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18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA

20 STACE CHEVEREZ, individually
21 and on behalf of others similarly
situated,

22 Plaintiff,

23 v.

24 PLAINS ALL AMERICAN
PIPELINE, L.P., a Delaware limited
25 partnership,

26 Defendant.

27 [*caption continues on next page*]
28

Case No. 2:15-cv-04113-PSG-JEM

**PLAINTIFFS' CONSOLIDATED
AMENDED CLASS ACTION
COMPLAINT**

DEMAND FOR JURY TRIAL

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MARK HICKS, individually and on behalf of others similarly situated,

Plaintiff,

v.

PLAINS ALL AMERICAN PIPELINE, L.P., a Delaware limited partnership, PLAINS PIPELINE, L.P., a Texas limited partnership, and JOHN DOES 1 through 10,

Defendants.

Case No. 2:15-cv-04573 PSG (JEMx)

ALEXANDRA B. GEREMIA, as Trustee for the Alexandra Geremia Family Trust dated 8/5/1998

Plaintiff,

v.

PLAINS ALL AMERICAN PIPELINE, L.P., a Delaware limited partnership, PLAINS PIPELINE L.P., a Texas limited partnership,

Defendants.

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Case No. 2:15-CV-4759 PSG (JEMx)

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KEITH ANDREWS, TIFFANI ANDREWS, SARAH RATHBONE, JOSH CHANCER, JOSEPH VIENS, CORT PIERSON, and WEIHAI ZHUANG, individually and on behalf of others similarly situated,

Plaintiffs,

v.

PLAINS ALL AMERICAN PIPELINE, L.P., a Delaware limited partnership, PLAINS PIPELINE, L.P., a Texas limited partnership, and JOHN DOES 1 through 10,

Defendants.

Case No. 2:15-CV-4989 PSG (JEMx)

ISLA VISTA SURF LESSONS, individually and on behalf of others similarly situated,

Plaintiff,

v.

Plains All American Pipeline, L.P,

Defendant.

Case No. 2:15-cv-05118 PSG (JEMx)

RICHARD LILYGREN, individually and on behalf of others similarly situated,

Plaintiff,

v.

PLAINS ALL AMERICAN PIPELINE, L.P., a Delaware limited partnership, PLAINS PIPELINE, L.P., a Texas limited partnership,

Defendants.

Case No. 2:15-CV-07051- PSG (JEMx)

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1 **I. INTRODUCTION**

2 Plaintiffs Stace Cheverez, Mark Hicks, Alexandria Geremia, Baciú Family,
3 LLC, Jacques Habra, Jamie Klein, Keith Andrews, Tiffani Andrews, Sarah
4 Rathbone, Josh Chancer, Joseph Viens, Cort Pierson, Weihai Zhuang, Alexandria
5 Geremia, Isla Vista Surf Lessons, Arnold Baez, Alelia Parenteau, Hwa Hong Muh,
6 Devon Grace, Mike Gandall, Richard Lilygren, Eagle Fleet LLC, Robert Boydston,
7 Southern Cal Seafood, Inc., Pacific Rim Fisheries, Inc., and Ocean Angel IV, LLC
8 (collectively “Plaintiffs”), individually and on behalf of all others similarly situated,
9 allege the following against Plains All American Pipeline, L.P., Plains Pipeline,
10 L.P., and John Does 1 through 10 (“Defendants” or “Plains”), based where
11 applicable on personal knowledge, information and belief, and the investigation and
12 research of counsel.

13 **II. NATURE OF THE ACTION**

14 1. On the morning of May 19, 2015, a 10-mile long, 24-inch wide oil
15 pipeline in Santa Barbara County, California known as Line 901 and owned and
16 operated by Defendants, ruptured. For Defendants, ruptured pipelines are nothing
17 new; since 2006, federal agencies have cited them for over 175 safety and
18 maintenance violations. What makes this failure different, however, is that this
19 pipeline runs along the edge of the Pacific Ocean, and the rupture sent tens of
20 thousands of gallons of toxic crude oil flowing over some of the most beautiful
21 beaches and pristine waters in California.

22 2. Before Defendants managed to shut off Line 901, it had discharged
23 over 100,000 gallons of crude oil. Oil coated the shoreline and clung to rocks, sand,
24 wild animals, and marine life. Oil floated out to sea, creating a slick that stretched
25 for miles, contaminating several State Marine Conservation Areas along the way,
26 and forced the closure of beaches, fishing grounds, a variety of shellfish and fishing
27 operations, and invaded coastal private properties.

28

1 3. These waters are home to hundreds of sensitive animal species, and
2 serve as the backbone of the local economy. Tourists come to these beaches to
3 enjoy the unspoiled sand and water. Additionally, people support themselves and
4 their families by harvesting fish, squid, and shellfish from these waters. The
5 beachfront properties along the Central Coast of California, like coastal properties
6 throughout the state, are highly valuable. The property owners enjoy the unspoiled
7 sand and water, direct access to fishing, surfing, kayaking and other activities. The
8 oil fields in these waters also provide many local jobs for workers in offshore and
9 onshore oil and gas operations.

10 4. This depressingly familiar story could have been averted had
11 Defendants adequately maintained Line 901, making it less susceptible to corrosion
12 and rupture, installed an automatic shut-off valve on the pipeline, or properly
13 responded to the rupture of Line 901.

14 5. Regular maintenance of pipelines is a crucial step that owners of
15 pipelines must take in order to avoid exactly the disaster that occurred with Line
16 901. Line 901 was severely corroded prior to the spill, and in fact had thinned to
17 just 1/16 of an inch in places. Additionally, Defendants had repaired three parts of
18 Line 901 adjacent to the rupture, indicating that they were aware of corrosion, knew
19 how to address it, but simply failed to do so.

20 6. Automatic shut-off valves, which Line 901 lacked, are not new or
21 novel; they are ubiquitous on pipelines across the country. In fact, Line 901 is the
22 only pipeline of its kind in Santa Barbara County without this key safety feature.
23 The absence of an automatic shut-off system on this pipeline is no accident. When
24 Defendants, through their predecessor in interest, built the pipeline in 1987, Santa
25 Barbara County demanded that they install such a shut-off system and allow the
26 County to inspect the welds on the pipeline. Rather than doing the responsible thing
27 and installing safety systems and protocols, as all the other pipeline owners in the
28 area did, Defendants sued, arguing that the County lacked the authority to force

1 them to install an automatic shut-off system or inspect their pipeline. As a result,
2 Line 901 has no automatic shut-off system, and now more than 100,000 gallons of
3 crude oil pollute the waters and beaches on which the people and wildlife of this
4 region depend. Even now, after the spill, Plains has publicly announced that it will
5 not install an automatic shutoff valve on Line 901.

6 7. Plaintiffs bring this action pursuant to Federal Rule of Civil Procedure
7 23 on their own behalves and as representatives of others similarly situated to
8 recover significant economic losses they have incurred and will continue to incur
9 because of Defendants' oil spill.

10 III. PARTIES

11 8. Plaintiff Stace Cheverez is a resident and citizen of Santa Barbara,
12 Santa Barbara County, California.

13 9. Plaintiff Mark Hicks is a resident and citizen of Santa Barbara, Santa
14 Barbara County, California.

15 10. Plaintiff Alexandra B. Geremia is a resident and citizen of Santa Ynez,
16 Santa Barbara County, California.

17 11. Plaintiffs Keith and Tiffani Andrews are residents and citizens of
18 Santa Margarita, San Luis Obispo County, California.

19 12. Plaintiff Sarah Rathbone is a resident and citizen of Goleta, Santa
20 Barbara County, California.

21 13. Plaintiff Josh Chancer is a resident and citizen of Oxnard, Ventura
22 County, California.

23 14. Plaintiff Joseph Viens is a resident and citizen of Carpinteria, Santa
24 Barbara County, California.

25 15. Plaintiff Cort Pierson is a resident and citizen of Santa Barbara, Santa
26 Barbara County, California.

27 16. Plaintiff Weihai Zhuang is a resident and citizen of El Monte, Los
28 Angeles County, California.

1 17. Plaintiff Isla Vista Surf Lessons is a resident and citizen of Goleta,
2 Santa Barbara County, California.

3 18. Plaintiff Arnold Baez is a resident and citizen of Oxnard, Ventura
4 County, California.

5 19. Plaintiff Alelia Parenteau is a resident and citizen of Santa Barbara,
6 Santa Barbara County, California.

7 20. Plaintiff Hwa Hong Muh is a resident and citizen of Santa Barbara,
8 Santa Barbara County, California.

9 21. Plaintiff Devon Grace is a resident and citizen of Santa Barbara, Santa
10 Barbara County, California.

11 22. Plaintiff Mike Gandall is a resident and citizen of Goleta, Santa
12 Barbara, California.

13 23. Plaintiff Eagle Fleet LLC is a California corporation with its principle
14 place of business in Salinas, California, and is therefore a California citizen.

15 24. Plaintiff Gary Harden is a resident and citizen of Rancho Cucamonga,
16 San Bernardino County, California.

17 25. Plaintiff Baci Family LLC is a California limited liability company
18 that owns coastal property in Santa Barbara, Santa Barbara County, California.

19 26. Plaintiff Jacques Habra is a resident and citizen of Santa Barbara,
20 Santa Barbara County, California.

21 27. Plaintiff Jamie Klein is a resident and citizen of San Clemente, Orange
22 County, California.

23 28. Plaintiff Richard Lilygren is a resident and citizen of Santa Maria,
24 Santa Barbara County, California.

25 29. Plaintiff Robert Boydston is a resident and citizen of Santa Maria,
26 Santa Barbara County, California.

27 30. Plaintiff Southern Cal Seafood, Inc. is a California corporation doing
28 business in Camarillo, Ventura County, California.

1 31. Plaintiff Pacific Rim Fisheries, Inc. is a California corporation doing
2 business in Camarillo, Ventura County, California.

3 32. Plaintiffs Ocean Angel IV, LLC is a California limited liability
4 company doing business in Watsonville, Santa Cruz Santa County, California.

5 33. Defendant Plains All American Pipeline, L.P. is a limited partnership
6 formed in Delaware with its headquarters and principal place of business in
7 Houston, Texas. Under the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C.
8 § 1332(d)(10), Defendant Plains All American Pipeline, L.P., an unincorporated
9 association, is therefore a citizen of Delaware and Texas.

10 34. Defendant Plains All American operates through or on behalf of PAA
11 GP LLC, a limited liability company formed in Delaware with its headquarters and
12 principal place of business in Houston, Texas; Plains AAP, L.P. (“AAP”), a limited
13 partnership formed in Delaware with its headquarters and principal place of
14 business in Houston, Texas, that is the sole member of PAA GP LLC; Plains All
15 American GP LLC (“GP LLC”), a limited liability company formed in Delaware
16 with its headquarters and principal place of business in Houston, Texas; Plains GP
17 Holdings, L.P. (“PAGP”), a limited partnership formed in Delaware with its
18 headquarters and principal place of business in Houston, Texas, that is the sole
19 member of GP LLC; and PAA GP Holdings LLC, a limited liability company
20 formed in Delaware with its headquarters in Houston, Texas, that is the general
21 partner of PAGP. As each of these entities are unincorporated associations,
22 pursuant to CAFA, 28 U.S.C. § 1332(d)(10), they are each citizens of Delaware and
23 Texas.

24 35. Defendant Plains Pipeline, L.P. is a limited partnership formed in
25 Texas with its headquarters and principal place of business in Houston, Texas.
26 Plains Pipeline, L.P. is a subsidiary of Plains All American Pipeline, L.P. Pursuant
27 to CAFA, 28 U.S.C. § 1332(d)(10), Defendant Plains Pipeline, L.P., an
28 unincorporated association, is therefore a citizen of Texas.

1 36. On information and belief Defendants John Does 1 through 10, are
 2 corporations or partnerships, the names and addresses of which are currently
 3 unknown.

4 37. Defendants own and operate the All American pipeline system, a
 5 common carrier crude oil pipeline system that transports crude oil produced from
 6 two outer continental shelf fields off the California coast via connecting pipelines to
 7 refinery markets in California. The system receives crude oil from ExxonMobil's
 8 Santa Ynez field at Las Flores and receives crude oil from the Freeport-McMoRan-
 9 operated Point Arguello field at Gaviota.

10 **IV. JURISDICTION AND VENUE**

11 38. This Court has jurisdiction over this action pursuant to CAFA, 28
 12 U.S.C. § 1332(d), because at least one class member is of diverse citizenship from
 13 one defendant; there are more than 100 class members; and the aggregate amount in
 14 controversy exceeds \$5 million, exclusive of interest and costs.

15 39. This Court has personal jurisdiction over Defendants because they are
 16 registered to conduct business in California, and have sufficient minimum contacts
 17 with California.

18 40. Venue is proper in this District under 28 U.S.C. § 1391(b) because a
 19 substantial part of the events or omissions giving rise to the claims occurred and/or
 20 emanated from this District, and because Defendants have caused harm to Class
 21 members residing in this District.

22 **V. FACTS**

23 **A. The Gaviota Coast**

24 41. The Gaviota Coast, north of Santa Barbara, is a special place. Its blue
 25 waters and beautiful coastline are home to an abundance of life, including critical
 26 populations of endangered Snowy Plovers, seals, migrating whales, and myriad of
 27 fish. For those reasons, the area is often called North America's Galapagos.
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1 42. Because of its natural bounty and beauty, as long as people have lived
2 in North America, they have lived on the Gaviota Coast. Today, the economic life
3 in this region revolves around its waters and beaches. Thousands of people in Santa
4 Barbara County depend on the ocean and beaches for their jobs: fishing, tourism,
5 and recreation in the region rely on them. Beachfront property owners enjoy direct
6 access to blue waters and magnificent coastline, and residents walk the beaches,
7 fish from the shores, swim, surf, kayak and use and enjoy their properties.

8 43. Santa Barbara's port has the highest earnings in the state for red sea
9 urchin, California spiny lobster, red rock crab, yellow rock crab, giant red sea
10 cucumber, white seabass, and grass rockfish. The Santa Barbara area is also
11 considered to be the backbone of California's squid fishing industry.

12 44. Now contamination by Defendants' oil spill has undermined the health
13 of the environment, real property and local job market on which that economy
14 depends.

15 45. Threats to the Gaviota Coast and Santa Barbara's environment and
16 economy from oil development are not new. In 1969, a blowout at Union Oil's off-
17 shore drill rig sent millions of gallons of oil into the waters and onto the beaches of
18 Santa Barbara County. The blowout killed thousands of birds, dolphins, fish, and
19 other marine life. The litigation that followed effectively led to the birth of the
20 environmental movement and legislation to protect the environment and the public
21 from oil and gas operations on and off shore.

22 46. Despite that disaster, the oil industry has only continued to grow in and
23 around Santa Barbara County. Today, however, governments and some companies
24 have taken significant steps to make the production and transportation of crude oil
25 safer and more reliable. Defendants, on the other hand, are notable for their track
26 record of doing otherwise.

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1 **B. The Failure of Defendants' Line 901**

2 47. Line 901, runs along the edge of the Pacific Ocean, transporting up to
3 6,300,000 gallons of oil per day between Gaviota and Las Flores, California. The
4 route takes the pipeline along many private properties and past several state parks
5 and beaches, including Refugio State Beach, carrying crude from offshore
6 platforms inland, and from there to refineries.

7 48. On the morning of May 19, 2015, Line 901 ruptured near Refugio
8 State Beach, spilling toxic oil onto the beach and into the Pacific Ocean.

9 49. As oil poured out of the ruptured pipe, neighbors and beachgoers
10 became overwhelmed by the smell of oil. At approximately 11:30 a.m. the Santa
11 Barbara County Fire Department responded to reports of the odors, and arrived to
12 find oil flowing from the pipeline, through a storm drain under Highway 101,
13 across the beach, and into the Pacific Ocean. Oil continued to leak from the pipeline
14 until approximately 3 p.m.

15 50. Initially, the oil covered the beach and rocks just below the failed pipe.
16 But once it reached the water, the oil quickly spread, travelling for miles out to sea.
17 The oil fouled beaches for miles in each direction, spreading along the shoreline,
18 and washed up on nearby properties. As of June 8, 2015, the spill had impacted up
19 to 50 miles of shoreline along the Central Coast. By June 22, 2015, Defendants
20 confirmed that their oil has washed up in identifiable tarballs on Manhattan Beach,
21 130 miles south of Santa Barbara. Subsequently, tarballs matching Plains oil
22 washed up on Orange County beaches. It is presently unknown how far north the
23 oil spill has traveled. While the precise timeline of events is still unknown, it
24 appears that Defendants did not promptly act to respond to signs of the pipeline's
25 failure or notify relevant government agencies. As California's two United States
26 senators stated in a letter to Defendants, "we are concerned that Plains Pipeline may
27 not have detected this spill or reported it to federal officials as quickly as possible,
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1 and that these delays could have exacerbated the extent of the damage to the
2 environment.” The senators called Defendants’ response “insufficient.”

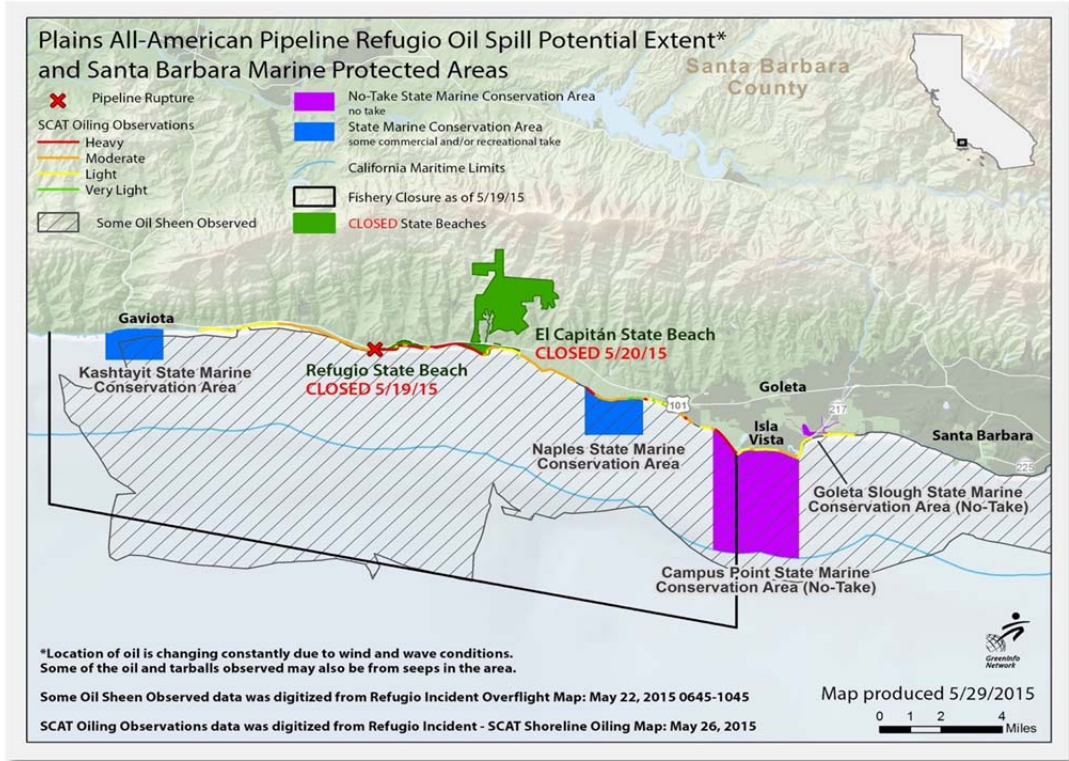
3 51. Indeed, as reported by the *Los Angeles Times*, it appears that “chaos
4 and delay marked the initial hours after [the] pipeline burst.” According to
5 Defendants’ response to the senators’ letter, Plains personnel were unable to timely
6 notify federal spill response officials or communicate with other Plains
7 representatives due to in part “distractions” at the spill site. Defendants’ on-site
8 employee was reduced to using a shovel to try to build a berm to contain the spill. It
9 was several hours before Defendants notified federal spill response officials, even
10 though Defendants’ representatives were conducting a spill response drill nearby
11 *that very morning*.

12 52. Witnesses who visited Refugio State Beach on the night of the spill
13 reported little or no response. Even the next day, as professional clean-up crews
14 began responding to Refugio State Beach, the response efforts at other nearby
15 beaches were left to volunteers with little or no training or protective equipment,
16 some using nothing but shovels and five-gallon buckets in attempts to remove
17 thousands of gallons of crude oil from the sand and sea.

18 53. That apparently delayed and inadequate response runs contrary to
19 Defendants’ oil spill response plan, which assured stated regulators that a spill from
20 Line 901 was “extremely unlikely.” Defendants also assured regulators that it
21 would take no longer than 15 minutes to discover and shut off the source of any
22 spill.

23 54. Despite the efforts of volunteers and professional responders, the spill
24 affected numerous Marine Protected Areas that provide vital breeding and feeding
25 grounds for marine species, as shown in this map prepared by the GreenInfo
26 Network:

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55. As the oil spread, so did its terrible consequences. Hundreds of fish, birds, and marine mammals have died after being covered in oil or exposed to the oil’s toxic compounds. Tar balls and oil sheen from Defendants’ oil spill fouled beaches far to the south and east of Refugio, including beaches in Santa Barbara, Ventura, Los Angeles, and Orange Counties. Frisbee-sized “oil pancakes” drifted into the waters of Channel Islands National Park.

56. Those are just some of the visible harms, relatively easy to see and tally. Beneath the ocean’s surface, however, a largely unseen catastrophe is unfolding. Beneath the surface, as the oil further spread through the tides and currents, it likely suffocated marine life and otherwise seeped into the aquatic food chain through shellfish and plankton, thereby contaminating seafood that could reach, and potentially harm, the public. Numerous dead bass, lobsters, crabs, octopi and other species that live beneath the surface offshore washed up on area beaches through late June.

1 57. In Santa Barbara, these environmental impacts translate to profound
2 economic impacts. In the short term, the oil from Defendants' ruptured pipeline
3 closed fishing grounds and shellfish areas, and caused many cancelled reservations
4 from tourists who otherwise would have spent their money on hotels, restaurants,
5 kayaking or surf trips, fishing charters, and in the region's retail stores. The spill
6 polluted coastal private properties and impaired the ability of property owners to
7 use and enjoy their land.

8 58. For example, state officials closed these key coastal fishing areas from
9 Canada de Alegria to Coal Oil Point, including the shoreline and offshore areas
10 between those points to 6 miles offshore. The spill's impacts on the region's
11 fisheries will continue far into the future. Also, the negative publicity from the spill
12 has and will continue to deter seafood buyers from seeking out Santa Barbara
13 seafood.

14 59. The spill has also discouraged tourists from visiting businesses in
15 Santa Barbara County, where tourism (along with agriculture and wine) accounts
16 for roughly 15 percent of the workforce, or over 36,000 jobs. For example, one
17 local kayaking company reported 25 cancellations following the spill, resulting in a
18 loss of approximately \$3,000. Two popular state beaches—Refugio and El
19 Capitan—were closed during busy holiday weekends, and remained closed until
20 July 17, 2015 and June 26, 2015, respectively. Notices like that pictured below
21 were posted online, to explain the closures.
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On May 19, 2015, a privately owned crude oil pipeline ruptured, causing an oil spill within and around Refugio State Beach. State beaches affected by this incident include Refugio and El Capitan near Goleta.

Both beaches are closed until further notice.

Camping reservations have been cancelled through July 9th, 2015 in an effort to expedite clean-up efforts. Campers with reservation during this time will be provided a full refund through Reserve America.

Visitors wanting to find alternative overnight camping opportunities should contact a Reserve America representative at 1-800-444-7275 to locate campgrounds nearby.

For current beach areas open for day use during the holiday weekend in Santa Barbara and Ventura counties, visitors should call (805) 585-1850. This site will be updated with information when made available. We apologize for any inconvenience.

http://www.parks.ca.gov/?page_id=603

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9 60. The spill also caused an immediate impact on the livelihood of local
10 workers. Shortly after the spill, oil and gas workers across the region were laid off
11 from their jobs offshore and onshore as platforms and processing facilities shut
12 down. These workers have lost their lucrative jobs and Plains has refused to pay
13 their claims.

14 61. Finally, the oil spill presents a serious risk to human life. The Santa
15 Barbara County Health Department recommended that residents avoid all areas
16 affected by the spill, but a major highway runs through and adjacent to the spill
17 area. The County called Refugio Beach a “Hazmat area.” The County also warned
18 that direct contact with oil, inhalation of fumes, or ingestion of contaminated fish or
19 shellfish can cause skin irritation, nausea, vomiting, and other illnesses.

20 62. Following the spill, the group Water Defense collected oil and water
21 samples to test for chemicals that could be harmful to the public. Those tests
22 confirmed several toxic chemicals known to pose severe threats to human health
23 and marine life were present in Defendants’ oil spill, including Ethylbenzene,
24 Toluene, Xylene, and Naphthalene. Those test results also confirmed the presence
25 of Glutaraldehyde, a biocide used in drilling, fracking, and acidizing injections.
26 Defendants released those chemicals onto the beach and into the Pacific Ocean,
27 contaminating ocean waters and threatening human and marine life.

28 63. Long term, the impacts may be as-yet-unknown, but they are no less

1 certain. Even with the best spill response, toxic oil will remain in the environment
2 for a long time, continuing to harm the environment. Recently, five years after the
3 Deepwater Horizon oil spill in the Gulf of Mexico, officials assessing the damage
4 to that ecosystem said “the environmental effects of this spill is likely to last for
5 generations.” This spill, too, may cause long-lasting environmental and economic
6 impacts.

7 64. The Santa Barbara News-Press reported that, as of late June, the “most
8 tedious” portions of the clean-up area still remained uncleaned, and cleanup costs
9 had exceeded \$92 million. As of that time, only 14,000 gallons of oily water had
10 been collected. It is estimated that 300 mammals and birds have died, and that
11 hundreds more have been treated for various illnesses and/or injuries caused by
12 Defendants’ oil spill.

13 **C. Plains Has a Long History of Recklessly Avoiding Installing Safety**
14 **Equipment**

15 65. While this spill is a disaster, it is not an accident. Defendants wantonly
16 disregarded the health and safety of the public and environment by operating a
17 pipeline they knew did not have proper safety systems in place.

18 66. In 1987, when Defendants constructed Line 901, Santa Barbara
19 County’s Energy Division sought to ensure the pipeline was constructed properly
20 by, among other things, inspecting the welds on the pipeline using x-rays. The
21 Division routinely inspects welds on new pipelines, as a way to ensure they are
22 done correctly to reduce the risk of failure. The Division ordered Defendants to
23 install an automatic shut-off valve system on Line 901 to ensure it would shut down
24 swiftly, without waiting for human action, at the first sign of a potential problem in
25 the pipeline.

26 67. Rather than agreeing to these commonplace and common-sense safety
27 protocols, Defendants instead fought the County, suing it in U.S. District Court in
28

1 1987 and arguing it lacked jurisdiction to regulate their pipeline design and
2 installation.

3 68. As a result, Line 901 is the only pipeline in Santa Barbara County
4 “whereby the county is preempted from monitoring and safety inspections,” said
5 Kevin Drude, Director of the County’s Energy Division. Drude has publicly said
6 that Defendants’ employees rarely, if ever, attend monthly meetings that he holds to
7 discuss safety concerns with all the pipeline operators under his jurisdiction.

8 69. This refusal by Defendants to follow standard safety protocols directly
9 contradicts their published pipeline safety protocol, which provides “that Plains All
10 American Pipeline is committed to designing, constructing, operating, and
11 maintaining its pipelines in a safe and reliable manner that will *meet or exceed*
12 *minimum safety standards. . . .*” (emphasis added).

13 70. Also as a consequence of its lawsuit against the County, Defendants
14 operate the only pipeline of its type in the County without an automatic shut-off
15 valve system. For those reasons, it is likely the only pipeline that is capable of
16 failing and discharging more than 100,000 of gallons of oil.

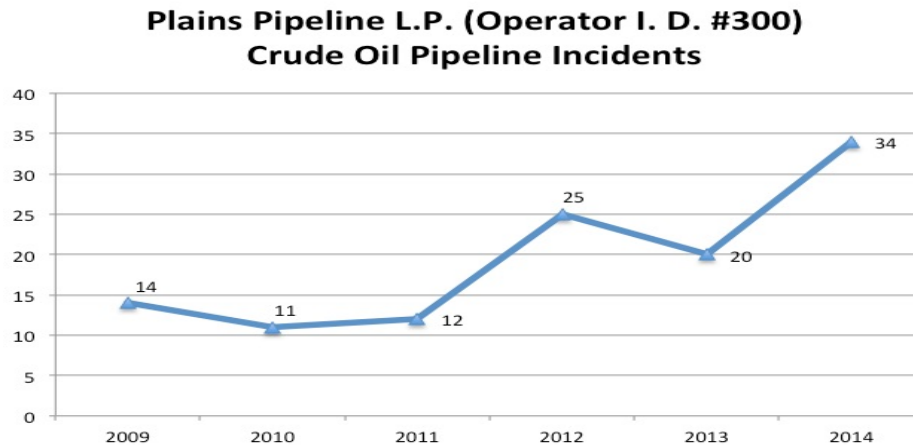
17 71. According to federal regulators, Line 901 was also severely corroded
18 prior to the spill. Preliminary findings by the Pipeline and Hazardous Materials
19 Safety Administration show that an early May 2015 inspection of Line 901 revealed
20 “extensive external corrosion,” noting that Line 901’s walls had been reduced by 54
21 to 74 percent of their original thickness. Additionally, Line 901 had been reduced to
22 1/16 of an inch at the area of the pipeline failure, the agency said. Defendants
23 apparently repaired corrosion at three adjacent parts of Line 901 in recent years,
24 suggesting they were aware of extent of the corrosion on the line. On June 3, the
25 agency found that continued operation of Line 901 and a larger pipeline it connects
26 to—Line 903—“would be hazardous to life, property, or the environment.”

27 72. While California residents and citizens, and the environment bore the
28 risk, and now reality, of a catastrophic pipeline failure, Defendants have reaped

1 rising profits, reported at roughly \$878 million on over \$43 billion in earnings in
 2 2014. By avoiding the cost of safety equipment and systems, Defendants boosted
 3 their profits by transferring the cost of the pipeline's failure to people who live and
 4 work in the region.

5 73. The lax safety standards at Line 901 are not isolated incidents for
 6 Defendants. Since 2006 Plains has been cited for over 175 violations of safety
 7 requirements, causing nearly \$24 million in property damage. Eleven of those
 8 incidents were in California. Plains is one of the top four most-cited pipeline
 9 operators in the country.

10 74. Even more alarming is that, according to federal statistics analyzed by
 11 the website The Smart Pig Blog, the "number of incidents on crude oil pipelines
 12 operated by [Plains] . . . is increasing faster than the national average," as shown in
 13 this chart:



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22 75. Last year, for example, a pipeline owned and operated by Defendants
 23 ruptured in a Los Angeles neighborhood, covering streets, cars, houses, and
 24 businesses in oil. The cause: a poorly maintained pipeline. A few years ago, another
 25 poorly maintained Plains pipeline ruptured and sent oil into a drinking water
 26 reservoir for Los Angeles.

27 76. In 2010, pursuant to a Consent Decree filed by the U.S. EPA following
 28 numerous alleged violations of the Clean Water Act by Defendants in several states,

1 Defendants represented that they would update their procedures such that “[i]f there
2 is an unexplained increase in delivery flow-rate with corresponding decrease in
3 pressure – [Plains would] SHUTDOWN the affected line segment.”

4 77. As part of that settlement, Defendants paid a \$3.25 million penalty for
5 10 spills between June 2004 and September 2007 that discharged a total of roughly
6 273,420 gallons of crude oil into navigable waters or adjoining shorelines in Texas,
7 Louisiana, Oklahoma, and Kansas.

8 78. Plains itself recently acknowledged in a disclosure report to the U.S.
9 Securities and Exchange Commission that it has “experienced (*and likely will*
10 *experience future*) releases of hydrocarbon products into the environment from our
11 pipeline . . . operations” that “may reach surface water bodies.” (Emphasis added).

12 79. Indeed, less than two months after the rupture of Line 901, more than
13 4,000 gallons of oil spilled from a pump station on Defendants’ Capwood Pipeline
14 in Illinois, contaminating a nearby creek.

15 **D. Defendants Are On Formal Notice By The Pipeline and Hazardous**
16 **Materials Safety Administration For Probable Violations Of Federal**
17 **Regulations, And Have Been Issued A Compliance Order**

18 80. On September 11, 2015 the Pipeline and Hazardous Materials Safety
19 Administration (PHMSA) issued a formal notice of probable violation and
20 compliance order against defendants in light of a long standing investigation.

21 81. On August 19-22, 2013, September 16-19, 2013, and September 30-
22 October 4, 2013, a PHMSA representative inspected Lines 901 and Line 903.

23 82. Following these field inspections, PHMSA requested additional
24 documentation and information pertaining to the Lines. This information was
25 provided through June 2014.

26 83. In its notice to Defendants, PHMSA stated that “as a result of the
27 inspection, it appears that you have committed probable violations of the Pipeline
28 Safety Regulations, Title 49, Code of Federal Regulations These finding and

1 probable violations were determined prior to the May 19, 2015 crude oil spill in
2 Santa Barbara County, California.”

3 84. The notice identifies six probable violations:

- 4 i. Failure to maintain adequate documentation of pressure tests as part of
5 its baseline assessment plan for its seven breakout tanks at Pentland
6 Station in Kern County, California and failure to present any evidence
7 of past pressure tests performed on the breakout tanks to inspection
8 teams. While some evidence of testing from 1995 was ultimately
9 presented, these did not confirm that the tests were performed in
10 compliance with regulations;
- 11 ii. Failure to maintain adequate documentation of its preventative and
12 mitigative evaluations prior to the 2013 calendar year for at least two
13 different pipeline segments, and later stating that these records could
14 not be found;
- 15 iii. Failure to adequately document consideration of preventive and
16 mitigative measures nor explain why implementation of said measures
17 were not executed in “High Consequence Areas”;
- 18 iv. Failure to present adequate documentation its annual review of its
19 emergency response training program, resulting in an ability to
20 demonstrate an adequate review of training program objectives or the
21 decision-making process for changes made to emergency response
22 programs;
- 23 v. Failure to present adequate documentation that would demonstrate
24 that supervisors maintained a thorough knowledge of the portions of
25 the emergency response procedure for which they are responsible and
26 for which it is their job to ensure compliance; and
- 27 vi. Failure to maintain sufficient records to demonstrate that contractors
28 met the required qualifications.

1 85. In addition to the above probable violations, the PHMSA also cited
2 three additional areas of safety concern:

- 3 i. Failure to fully discuss or document how tool tolerance was addressed
4 or how measured anomalies that deviated significantly from the size
5 predicted by the tool were addressed;
- 6 ii. Incomplete documentation of Management of Change for pressure
7 reduction; and
- 8 iii. Failure to comply with its responsibility to educate emergency
9 response officials as part of its Public Awareness Program.

10 86. As a result of these findings, the PHMSA issued a Proposed
11 Compliance Order demanding that Defendants take action to remediate the above
12 probable violations and safety concerns.

13 87. Later that same day, the Associated Press reported on the Notice and
14 Proposed Compliance Order, quoting Robert Bea, a civil engineering professor at
15 University of California, Berkeley. Professor Bea, a former oil executive who has
16 studied spills, stated that, “In all the documentation I have reviewed concerning the
17 pipeline, I have never seen evidence of any advanced risk assessment and
18 management processes being used by Plains.”

19 88. The Associated Press further reported that Professor Bea said the latest
20 action by regulators speak to a weak culture of safety and inadequate efforts to
21 assess risk and prevent spills.

22 89. In short, Plains operates pipelines that fail. The communities through
23 which it transports oil suffer the consequences.

24 90. Defendants, have profited and continue to profit from their failure to
25 comply with local, state, and federal safety requirements and guidelines, and their
26 decision not to repair and/or replace Line 901 demonstrates Defendants’
27 willingness to prioritize profits of over public safety.
28

1 91. Defendants knew of the extremely high risk of catastrophic injury
2 inherent in the transportation of oil through a pipeline. Notwithstanding,
3 Defendants took insufficient steps to prevent Line 901's rupture or protect Plaintiffs
4 and the Class from injury. Indeed, Defendants actively avoided taking action to
5 protect Plaintiffs and the Class from apparent risks Line 901 presented. Defendants
6 demonstrated a callous and reckless disregard for human life, health, and safety by
7 operating Line 901 without proper safety equipment.

8 92. This disregard for human life and safety is part of a pattern and
9 practice that Defendants have demonstrated across the country. Defendants acted
10 with such indifference to the consequences of their misconduct, with such
11 recklessness, and as part of a well-established pattern, as to be willful, malicious,
12 and oppressive, and in disregard of the rights of the Plaintiffs and the Class, thereby
13 meriting an award of punitive and/or exemplary damages against Defendants.

14 93. This lawsuit therefore seeks to compensate the victims of the spill and
15 to ensure that Defendants are prevented from causing additional damage to the state
16 economy and environment in the future.

17 VI. PLAINTIFFS' FACTS

18 A. Plaintiff Stace Cheverez

19 94. Plaintiff Cheverez, a resident and citizen of Santa Barbara, Santa
20 Barbara County, California, is an urchin diver and nearshore fisherman. He grew up
21 on the beaches of Santa Barbara County, recreationally diving for urchin, lobster,
22 and other species living just offshore.

23 95. After high school, he worked at a charter diving business at the Santa
24 Barbara marina, rising from deckhand to captain. After that, he decided to become a
25 commercial fisherman. In 1989, he bought a permit to commercially harvest sea
26 urchin in California, for which he pays an annual fee. He bought his first near shore
27 permit five years later. Presently, he owns and maintains two boats: a 34-foot
28

1 Florentia Marie M/V, which he uses for sea urchin diving and near shore fishing,
2 and a 15-foot outboard he uses to fish in the eelgrass beds closer to the surf.

3 96. Defendants' oil spill has damaged and will continue to damage the
4 fisheries on which Plaintiff Cheverez's livelihood depends. For example, species
5 like Grass Rockfish spawn during the winter and spring in the eelgrass and kelp
6 beds where he fishes. At the time of Defendants' oil spill, those species' juvenile
7 fish were returning to those areas to feed and grow—the same areas where
8 Defendants spilled over 100,000 gallons of crude oil.

9 97. Sea urchins—prickly, fist-sized invertebrates that cling to rocks and
10 are prized for their roe—cannot avoid oiled areas, so the sea urchin population in
11 the region has likely been negatively impacted by Defendants' oil spill.

12 98. Defendants' oil spill threatens the sea urchin fishery and Plaintiff
13 Cheverez's livelihood.

14 99. Defendants' oil spill closed one of the region's most productive sea
15 urchin fishing grounds, and the area in which, but for Defendants' oil spill, Plaintiff
16 Cheverez would have been fishing in at the time of the closures.

17 100. Not only were critical fishing grounds closed, Mr. Cheverez is worried
18 that the market for Santa Barbara sea urchin and other aquatic species may forever
19 be harmed. Foreign and domestic consumers are willing to pay top dollar for Santa
20 Barbara urchin and other seafood because of Santa Barbara's reputation of having
21 pristine waters. As the image of clean blue waters in California is tarnished by
22 images of oil coating beaches, dolphins, and birds, there is a significant, concrete
23 risk that buyers may shy away from purchasing seafood caught there. Defendants'
24 acts and omissions have caused present injury to Plaintiff Cheverez as well as the
25 concrete risk of imminent, additional injury.

26 **B. Plaintiff Mark Hicks**

27 101. Mark Hicks, a resident and citizen of Santa Barbara, California, is a
28 tour and event guide and the owner of Captain Jack's Santa Barbara Tours

1 (“Captain Jack’s”), a 10-year old business that offers kayaking, sailing, beach, wine
2 tasting, and horseback tours, including tours at Refugio State Beach.

3 102. Before Defendants’ oil spill, Mr. Hicks had been having one of his
4 best years yet. Profits for the first four months of the year were approximately 20
5 percent higher than in previous years. For the first part of May, Captain Jack’s was
6 booking roughly \$1,800 worth of trips each day, with one of the busiest holiday
7 weekends of the season, Memorial Day weekend, yet to come.

8 103. Then Defendants spilled over 100,000 gallons of crude oil in Santa
9 Barbara County, and the phones in Captain Jack’s office became unseasonably
10 quiet. After Defendants’ oil spill, Captain Jack’s bookings dropped off to an
11 average of \$800 per day for the remainder of May. For the same period last year,
12 Captain Jack’s averaged roughly 1,500 to \$2,000 per day in bookings.

13 104. For example, four customers who had booked kayaking trips to
14 Refugio State Beach cancelled their reservations, with two of those customers
15 rescheduling less profitable tours in the Santa Barbara harbor. On information and
16 belief, Defendants’ oil spill has decreased tourism to the Santa Barbara area, which
17 in turn has further exacerbated the decrease in bookings experienced by Captain
18 Jack’s.

19 105. Mr. Hicks believes the negative consequences of Defendants’ oil spill
20 will continue to depress his business for the remainder of the year and possibly for
21 years to come. Defendants’ acts and omissions have therefore caused present injury
22 to Mr. Hicks, as well as the concrete risk of imminent, additional injury.

23 **C. Plaintiff Alexandra B. Geremia**

24 106. Plaintiff Alexandra B. Geremia, as Trustee for the Alexandra Geremia
25 Family Trust dated August 5, 1998, is a resident of Santa Barbara County. The
26 Alexandra Geremia Family Trust is the record owner of ocean and beachfront real
27 property just north of Refugio State Beach.

1 107. Ms. Geremia's home has immediate beachfront access to the ocean,
2 including areas to swim, surf, fish, and kayak directly accessible from the property.
3 Before Defendants' oil spill, Ms. Geremia was able to enjoy the pristine natural
4 environment in the area of her home, and the value of her home reflected its
5 shoreline location, direct access to the ocean, and natural beauty and quietude.

6 108. The 140,000 gallon oil spill caused by Defendants caused crude oil to
7 spill onto beaches and into the ocean, including Ms. Geremia's beachfront property.
8 Since then, her property has been bombarded with a steady influx of oil tarballs and
9 oil sheen from the spill, and she has been unable even to walk on the beach. The
10 clean-up efforts near her home have been unsatisfactory, and long-term, permanent
11 contamination of her property is likely. Her ability to use it has been severely
12 impaired; and her ability to rent it has vanished.

13 109. Ms. Geremia not only suffers present injury, but also suffers the
14 concrete risk of imminent, additional injury.

15 **D. Plaintiff Baciú Family LLC**

16 110. Plaintiff Baciú Family LLC is a family operated LLC that owns
17 beachfront real property near Refugio State Beach.

18 111. The property has immediate beachfront access to the ocean, including
19 areas to swim, surf, fish, and kayak directly accessible from the property. Before
20 Defendants' oil spill, family members were able to enjoy the pristine natural
21 environment in the area, and the value of the property reflected its shoreline
22 location, direct access to the ocean, and natural beauty and quietude.

23 112. The 140,000 gallon oil spill caused by Defendants caused crude oil to
24 spill onto beaches and into the ocean, including Baciú Family LLC's beachfront
25 property. The property was been bombarded with a steady influx of oil tarballs and
26 oil sheen from the spill, and family members were not able to use it. The clean-up
27 efforts near the property were unsatisfactory, and long-term, permanent
28

1 contamination of the property is likely. The family members' ability to use and
2 enjoy it has been impaired.

3 113. Baci Family LLC not only suffers present injury, but also suffers the
4 concrete risk of imminent, additional injury.

5 **E. Plaintiff Jacques Habra**

6 114. Plaintiff Jacques Habra is a Santa Barbara County resident and owner
7 of real property west of Hendry's Beach, Santa Barbara.

8 115. The property has immediate beachfront access to the ocean, including
9 areas to swim, surf, fish, and kayak directly accessible from the property. Before
10 Defendants' oil spill, Mr. Habra was able to enjoy the pristine natural environment
11 in the area, and the value of the property reflected its shoreline location, direct
12 access to the ocean, and natural beauty and quietude.

13 116. The Spill caused crude oil to spill onto beaches and into the ocean,
14 right in front of Mr. Habra's property. This ocean frontage has suffered a steady
15 influx of oil tarballs and oil sheen from the spill, and he and his family were not
16 able to use and enjoy it. The clean-up efforts near the property were unsatisfactory,
17 and long-term, permanent contamination of the property is likely. Mr. Habra's
18 ability to use and enjoy the property has been impaired.

19 117. Mr. Habra not only suffers present injury, but also suffers the concrete
20 risk of imminent, additional injury.

21 **F. Plaintiff Jamie Klein**

22 118. Jamie Klein is a resident of Orange County, the owner of a business
23 that makes innovative surf paddles, and the record owner of ocean and beachfront
24 real property in San Clemente, California.

25 119. His property has direct beachfront access to the ocean, including areas
26 to swim, surf, fish, and kayak directly accessible from the property.

27
28

1 120. The 140,000 gallon oil spill caused by Defendants caused crude oil to
2 spill onto beaches and into the ocean, which then traveled to Orange County where
3 Mr. Klein's property is located.

4 121. Mr. Klein not only suffers present injury, but also suffers the concrete
5 risk of imminent, additional injury.

6 **G. Plaintiffs Keith and Tiffani Andrews**

7 122. Keith and Tiffani Andrews, husband and wife, are citizens of Santa
8 Margarita, California. They have been fishing together for more than a decade.

9 123. Their boat, F/V Alamo, is a 1945 Monterey Trawler, built in
10 Monterey, California, that sails from the Santa Barbara Harbor, as pictured below.



23
24 124. Although Keith and Tiffani Andrews fish for a variety of species, their
25 primary source of income is trawling for sea cucumbers in the waters off of Refugio
26 State Beach.

27 125. Sea cucumbers are echinoderms, which puts them in the same genus as
28 star fish. The Andrews primarily catch the California sea cucumber, *Parastichopus*

1 *californicus*, also known as the giant red sea cucumber. Sea cucumbers, particularly
2 those from Santa Barbara, are highly sought after in many Asian fish markets.
3 Nearly the entire catch of Santa Barbara sea cucumbers is processed in California
4 and then shipped to China, where they are sold at handsome prices.

5 126. Although sea cucumbers grow in waters around the world, people pay
6 a premium for Santa Barbara sea cucumbers. Indeed, sea cucumbers from Santa
7 Barbara County are among the top three most expensive varieties, and often
8 individually packaged in wooden boxes for sale in specialty stores in China.

9 127. Defendants' oil spill could not have happened at a worse location for
10 the Andrews.

11 128. The Andrews fish for sea cucumbers almost exclusively in the waters
12 that were closed because of Defendants' oil spill. That now tainted area is the best
13 habitat for sea cucumbers. Other than a small strip of sea just east of the formerly
14 closed area, there are virtually no other places where the Andrews can fish for Santa
15 Barbara sea cucumbers.

16 129. And, Defendants' oil spill could not have come at a worse time for the
17 Andrews.

18 130. Sea cucumber season opened on June 16, 2015. That day, the Andrews
19 should have been sailing into the waters off of Refugio, lowering their net
20 overboard, and catching the sea cucumbers they sell to make a living. Instead, those
21 waters were closed. The Andrews have been forced to confine their trawls to a
22 narrow strip of water just east of the closed area.

23 131. Defendants' oil spill is already having a profound effect on the
24 Andrews and their ability to do generate income. Not only were critical fishing
25 grounds closed, the Andrews are worried that the market for Santa Barbara sea
26 cucumbers may forever be harmed. Foreign and domestic consumers are willing to
27 pay top dollar for Santa Barbara sea cucumbers because of Santa Barbara's
28 reputation of having pristine waters. As the image of clean blue waters in California

1 is tarnished by images of oil coating beaches, dolphins, and birds, there is a
2 significant, concrete risk that buyers may shy away from purchasing sea cucumbers
3 caught there. In fact, potential buyers are already making inquiries about the quality
4 and safety of sea cucumbers caught in Santa Barbara.

5 132. As a result, even though the fishing grounds are finally open and the
6 visible oil may be cleaned up, the Andrews face serious and potentially long-lasting
7 harms because of Defendants' oil spill.

8 133. Defendants' acts and omissions have therefore caused present injury to
9 the Andrews, as well as the concrete risk of imminent, serious, and additional
10 injury.

11 **H. Plaintiff Sarah Rathbone**

12 134. Sarah Rathbone, a citizen of Goleta, is the owner and sole member of
13 Community Seafood LLC. Community Seafood is a "boat to table" business: it
14 buys fresh fish from local fishermen and delivers it directly to consumers, who
15 purchase weekly or bi-weekly "shares." A half-pound share is \$11 per week and
16 \$21 per week buys a pound share. Its website is
17 <http://www.communityseafood.com/>.

18 135. Community Seafood's shares can include a wide variety of local
19 species: black cod, ridgeback shrimp, yellowtail, yellowfin, albacore, squid,
20 anchovies, oysters, mussels, rockfish, and so on. The three-year old business has
21 nine part-time employees and one-full time employee besides Ms. Rathbone.

22 136. Defendants' oil spill has damaged Ms. Rathbone's business. The week
23 following that spill, Ms. Rathbone did not deliver any shares to her customers due
24 to concerns over oil contamination. Those roughly 350 cancelled shares led to lost
25 revenue of over \$6,500 for Community Seafood and Ms. Rathbone.

26 137. Since then, as local fish have become scarcer, Ms. Rathbone has had to
27 spend time and money to drive to out-of-town to places like Morro Bay to purchase
28

1 more expensive species, like salmon, to fulfill her orders. Those increased costs
2 have largely erased profits on her weekly shares, which have fixed prices.

3 138. Ms. Rathbone believes the negative consequences of Defendants' oil
4 spill will continue to impact the Santa Barbara fishery, and consequently her
5 business, for years to come. Defendants' acts and omissions have therefore caused
6 present injury to Ms. Rathbone, as well as the concrete risk of imminent, additional
7 injury.

8 **I. Plaintiff Josh Chancer**

9 139. Josh Chancer is a citizen of Oxnard, California, where he is a history
10 teacher at Pacifica High School.

11 140. In order to augment his public school salary, Mr. Chancer works as a
12 commercial fisherman during the summer months.

13 141. Each summer for the past four years, Mr. Chancer has gone fishing in
14 the waters off the Gaviota Coast, where he fishes for a variety of species, including
15 halibut, yellowtail jack, and sea bass.

16 142. The income he derives from this fishing is significant and supplements
17 his public school salary.

18 143. Defendants' oil spill, however, has seriously affected Mr. Chancer's
19 ability to fish. Nearly all of Mr. Chancer's landings are from the precise area that
20 was closed because of Defendants' oil spill.

21 144. For Mr. Chancer, the timing and location of Defendants' oil spill could
22 not have been worse. The spill happened in the waters he routinely fishes at
23 precisely the time he routinely fishes.

24 145. The spill and resulting fishing closures has already affected Mr.
25 Chancer's annual income, because he cannot fish.

26 146. Not only did Mr. Chancer lose the ability to fish in the closed fishing
27 grounds, he is concerned that the spill will have long-lasting repercussions for his
28 ability to derive income from catching and selling fish. Defendants' oil spill may

1 have seriously and permanently harmed fish populations in the region, seriously
2 reducing Mr. Chancer's ability to catch fish. And, Defendants' oil spill may
3 permanently decrease the market for and the price of the fish Mr. Chancer does
4 catch.

5 147. Mr. Chancer believes the negative consequences of Defendants' oil
6 spill will continue to impact the Santa Barbara fishery, and consequently his
7 supplemental income, for years to come. Defendants' acts and omissions have
8 therefore caused present injury to Mr. Chancer, as well as the concrete risk of
9 imminent, additional injury.

10 **J. Plaintiff Joseph Viens**

11 148. Joseph Viens is a citizen of Carpinteria, Santa Barbara County,
12 California.

13 149. Mr. Viens owns several ATMs at state parks and beaches along the
14 Gaviota Coast. He makes money from these ATMs by charging people a small
15 service fee to withdraw cash.

16 150. When the parks and beaches are open, the ATMs generate a significant
17 amount of revenue each month, because the services at the parks and
18 beaches—including concession stands—do not accept credit cards, and the nearest
19 banks are miles away. As a result, many people who visit or camp at the parks and
20 beaches use Mr. Viens's ATMs.

21 151. When Defendants spilled oil from their pipeline at Refugio State
22 Beach, Mr. Viens's business grounded to a halt.

23 152. Ultimately Defendants' oil spill forced the closure of two beaches at
24 which Mr. Viens has ATMs.

25 153. As no one was allowed to enter or visit the beaches during the
26 closures, Mr. Viens could not make any money from his ATMs. He was prohibited
27 from visiting the ATMs during the beach closures to ensure they were secure.
28

1 154. Not only has Mr. Viens lost money during the beach closures, Mr.
2 Viens is concerned that the oil spill may affect the long-term viability of tourism at
3 the beaches and parks. If people see images of the oil-covered beaches, they may
4 decide to go elsewhere to camp and recreate. If fewer people visit the beaches and
5 parks at which Mr. Viens maintains ATMs, his ability to earn money will decrease.

6 155. Mr. Viens believes the negative consequences of Defendants' oil spill
7 has and will continue to affect his business for years to come. Defendants' acts and
8 omissions have therefore caused present injury to Mr. Viens, as well as the concrete
9 risk of imminent, additional injury.

10 **K. Plaintiff Cort Pierson**

11 156. Cort Pierson grew up in and remains a citizen of Santa Barbara,
12 California.

13 157. While Mr. Pierson does not own his own boat, he works on a variety
14 of fishing boats that sail from Santa Barbara.

15 158. Recently, Mr. Pierson has worked on a boat that fishes for sea urchin.

16 159. Mr. Pierson gets paid a set percentage of the catch—15 percent—at the
17 end of the day; so Mr. Pierson has a direct stake in the success of the sea urchin
18 fishery.

19 160. For years, the sea urchin fishery in Santa Barbara has been thriving,
20 and as a result, Mr. Pierson has done well financially.

21 161. Defendants' oil spill, however, threatens the region's sea urchin
22 fishery and Mr. Pierson's livelihood.

23 162. Defendants' oil spill closed one of the most productive sea urchin
24 fishing grounds in the entire region, and the area in which, but for Defendants' oil
25 spill, Mr. Pierson would have been fishing at the time of the closures.

26 163. As a consequence of Defendants' oil spill and the resulting fishing
27 ground closures, Mr. Pierson lost and is losing significant income.
28

1 164. Not only were the fishing grounds closed, but Mr. Pierson is concerned
2 that Defendants' oil spill may have done long-lasting harm to the sea urchin market.

3 165. Santa Barbara sea urchins are prized; restaurants around the world
4 advertise "Santa Barbara sea urchins" as centerpieces of their menus. The sea
5 urchins are prized both for their taste and because Santa Barbara is renowned for its
6 clean waters.

7 166. As the image of clean blue waters in California is tarnished by pictures
8 and videos of oil coating beaches, dolphins, and birds, there is a significant,
9 concrete risk buyers may shy away from purchasing sea urchins caught in Santa
10 Barbara. In fact, potential buyers are already asking sea urchin divers like Mr.
11 Pierson about the quality and safety of sea urchins caught in the region.

12 167. As a result, even after clean up, Mr. Pierson faces serious and
13 potentially long-lasting harms because of Defendants' oil spill.

14 168. Mr. Pierson believes the negative consequences of Defendants' oil
15 spill will continue to impact the Santa Barbara sea urchin fishery, and consequently
16 his income, for years to come. Defendants' acts and omissions have therefore
17 caused present injury to Mr. Pierson, and poses the concrete risk of imminent,
18 additional injury.

19 **L. Plaintiff Weihai Zhuang**

20 169. Weihai Zhuang is a citizen of El Monte, Los Angeles County,
21 California.

22 170. For the past five years Mr. Zhuang has run a business buying,
23 processing, and exporting sea cucumbers from Santa Barbara.

24 171. Mr. Zhuang purchases sea cucumbers every day from several different
25 fishing boats during the sea cucumber season in Santa Barbara.

26 172. As a result of Defendants' oil spill and the resulting fishing grounds
27 closures, Mr. Zhuang has found there are fewer sea cucumbers for him to buy.
28

1 173. Mr. Zhuang chose to start his business in Santa Barbara because sea
2 cucumbers from the region are highly sought after, and command a premium price
3 in international markets.

4 174. The premium price buyers are willing to pay for Santa Barbara sea
5 cucumbers comes, at least in part, from the fact that Santa Barbara and the waters in
6 the region have the reputation of being clean, healthful, and free from pollution.

7 175. As the image of clean blue waters in California is tarnished by pictures
8 and videos of oil coating beaches, dolphins, and birds, there is a significant,
9 concrete risk buyers may shy away from purchasing sea cucumber caught in the
10 region. In fact, Mr. Zhuang's past buyers and potential buyers are already asking
11 him about the quality and safety of sea cucumbers caught in Santa Barbara.

12 176. As a result, even though the fishing grounds are opened, Mr. Zhuang
13 faces serious and potentially long-lasting harms because of Defendants' oil spill.

14 177. Mr. Zhuang believes the negative consequences of Defendants' oil
15 spill will continue to impact the Santa Barbara fishery, and consequently his
16 business, for years to come. Defendants' acts and omissions have therefore caused
17 present injury to Mr. Zhuang, as well as the concrete risk of imminent, additional
18 injury.

19 **M. Plaintiff Isla Vista Surf Lessons**

20 178. Plaintiff Isla Vista Surf Lessons is a citizen of Santa Barbara,
21 California.

22 179. Plaintiff Isla Vita Surf Lessons is a commercial surfing instruction
23 company that conducts private surfing lessons, primarily on the beaches of Goleta
24 and Isla Vista, approximately 5 miles from the site of Defendants' oil spill.

25 180. Both the employees and the clientele of Isla Vista Surf Lessons consist
26 primarily of students at the University of California, Santa Barbara and nearby
27 Santa Barbara City College.

28 181. Plaintiff Isla Vista Surf Lessons began operations in January 2015.

1 182. Defendants' oil spill caused the beaches and ocean where Isla Vista
2 Surf Lessons operates to be contaminated by crude oil, and made it unsafe and
3 undesirable to surf.

4 183. After Defendants' oil spill, contamination related hazards deterred
5 potential customers from entering the ocean on Goleta and Isla Vista beaches and
6 Isla Vista Surf Lessons' business dropped off sharply to almost nothing.

7 **N. Plaintiff Richard Lilygren**

8 184. Plaintiff Richard Lilygren is a resident of Santa Barbara County,
9 California, citizen of California, and an offshore oil platform operator by trade who
10 has worked in the oil and gas industry since 2002.

11 185. At the time of the spill, Mr. Lilygren had been working for eleven
12 years at the offshore oil platforms Hidalgo and Harvest, operated by Freeport-
13 McMoRan near Point Arguello.

14 186. On July 13, 2015, shortly after the spill and subsequent closure of
15 Lines 901 and 903, Mr. Lilygren lost his job because Freeport-McMoRan's oil and
16 gas facilities were shut down.

17 187. He has been out of work since then, and unable to find comparable
18 employment. The consequences of Plains' conduct and oil spill have had and will
19 continue to have a devastating effect on the ability of oil and gas workers like Mr.
20 Lilygren to earn a living.

21 188. Mr. Lilygren believes the negative consequences of Defendants' oil
22 spill will continue to impair his ability to earn a living as an oil platform operator
23 indefinitely. Defendants' acts and omissions have therefore caused present injury to
24 Mr. Lilygren, as well as the concrete risk of imminent, additional injury.

25 189. After Mr. Lilygren lost his job, he contacted Plains in an attempt to
26 seek compensation for lost wages. When Mr. Lilygren presented his documentation
27 of lost wages to Plains, however, his claim was summarily denied.

28

1 **O. Plaintiff Robert Boydston**

2 190. Plaintiff Robert Boydston is a resident of Santa Barbara County,
3 California, citizen of California, and an offshore oil platform crane operator by
4 trade who has worked in the oil and gas industry his entire career.

5 191. At the time of the spill, Mr. Boydston had been working for almost six
6 years at the offshore oil platform Harmony, operated by Exxon Mobil.

7 192. On June 4, 2015, shortly after the spill and subsequent closure of Line
8 901, Mr. Boydston lost his job because Exxon Mobil's oil and gas facilities were
9 shut down.

10 193. He has been out of permanent work since then. For a time, he was
11 able to find spot work, filling in for other workers on a temporary basis, but that
12 work has now completely dried up. The consequences of Plains' conduct and oil
13 spill have had and will continue to have a devastating effect on the ability of oil and
14 gas workers like Mr. Boydston to earn a living.

15 194. Mr. Boydston believes the negative consequences of Defendants' oil
16 spill will continue to impair his ability to earn a living as an oil platform operator
17 indefinitely. Defendants' acts and omissions have therefore caused present injury
18 to Mr. Boydston, as well as the concrete risk of imminent, additional injury.

19 195. After Mr. Boydston lost his job, he contacted Plains in an attempt to
20 seek compensation for lost wages. When Mr. Boydston presented his
21 documentation of lost wages to Plains, his claim was summarily denied.

22 **P. Plaintiff Arnold Baez**

23 196. Plaintiff Baez, a resident and citizen of Oxnard, Ventura County,
24 California, is the owner of Santa Barbara Uni Inc., an Oxnard-based sea urchin
25 processor. Before starting Santa Barbara Uni in October 2014, Plaintiff Baez spent
26 over two decades working for seafood buyers in the region.

1 197. The success of Plaintiff Baez's company depends on the positive
2 association his customers have between Santa Barbara and the quality of the sea
3 urchin, or uni, that are caught in the waters offshore.

4 198. Plaintiff Baez highlights that positive association on every package of
5 uni roe he sells by using this label:



16 199. After Plains' oil spill, Plaintiff Baez faced a shortage of uni. Because
17 uni divers were prohibited from entering and fishing in prime urchin habitat , uni
18 became more difficult to find and purchase.

19 200. In addition, Plaintiff Baez's customers began to question the quality
20 and safety of uni from Santa Barbara, depressing demand for the processed uni roe
21 he sells to distributors around the nation. In response he sold more of his product to
22 Japan, where prices for uni are lower and the costs of shipping are higher, eroding
23 his profits.

24 201. Based on conversations with his clients, Plaintiff Baez believes that
25 Plains' oil spill has resulted in long-term damage to the Santa Barbara uni market.

26 202. Defendants' acts and omissions therefore caused present injury to
27 Plaintiff Baez as well as the concrete risk of imminent, additional injury.

28

1 **Q. Plaintiff Alelia Parenteau**

2 203. Plaintiff Parenteau, a resident and citizen of Santa Barbara, Santa
3 Barbara County, California, is the owner of iSurf, LLC, a Santa Barbara-based surf
4 school dedicated to giving women and girls the skills and confidence to become
5 avid surfers. iSurf's website is <http://www.surflessonssantabarbara.com>.

6 204. Through iSurf, Parenteau offers private and group lessons, annual
7 memberships, camps, after school programs, and extended surf trips in Santa
8 Barbara County and elsewhere.

9 205. After Plains' pipeline ruptured, fouling the waves at Refugio and other
10 beaches, Parenteau's company experienced both cancellations and a diminished
11 interest in their programs. Understandably, Parenteau's customers were not eager to
12 surf in oil-coated waters or at beaches that had been closed by county officials for
13 health and safety reasons.

14 206. Defendants' acts and omissions have therefore caused present injury to
15 Plaintiff Parenteau as well as the concrete risk of imminent, additional injury.

16 **R. Plaintiff Hwa Hong Muh**

17 207. Plaintiff Hwa Hong Muh is a resident and citizen of Santa Barbara
18 County, California.

19 208. For many years Mr. Muh has run a business buying, processing, and
20 exporting sea cucumbers from Santa Barbara.

21 209. Mr. Muh purchases sea cucumbers every day from several different
22 fishing boats during the sea cucumber season in Santa Barbara.

23 210. As a result of Defendants' oil spill and the resulting fishing grounds
24 closures, Mr. Muh has found there are fewer sea cucumbers for him to buy.

25 211. Mr. Muh chose to start his business in Santa Barbara because sea
26 cucumbers from the region are highly sought after, and command a premium price
27 in the international market.

28

1 212. The premium price buyers are willing to pay for Santa Barbara sea
2 cucumbers comes, at least in part, from the fact that Santa Barbara and the waters in
3 the region have the reputation of being clean, healthful, and free from pollution.

4 213. As the image of clean blue waters in California is tarnished by pictures
5 and videos of oil coating beaches, dolphins, and birds, there is a significant,
6 concrete risk buyers may shy away from purchasing sea cucumber caught here. In
7 fact, Mr. Muh's past buyers and potential buyers are already asking Mr. Muh about
8 the quality and safety of sea cucumbers caught in Santa Barbara.

9 214. As a result, even though the fishing grounds are opened, Mr. Muh
10 faces serious and potentially long-lasting harms because of Defendants' oil spill.

11 215. Mr. Muh believes the negative consequences of Defendants' oil spill
12 will continue to impact the Santa Barbara fishery, and consequently his business,
13 for years to come. Defendants' acts and omissions have therefore caused present
14 injury to Mr. Muh, as well as the concrete risk of imminent, additional injury.

15 **S. Plaintiff Devon Grace**

16 216. Plaintiff Devon Grace, a resident and citizen of Santa Barbara County,
17 California, makes his living fishing for crab and other fish from his boat, the E&T,
18 along the coast of Santa Barbara County.

19 217. Mr. Grace derives a significant portion of his annual income fishing in
20 the areas that Defendants' oil spill closed.

21 218. Mr. Grace also owns a business called Crab Cowboys, selling locally-
22 caught crab and other seafood to local businesses.

23 219. Defendants' oil spill could not have happened at a worse location.

24 220. Mr. Grace does a significant amount of fishing in the waters that were
25 closed because of Defendants' oil spill. That now-tainted area has provided some of
26 the best habitat for these sea creatures in the region.

27 221. Because these key waters were closed to fishing, Mr. Grace lost a
28 significant opportunity to fish and so earn his livelihood.

1 222. Not only did Mr. Grace lose the chance to fish while the waters were
2 closed, because of the long lasting and multi-generational impacts Defendants' oil
3 spill will have on the crab population in the area, he is likely to suffer long-term
4 impacts to his ability to earn a living fishing these waters.

5 223. Finally, the market for Santa Barbara crab is seriously threatened by
6 Defendants' oil spill. As the image of clean blue waters in California is tarnished by
7 images of oil coating beaches, dolphins, and birds, there is a significant, concrete
8 risk that buyers may shy away from purchasing seafood, including crab, caught
9 there.

10 224. In fact, orders for seafood from Crab Cowboys has fallen by at least
11 half over last year's orders. And he routinely receives phone calls from people
12 inquiring whether it is safe to eat seafood caught in this region. The stigma
13 Defendants' oil spill has created regarding Santa Barbara seafood directly affects
14 his bottom line now, and will into the future.

15 225. Defendants' acts and omissions therefore caused present injury to Mr.
16 Grace, as well as the concrete risk of imminent, additional injury.

17 **T. Plaintiff Mike Gandall**

18 226. Plaintiff Mike Gandall, a resident and citizen of Santa Barbara,
19 California, has been fishing the waters off Santa Barbara for decades.

20 227. Mr. Gandall makes his living by fishing for a variety of species,
21 including rock crab and California spiny lobster.

22 228. Santa Barbara lobsters are prized for the taste and appearance, and as
23 such command a premium price on the seafood market.

24 229. Mr. Gandall derives a significant portion of his annual income fishing
25 for lobster in the areas that Defendants' oil spill closed.

26 230. Defendants' oil spill could not have happened at a worse location.

27 231. Mr. Gandall fishes for crab and lobster almost exclusively in the
28 waters that were closed because of Defendants' oil spill. That now-tainted area has

1 provided some of the best habitat for these sea creatures in the region. Because
2 these waters were closed, Mr. Gandall lost a significant opportunity to fish and so
3 earn his livelihood.

4 232. Defendants’ oil spill could not have happened at a worse time.

5 233. The Spill occurred just before lobster spawning season. As a result,
6 thousands of lobsters, laden with eggs that should become the next generation of
7 lobsters, were moving into the shallow waters off of Refugio. Where oil settles to
8 the sea floor, it will smother the adult lobsters and their eggs, killing them. And, as
9 lobsters take nearly 10 years to reach reproductive age, Defendants’ oil spill may
10 not have wiped out just this years’ spawning population; it may have ruined lobster
11 populations for decades.

12 234. Defendants’ oil spill has already had profound effects on Mr.
13 Gandall’s ability to do his job.

14 235. Not only were critical fishing grounds close and future generations of
15 lobsters now seriously threatened, Mr. Gandall is concerned that the market for
16 Santa Barbara lobster may never recover. As the image of clean blue waters in
17 California is tarnished by images of oil coating beaches, dolphins, and birds, there
18 is a significant, concrete risk that buyers may shy away from purchasing lobsters
19 caught there.

20 236. Defendants’ acts and omissions therefore caused present injury to Mr.
21 Gandall, as well as the concrete risk of imminent, additional injury.

22 **U. Plaintiff The Eagle Fleet, LLC**

23 237. Plaintiff The Eagle Fleet LLC, a Salinas, California-based association
24 formed under the laws of California, (“Eagle Fleet”) is owned or operated by
25 members of the Nguyen family, including Hoa Nguyen, a first-generation
26 Vietnamese immigrant and lifelong fisherman.

27 238. For three decades, the Nguyen family has operated commercial fishing
28 vessels along the Central Coast, and currently Eagle Fleet fishes two boats—the

1 Golden Eagle and the Eagle Junior—out of Morro Bay. The Nguyens are part of the
2 Central Coast’s large and successful Vietnamese fishing community, which has
3 been harmed by Plains’ oil spill.

4 239. The Eagle Fleet’s boats are used for trawling and long-line fishing,
5 primarily for black cod but also halibut and crab. Since Plains’ oil spill, Eagle Fleet
6 estimates that its landings for black cod—and all other species—have dropped by
7 roughly half, resulting in thousands of dollars in losses each month. Up until the
8 spill, Eagle Fleet and other Morro Bay fishers had been easily catching their limits.

9 240. Though Eagle Fleet does not fish in the area that was closed following
10 Plains’ spill, its boats fish in areas just to the north and west of there, where, on
11 information and belief, oil from Plains’ pipeline travelled, causing present and long-
12 term harm to fisheries Eagle Fleet depends on for its business.

13 241. Defendants’ acts and omissions have therefore caused present injury to
14 Eagle Fleet as well as the concrete risk of imminent, additional injury.

15 **V. Plaintiff Gary Harden**

16 242. Plaintiff Gary Harden is a resident and citizen of Rancho Cucamonga,
17 San Bernardino County, California.

18 243. Mr. Harden has been fishing the waters off the southern Californian
19 Coast for more than 40 years.

20 244. From his boat, the Jessica H., Mr. Harden fishes for squid, and
21 occasionally for other species, including salmon and halibut.

22 245. The squid fishery in southern California is extremely lucrative, and
23 Mr. Harden makes a very good living fishing for these cephalopods.

24 246. Once Defendants spilled thousands of gallons of oil into the water,
25 buyers of all seafood from southern California, including squid, began curtailing
26 their purchases from this area because of their concern about seafood contamination
27 as a result of Defendants’ oil spill.

28

1 247. As a result of Defendants' oil spill Mr. Harden has already lost
2 significant profits because of the decline in demand for his products, and the
3 decreased demand for seafood from this region is likely to continue into the future.

4 248. Even more concerning is the possible serious and long-term harm to
5 squid populations in the region. Like salmon, squid spawn once and then die. Every
6 9 months, squid gather *en masse* to lay their eggs on the floor of the near-shore
7 environment. These eggs are particularly sensitive to contamination. Where oil
8 from Defendants' spill is present, it may wipe out the next generation of squid in
9 this region.

10 249. Defendants' acts and omissions therefore caused present injury to Mr.
11 Gandall, as well as the concrete risk of imminent, additional injury.

12 **W. Plaintiff Southern Cal Seafood, Inc.**

13 250. Southern Cal Seafood is a seafood processing and wholesale business
14 that sells and ships a wide variety of seafood products, and specializes in squids and
15 crab caught off the California coast.

16 251. Southern Cal is a family-owned company that has been operating since
17 1994, run by experienced commercial fishermen who have been in the industry for
18 generations.

19 252. Southern Cal generates significant revenues from squid fishing and
20 selling squid around the world, particularly in Asia and Europe. Squid is ranked by
21 volume as one of the state's largest commercial fish landed. The abundance of
22 squid in California marine areas is also critically important to the millions of fishes,
23 birds, and mammals along the coast. The market squid is a principal forage item for
24 a minimum of 19 species of fishes, 13 species of birds, and six species of mammals.

25 253. The Santa Barbara and Ventura area makes up more than half the total
26 value for all squids caught in California. The waters off the coast and near the
27 islands are good for squids because there are many sandy bottoms in 200 feet or
28 less, where massive congregations of squids flock to spawn.

1 254. Fishing boats, with the assistance of lights boats that assist them to
2 draw the squids to the surface at night, can net and return to the docks with up to 60
3 tons of squid per night, earning up to \$30,000 in a single night. Squid fishing
4 generates substantial income for the fisherman, the light boats that assist them, and
5 the wholesalers like Southern Cal who purchase and process the squid for re-sale in
6 Asia, Europe and the United States.

7 255. Defendants' oil spill, however, has seriously affected Southern Cal's
8 ability to fish. Following the spill, several commercial squid fisheries on which
9 Southern Cal relies for squid were closed.

10 256. Southern Cal is also gravely concerned that its business will be
11 damaged long term. Defendants' oil spill may have seriously and permanently
12 harmed squid populations in the region, seriously impacting Southern Cal's ability
13 to earn income from squid.

14 257. Southern Cal believes the negative consequences of Defendants' oil
15 spill will continue to impact the Santa Barbara fishery, and consequently its
16 business, for years to come. Defendants' acts and omissions have therefore caused
17 present injury to Southern Cal, as well as the concrete risk of imminent, additional
18 injury.

19 **X. Plaintiff Pacific Rim Fisheries, Inc.**

20 258. Pacific Rim Fisheries is a seafood processing and wholesale business
21 that sells and ships a wide variety of seafood products to destinations all over the
22 world. It specializes in squid caught off the California coast.

23 259. Pacific Rim is a family-owned company that has been operating since
24 2011. It generates significant revenues from squid fishing and selling squid around
25 the world, particularly in Asia and Europe. Squid fishing generates substantial
26 income for the fisherman, the light boats that assist them, and the wholesalers like
27 Pacific Rim which purchase and process the squid for re-sale in Asia, Europe and
28 the United States.

1 260. Defendants' oil spill, however, has seriously affected Pacific Rim's
2 ability to fish. Following the spill, several commercial squid fisheries on which
3 Pacific Rim relies for squid were closed.

4 261. Pacific Rim is also gravely concerned that its business will be
5 damaged long term. Defendants' oil spill may have seriously and permanently
6 harmed squid populations in the region, seriously impacting Pacific Rim's ability to
7 earn income from squid.

8 262. Pacific Rim believes the negative consequences of Defendants' oil
9 spill will continue to impact the Santa Barbara fishery, and consequently its
10 business, for years to come. Defendants' acts and omissions have therefore caused
11 present injury to Pacific Rim, as well as the concrete risk of imminent, additional
12 injury.

13 **Y. Plaintiff Pacific Rim Fisheries, Inc.**

14 263. Ocean Angel IV owns and operates a commercial fishing boat that
15 fishes for squid and other species off the California coast, including at the squid
16 fisheries off the coast of Santa Barbara.

17 264. Ocean Angel generates significant revenues from squid fishing and can
18 earn up to \$30,000 per night.

19 265. Defendants' oil spill, however, has seriously affected Ocean Angel's
20 ability to fish for squid; following the spill, several commercial fisheries on which
21 Ocean Angel relies for squid were closed.

22 266. Ocean Angel is also gravely concerned that its business will be
23 damaged long term. Defendants' oil spill may have seriously and permanently
24 harmed squid populations in the region, seriously impacting Ocean Angel's ability
25 to earn income from squid.

26 267. Ocean Angel believes the negative consequences of Defendants' oil
27 spill will continue to impact the Santa Barbara fishery, and consequently its
28 business, for years to come. Defendants' acts and omissions have therefore caused

1 present injury to Ocean Angel, as well as the concrete risk of imminent, additional
2 injury.

3 **VII. CLASS ACTION ALLEGATIONS**

4 268. Plaintiffs bring claims pursuant to Federal Rule of Civil Procedure 23
5 on behalf of classes of similarly situated persons, which they initially propose be
6 defined as follows:

7 All persons or businesses in the United States that claim
8 economic losses, or damages to their occupations,
9 businesses, and/or property as a result of Defendants’
10 May 19, 2015 oil spill from Line 901.

11 Plaintiffs reserve the right to propose subclasses of Plaintiffs in
12 connection with their Motion for Class Certification, and as
13 determined by the Court in its discretion.

14 269. The Class members are ascertainable and have a well-defined
15 community of interest among their members.

16 270. **Ascertainability:** Although the Class is large, the precise number of
17 members can be ascertained in at least two ways. First, because the members of the
18 proposed Class live in a geographically confined area, providing notice to them via
19 newspapers, trade publications, and other routine avenues of communication will be
20 easily accomplished. Second, Defendants’ records—such as logs of complaints
21 from affected Class members—will also serve to ascertain potential Class members.

22 271. **Numerosity:** The members of the Class are so numerous that joinder
23 of all members is impractical. The proposed Class likely contains hundreds if not
24 thousands of members.

25 272. **Commonality:** There are common questions of law and fact that
26 predominate over any questions affecting only individual members of the Class.

27 273. For Plaintiffs and the Class, the common legal and factual questions
28 include, but are not limited to, the following:

- 1 (a) Whether Defendants acted negligently, recklessly, wantonly, and/or
- 2 unlawfully to cause the spill;
- 3 (b) Whether Defendants installed and maintained adequate safety
- 4 measures and systems on Line 901 and in its systems of command
- 5 and control to prevent the spill;
- 6 (c) Whether Defendants conducted adequate supervision that could
- 7 have prevented the spill or reduced its scale;
- 8 (d) Whether Defendants engaged in unconscionable, deceptive, and/or
- 9 unreasonable business practices and conduct;
- 10 (e) Whether Defendants knowingly, intentionally, or negligently
- 11 concealed, suppressed, or omitted material facts concerning the
- 12 safety of its pipeline from the public;
- 13 (f) Whether Defendants knowingly, intentionally, or negligently
- 14 concealed, suppressed, omitted, or delayed relaying material facts
- 15 regarding the spill to local, state, and federal agencies, thereby
- 16 slowing the response, and/or increasing the damages to Plaintiffs
- 17 and members of the Class;
- 18 (g) Whether Plaintiffs and the Class suffered injury by virtue of
- 19 Defendants' negligence, recklessness, carelessness, and/or
- 20 unconscionable and/or deceptive business practices; and
- 21 (h) Whether Defendants are strictly liable to Plaintiffs and the Class, by
- 22 virtue of state and/or federal laws.

23 274. **Typicality:** The representative Plaintiffs' claims are typical of the
24 claims of the members of the Class. Plaintiffs and all the members of the Class have
25 been injured by the same wrongful acts and omissions of Defendants. Plaintiffs'
26 claims arise from the same practices and course of conduct that give rise to the
27 claims of the members of the Class and are based on the same legal theories.

28

1 275. **Adequacy of Representation:** Plaintiffs are representatives who will
2 fully and adequately assert and protect the interests of the Class, and have retained
3 class counsel who are experienced and qualified in prosecuting class actions.
4 Neither Plaintiffs nor their attorneys have any interests contrary to or in conflict
5 with the Class.

6 276. **Rule 23(b)(3):** In addition to satisfying the prerequisites of Rule 23(a),
7 Plaintiffs satisfy the requirements for maintaining a class action under Rule
8 23(b)(3). Common questions of law and fact predominate over any questions
9 affecting only individual Class members and a class action is superior to individual
10 litigation. The amount of damages available to individual plaintiffs are insufficient
11 to make litigation addressing Defendants' conduct economically feasible in the
12 absence of the class action procedure. Individualized litigation also presents a
13 potential for inconsistent or contradictory judgments, and increases the delay and
14 expense to all parties and the court system presented by the legal and factual issues
15 of the case. By contrast, the class action device presents far fewer case management
16 difficulties and provides the benefits of a single adjudication, economy of scale, and
17 comprehensive supervision by a single court.

18 277. **Rule 23(b)(2).** Plaintiffs also satisfy the requirements for maintaining
19 a class action under Rule 23(b)(2). Defendants have acted or refused to act on
20 grounds that apply generally to the proposed Class, making final declaratory or
21 injunctive relief appropriate with respect to the proposed Class as a whole.

22 278. **Rule 23(c)(4).** Plaintiffs also satisfy the requirements for maintaining a
23 class action under Rule 23(c)(4). The claims of Class members are composed of
24 particular issues that are common to all Class members and capable of class wide
25 resolution that will significantly advance the litigation.

1 **VIII. CAUSES OF ACTION**

2 **First Claim for Relief**
3 **Strict Liability under Lempert-Keene-Seastrand Oil Spill Prevention and**
4 **Response Act, Government Code Section 8670, et seq.**

5 279. Plaintiffs incorporate by reference each and every prior and subsequent
6 allegation of this Complaint as if fully restated here.

7 280. The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act
8 (“the Act”) provides that “[a]ny responsible party, as defined in Section 8670.3,
9 shall be absolutely liable without regard to fault for any damages incurred by any
10 injured party which arise out of, or are caused by, the discharge or leaking of oil
11 into or onto marine waters.” Cal. Gov’t Code Section 8670.56.5(a).

12 281. The Pacific Ocean and the waters off the Gaviota Coast are “marine
13 waters” as defined in Section 8670.03(i).

14 282. Defendants are “responsible part[ies],” which includes “the owner or
15 transporter of oil or a person or entity accepting responsibility for the oil.”

16 283. The oil transported through Line 901 is “oil” within the meaning of the
17 Act, which defines “oil” as “any kind of petroleum, liquid hydrocarbon, or
18 petroleum products or any fraction or residues therefrom,” including “crude oil.”

19 284. As the responsible party for the oil transported through Line 901,
20 Defendants are absolutely liable under the Lempert-Keene-Seastrand Act.

21 285. On May 19, 2015, Defendants discharged or leaked crude oil into the
22 Pacific Ocean, and are therefore absolutely liable without regard to fault for all
23 damages that Plaintiffs and the Class sustained or will sustain. That discharge was
24 not permitted by state or federal law.

25 286. The Act entitles a plaintiff to recover a wide variety of damages,
26 including, but not limited to, loss of subsistence use of natural resources; ; injury to,
27 or economic losses resulting from destruction of or injury to, real or personal
28 property, which shall be recoverable by any claimant who has an ownership or

1 leasehold interest in property; loss of taxes, royalties, rents, or net profit shares
2 caused by the injury, destruction, loss, or impairment of use of real property,
3 personal property, or natural resources; and loss of profits or impairment of earning
4 capacity due to the injury, destruction, or loss of real property, personal property, or
5 natural resources. *See generally* Cal. Gov't Code Section 8670.56.5(h).

6 287. The contamination illegally caused by the discharge of crude oil from
7 Line 901 into or upon area beaches and the Pacific Ocean injured, and the shutdown
8 of local oil and gas operations, caused to be lost, and/or impaired the use of
9 property or natural resources on which Plaintiffs and the Class depend for their
10 livelihood, including, but not limited to, local beaches and marine waters;
11 populations of fish, squid and shellfish; and marine ecosystems. It also caused
12 injury to and destruction of real or personal property, as well as impairment of
13 earning capacity of Plaintiffs and the Class.

14 288. Because Plaintiffs rely on natural resources for subsistence use;
15 Plaintiffs have ownership or leasehold interests in real or personal property
16 damaged by Defendants' oil spill; Plaintiffs derive at least 25 percent of their
17 annual or seasonal earnings from activities that utilize property or natural resources
18 damaged by Defendants' oil spill; Plaintiffs' livelihoods and earning capacity
19 depend directly on the ability to extract the natural resources of the oil fields and
20 the integrity of the pipeline not rupturing and damaging real and personal property
21 and the natural resources in and around the Pacific Ocean, and along the California
22 coastline; and/or Defendants' damage to real property, personal property, and
23 natural resources has caused Plaintiffs a loss of taxes, royalties, rents, or net profit;
24 or all of the above, Defendants are liable to Plaintiffs and the Class under the Act.

25 289. The injury, destruction, loss, and/or impairment of usability of these
26 natural resources has caused Plaintiffs and the Class to lose profits, and will cause
27 future losses of profits and/or impair their earning capacities.
28

1 290. The long-lasting effects of contamination related to the discharge of
2 toxic crude oil into the Pacific Ocean and coastal areas, which Plaintiffs and the
3 Class rely on, requires that Plaintiffs and the Class continue future monitoring and
4 testing activities in order to ensure such marine life is not contaminated and is safe
5 and fit for human consumption, that the toxic oil from the spill does not further
6 contaminate and degrade Plaintiffs’ property, and that their earning capacity is not
7 impaired.

8 **Second Claim for Relief**
9 **Strict Liability for Ultrahazardous Activities**

10 291. Plaintiffs incorporate by reference each and every prior and subsequent
11 allegation of this Complaint as if fully restated here.

12 292. At all times herein, Plains is the owner and operator of the oil pipeline
13 known as Line 901.

14 293. At all times relevant to this action, Defendants had supervision,
15 custody, and control of Line 901.

16 294. At all times herein, Defendants were under a continuing duty to protect
17 the Plaintiffs and the Class from the harm caused by Line 901.

18 295. Defendants were engaged in an ultrahazardous activities by
19 transporting flammable, hazardous, and toxic oil through Line 901.

20 296. Plaintiffs and the Class have suffered harm from the discharge of toxic
21 oil from Defendants’ Line 901 and immediate, direct and negative impact of the
22 shutdown of local oil and gas facilities.

23 297. The injuries sustained by Plaintiffs and the Class as a result of the oil
24 spill were the direct and proximate result of Defendants’ activities.

25 298. The harm to Plaintiffs and the Class was and is the kind of harm that
26 would be reasonably anticipated as a result of the risks created by transporting
27 flammable, hazardous, and toxic oil in a pipeline on which local oil and gas
28

1 facilities and their workers depend, and not properly maintaining the pipelines in
2 close proximity to the Pacific Ocean.

3 299. Defendants' operation of Line 901 and its failure was a substantial
4 factor in causing the harms suffered by Plaintiffs and the Class.

5 300. Due to Defendants' strict liability, Plaintiffs and Class members are
6 entitled to recover actual damages.

7 301. The acts and omissions of Defendants were conducted with malice,
8 fraud, and/or oppression as set out in this Complaint.

9 **Third Claim for Relief**
10 **Negligence**

11 302. Plaintiffs incorporate by reference each and every prior and subsequent
12 allegation of this Complaint as if fully restated here.

13 303. Defendants owed a duty to Plaintiffs and the Class to exercise
14 reasonable and ordinary care. That duty arose from, among other things, federal,
15 state, and local laws that require Defendants to operate a pipeline in a manner that
16 does not damage public health and safety.

17 304. Defendants breached that duty to Plaintiffs and the Class by, among
18 other things, failing to install reasonable safety equipment to prevent a spill, failing
19 to detect and repair corrosion, and failing to promptly respond to and contain the
20 spill.

21 305. Defendants, in the exercise of reasonable care, should have known that
22 Line 901 could rupture or otherwise fail, and spill significant amounts of oil, and
23 cause local oil and gas operations to be shut down. Defendants have acknowledged
24 that spills such as this have occurred on their pipelines in the past and will occur,
25 and have in fact occurred, again.

26 306. As a direct and proximate result of Defendants' negligence, Plaintiffs
27 and the Class have sustained damages. Those damages take primarily two forms:
28 short-term and long-term.

1 307. The short-term damages include loss of profits due to fishing closures
2 caused by the spill, and increased costs associated with traveling to different
3 fisheries. The closures have excluded fishers from near shore fishing grounds for
4 lobster, crab, shrimp, squid, and other species. The short-term damages also include
5 lost profits due to cancellations from tourists who, but for Defendants' oil spill,
6 would have used services offered by businesses in Santa Barbara County, or simply
7 visited Santa Barbara County and the businesses there. The short-term damages
8 additionally include loss of use and enjoyment of beachfront and oceanfront real
9 property because of oil polluting the beaches and waters, as well as potential lost
10 rental income and profits from vacationers and tourists visiting Santa Barbara. The
11 short-term damages also include loss and/or impairment of earning capacity of local
12 workers at oil and gas facilities that have shut down.

13 308. The long-term damages include future lost profits due to the harm
14 caused to the fisheries themselves. For example, the oil is likely to depress (or even
15 eradicate in some areas) populations of sea urchins, crab, lobster, and other
16 crustaceans by directly killing numbers of those species or hindering their breeding
17 and feeding. Similarly, oil that sinks below the surface will poison fish and
18 potentially smother their eggs, limiting their future numbers.

19 309. The taboo associated with an oil spill has and will continue to drive
20 down the price of local fish and shellfish, as consumers and fish processors become
21 wary of producing locally-caught species. It may also diminish the values of
22 oceanfront and beachfront real properties along the coast that have been polluted by
23 Defendants' oil. Finally, local workers in the oil and gas industry may never find
24 comparable, dependable employment if Defendants do not operate their pipelines in
25 a safe and responsible manner.

26 310. Defendants' oil spill caused physical injury to property in which
27 Plaintiffs have a direct ownership interest or an interest by virtue of their right to
28 harvest fish and shellfish.

1 311. Similarly, the image of the Gaviota Coast as a pristine place and as a
 2 perfect place to vacation has been tarnished. Images of oil soaked birds, dead
 3 dolphins, and fouled beaches now show up prominently in internet searches for
 4 “Santa Barbara Beaches” and will dissuade people from visiting the region and the
 5 many businesses that depend on tourism and other visitors.

6 **Fourth Claim for Relief**
 7 **Violations of California’s Unfair Competition Law**
 8 **Cal. Bus. & Prof. Code §§ 17200, *et seq.***

9 312. Plaintiffs incorporate by reference each and every prior and subsequent
 10 allegation of this Complaint as if fully restated here.

11 313. Defendants have engaged in and continue to engage in unfair
 12 competition in violation of California’s Unfair Competition Law (“UCL”).

13 314. Defendants’ conduct constitutes “fraudulent” business practices within
 14 the meaning of UCL in that members of the public have been harmed.

15 315. Defendants’ conduct amounts to “unfair” business practices as UCL
 16 forbids all wrongful business activities in any context in which they appear.
 17 Moreover, as described above, Defendants’ practices offend established public
 18 policies, are immoral, unethical, oppressive, and unscrupulous. The impact of
 19 Defendants’ practices is in no way mitigated by any justifications, reason, or
 20 motives. Defendants’ conduct has no utility when compared to the harm done to
 21 Plaintiffs and members of the Class.

22 316. Defendants’ conduct is “unlawful” because it violated laws including
 23 but not limited to the Lempert-Keene Act, Government Code Section 8670, *et seq.*,
 24 the Porter-Cologne Act, Water Code Sections 13000, *et seq.*, and Cal. Fish & Game
 25 Code Section 5650, *et seq.*, *inter alia*, the Oil Pollution Act, local, state, and federal
 26 spill notification laws, and the oil spill response plans required by federal, state, and
 27 local laws. Federal, state, and local officials have announced civil and criminal
 28

1 investigations into Defendants' conduct related to the spill, so it is reasonable to
2 infer that Defendants may have violated other laws.

3 317. As a direct and proximate result of Defendants' unfair, fraudulent, and
4 unlawful methods of competition and unfair and deceptive acts or practices,
5 Plaintiffs and the Class have sustained damages.

6 318. As a proximate result of Defendants' unfair methods of competition
7 and unfair and deceptive acts or practices, Defendants have been unjustly enriched
8 and should be required to make restitution payments to Plaintiffs and the Class
9 pursuant to Cal. Bus. & Prof. Code §§ 17203 and 17204.

10 319. The acts and omissions of Defendants were done with malice, fraud,
11 and/or oppression as described in this Complaint.

12 **Fifth Claim for Relief**
13 **Negligence Per Se**

14 320. Plaintiffs incorporate by reference each and every prior and subsequent
15 allegation of this Complaint as if fully restated here.

16 321. At all times herein mentioned, Defendants negligently, wantonly,
17 carelessly and/or recklessly maintained and operated Line 901.

18 322. Defendants violated several statutes, ordinances, or regulations
19 including but not limited to the Lempert-Keene Act, Government Code Section
20 8670, *et seq.*, the Porter-Cologne Act, Water Code Sections 13000, *et seq.*, Cal.
21 Fish & Game Code Section 5650, *et seq.*, the Federal Clean Water Act, 33 U.S.C. §
22 1251 *et seq.*, and state and federal spill response and notification laws.

23 323. As a direct and legal cause of the Defendants' wrongful acts and
24 omissions herein above set forth, Plaintiffs and the Class have suffered and will
25 continue to suffer economic harm, injury to earning capacity, and losses.

26 324. Plaintiffs' harm resulted from the occurrence of the nature that the
27 laws listed above were designed to prevent, and Plaintiffs and the Class are
28 members of the class of persons for whose protection those laws were adopted.

1 325. The acts and omissions of Defendants, and each of them, were
2 conducted with malice, fraud, and/or oppression as described in this Complaint

3 **Sixth Claim for Relief**
4 **Public Nuisance**

5 326. Plaintiffs incorporate by reference each and every prior and subsequent
6 allegation of this Complaint as if fully restated here.

7 327. Defendants have created a condition that is harmful to health and
8 interferes with the comfortable enjoyment of life and property by discharging more
9 than 140,000 gallons of crude oil into the Pacific Ocean and onto the California
10 coastline.

11 328. That nuisance affects a substantial number of individuals similarly
12 situated to the Plaintiffs, such as citizens of and visitors to Santa Barbara County,
13 commercial fishers and processors, real property owners, local workers, and
14 businesses that rely on the safe and healthy environment in the County.

15 329. Defendants' oil spill is a condition which would reasonably annoy and
16 disturb an ordinary person, as shown by, for example, the health impacts warned of
17 by the county, the community outrage in response to the spill, and the nationwide
18 interest in the spill's impacts on the Gaviota Coast.

19 330. The seriousness and gravity of that harm outweighs the social utility of
20 Defendants' conduct. There is little or no social utility associated with releasing
21 tens of thousands of gallons of oil into the unique ecological setting of Santa
22 Barbara County.

23 331. Plaintiffs and the Class suffered harm and injury to their economic
24 livelihood, which they did not consent to and which is different from the type of
25 harm suffered by the general public.

26 332. The above acts and omissions also created a public nuisance *vis-à-vis*
27 the Plaintiffs and the Class, interfering with the property rights of Plaintiffs and the
28 Class, and rights incidental to those property rights.

1 333. The acts and omissions of Defendants described herein were also in
2 violation of various California state laws including but not limited to the Lempert-
3 Keene Act, Government Code Section 8670, *et seq.*, the Porter-Cologne Act, Water
4 Code Sections 13000, *et seq.*, and Cal. Fish & Game Code Section 5650, *et seq.*

5 334. Defendants' violations of those statutes directly and proximately
6 caused, and will cause, injury to the Plaintiffs and the Class of a type which the
7 statutes are intended to prevent. Plaintiffs and the Class are of the class of persons
8 for whose protection these statutes were enacted.

9 335. As a direct and legal cause of Defendants' wrongful acts and/or
10 omissions herein above set forth, Plaintiffs and the Class have suffered and will
11 suffer economic harm, injury, and losses.

12 336. To remedy the harm caused by Defendants' nuisance, Plaintiffs will
13 seek public injunctive relief, including, but not limited to, an order requiring
14 Defendants to restore fisheries impacted by the spill, to repair reputational damage
15 done to Santa Barbara's seafood industry, to restore the area real properties and
16 beaches impacted by the spill, to repair short and long term damages to coastal
17 properties, to repair reputational damage done to coastal property values, and
18 preventing Defendants from operating Line 901 or other nearby pipelines without
19 adequate safety mechanisms to prevent future failures and spills and without
20 ongoing monitoring to ensure that no future spills occur.

21 337. In maintaining the nuisance, which is ongoing, Defendants are acting
22 with full knowledge of the consequences and damage being caused, and the acts
23 and omissions of Defendants, were done with malice, fraud, and/or oppression as
24 described in this Complaint.

25 **Seventh Claim for Relief**
26 **Negligent Interference With Prospective Economic Advantage**

27 338. Plaintiffs incorporate by reference each and every prior and subsequent
28 allegation of this Complaint as if fully restated here.

1 339. Plaintiffs and the Class have existing or prospective economic
2 relationships with citizens of Santa Barbara County, visitors to Santa Barbara
3 County, and other individuals and organizations doing business in and related to
4 Santa Barbara County.

5 340. These relationships have a reasonably probable likelihood of resulting
6 in future economic benefits or advantages to Plaintiffs and the Class.

7 341. Defendants knew or should have known of these existing and
8 prospective economic relationships.

9 342. Defendants owed a duty to Plaintiffs and the Class to avoid negligent
10 or reckless conduct that would interfere with and adversely affect the existing and
11 prospective economic relationships of Plaintiffs and the Class.

12 343. Defendants breached that duty to Plaintiffs and the Class by, among
13 other things, failing to install and/or maintain reasonable safety equipment to
14 prevent such a spill, failing properly to maintain the pipeline in a safe condition,
15 and failing to promptly respond to and contain the spill.

16 344. Defendants knew or should have known that, if they failed to act with
17 reasonable care, the existing and prospective economic relationships of Plaintiffs
18 and the Class would be interfered with and disrupted.

19 345. Defendants were negligent and failed to act with reasonable care as
20 herein set forth above.

21 346. Defendants engaged in wrongful acts and/or omissions as herein set
22 forth above, including but not limited to their violations of federal, state, and local
23 laws that require Defendants to operate Line 901 in a manner that does not damage
24 public health and safety.

25 347. As a direct and proximate result of Defendants wrongful acts and/or
26 omissions, Defendants negligently and recklessly interfered with and disrupted the
27 existing and prospective economic relationships of Plaintiffs and the Class.
28

1 348. As a direct and proximate result of Defendants' wrongful acts and/or
2 omissions, Plaintiffs and the Class have suffered and will suffer economic harm,
3 injury, and losses as herein set forth above.

4 **Eighth Claim for Relief**
5 **Trespass**

6 349. Plaintiffs who have a real property interest in water front property
7 bring this on behalf of themselves and all other similarly situated land owners or
8 lessees. They incorporate by reference each and every prior and subsequent
9 allegation of this Complaint as if fully restated here.

10 350. Defendants discharged a polluting matter beyond the boundary of
11 Plaintiffs' and Class Members' real property in such a manner that, it was
12 reasonably foreseeable that the pollutant would, in due course, invade Plaintiffs'
13 and Class Members' real property and cause harm.

14 351. By discharging polluting matter, Defendants entered, invaded, and
15 intruded on the real properties of Plaintiffs and the Class Members without
16 privilege, permission, invitation, or justification.

17 352. Defendants had a duty to use reasonable care not to enter, intrude on,
18 or invade Plaintiffs' and Class Members' real properties. Defendants also owed a
19 duty to Plaintiffs and members of the Class to exercise reasonable care in the
20 manufacture, maintenance, and operation of Line 901.

21 353. Defendants had a heightened duty of care to Plaintiffs and the Class
22 because of the great danger associated with transporting oil so near to pristine
23 coastal residential areas and nearby real properties along the Central Coast.

24 354. Defendants breached the duty they owed to Plaintiffs and members of
25 the Class when they failed to exercise reasonable care in the manufacture,
26 maintenance, and operation of Line 901, which conduct resulted in entry, intrusion,
27 or invasion on Plaintiffs' and Class Members' real properties.

1 355. Defendants knew or should have known that their conduct would
2 foreseeably result in a disastrous oil spill, causing damage to the real properties and
3 economic interests of persons in the area affected by the spill.

4 356. As a direct and proximate result of Defendants' trespass, Plaintiffs and
5 Class Members have suffered legal injury and damages, in an amount to be proven
6 at trial, including, but not limited to, property damage, diminution of value of real
7 estate, loss of income and other economic loss.

8 357. Defendants' wanton or reckless conduct, as described herein, entitles
9 Plaintiffs and Class Members to punitive damages.

10 **Ninth Claim for Relief**
11 **Continuing Private Nuisance**

12 358. Plaintiffs who have a real property interest in water front property
13 bring this claim on behalf of themselves and all other similarly situated land owners
14 or lessees. They incorporate by reference each and every prior and subsequent
15 allegation of this Complaint as if fully restated here.

16 359. Defendants' actions and inactions caused, maintained, and/or
17 permitted the contamination alleged in this action by its negligence, intentional or
18 otherwise, actionable acts, and/or omissions.

19 360. Defendants created the contamination at issue, which is harmful to
20 both human health and the environment and interferes with Plaintiff's comfortable
21 use and enjoyment of the real property in which she has a possessory interest.

22 361. Defendants were, at all relevant times, in sufficient control of Line 901
23 to have known of the threatened release of oil and associated hydrocarbons and to
24 have prevented the resulting contamination. Defendants knew or should have
25 known that their operation of the failed pipeline would have, and did, cause the
26 contamination described herein.

27 362. Despite knowledge and forewarning, Defendants failed to take
28 reasonable steps to prevent the failure which resulted in the contamination at issue.

1 363. Defendants failed to take reasonable steps to abate the contamination
2 at issue, which continues to spread to previously uncontaminated areas. The
3 contamination is, however, abatable, and, therefore, it is continuing in nature. This
4 also confirms that Defendants have knowingly maintained the nuisance, i.e. the
5 contamination at issue.

6 364. Plaintiffs did not consent to the ongoing damage to the use and
7 enjoyment of her property as a result of Defendants' actions and inactions.

8 365. After having a reasonable opportunity to do so, Defendants failed to
9 take reasonable measures to properly abate the contamination described herein.

10 366. As a direct and proximate cause, Defendants' acts and omissions have
11 caused substantial actual damage and immediate and ongoing diminution of the
12 value of Plaintiffs' real property and the property of the Class.

13 367. As a result, Plaintiffs have and will continue to suffer damages, both
14 economic and otherwise.

15 368. The contamination described herein constitutes a nuisance within the
16 meaning of Section 3479 of California Civil Code.

17 369. Plaintiffs are informed and believe, and on that basis allege, that the
18 contamination is continuing and abatable.

19 370. As a proximate result of the nuisance, Plaintiffs have and will continue
20 to suffer damages.

21 **Tenth Claim for Relief**
22 **Nuisance Per Se**

23 371. Plaintiffs who have a real property interest in water front property
24 bring this claim on behalf of themselves and all other similarly situated land owners
25 or lessees. They incorporate by reference each and every prior and subsequent
26 allegation of this Complaint as if fully restated here.

27
28

1 372. The contamination constitutes a continuing nuisance within the
2 meaning of California Water Code Section 13050(m), and Section 3479 of
3 California Civil Code.

4 373. Plaintiffs are in the class of persons protected under these statutes from
5 Defendants and their violations thereof due to the fact that Defendants have, at all
6 times relevant, owned, operated, maintained, supervised and/or controlled Line 901.

7 374. Defendants violated California Civil Code section 3479 and California
8 Water Code Section 13050(m) by their failure to properly abate the contamination,
9 and by allowing contamination to continue to spread.

10 375. As a proximate result of the nuisance per se, Plaintiffs have and will
11 continue to suffer damages.

12 **Eleventh Claim for Relief**
13 **Permanent Injunction**

14 376. Plaintiffs incorporate by reference each and every prior and subsequent
15 allegation of this Complaint as if fully restated here.

16 377. Beginning on or about May 19, 2015, and continuing to the present
17 time, Defendants, and each of them, wrongfully and unlawfully caused oil to spill
18 out of Line 901, onto surrounding areas, into the Pacific Ocean, and onto coastal
19 real properties. Defendants' conduct also caused local workers and businesses to
20 lose work and impaired their ability to earn a livelihood indefinitely.

21 378. In the absence of an injunction, Defendants will continue to violate the
22 rights of Plaintiff and the Class. Defendants, and each of them, have refused and
23 still refuse to refrain from their wrongful conduct.

24 379. Defendants' wrongful conduct, unless and until enjoined and
25 restrained by order of this court, will cause great and irreparable injury to Plaintiff
26 and the Class.

27 380. Plaintiff and the Class have no adequate remedy at law for the injuries
28 that will result from failure of the Defendants to safely replace and/or repair,

1 operate, and maintain their pipeline and it could be impossible for Plaintiff and the
2 Class to determine the precise amount of damages they will suffer if Defendants’
3 conduct is not restrained and Plaintiff is forced to institute a multiplicity of suits to
4 obtain adequate compensation for injuries and harm to the Class.

5 **Request for Relief**

6 Plaintiffs, individually and on behalf of all others similarly situated, request
7 judgment against Defendants as follows:

8 A. For an order certifying the Class and appointing Plaintiffs as
9 representatives of the Class and appointing the lawyers and law firms representing
10 Plaintiffs as counsel for the Class;

11 B. For an order permanently enjoining Defendants from operating a
12 pipeline in Santa Barbara County without adequate safety and response measures
13 and ongoing monitoring;

14 C. For all recoverable compensatory, statutory, and other damages
15 sustained by Plaintiffs and the Class, including disgorgement, unjust enrichment,
16 and all other relief allowed under applicable laws;

17 D. Granting Plaintiffs and the Class awards of restitution and/or
18 disgorgement of Defendants’ profits from its unfair and unlawful practices
19 described above;

20 E. For costs;

21 F. For both pre-judgment and post-judgment interest on any amounts
22 awarded;

23 G. For appropriate injunctive relief, including public injunctive relief; *i.e.*,
24 an order requiring Defendants to restore fisheries impacted by the spill and to repair
25 reputational damage done to Santa Barbara’s seafood industry, an order requiring
26 Defendants to restore property values impacted by the spill and to repair
27 reputational damage done to oceanfront and beachfront real property along
28

1 California’s Central Coast; and on order requiring Defendants to operate their
2 pipelines in such a way to ensure no further spills and resulting losses of jobs;

3 H. For treble damages insofar as they are allowed by applicable laws;

4 I. For appropriate individual relief as requested above;

5 J. For payment of attorneys’ fees and expert fees as may be allowable
6 under applicable law, including Cal. Gov. Code section 8670.56.5(f) the Private
7 Attorneys General Act (“PAGA”), Cal. Lab. Code. § 2698, et seq.;

8 K. For exemplary or punitive damages under Cal. Civ. Code Section 3294
9 for the oppression, fraud, and malice alleged above; and

10 L. For such other and further relief, including declaratory relief, as the
11 Court may deem just and proper.

12 **IX. DEMAND FOR JURY TRIAL**

13 Plaintiffs hereby demand a trial by jury on all issues so triable.

14
15 Dated: September 21, 2015

Respectfully submitted,

16 LIEFF CABRASER HEIMANN &
17 BERNSTEIN, LLP

18 By: /s/ Robert J. Nelson
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CERTIFICATE OF SERVICE

I, Robert J. Nelson, hereby certify that on September 21, 2015 I electronically filed **AMENDED CLASS ACTION COMPLAINT** with the Clerk of the United States District Court for the Central District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

/s/ Robert J. Nelson
Robert J. Nelson