez Reservoir and use the fire hydrants to
15 fill their tanks.”⁵⁷

16 72. In January 2024, one of LADWP’s property managers spotted a tear on the cover of
17 the Santa Ynez Reservoir. Instead of promptly repairing the cover using some of its 11,500
18 employees, LADWP decided to drain the reservoir in February and then begin a lengthy process of
19 contracting out the minor repair work. In April, Defendant LADWP sought bids to repair the cover
20 at a cost of \$89,000. In November, it finally signed a contract for the repairs at a cost of \$130,000.
21 The reservoir was still empty when the Palisades Fire began.⁵⁸

23 ⁵⁵ Matt Hamilton & David Zahniser, *This Reservoir Was Built to Save Pacific Palisades. It Was*
24 *Empty When the Flames Came*, L.A. Times (Jan. 23, 2025, 7:36 PM),
25 [https://www.latimes.com/california/story/2025-01-22/why-has-a-reservoir-in-palisades-stood-](https://www.latimes.com/california/story/2025-01-22/why-has-a-reservoir-in-palisades-stood-empty-for-a-year)
[empty-for-a-year](https://www.latimes.com/california/story/2025-01-22/why-has-a-reservoir-in-palisades-stood-empty-for-a-year).

26 ⁵⁶ Dev, *City Moves Forward with Santa Ynez Reservoir Plans*, Palisadian-Post (Dec. 18, 2008),
<https://www.palipost.com/city-moves-forward-with-santa-ynez-reservoir-plans/>.

27 ⁵⁷ *Id.*

28 ⁵⁸ Matt Hamilton, *State to Probe Why Pacific Palisades Reservoir Was Offline, Empty When*
Firestorm Exploded, L.A. Times (Jan. 10, 2025), [https://www.latimes.com/california/story/2025-](https://www.latimes.com/california/story/2025-01-10/as-flames-raged-in-palisades-a-key-reservoir-nearby-was-offline)
[01-10/as-flames-raged-in-palisades-a-key-reservoir-nearby-was-offline](https://www.latimes.com/california/story/2025-01-10/as-flames-raged-in-palisades-a-key-reservoir-nearby-was-offline).

1 73. According to Gus Corona, the union leader for LADWP’s employees, this delay was
2 unnecessary and unjustified: “It’s completely unacceptable that this reservoir was empty for almost
3 a year for minor repairs. . . . This work should have been done in-house, and they shouldn’t have
4 depended on a contractor to do it.”⁵⁹

5 74. The Pacific Palisades Reservoir at the top of Chautauqua Boulevard was also drained
6 in Summer 2024.⁶⁰ This too was a valuable source of water. As noted above, LADWP had
7 previously constructed a cistern at the reservoir for LAFD’s large helicopters to use in fighting brush
8 fires.⁶¹

9 75. LADWP deliberately decided to save money by not adequately maintaining its
10 water-supply system, despite \$6.4 billion in operating revenue in 2024.⁶²

11 76. On January 7, LAFD Captain Kevin Easton, assigned to structure protection in the
12 Palisades Highlands, reported that after midnight the fire hydrants ran “[c]ompletely dry – couldn’t
13 get any water out of it.” *The New York Times* reported that “[e]ven on Wednesday afternoon – hours
14 after the hydrants had gone dry – there was still no water. Houses in the Highlands burned, becoming
15 part of more than 5,000 structures destroyed by the Palisades fire so far.” “By Thursday evening,
16 Kristin M. Crowley, the chief of the Los Angeles Fire Department, said firefighters had stopped
17 tapping into the hydrants altogether. ‘Right now, we’re not utilizing the hydrants,’ Chief Crowley
18 said.”⁶³

19 77. LADWP’s intentional decisions not to repair a defective hydrant system and to leave
20 the two reservoirs empty were undertaken despite knowledge that it was servicing an extremely fire-

23 ⁵⁹ *Id.*

24 ⁶⁰ *Two Empty Reservoirs Makes Fighting Fires Impossible*, Circling the News (Jan. 27, 2025),
<https://www.circlingthenews.com/two-empty-reservoirs-makes-fighting-fires-impossible/>.

25 ⁶¹ *Santa Ynez Reservoir Construction Begins*, Palisadian-Post (July 23, 2009),
<https://www.palipost.com/santa-ynez-reservoir-construction-begins/>.

26 ⁶² *2024-25 Briefing Book*, LADWP, at 57, https://www.ladwp.com/sites/default/files/2025-10/2024_25_BB_FullBook_Rev10_Digital.pdf

27 ⁶³ Tim Arango, Mike Baker, and Nicholas Bogel-Burroughs, ‘Completely Dry’: How Los Angeles
28 *Firefighters Ran Out of Water*, NY Times (Jan. 9, 2025),
<https://www.nytimes.com/2025/01/09/us/los-angeles-fire-water-hydrant-failure.html>.

1 prone area, and LADWP’s false assurances that its systems were up for the task. These decisions
2 proved catastrophic.

3 **IV. LADWP Deliberately Chose To Maintain Electrical Infrastructure That Was In**
4 **Disrepair And At Risk Of Starting Fires**

5 78. LADWP also deliberately designed, constructed, inspected, maintained, and
6 operated electrical infrastructure equipment in the Pacific Palisades. This included power poles,
7 transmission lines, transformers, conductors, and other equipment.

8 79. LADWP’s *2023-2025 Wildfire Mitigation Plan* included a Power Safety Reliability
9 Program. As part of this plan, LADWP committed to replacing electrical equipment such as
10 “overloaded distribution transformers, worn underground cables, deteriorated overhead poles, and
11 fatigued substation equipment.”⁶⁴ Upon information and belief, however, LADWP decided to leave
12 deteriorating electrical equipment in place, a choice that saved money but left fire hazards
13 unaddressed.

14 80. Also as part of this plan, LADWP decided *not* to implement pre-emptive public
15 safety power shutoffs during high wind events.⁶⁵ Pre-emptive power shutoffs are planned outages
16 that reduce the risk of fires caused by electrical infrastructure during high winds. However, LADWP
17 made a deliberate decision not to implement them even during extreme wind conditions like those
18 that preceded the Palisades Fire. LADWP’s *Wildfire Mitigation Plan* stated, “LADWP has
19 determined that the adverse impact on health, safety, and quality of life of its customers outweighs
20 the perceived benefits derived from pre-emptive power shut-offs.”⁶⁶

21 81. LADWP explained its reasoning for not pre-emptively shutting off power during
22 high winds in a message to its customers on October 9, 2019. On that date, weather forecasts
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26 ⁶⁴ *2023-2025 Wildfire Mitigation Plan*, LADWP (2024) at 35, <https://www.ladwp.com/sites/default/files/2024-06/2024%20LADWP%20Wildfire%20Mitigation%20Plan.pdf>.

27 ⁶⁵ Ivan Penn, *Los Angeles Utilities’ Decisions to Keep Power On Are Scrutinized*, N.Y. Times (Jan.
10, 2025), <https://www.nytimes.com/2025/01/10/us/california-fires-la-power.html>.

28 ⁶⁶ *2023-2025 Wildfire Mitigation Plan*, LADWP (2024) at 45, <https://www.ladwp.com/sites/default/files/2024-06/2024%20LADWP%20Wildfire%20Mitigation%20Plan.pdf>.

1 predicted wind gusts of up to 70 miles per hour.⁶⁷ But LADWP assured its customers that “LADWP
2 does not turn off power to customers before or during wind events like the one forecast for Southern
3 California over the next 48-hours.”⁶⁸ It justified this decision by stating that “our service area within
4 the City of LA is highly urbanized with extensive fire suppression infrastructure in
5 place.”⁶⁹ LADWP’s risk calculus was wrong. When the Palisades Fire broke out, the fire
6 suppression infrastructure in place (including LADWP’s own inadequate hydrant and reservoir
7 system) failed to control it. LADWP deliberately took a risk that its energized electrical system
8 could cause or exacerbate a wildfire during a high wind event, and that risk materialized during the
9 Palisades Fire.

10 **V. The Risks of LADWP’s Deficient Water-Supply System And Electrical Infrastructure**
11 **Manifested in the Palisades Fire and Caused the Damage to Plaintiff’s Property**

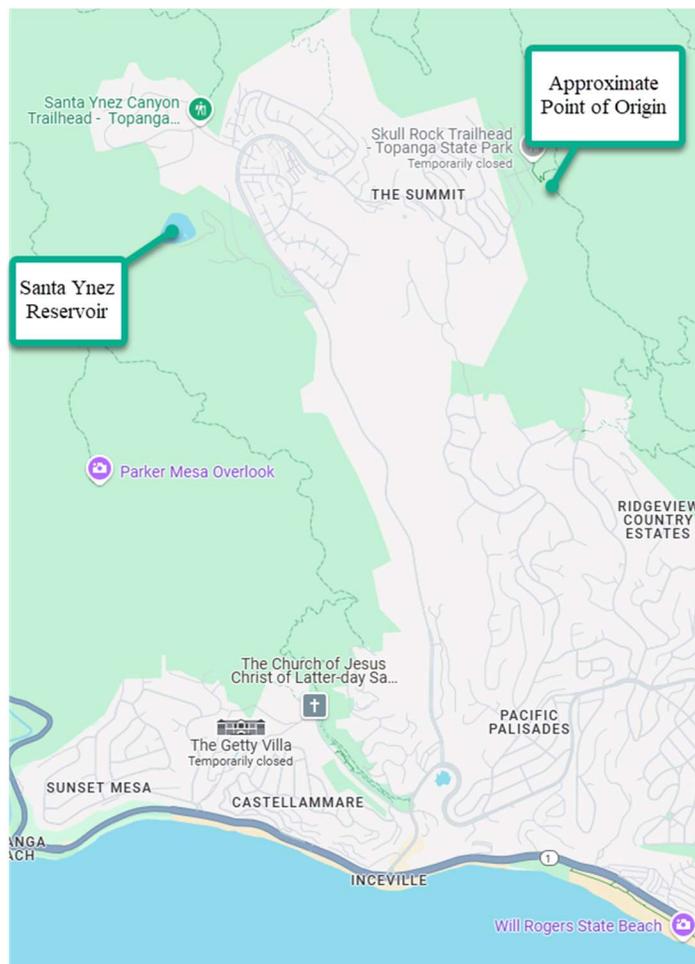
12 82. The Palisades Fire was first reported on January 7, 2025, around 10:30 a.m. The
13 Santa Ynez Reservoir is located to the northwest and uphill of Pacific Palisades. It is less than 1.5
14 miles from the origin point of the Palisades Fire.

25 ⁶⁷ ‘Critical Fire Weather Conditions’ On The Way For Much Of Southern California, KCAL News
26 (Oct. 9, 2019), <https://www.cbsnews.com/losangeles/news/fire-weather-santa-ana-winds-southern-california>.

27 ⁶⁸ A Message from LADWP Regarding Santa Ana Wind Prep and Public Safety Power Shut Offs
28 Affecting Other Utilities, LADWP (Oct. 9, 2019), <https://www.ladwpnews.com/a-message-from-ladwp-regarding-santa-ana-wind-prep-and-public-safety-power-shut-offs-affecting-other-utilities/>.

⁶⁹ *Id.*

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83. Air support was available in the early hours of the fire. The first water drop was at 10:41 a.m.; the first fleet included four LAFD helicopters and two LA County FD helicopters. At 11:12 a.m., two Canadian Super Scoopers were added. At 11:55 a.m., there were five more fixed-wing aircraft. And at 12:40 p.m., two more helicopters joined. But without the two reservoirs, the aircraft experienced significant delays in their ability to pick up and dump water.⁷⁰ A properly designed and maintained reservoir would have enabled firefighters to use it to snorkel fill and fight fires. But instead, LADWP prevented quick fill-ups at the Santa Ynez Reservoir by installing a cover that prevented any snorkel fills; drained Santa Ynez Reservoir, which drastically reduced the amount of available water and strained the water pressure system; and drained the Pacific Palisades,

⁷⁰ Peter Wilgoren, *Flying into the Firestorm: The Fight to Save the Palisades*, KTLA (Feb. 10, 2025), <https://ktla.com/news/local-news/flying-into-the-firestorm-the-fight-to-save-the-palisades/>.

1 which was meant to provide an alternative snorkel-fill location after the Santa Ynez Reservoir was
2 covered.

3 84. Because LADWP’s supply system performed as designed and maintained, the
4 firefight on the ground in Pacific Palisades was primarily supported only by three tanks, each
5 holding one million gallons of water. That was 114 million fewer gallons of water available than if
6 the entirety of LADWP’s water system in Pacific Palisades had been online and functional.

7 85. By 6:00 p.m. on January 7, if not earlier, firefighters knew something was going
8 horribly wrong. A firefighter radioed: “If you can get ahold of any sort of public works or [LADWP]
9 our folks are starting to report that they’re running out of water in the hydrant system.”⁷¹ This
10 firefighter was at a point near Radcliffe Avenue, no more than one mile from the beach. If the water-
11 supply system had been performing adequately, water pressure there should have been more than
12 sufficient to service the firefighters due to the point’s relatively low elevation. But the lack of water
13 pressure even in lower-elevation areas shows that the water-supply system was doomed to fail.

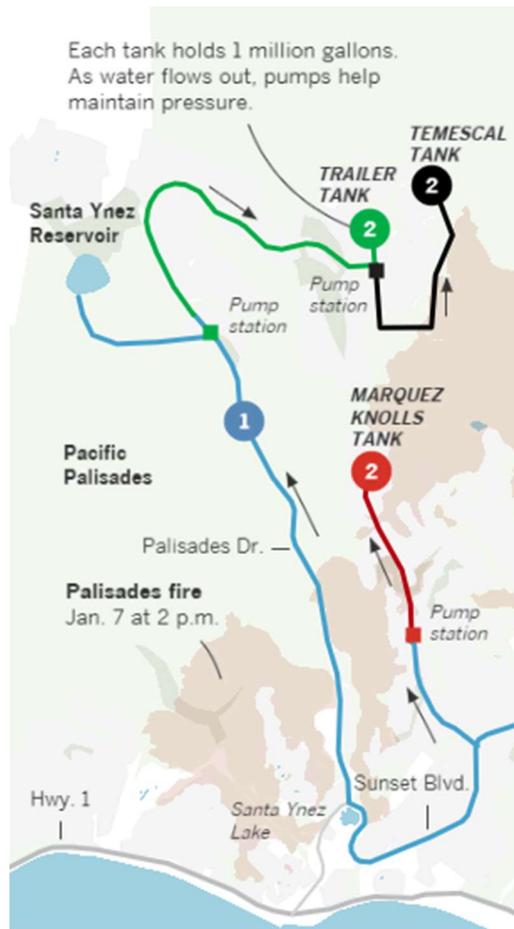
14 86. In the end, the water in the available tanks lasted only twelve hours. According to
15 Janisse Quiñones, the LADWP’s Chief Executive and Chief Engineer, the first of three water tanks
16 was emptied by 4:45 p.m. on January 7; the second was emptied by 8:30 p.m.; and the third was
17 emptied by 3:00 a.m. on January 8—while the fire continued to rage and burn through communities
18 including Malibu.⁷²

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25 ⁷¹ Nick McMillan & Chiara Eisner, ‘*The Hydrants Up Here Are Dead.*’ *Radio Traffic Shows How*
26 *LA Firefighters Lost Water*, NPR (Jan. 18, 2025, 2:00 PM), <https://www.npr.org/2025/01/18/nx-s1-5262563/radio-traffic-la-fires-first-responders-water-shortage>.

27 ⁷² Matt Hamilton, *State to Probe Why Pacific Palisades Reservoir Was Offline, Empty When*
28 *Firestorm Exploded*, L.A. Times (Jan. 10, 2025, 7:40 p.m.), <https://www.latimes.com/california/story/2025-01-10/as-flames-raged-in-palisades-a-key-reservoir-nearby-was-offline>.

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87. On January 8, Los Angeles Fire Department Captain, Erik Scott acknowledged that the lack of water impacted the 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.”⁷³

88. Anselmo Collins, LADWP’s Senior Assistant General Manager of the Water System, likewise confirmed that the lack of water was detrimental to fighting the fires. In a January 28 Board of Water and Power Commissioners meeting, Collins acknowledged “[t]here was not enough pressure in the pipes” for pumps in the system to “lift [water] to a higher elevation.” While

⁷³ Rhona Tarrant, *Fire Hydrants Ran Dry Due to Extreme Demand in Pacific Palisades*, CBS News (Jan. 8, 2025, 6:49 AM), <https://www.cbsnews.com/news/fire-hydrants-ran-dry-extreme-demand-pacific-palisades/>.

1 firefighters scrambled to contain the fire, “those pumps were no longer able to pump water because
2 the pressure was too low.” He directly attributed this to capacity constraints of the system.⁷⁴

3 89. On January 10, California Governor Gavin Newsom ordered an independent
4 investigation of Defendant LADWP over the loss of water pressure and its decision to shut down
5 the Santa Ynez Reservoir. He called LADWP’s actions “deeply troubling.” Governor Newsom
6 further observed that the loss of water pressure “likely impaired” the ability of firefighters to protect
7 homes and evacuation corridors in the Pacific Palisades.

8 90. LADWP’s former general manager, Martin Adams—an expert on the city’s water
9 system—said that had the reservoir been operable, water pressure in the Palisades would have lasted
10 longer on the night of January 7.⁷⁵ One of Defendant LADWP’s officials likewise acknowledged
11 that the reservoir’s absence likely contributed to diminished pressure and dry hydrants in the upper
12 regions of the Palisades.⁷⁶ That is, had LADWP not drained the Santa Ynez and Pacific Palisades
13 Reservoirs, there likely would have been enough water to prevent a conflagration that ravaged large
14 swaths of the surrounding communities including Malibu.

15 91. Dr. Upmanu Lall, the Director of the Water Institute at Arizona State University,
16 similarly observed that the reservoir closure meant that firefighters primarily relied on the three
17 water tanks to tame the flames of a large wildfire. According to Dr. Lall, the tanks by themselves
18 were insufficient to stop a major wildfire, because “[t]hat design is based on a daily cycle of water
19 use and it is based on what you might expect if there are a few houses that catch fire.”⁷⁷ Dr. Lall
20 continued “[s]o if you suddenly have a hundred houses catching fire and you were designing for a
21 max of the largest building and a couple houses, you will run out of that water very quickly.”⁷⁸

23 ⁷⁴ Board of Commissioners’ Meeting, YouTube.com at 26:00- (Jan. 28, 2025),
24 <https://www.youtube.com/watch?v=RE23fp91PEE>.

25 ⁷⁵ Matt Hamilton, *State to Probe Why Pacific Palisades Reservoir Was Offline, Empty When
26 Firestorm Exploded*, L.A. Times (Jan. 10, 2025), [https://www.latimes.com/california/story/2025-
01-10/as-flames-raged-in-palisades-a-key-reservoir-nearby-was-offline](https://www.latimes.com/california/story/2025-01-10/as-flames-raged-in-palisades-a-key-reservoir-nearby-was-offline).

26 ⁷⁶ *Id.*

27 ⁷⁷ Sarah Robinson, *Water Engineering Expert Weighs in on Lack of Water for Palisades and Eaton
28 Firefight*, Arizona’s Family (Jan. 11, 2025, 9:18 PM), [https://www.azfamily.com/2025/01/12/
/water-engineering-expert-weighs-lack-water-palisades-eaton-firefight/](https://www.azfamily.com/2025/01/12/water-engineering-expert-weighs-lack-water-palisades-eaton-firefight/).

⁷⁸ *Id.*

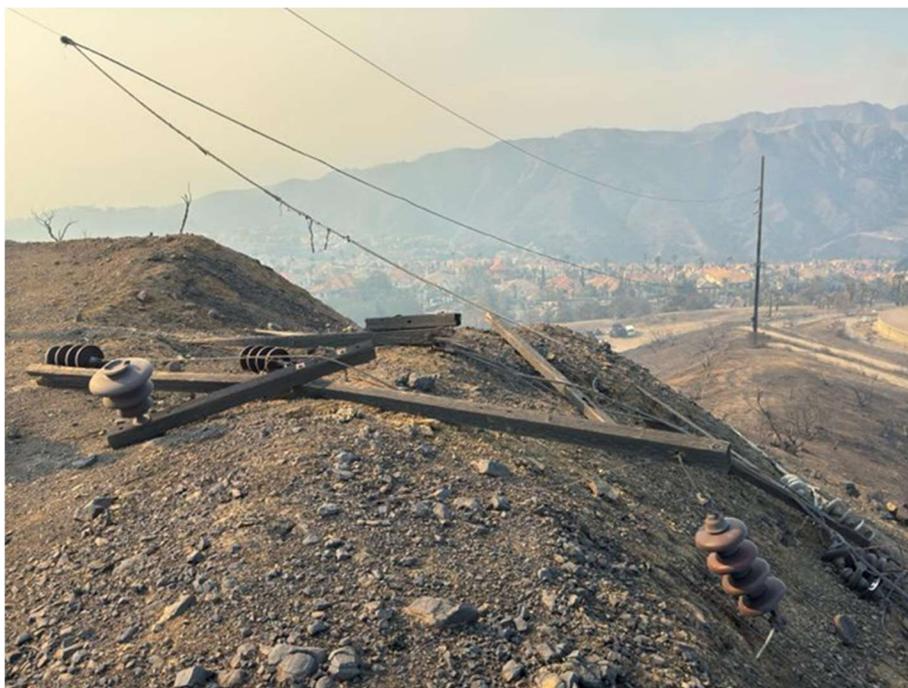
1 92. Meanwhile, LADWP’s electrical equipment contributed to the fires or sparked new
2 spot fires. Despite the red-flag wind warnings—and even after the first reports of the Palisades
3 Fire—LADWP failed to de-energize its equipment based on its admitted, erroneous view its service
4 area in Los Angeles was not susceptible to wildfire.

5 93. On information and belief, on Wednesday, January 8, 2025, while investigating the
6 origin and cause of the Palisades Fire, Plaintiff’s attorneys discovered that Terminal Pole 369211M
7 had snapped during the wind event, causing portions of the Royal Monte-Grande 1 34.5kV
8 powerlines to fall to the ground near the suspected origin of the Palisades Fire. Below are
9 photographs of the broken wood poles and downed powerlines above LADWP’s Temescal Water
10 tank located above The Summit neighborhood in Palisades Highlands taken on January 8, 2025.



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94. When asked if these downed powerlines were energized on the day of the fire, LADWP told a reporter from the *Washington Post* on January 12, 2025, that those lines had been abandoned and de-energized for the past five years and were not energized at the time of the Palisades Fire.⁷⁹

⁷⁹ Brianna Sacks, Joyce Sohyun Lee, Imogen Piper, and Aaron David, *What Caused the Palisades Blaze? Visual Evidence Points to a Recent Fire Nearby*, *Washington Post* (Jan. 12, 2025), <https://www.washingtonpost.com/weather/2025/01/12/palisades-fire-origin-new-years-eve-fire/>.

1 95. Incredibly, LADWP never publicly corrected its prior statement until months later,
2 when on March 20, 2025, LADWP’s counsel finally admitted—buried in a footnote on the last page
3 of a letter—the following stunning admission:

4 “‘You also asked about a statement in the Washington Post that the sub-transmission line in
5 the area was not energized. That statement was a result of a misunderstanding. The line had
6 been de-energized for several years before the fire, but as we said in our prior
correspondence, it was energized at the time the fire ignited. There were no faults on the line
around the time the fire ignited.’”⁸⁰

7 96. Further, on information and belief, LADWP’s failure to de-energize its distribution
8 equipment caused multiple pole fires, including one captured in an eyewitness video on January 7,
9 2025, at approximately 3:36 p.m. at 17015 Pacific Coast Highway, directly in front of the Malibu
10 Village mobile home park. On information and belief, this pole fire spread and ultimately caused
11 the complete destruction of the Malibu Village mobile home park.



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28 ⁸⁰ Letter dated March 20, 2025 from LADWP's counsel, Nicholas Fram of Munger, Tolles & Olson, LLP to Plaintiffs' attorney Alexander Robertson, IV of Robertson & Associates, LLP.

1 97. The Palisades Fire then swept through Pacific Palisades and, driven by Santa Ana
2 winds later that evening, spread west along Pacific Coast Highway into Malibu. At the time, wind
3 gusts reached 80 to 100 mph, with extremely low relative humidity and critical live fuel moisture
4 levels.

5 98. In the days that followed, the Fire spread rapidly, forcing the evacuation of tens of
6 thousands of residents and causing widespread power outages, as well as school and road closures.

7 99. Defendants’ conscious decision not to de-energize power, despite winds of over 80
8 to 100 miles per hour, led to combinations of overhead power lines arcing, power poles breaking,
9 and transformers exploding—clear consequences of LADWP’s choice to leave its equipment
10 energized. Sparks rained down, exacerbating existing fires or igniting new sources of fuel, as
11 depicted in the below images taken during the Palisades Fire.



21 100. Unchecked by the wholly inadequate water-supply system and accelerated by the
22 failing electrical infrastructure, the Palisades Fire raced through Pacific Palisades, north into
23 Topanga State Park, and west along Pacific Coast Highway into Malibu, pushed by strong Santa
24 Ana winds with wind gusts over 80 to 100 miles per hour low relative humidity, and critical live-
25 fuel moisture levels.

26 **VI. Unchecked By Adequate Water Supply, The Fire Tears Through Malibu**

27 101. The Palisades Fire reached Malibu on the first day, already causing disruptions
28 across Malibu by the morning of January 8. Southern California Edison (“SCE”) began to cut off

1 circuits across the City, and SoCalGas (“SCG”) preemptively shut off gas mains servicing Malibu.
2 Parts of the City were under evacuation orders, several roads—including the PCH and Malibu
3 Canyon east bound—were closed, and traffic signals were dark. Santa Monica-Malibu Unified
4 School District and Pepperdine University were closed.⁸¹

5 102. By midday, under extreme fire conditions, the Palisades Fire had grown double in
6 size. High winds blowing west-south-west continued to push the fire through Malibu. Power
7 remained shut off throughout much of the City of Malibu, SCG cut off gas mains from Neptune’s
8 Net to Topanga, affecting approximately 15,000 customers, and gas stations in Malibu were closed.
9 Additionally, operations at City Hall in Malibu were closed.⁸²

10 103. By the evening of January 8, the Palisades Fire had only made marginal progress,
11 but nonetheless had progressed up to the eastern edge of a scar left by the Franklin Fire. Large
12 portions of the City of Malibu along the PCH—from Big Rock neighborhood to Carbon Beach—
13 were under mandatory evacuation orders and parts as far west as the Civic Center were under an
14 evacuation warning. Power and gas remained shut off throughout the City of Malibu, gas stations
15 remained closed, and road closures expanded. Parts of Malibu remained under evacuation orders,
16 and services across the Malibu community remained suspended.⁸³

17 104. By the time firefighters established some control lines by January 9, once winds
18 began to ease, the damage in Malibu was already extensive. Overnight, the fire had grown
19 significantly, though progress remained interrupted by the Franklin Scar, and reports of significant
20 damage across the City of Malibu continued to emerge.⁸⁴

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24 ⁸¹ City of Malibu Council: Palisades Fire Public Information Guide (January 8, 2025, 9:00am),
25 accessible at: <https://malibucity.org/palisadesfire#fire>.

26 ⁸² City of Malibu Council: Palisades Fire Public Information Guide (January 8, 2025, 12:00pm),
27 accessible at: <https://malibucity.org/palisadesfire#fire>.

28 ⁸³ City of Malibu Council: Palisades Fire Public Information Guide (January 8, 2025, 6:00pm),
accessible at: <https://malibucity.org/palisadesfire#fire>.

⁸⁴ City of Malibu Council: Palisades Fire Public Information Guide (January 9, 2025, 11:00am),
accessible at: <https://malibucity.org/palisadesfire#fire>.

1 105. According to then-Mayor Doug Stewart, one-third of Malibu was wiped out,
2 dislocating a large portion of the city.⁸⁵ This included approximately 600 homes on the first day,
3 primarily along the PCH, including extensively in Big Rock, La Costa, and Carbon Beach.⁸⁶ The
4 Director of Malibu’s Community Development Department, Yolanda Bundy, reported that
5 ultimately 700 properties and approximately 11% of structures in Malibu were destroyed.⁸⁷ In total,
6 nearly 800 structures were lost in Malibu,⁸⁸ while approximately 700 additional structures were
7 damaged.⁸⁹

8 106. The local economy—largely rooted in tourism—has been devastated in the aftermath
9 of the fire. Well-known local establishments were burned to the ground, including many local places
10 and businesses like Moonshadows, Reel Inn, Malibu Feed Bin, the Business Block Building,
11 Wylie’s Bait and Tackle, Rosenthal Wine Bar, Topanga Ranch Motel, Cholada Thai Cuisine, and
12 Tahitian Terrace.⁹⁰ Additionally, while tourists are typically attracted to Malibu’s scenic beaches,
13 they have been deterred by beaches now contaminated with heavy metals and debris.⁹¹

14 107. According to one analysis, for five months, businesses suffered “an average 70%
15 decline in business.”⁹² In fact, “[n]early half of all jobs in the City of Malibu [were] located at
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17 ⁸⁵ Robin Young and Hafsa Quraishi, *Malibu mayor on how hard his city was hit by the Palisades*
18 *fire* (Jan. 14, 2025), <https://www.wbur.org/hereandnow/2025/01/14/malibu-palisades-fire>.

19 ⁸⁶ *About One-third of Malibu Burned In The Palisades Fire. Where Does It Go From Here?*, LA
20 Times Studios, at 44:16-47:25 (July 30, 2025), <https://www.youtube.com/watch?v=0zsMg7gkC6Y>.

21 ⁸⁷ Hayley Mattson, *Palisades Fire Devastates Malibu*, The Malibu Times (Jan. 8, 2025),
22 <https://malibutimes.com/palisades-fire-devastates-malibu>.

23 ⁸⁸ Caroline Petrow-Cohen, *It’s peak season in Malibu, but these small businesses are still*
24 *struggling after the Palisades fire*, LA Times (July 12, 2025),
25 <https://www.latimes.com/business/story/2025-07-12/business-recovery-post-palisades-fire>.

26 ⁸⁹ Christopher Thornberg, Phd, *Assessing the Ongoing Impact of the 2025 Los Angeles Fires on*
27 *Malibu Business*, at 4 (April 2025).

28 ⁹⁰ Karla Marie Sanford, *An iconic beachside restaurant reopens on PCH after Palisades fire*, LA
Times (July 3, 2025), <https://www.latimes.com/food/story/2025-07-03/gladstones-reopens-pacific-coast-highway-malibu-after-sustaining-damage-palisades-fire>.

⁹¹ Caroline Petrow-Cohen, *It’s peak season in Malibu, but these small businesses are still*
struggling after the Palisades fire, LA Times (July 12, 2025),
<https://www.latimes.com/business/story/2025-07-12/business-recovery-post-palisades-fire>.

⁹² *New Research Reveals Economic Fallout of 2025 Fires and Road Closures for Malibu*
Businesses (April 30, 2025), <https://www.pepperdine.edu/press-room/news-releases/2025-spp-beacon-malibu-research.htm>.

1 properties that were completely destroyed by the fire.”⁹³ Additionally, for local businesses that
2 avoided direct impact, prolonged closure of the Pacific Coast Highway also prevented access to the
3 center of the City of Malibu,⁹⁴ and depleted access to customers. Based on these disruptions, Malibu
4 businesses have lost at least \$9.5 million per month from sales during the road closures.⁹⁵ Even
5 months after the fire, local businesses still struggled to attract business and reported massive
6 decreases in revenue compared to previous years—some by as much as 90%.⁹⁶

7 108. Additionally, local services were disrupted in the area and the community has faced
8 other consequences as a result of the Palisades Fire. Power outages and school closures in the
9 Malibu area remained for weeks and months,⁹⁷ with many residents relocating to enroll their
10 children in other schools.⁹⁸ The Los Angeles County Public Health Department declared a local
11 health emergency due to smoke and air quality hazards,⁹⁹ and issued an ocean advisory warning
12 residents to avoid any water contact at nearby beaches due to toxic runoff and dangerous debris.¹⁰⁰
13 More than a year later, the community is still recovering and residents are navigating the rebuild
14 process, complicated by decades-long delays in water infrastructure projects and new permitting
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19 ⁹³ Christopher Thornberg, PhD, *Assessing the Ongoing Impact of the 2025 Los Angeles Fires on*
Malibu Business at 6 (April 2025).

20 ⁹⁴ *Id.* at 4.

21 ⁹⁵ *Id.* at 7.

22 ⁹⁶ Caroline Petrow-Cohen, *It’s peak season in Malibu, but these small businesses are still*
struggling after the Palisades fire, LA Times (July 12, 2025),
<https://www.latimes.com/business/story/2025-07-12/business-recovery-post-palisades-fire>.

23 ⁹⁷ Brittany Hope, *Three Malibu schools remain closed due to power outage*, 4 Los Angeles (Jan.
21, 2025, 7:31am), <https://www.nbclosangeles.com/news/local/three-malibu-schools-remain-closed-due-to-power-outage/3610780>.

24 ⁹⁸ Maaz Alin, *Santa Monica-Malibu School District Saves \$22 Million with High Credit Ratings*,
25 Santa Monica Daily Press (June 30, 2025), <https://smdp.com/news/education/santa-monica-malibu-school-district-saves-dollar22-million-with-high-credit-ratings/>.

26 ⁹⁹ *LA County Declares Health Emergency Due to Fires and Windstorm Conditions*, City News
27 Service (Jan. 11, 2025), <https://kfiam640.iheart.com/featured/la-local-news/content/2025-01-11-la-county-declares-health-emergency-due-to-fires-and-windstorm-conditions/>.

28 ¹⁰⁰ Heal The Bay, *How Fires Impact Ocean Water Quality* (Jan. 17, 2025),
<https://healthebay.org/fire-updates-january-2025/>.

1 requirements meant to address increasing fire risk,¹⁰¹ as well as ever-rising seas caused by global
2 warming.¹⁰² Residents are also dealing with untold environmental impacts arising from the Fire.

3 109. In total, the Palisades Fire destroyed 23,448 acres. The map below shows the fire's
4 massive perimeter, including its perimeter around Malibu.



13 110. LADWP had a duty to properly construct, inspect, maintain, and operate its water
14 supply system and its overhead electrical transmission and distribution systems so as not to create a
15 dangerous condition or an unreasonable risk of fire and fire spread. LADWP breached these duties
16 by knowingly failing to properly design, maintain, service, and repair its reservoir system and
17 electrical infrastructure.

18 111. Had the LADWP acted responsibly, the damage caused by the Palisades Fire could
19 have been avoided.

20 112. As a direct result of Defendants' conduct alleged herein, the Palisades Fire was
21 unchecked by the derelict water-supply system and accelerated by the decaying electrical
22 infrastructure. The Palisades Fire significantly harmed the Plaintiff in this action.

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25

26 ¹⁰¹ Barbara Burke, *High and Dry: Malibu fire victims still can't rebuild* (May 22, 2025),
27 <https://malibutimes.com/high-and-dry-malibu-fire-victims-still-cant-rebuild>.

28 ¹⁰² James Rainey, *Should Malibu fire victims rebuild their coastal homes when the ocean is
advancing?*, LA Times (March 26, 2026), <https://www.latimes.com/california/story/2025-03-26/malibu-coastal-fire-rebuilding-rising-sea-level>.

1 **VII. Defendant County of Los Angeles Caused Damages To The Plaintiff In LACWD29's**
2 **Service Area**

3 113. Defendant County of Los Angeles operates LACWD29 as a division of its Public
4 Works agency. LACWD29 provides water to the Malibu area. LACWD29's acts and omissions
5 were a substantial factor in contributing to the damages from the Palisades Fire.

6 114. LACWD29 serves the area depicted in the following map:



20

21 115. Despite dire warnings by the National Weather Service of a “Particularly Dangerous
22 Condition – Red Flag Warning” of “critical fire weather” which had the potential for rapid fire
23 spread and extreme fire behavior, LACWD29 was unprepared for the Palisades Fire.

24 116. Plaintiff's property was damaged or destroyed during the Palisades Fire because
25 LACWD29's water storage tanks, pumps, emergency backup generators, and the electrical
26 connections installed between the emergency generators and pumps failed. When the fire
27 approached, the heat melted electrical connections between the generators and the pumps, which
28 had been deliberately designed with their electrical connections installed in above-ground plastic

1 conduits that were easily susceptible to melting in the event of a fire. The failure of LACWD29's
2 generators and pumps resulted in low water pressure or no water pressure at fire hydrants within
3 LACWD29's service territory, including but not limited to, hydrants in the Big Rock neighborhood
4 of Malibu.

5 117. These systems, as deliberately designed and constructed, presented an inherent
6 danger and risk of fire. The fire's destruction of Plaintiff's properties was an inescapable or
7 unavoidable consequence of LACWD29's public improvement.

8 **VIII. Overgrown Brush On MRCA-Managed Vacant Lots Caught Fire And Caused Damage**
9 **To The City Of Malibu**

10 118. Plaintiff is informed and believes that the MRCA owns and manages numerous
11 vacant lots and land in Malibu, including managing certain lots owned by SMMC, which had not
12 been maintained for several years prior to the Palisades Fire and were in disrepair with overgrown
13 brush on the properties on January 7, 2025. Examples of such properties include, but are not limited
14 to: a) a lot on Pacific Coast Highway at the intersection of Big Rock including but not limited to,
15 19862 Pacific Coast Highway; b) portions of 142.75 acres bordering on Big Rock Drive and the Big
16 Rock neighborhood, which were, at all material times, not in their natural condition and especially
17 those portions closest to structures; c) portions of Tuna Canyon Park that were, at all material times,
18 not in their natural condition and especially those portions closest to structures; and d)
19 approximately three acres, encompassing a portion of Las Flores Mesa Drive, which were, at all
20 material times, not in their natural condition.

21 119. Plaintiff is informed and believes that certain residents of the City of Malibu sent
22 emails to MRCA complaining about the lack of brush clearance on these properties, in the months
23 and years before the Palisades Fire.

24 120. Plaintiff is informed and believes that on January 7, 2025, embers from the Palisades
25 Fire landed in overgrown brush on the MRCA's properties referenced above, and others, located in
26 Malibu, and starting spot fires.

27 121. Plaintiff is informed and believes that fire on these MRCA-managed properties
28 spread uncontrolled to adjacent properties in Malibu. Plaintiff is further informed and believes that

1 the fire on these MRCA-managed properties contributed to the overall spread of the fire into other
2 neighborhoods as well.

3 122. Plaintiff is informed and believes that the overgrown and/or cut brush which was left
4 in situ and not removed from these MRCA-managed lots violated the law, including but not limited
5 to, the brush clearance requirements of Los Angeles County Fire Code § 325.2.

6 123. Plaintiff is informed and believes that the MRCA violated brush clearance
7 ordinances and regulations, creating a fire hazard and ready fuel supply which augmented the spread
8 and intensity of the Palisades Fire in Malibu, as well as contributed to the overall spread of the fire.

9 124. Plaintiff is informed and believes that such violations by the MRCA created a
10 dangerous condition of public property, that the aforementioned MRCA-managed lots, including
11 lots owned by SMMC, were in a dangerous condition on January 7, 2025, that this dangerous
12 condition created a reasonably foreseeable risk of the kind of injury and damage that occurred during
13 the Palisades Fire, and that the negligent or wrongful conduct of the MRCA's employees acting
14 within the scope of their employment created the dangerous condition. Finally, Plaintiff alleges that
15 MRCA and SMMC had notice of this dangerous condition for a long enough time to have protected
16 against it and that Plaintiff was harmed and that the dangerous condition was a substantial factor in
17 causing the Plaintiff's harm.

18 125. Plaintiff further alleges that the aforementioned violations of brush clearance
19 ordinances constituted a public nuisance that caused damage to the Plaintiff's properties.

20 **IX. Defendants' Wrongful Conduct Significantly Harmed Plaintiff**

21 126. For the reasons alleged herein, the City of Malibu has suffered extensive damages as
22 a result of the Palisades Fire.

23 127. As a result of the Palisades Fire, the City of Malibu location of City Hall, 23825
24 Stuart Ranch Road, sustained severe smoke and roof damage. In addition, the City sustained
25 extensive infrastructure damage, including but not limited to, tens of millions of dollars of damage
26 to roadways and sewers in Big Rock, Rambla Vista/Las Flores, Carbon Canyon/Carbon Mesa, and
27 other neighborhoods.

28

1 128. Further, the City of Malibu suffered additional property damage to real and personal
2 property; loss of and/or damage to natural resources, open space, wildlife, environmental assets,
3 parks, trails, and other lands; and loss of and/or damage to infrastructure, facilities, and/or buildings,
4 including but not limited to, roads, sidewalks, stormwater systems, and sewer systems.

5 129. The City of Malibu has also sustained, and will continue to sustain, significant
6 economic damages as a result of the Palisades Fire. These losses include, but are not limited to,
7 direct fiscal revenue losses, such as lost sales tax, lost Prop MC transactions and use tax, and lost
8 transient occupancy tax losses from the destruction of 62 short-term rental units. The City of Malibu
9 is also expected to incur significant property tax losses. The City of Malibu continues to suffer
10 broader economic losses tied to the displacement of approximately 1,400 residents, businesses
11 schools, places of worship and other community organizations. All told, the City of Malibu's
12 damages as a result of the Palisades Fire total at least in the tens of millions of dollars, if not more.

13
14 **FIRST CAUSE OF ACTION**

15 **By Plaintiff For Dangerous Condition of Public Property Against STATE OF**
16 **CALIFORNIA, CA STATE PARKS, and Does 1 through 100**

17 130. Plaintiff repeats and realleges each allegation contained in the paragraphs above as
18 if fully set forth herein.

19 131. On January 7, 2025, Plaintiff was the owner of real and personal property located
20 within Los Angeles County in California that was damaged and destroyed by the Palisades Fire.

21 132. Plaintiff is informed and believes that the State had a duty to take reasonable steps
22 to remediate dangerous conditions and prevent the ignition of fires on property it owns or controls,
23 and prevent fire from escaping, damaging or harming persons or property.

24 133. California Government Code §835 states in pertinent part:

25 Except as provided by statute, a public entity is liable for injury caused by a
26 dangerous condition of its property if the plaintiff establishes that the property was
27 in a dangerous condition at the time of the injury, that the injury was proximately
28 caused by the dangerous condition, that the dangerous condition created a
foreseeable risk of the kind of injury which was incurred, and either:

1 (a) a negligent or wrongful act or omission of an employee of the public entity within
2 the scope of his employment created the dangerous condition; or
3 (b) the public entity had actual or constructive notice of the dangerous condition
4 under Section 835.2 a sufficient time prior to the injury to have taken measures to
5 prevent against the dangerous condition.

6 134. Under the rule set forth in *Vedder v. City of Imperial*, 36 Cal.App.3d 654 (1974),
7 there is no governmental immunity “to allow a public entity to escape responsibility from its failure
8 to provide fire protection on property which it owns and manages itself, particularly where it has
9 permitted a dangerous fire condition to exist on that property.”

10 135. Plaintiff is informed and believes that Topanga State Park is owned and managed by
11 the STATE and/or CA STATE PARKS (collectively in this cause of action “the State”) and that the
12 January 1, 2025 Lachman Fire and the January 7, 2025 Palisades Fire originated in close proximity
13 to each other near the Temescal Ridge Trail in Topanga State Park. Plaintiff is further informed and
14 believes that the origin of the Palisades Fire was squarely located on land owned by the State, namely
15 in Topanga State Park.

16 136. Plaintiffs are informed and believe that the State property in Topanga State Park was
17 in a dangerous condition on January 7, 2025 because: (1) known embers from the Lachman Fire,
18 which occurred six days earlier on property the State owned and managed, re-ignited January 7,
19 2025; (2) the State permitted a dangerous fire condition to exist on its property which it owns and
20 manages by allowing embers from the Lachman Fire to smolder, rekindle, burn and re-ignite in dry
21 brush during a predicted Santa Ana wind event under Red Flag Warning conditions; and (3) the
22 State failed to inspect and maintain its property and failed to provide proper fire protection on its
23 property to allow embers from the Lachman Fire on its property, particularly in the presence of
24 overgrown and poorly maintained dry chaparral, as well as knowledge of extreme fire weather
25 conditions and predicted Red Flag Warning wind events.

26 137. Plaintiff is informed and believes that this combination of dangerous conditions on
27 the State land directly and proximately led to the Palisades Fire, particularly in light of the NWS’s
28 forecast of the “Particularly Dangerous Situation” that would “cause fire starts to rapidly grow in
size with extreme fire behavior.”

1 138. The State allowed the dangerous condition to persist even though LAFD had not
2 staged any firefighting assets in or around the vicinity of the Lachman Fire in Topanga State Park,
3 to observe or interdict any flare-ups that might occur due to the extreme wind conditions, severe
4 drought conditions, and possibility of underground chaparral embers rekindling and starting a new
5 fire. Nor was brush cleared sufficiently around the burn scar to prevent spread if there was a
6 rekindling.

7 139. The State allowed the dangerous condition to persist even though no one had
8 conducted any infrared surveillance of the burn scar to determine if there were any remaining
9 hotspots that could rekindle and cause another fire. Nor was anyone watching the burn scar, either
10 by remote camera or in person.

11 140. The Lachman Fire was extinguished by the LAFD and the State was notified of it.
12 The State had a non-delegable duty to inspect its property for dangerous condition given that embers
13 in the root structure are a well-known phenomenon after such a fire, that there was heavy fuel in the
14 form of dry overgrown, chaparral, and a serious known coming wind condition.

15 141. As a result of the State's allowance of a dangerous condition to exist on its own
16 property without providing any fire protection, the Palisades Fire ignited on January 7, 2025, and
17 spread to the neighboring lands, ultimately causing destruction to the City of Malibu.

18 142. Plaintiff alleges the dangerous condition on the State's property was a change from
19 the natural condition of the State's property. The Palisades Fire and the associated damage to
20 Plaintiff's property was due to the known, man-made changed condition of the State's property and
21 not the natural condition of the property.

22 143. Plaintiff is informed and believes that these dangerous conditions caused the injuries
23 to the Plaintiff, as alleged herein.

24 144. Plaintiffs is further informed and believes that this dangerous condition of the State's
25 property created a reasonably foreseeable risk of the kind of injury that was incurred, namely that
26 embers that were allowed to smolder, burn and re-ignite from a holdover fire on its property were
27 capable of igniting a wildfire and damaging the Plaintiff's property.

28

1 145. Plaintiff is informed and believes that a negligent act or omission by an employee of
2 the State within the scope of his/her employment created the dangerous condition. The State and its
3 employees had actual and constructive knowledge of the dangerous condition in time to have taken
4 measures to protect against it. Specifically, the employees of the State knew or should have known
5 of the “Particularly Dangerous Situation” and “Extreme Fire Conditions” forecasted by the NWS
6 days prior to January 7, 2025 and that any embers not fully extinguished from the Lachman Fire
7 could start a dangerous wildfire. The State and its employees did not take measures to ensure that
8 the embers from the Lachman Fire were fully extinguished on its property prior to the historic wind
9 event to protect against this dangerous condition.

10 146. Plaintiff is informed and believe that this dangerous condition was a substantial
11 factor in causing the Plaintiff’s injuries and damages herein alleged, which include, but are not
12 limited to, damage to City-owned real and personal property; loss of and/or damage to natural
13 resources, open space, wildlife, environmental assets, parks, trails, and other City lands; damage to
14 City infrastructure, facilities, and/or buildings, including but not limited to, roads, sidewalks,
15 stormwater systems, sewer systems, reservoirs, debris basins, water distribution systems, flood-
16 control and flood-management systems, underground infrastructure, and other City facilities. The
17 City has incurred costs related to watershed, waterway, and water body management and protection;
18 remediation of water contamination, including water quality preservation and restoration expenses
19 and/or costs to repair and/or replace water treatment facilities or water systems; loss of water storage
20 capacity; costs associated with debris removal, post-fire sedimentation, and fire-related
21 infrastructure impacts; damage to and shortened lifespan of City facilities and infrastructure;
22 damages resulting from soil erosion and loss of soil stability and productivity, including mitigation
23 of debris flow and landslide risks in and around the affected burn areas; loss of trees; loss of cultural
24 and/or historical assets; loss of aesthetic value; ecosystem services losses; fire suppression,
25 emergency rescue, and emergency medical response costs; costs for restoration and rehabilitation
26 of land, oceans, and other environmental damages; emergency response costs, including operation
27 of emergency operations centers, evacuation shelters, and law enforcement activities; costs to secure
28 and manage burn areas for safe public re-entry; costs associated with administering and facilitating

1 community rebuilding efforts, disaster assistance centers, and fire recovery operations; costs of
2 community outreach; staff overtime, labor costs, workers' compensation costs, materials, and
3 equipment; loss of tax revenues, including property, sales, and transient occupancy taxes; loss of
4 recreational revenues and opportunities; losses from impacts to business-like and proprietary City
5 activities such as facility rentals, educational programs, and recreational programs; loss of
6 workforce housing; and damages associated with reduced tourism and economic activity.

7
8 **SECOND CAUSE OF ACTION**

9 **By Plaintiff For Public Nuisance Property Against**
10 **STATE OF CALIFORNIA, CA STATE PARKS, and Does 1 through 100**

11 147. Plaintiff repeats and realleges each allegation contained in the paragraphs above as
12 if fully set forth herein.

13 148. On January 7, 2025, Plaintiff was the owner of real and personal property located
14 within Los Angeles County in California that was damaged and destroyed by the Palisades Fire.

15 149. The State and CA State Parks (collectively in this cause of action "the State") owed
16 a non-transferable, non-delegable duty to the public, including Plaintiff, to conduct their business,
17 in particular the maintenance and operation of the aforementioned State-owned lots, in a manner
18 that did not cause harm to the public welfare.

19 150. The State, by acting and/or failing to act, as alleged herein, such as, created a
20 condition that was harmful and dangerous to the health, safety and property of the public, including
21 Plaintiff, and created a condition that created a fire that damaged and interfered with the Plaintiff's
22 quiet use and enjoyment of its property. This interference is both substantial and unreasonable.

23 151. Plaintiff believes that the State was aware of the dangerous condition it created,
24 which ultimately, unreasonably and substantially, damaged and interfered with Plaintiff's quiet use
25 and enjoyment of its property.

26 152. Plaintiff did not consent, expressly or impliedly, to the wrongful conduct of
27 Defendants.

28

1 153. The Palisades Fire destroyed 6,837 homes and businesses, damaged another 973
2 structures, killed twelve (12) people, and caused injuries to civilians and firefighters. The Palisades
3 Fire affected a substantial number of people at the same time within the general public, including
4 Plaintiff, and constituted a public nuisance under California Civil Code §§ 3479 and 3480 and Public
5 Resources Code §§ 4170 and 4171.

6 154. The damaging effects of the State’s creation of a fire hazard and the resulting
7 Palisades Fire are ongoing and affect the public at large.

8 155. As a direct and legal result of the State’s conduct, Plaintiff has suffered and will
9 continue to suffer harm that is different from the type of harm suffered by the general public.
10 Specifically, Plaintiff has lost the occupancy, possession, use, and/or enjoyment of its land, real and
11 personal property, including but not limited to, diminution-in-value of its real property;
12 environmental harms including, but not limited to, property exposed to toxic chemicals from smoke
13 and soot and lingering smell of smoke, soot, ash and dust in the air.

14 156. Plaintiff is informed and believes that the State’s conduct was a substantial factor in
15 causing the Plaintiff’s injuries and damages herein alleged, which include, but are not limited to,
16 damage to City of Malibu-owned real and personal property; loss of and/or damage to natural
17 resources, open space, wildlife, environmental assets, parks, trails, and other City of Malibu lands;
18 damage to Plaintiff’s infrastructure, facilities, and/or buildings, including but not limited to, roads,
19 sidewalks, stormwater systems, sewer systems, reservoirs, debris basins, water distribution systems,
20 flood-control and flood-management systems, underground infrastructure, and other facilities.
21 Plaintiff has incurred costs related to watershed, waterway, and water body management and
22 protection; remediation of water contamination, including water quality preservation and restoration
23 expenses and/or costs to repair and/or replace water treatment facilities or water systems; loss of
24 water storage capacity; costs associated with debris removal, post-fire sedimentation, and fire-
25 related infrastructure impacts; damage to and shortened lifespan of City of Malibu facilities and
26 infrastructure; damages resulting from soil erosion and loss of soil stability and productivity,
27 including mitigation of debris flow and landslide risks in and around the affected burn areas; loss of
28 trees; loss of cultural and/or historical assets; loss of aesthetic value; ecosystem services losses; fire

1 suppression, emergency rescue, and emergency medical response costs; costs for restoration and
2 rehabilitation of land, oceans, and other environmental damages; emergency response costs,
3 including operation of emergency operations centers, evacuation shelters, and law enforcement
4 activities; costs to secure and manage burn areas for safe public re-entry; costs associated with
5 administering and facilitating community rebuilding efforts, disaster assistance centers, and fire
6 recovery operations; costs of community outreach; staff overtime, labor costs, workers'
7 compensation costs, materials, and equipment; loss of tax revenues, including property, sales, and
8 transient occupancy taxes; loss of recreational revenues and opportunities; losses from impacts to
9 business-like and proprietary City of Malibu activities such as facility rentals, educational programs,
10 and recreational programs; loss of workforce housing; and damages associated with reduced tourism
11 and economic activity.

12 157. A reasonable, ordinary person would be annoyed or disturbed by the conditions
13 caused by Defendants, and the resulting Palisades Fire.

14 158. Defendants' conduct is unreasonable and the seriousness of the harm to the public,
15 including Plaintiff, outweighs the social utility of Defendants' conduct. There is little to no social
16 utility associated with causing wildfires that destroy Plaintiff's property.

17 159. The unreasonable conduct of the State is a direct and legal cause of the harm, injury,
18 and/or damage to the public, including Plaintiff.

19 160. Defendants' conduct set forth above constitutes a public nuisance within the meaning
20 of *Civil Code* §§ 3479 and 3480, *Public Resources Code* §§ 4104 and 4170, *Code of Civil Procedure*
21 § 731 and L.A.M.C. §57.4906.5.2.1.

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THIRD CAUSE OF ACTION

**By Plaintiff For Inverse Condemnation Against
City of Los Angeles, LADWP, and Does 1 through 100**

161. Plaintiff repeats and realleges each allegation contained in the paragraphs above as
if fully set forth herein.

1 162. On January 7, 2025, Plaintiff was the owner of real and personal property located
2 within Los Angeles County in California that was damaged and destroyed by the Palisades Fire.

3 163. On and prior to January 7, 2025, Defendants deliberately designed, engineered,
4 constructed, installed, operated, controlled, used, and maintained the hydrants, pipes, reservoirs and
5 other water-supply equipment within Defendants' water-supply infrastructure, including the Santa
6 Ynez Reservoir, the Pacific Palisades Reservoir, and other hydrants in Los Angeles County, for the
7 purpose of providing water-supply services to the public. Defendants also deliberately designed,
8 engineered, constructed, installed, operated, controlled, used, and maintained the power poles,
9 transmission lines, transformers, conductors, and other equipment within Defendants' electrical
10 infrastructure, for the purpose of providing electricity and power services to the public.

11 164. On and prior to January 7, 2025, Defendants were aware of the inherent dangers and
12 risks associated with the water-supply equipment within Defendants' water-supply infrastructure
13 (as deliberately designed, constructed, and maintained), including that the lack of water in the
14 reservoirs and the hydrants left in disrepair could not prevent the spread of a wildfire such as the
15 Palisades Fire. Defendants were further aware of the inherent dangers and risks associated with the
16 equipment within Defendants' electrical infrastructure (as deliberately designed, constructed, and
17 maintained), including Defendants' decision not to de-energize power upon receiving red-flag
18 warnings and Defendants' decision not to replace aging infrastructure.

19 165. These inherent risks materialized on January 7, 2025, when Defendants' water-
20 supply system failed to stop the spread of the Palisades Fire and was otherwise unable to provide
21 water to fight fires that burned Plaintiff's property.

22 166. In addition, Defendants' decision to leave power lines energized caused arcing and
23 caused Defendants' transformers and other equipment to explode, which either contributed to the
24 Palisades Fire or ignited new fires, resulting in the taking and damaged to and/or destruction of
25 Plaintiff's property, thus constituting a taking or damaging of Plaintiff's property by Defendants
26 without just compensation.

27 167. The taking of Plaintiff's property was legally and substantially caused by
28 Defendants' deliberate actions and omissions, as alleged herein.

1 168. Plaintiff has not received adequate compensation for this taking.

2 169. Pursuant to the California Constitution, Article I, Section 19, Plaintiff seeks just
3 compensation for this taking, according to individual proof at trial.

4 170. As a direct and legal result of this taking, City of Malibu has suffered, and will
5 continue to suffer, damages including, but not limited to: damage to City-owned real and personal
6 property; loss of and/or damage to natural resources, open space, wildlife, environmental assets,
7 parks, trails, and other City lands; damage to City infrastructure, facilities, and/or buildings,
8 including but not limited to, roads, sidewalks, stormwater systems, sewer systems, reservoirs, debris
9 basins, water distribution systems, flood-control and flood-management systems, underground
10 infrastructure, and other City facilities. The City has incurred costs related to watershed, waterway,
11 and water body management and protection; remediation of water contamination, including water
12 quality preservation and restoration expenses and/or costs to repair and/or replace water treatment
13 facilities or water systems; loss of water storage capacity; costs associated with debris removal,
14 post-fire sedimentation, and fire-related infrastructure impacts; damage to and shortened lifespan of
15 City facilities and infrastructure; damages resulting from soil erosion and loss of soil stability and
16 productivity, including mitigation of debris flow and landslide risks in and around the affected burn
17 areas; loss of trees; loss of cultural and/or historical assets; loss of aesthetic value; ecosystem
18 services losses; fire suppression, emergency rescue, and emergency medical response costs; costs
19 for restoration and rehabilitation of land, oceans, and other environmental damages; emergency
20 response costs, including operation of emergency operations centers, evacuation shelters, and law
21 enforcement activities; costs to secure and manage burn areas for safe public re-entry; costs
22 associated with administering and facilitating community rebuilding efforts, disaster assistance
23 centers, and fire recovery operations; costs of community outreach; staff overtime, labor costs,
24 workers' compensation costs, materials, and equipment; loss of tax revenues, including property,
25 sales, and transient occupancy taxes; loss of recreational revenues and opportunities; losses from
26 impacts to business, schools, places of worship, community organizations and proprietary City
27 activities such as facility rentals, educational programs, and recreational programs; loss of
28 workforce housing; and damages associated with reduced tourism and economic activity.

1 178. In addition, Defendants deliberately allowed its water infrastructure to remain in a
2 state of disrepair, despite knowing that significant improvements were needed to ensure adequate
3 water supply in emergencies.

4 179. The taking of Plaintiff's property was legally and substantially caused by
5 Defendants' actions, in that Defendants' installation, ownership, operation, use, control, and/or
6 maintenance for a public use of the water supply system caused Plaintiff's damages.

7 180. Plaintiff has not received adequate compensation for this taking.

8 181. Pursuant to the California Constitution, Article I, Section 19, Plaintiff seeks just
9 compensation for this taking, according to individual proof at trial.

10 182. As a direct and legal result of this taking, City of Malibu has suffered, and will
11 continue to suffer, damages including, but not limited to: damage to City-owned real and personal
12 property; loss of and/or damage to natural resources, open space, wildlife, environmental assets,
13 parks, trails, and other City lands; damage to City infrastructure, facilities, and/or buildings,
14 including but not limited to, roads, sidewalks, stormwater systems, sewer systems, reservoirs, debris
15 basins, water distribution systems, flood-control and flood-management systems, underground
16 infrastructure, and other City facilities. The City has incurred costs related to watershed, waterway,
17 and water body management and protection; remediation of water contamination, including water
18 quality preservation and restoration expenses and/or costs to repair and/or replace water treatment
19 facilities or water systems; loss of water storage capacity; costs associated with debris removal,
20 post-fire sedimentation, and fire-related infrastructure impacts; damage to and shortened lifespan of
21 City facilities and infrastructure; damages resulting from soil erosion and loss of soil stability and
22 productivity, including mitigation of debris flow and landslide risks in and around the affected burn
23 areas; loss of trees; loss of cultural and/or historical assets; loss of aesthetic value; ecosystem
24 services losses; fire suppression, emergency rescue, and emergency medical response costs; costs
25 for restoration and rehabilitation of land, oceans, and other environmental damages; emergency
26 response costs, including operation of emergency operations centers, evacuation shelters, and law
27 enforcement activities; costs to secure and manage burn areas for safe public re-entry; costs
28 associated with administering and facilitating community rebuilding efforts, disaster assistance

1 centers, and fire recovery operations; costs of community outreach; staff overtime, labor costs,
2 workers' compensation costs, materials, and equipment; loss of tax revenues, including property,
3 sales, and transient occupancy taxes; loss of recreational revenues and opportunities; losses from
4 impacts to business, schools, places of worship, community organizations and proprietary City
5 activities such as facility rentals, educational programs, and recreational programs; loss of
6 workforce housing; and damages associated with reduced tourism and economic activity.

7 183. Pursuant to California Code of Civil Procedure Section 1036, Plaintiff seeks to
8 recover all reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal,
9 and engineering fees, actually incurred because of this proceeding in the trial court and/or in any
10 appellate proceeding in which Plaintiff prevails on any issue.

11
12 **FIFTH CAUSE OF ACTION**

13 **By Plaintiff For Dangerous Condition of Public Property Against**
14 **MRCA, SMMC, and Does 1 through 100**

15 184. Plaintiff repeats and realleges each allegation contained in the paragraphs above as
16 if fully set forth herein.

17 185. On January 7, 2025, Plaintiff was the owner of real and personal property located
18 within Los Angeles County in California that was damaged and destroyed by the Palisades Fire.

19 186. California Government Code §835 states in pertinent part:

20 Except as provided by statute, a public entity is liable for injury caused by a
21 dangerous condition of its property if the plaintiff establishes that the property was
22 in a dangerous condition at the time of the injury, that the injury was proximately
caused by the dangerous condition, that the dangerous condition created a
foreseeable risk of the kind of injury which was incurred, and either:

23 (a) a negligent or wrongful act or omission of an employee of the public entity within
the scope of his employment created the dangerous condition; or

24 (b) the public entity had actual or constructive notice of the dangerous condition
25 under Section 835.2 a sufficient time prior to the injury to have taken measures to
prevent against the dangerous condition.

26 187. Plaintiff is informed and believes that MRCA and SMMC's property as alleged
27 herein was in a dangerous condition on January 7, 2025.

1 188. Plaintiff alleges the dangerous condition on MRCA and SMMC's property was a
2 change from the natural condition of the property. The Palisades Fire and the associated damage to
3 Plaintiff's properties were due to the changed condition of the MRCA and SMMC property and not
4 the natural condition of the property.

5 189. Plaintiff is informed and believes that these dangerous conditions caused the injuries
6 and damages to the Plaintiff as alleged herein.

7 190. Plaintiff is further informed and believes that this dangerous condition of MRCA and
8 SMMC's property created a reasonably foreseeable risk of the kind of injury, which was incurred,
9 damaging Plaintiff's property.

10 191. Plaintiff is informed and believes that a negligent act or omission by an employee of
11 MRCA and/or SMMC within the scope of his/her employment created the dangerous condition.
12 MRCA, SMMC, and their employees had actual and constructive knowledge of the dangerous
13 condition in time to have taken measures to protect against it.

14 192. Plaintiff is informed and believes that this dangerous condition was a substantial
15 factor in causing the Plaintiff's injuries and damages herein alleged.

16
17 **SIXTH CAUSE OF ACTION**

18 **By Plaintiff For Public Nuisance Against**
19 **MRCA, SMMC, and Does 1 through 100**

20 193. Plaintiff repeats and realleges each allegation contained in the paragraphs above as
21 if fully set forth herein.

22 194. On January 7, 2025, Plaintiff was the owner of real and personal property located
23 within Los Angeles County in California that was damaged and destroyed by the Palisades Fire.

24 195. Defendants MRCA and SMMC owed a non-transferable, non-delegable duty to the
25 public, including Plaintiff, to maintain their property in a manner that did not cause harm to the
26 public welfare.

27 196. Defendants, by acting and/or failing to act, as alleged herein above, created a
28 condition that was harmful to the health of the public, including Plaintiff, and created a fire that

1 damaged and interfered with the quiet use and enjoyment of its property. This interference is both
2 substantial and unreasonable.

3 197. Plaintiff did not and does not consent, expressly or impliedly, to the wrongful
4 conduct of Defendants.

5 198. The Palisades Fire, which was created by Defendants, affected a substantial number
6 of people at the same time within the general public, including citizens of Plaintiff, and constituted
7 a public nuisance under Civil Code §§ 3479 and 3480 and Public Resources Code §§ 4170 and 4171.

8 199. The damaging effects of Defendants' creation of a fire hazard and the resulting
9 Palisades Fire are ongoing and affect the public at large.

10 200. As a direct and legal result of the Defendants' conduct, Plaintiff has suffered harm
11 that is different from the type of harm suffered by the general public. Specifically, Plaintiff has lost
12 the occupancy, possession, use, and/or enjoyment of its land, real, and/or personal property,
13 including, but not limited to, a diminution of value of its real property, and damage to City-owned
14 infrastructure.

15 201. A reasonable, ordinary person would be annoyed or disturbed by the conditions
16 caused by the Defendants, and the resulting Palisades Fire.

17 202. Defendants' conduct is unreasonable and the seriousness of the harm to the public,
18 including Plaintiff, outweighs the social utility of Defendants' conduct. There is little to no social
19 utility associated with causing wildfires to destroy the property of the Plaintiff.

20 203. The unreasonable conduct of Defendants is a direct and legal cause of harm, injury,
21 and/or damage to the public, including Plaintiff.

22 204. Defendants have failed to reasonably manage the vegetation on their properties, and
23 Defendants' failure to do so exposed every member of the public to a foreseeable danger of personal
24 injury, death, and/or a loss of destruction of real and personal property.

25 205. Defendants' conduct set forth above constitutes a public nuisance within the meaning
26 of Civil Code §§ 3479 and 3480, Public Resources Code §§ 4104 and 4170, and Code of Civil
27 Procedure § 731. Under Civil Code § 3493, Plaintiff has standing to maintain an action for public
28 nuisance because the nuisance is especially injurious to Plaintiff, because, as described above, it is

1 injurious and/or offensive to the senses of the Plaintiff, unreasonably interferes with its comfortable
2 enjoyment of its property, and/or unlawfully obstructs the free use, in the customary manner, of its
3 property.

4 **PRAYER**

5 WHEREFORE, Plaintiff prays for judgment against Defendants STATE OF CALIFORNIA;
6 CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, a government entity; CITY OF
7 LOS ANGELES ACTING BY AND THROUGH THE LOS ANGELES DEPARTMENT OF
8 WATER AND POWER, a government entity; CITY OF LOS ANGELES, a government entity;
9 COUNTY OF LOS ANGELES, a government entity; MOUNTAINS RECREATION AND
10 CONSERVATION AUTHORITY; SANTA MONICA MOUNTAINS CONSERVANCY, a
11 government entity; and DOES 1 through 100 (collectively, “Defendants”).

12 **From All Defendants:**

- 13 a. Awarding the greater of diminution in value and repair, depreciation, or
14 replacement of damaged, destroyed, or lost, personal and real property;
- 15 b. Awarding damages for the loss of the use, benefit, goodwill, and enjoyment of
16 Plaintiff’s real and personal property, businesses, and environment;
- 17 c. Awarding damages for loss or interruption of direct revenues, including losses in
18 property taxes, sales taxes, Prop MC transactions and use taxes, and transient
19 occupancy taxes;
- 20 d. Awarding all costs of suit, including attorneys’ fees, appraisal fees, engineering
21 fees, and related costs, pursuant to California Code of Civil Procedure Sections
22 1021.9 and 1036;
- 23 e. Awarding prejudgment interest at a market rate of interest, according to proof at
24 trial; and
- 25 f. Granting all further relief which the Court deems just and appropriate, according to
26 proof.
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JURY TRIAL DEMANDED

Plaintiff hereby demands a jury trial on all causes of action for which a jury trial is available under the law.

DATED: February 17, 2026

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