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Assigned for All Purposes
Judge Kirk Nakamura
CX-103

Attorneys for Plaintiffs and the Putative Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE
UNLIMITED JURISDICTION

ELMIRA RAD, on behalf of herself and
all others similarly situated,

Plaintiffs,

v.

ALL AMERICAN ASPHALT and DOES
1-100,

Defendant.

CASE NO. 30-2021-01188072-CU-MC-CXC

CLASS ACTION COMPLAINT FOR:

- 1. Public Nuisance;
- 2. Private Nuisance; and
- 3. Negligence/Gross Negligence

JURY TRIAL DEMANDED

1 NOW COME Plaintiff Elmira Rad (hereinafter “Plaintiff”), individually and on behalf of
2 all others similarly situated, by and through her attorneys, the law firms of ARIAS
3 SANGUINETTI WANG & TORRIJOS, LLP and LIDDLE & DUBIN, P.C., and state in support
4 of her Class Action Complaint against Defendant ALL AMERICAN ASPHALT (hereinafter
5 “Defendant”), as follows:
6

7 NATURE OF THE ACTION

8 1. This is a class action brought to protect the private property rights of Plaintiff, and
9 all others similarly situated, which have been unreasonably interfered with resulting from the
10 physical invasion of Plaintiff’s property by noxious odors and fumes, thereby causing material
11 injury to Plaintiff’s use and enjoyment of their property and loss of value to property through
12 public and private nuisance, negligence, and gross negligence.

13 2. Plaintiff brings this action on behalf of herself and all others who have similarly
14 suffered from the invasion of noxious odors onto their property from Defendant’s industrial
15 facility. The reason for not joining all potential class members as Plaintiffs is that, upon
16 information and belief, there are thousands of potential plaintiffs, thereby making it impracticable
17 to bring them before the Court.

18 3. Plaintiff brings this class action against Defendant All American Asphalt for its
19 release of noxious odors and fumes onto Plaintiff’s property.
20

21 4. Defendant operates the All American Asphalt hot mix asphalt batch and rubber
22 crumb plant (“the Facility”) that releases noxious off-site odors and fumes, causing material injury
23 to property.

24 PARTIES

25 5. At all times relevant hereto, Plaintiff Elmira Rad has resided at 59 Stanza, in the
26 City of Irvine, County of Orange, State of California.

27 6. Defendant All American Asphalt is a California Corporation with its principal place
28 of business located at 400 E Sixth Street, City of Corona, County of Riverside, State of California.

1 7. Defendant’s hot mix asphalt batch and rubber crumb plant (hereinafter “the
2 Facility”) is located at 10671 Jeffery Road, City of Irvine, County of Orange, State of California.

3 8. Defendant, including its predecessors and agents, either constructed or directed the
4 construction of the plant and exercised control over the plant, including day-to-day management
5 and operations, at all relevant times hereto.

6
7 **JURISDICTION AND VENUE**

8 9. Venue is proper in this judicial district, pursuant to California Code of Civil
9 Procedure § 395(a) as Defendant resides and/or transacts business in the County of Orange and is
10 within the jurisdiction of this Court for purposes of service of process.

11 10. This Court has jurisdiction under California Code of Civil Procedure § 410.10.
12 Plaintiffs’ damages exceed the jurisdictional minimum of this Court.

13 11. This Court has subject matter jurisdiction over these claims for negligence and
14 nuisance, which are brought under the common law of the State of California.

15 12. Plaintiff is a citizen and resident of the State of California, and Defendant is a
16 citizen of California because it is organized under the laws of the State of California and maintains
17 its principal place of business in the State of California.
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19 **GENERAL ALLEGATIONS**

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21 13. Defendant All American Asphalt owns and operates a hot mix asphalt batch and
22 rubber crumb plant located at 10671 Jeffery Rd, City of Irvine, County of Orange, State of
23 California (“the Facility”).

24 14. Defendant’s business operations at the Facility include producing hot mix asphalt
25 and crumb rubber, as well as the manufacture of other rubber products. Through Defendant’s
26 production and manufacturing processes, Defendant unnecessarily emits noxious odors into the
27 nearby residential community.
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1 15. Hot mix asphalt production typically involves mixing limestone, recycled asphalt
2 pavement and asphalt cement, a petroleum-based liquid. To mix these components, limestone and
3 recycled asphalt are transported to a rotating drum which heats the ingredients before adding the
4 asphalt cement. After additional mixing, the asphalt mix is usually conveyed and stored in storage
5 silos. Trucks often drive under the silos where the asphalt is loaded by force of gravity into the
6 truck for transportation to job sites.

7 16. Crumb rubber is the name given to the material that is derived from reducing scrap
8 tires or other rubber products into uniform granules. The uniform granules, or “pellets,” are used
9 in a variety of products including playground and other sports surfacing, and rubber-modified
10 asphalt.

11 17. Crumb rubber production typically involves a mechanical process which removes
12 steel and tire cord from automotive and truck scrap tires, leaving tire rubber with a granular
13 consistency. The granules are processed with granulators, cracker mills, or cryogenics, which
14 further separate the steel and fiber components of the tires, reducing the size of the rubber further.
15 The particles are sized and classified based on various criteria including color.

16 18. The raw materials utilized in, and the subsequent materials and waste products
17 created through, Defendant’s industrial processes are noxious and highly odiferous. However, hot
18 mix asphalt batch and rubber crumb plants like Defendant’s are not inherently a nuisance. Rather,
19 asphalt and rubber producers like Defendant are under a duty to take odor and fume emission
20 control, mitigation, and capture techniques in order to prevent noxious emissions from invading
21 off-site properties.

22 19. Due to Defendant’s inadequate efforts to prevent Facility emissions from escaping
23 into the adjacent residential neighborhood, Plaintiffs’ property has been and continues to be
24 physically invaded by noxious odors.

25 20. On frequent, recurrent, and continuing occasions too numerous to list herein,
26 Plaintiff’s property has been and continues to be physically invaded by noxious odors.
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1 21. The noxious odors which entered Plaintiff’s property originated from Defendant’s
2 Facility.

3 22. The noxious odor emissions caused by Defendant’s Facility have been and continue
4 to be dispersed across all public and private land in the proposed class area.

5 23. Defendant’s Facility and its noxious odor emissions have been the subject of
6 frequent complaints from residents in the nearby residential area.

7 24. Numerous households within the proposed Class Area have contacted Plaintiff’s
8 counsel documenting the noxious odors they attribute to the Defendant’s Facility.

9 25. Plaintiff Elmira Rad reported that due to the odors from Defendant’s Facility, she
10 “had to close all the windows and doors due to the offensive fumes. We were not able to use our
11 beautiful backyard.”

12 26. Below is a small sampling of the factual allegations made by putative class
13 members to Plaintiff’s counsel, demonstrating that the Facility is the source and cause of the odor
14 emissions, which have caused damages to neighboring properties.

15 a. On December 28, 2020, putative class member Lynn Wong reported that
16 due to the odors from Defendant’s Facility, on “[s]ome of the days I just
17 couldn’t walk outside. I moved here to enjoy the hike and walk but that is
18 not happening.”

19 b. On January 5, 2021, putative class member Mandana Zion reported that the
20 odors emanating from Defendant’s Facility are “extremely offensive. It can
21 be smelled in the morning when taking kids to school. Also in the afternoon
22 & evening. It is very annoying especially during summer months when that
23 is the only time we can get some fresh air and leave the windows open.”

24 c. On January 21, 2021, putative class member Tracy Walker-Gaspard
25 reported that “[t]he smell comes in the morning and lingers throughout my
26 house for hours. I have to keep my windows closed to prevent this smell
27 from coming in now, which prevents me from having fresh air flowing
28 through my house. If I forget, it wakes me up.”

29 27. Defendant’s well documented pattern of failing to control its emissions is
30 demonstrated by:

31 a. The South Coast Air Quality Management District (“SCAQMD”), the
32 regulatory agency responsible for improving air quality for the region, has

1 received more than 800 complaints from Irvine residents regarding
 2 Defendant’s Facility between February 2019 and November 2020 alone.¹

- 3 b. The SCAQMD has cited Defendant’s Facility with numerous Notices of
 4 Violation (“NOV”) for odor nuisance and other facility violations, including
 5 on September 12, 2019, September 20, 2019, September 21, 2019, October
 6 31, 2019 (notice issued), October 14, 2020, and May 7, 2020. Many of
 7 these violations were for “[d]ischarging such quantities of air contaminants
 8 which cause nuisance to a considerable number of persons or to the public.”
 9 The SCAQMD also issued a NOV for Defendant’s “[f]ailure to obtain a
 10 stationary PO for portable rubber plant and heater, failure to obtain a PO for
 11 ESP attached to the rubber plant, operating asphalt batch plant without
 12 venting screen S_2 to a baghouse, failing to conduct source tests for two
 13 TFHs.” Additionally, an NOV issued to Defendant on November 19, 2019
 14 cited Defendant’s “Portable Crumb Rubber/Asphalt Blending System” had
 15 been “[d]ischarging air contaminants which caused a nuisance to a
 16 considerable number of persons, specifically odors.”
- 17 c. The SCAQMD, citing Defendant’s “asphalt and burnt rubber-type odors,”
 18 has hosted numerous community meetings to address the countless citizen
 19 complaints and concerns regarding Defendant’s Facility.
- 20 d. A local community group called “Non-Toxic Neighborhoods” organized a
 21 petition entitled “Stop Asphalt Fumes – Irving.” The petition, signed by
 22 more than 2,100 local residents, calls for the Facility to relocate, “re-
 23 examine or even cease its production.”
- 24 e. As a result of Defendant’s emission of noxious odors, there have been
 25 several neighborhood protests, as well as significant media attention
 26 addressing Defendant’s emissions.

27 28. A properly designed, operated, maintained, and managed asphalt and rubber
 29 production Facility like Defendant operates will collect, capture, mitigate and destroy odorous
 30 compounds in order to prevent noxious emissions from invading the surrounding community.

31 29. Defendant is required to control its noxious odor emissions by, among other things,
 32 operating and maintaining the Facility in a manner that adequately captures, controls, and mitigates
 33 odor emissions so as to prevent them from escaping into the ambient air surrounding the Facility
 34 and implementing other reasonably available odor mitigation, elimination, and control systems at
 35 the Facility.

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 38 ¹ <https://irvineweekly.com/south-coast-aqmd-releases-irvine-asphalt-plant-air-sampling-results/> (last visited
 February 25, 2021).

1 30. Defendant failed to install and maintain adequate technology to properly control its
2 emissions of noxious odors, including but not limited to the following:

- 3 a. The improper operation of its baghouse, including operating the baghouse
4 without proper venting screens and failure to use adequate available
5 technologies to control, mitigate and/or destroy noxious emissions;
6 b. The improper operation of portable rubber plant and heater, including failure to
7 obtain and utilize adequate available technologies to control, mitigate and/or
8 destroy noxious emissions;
9 c. Improper storage of asphalt and its ingredients in improper containers,
10 including the overnight storage of asphalt;
11 d. Failure to utilize reasonably available odor control, capture, and mitigation
12 strategies and technologies.

13 31. Defendant’s Facility has emitted, and continues to emit, noxious odors that are
14 detectable outside the bounds of its property.

15 32. The Facility has emitted noxious odors that have caused negative impacts to its
16 neighbors throughout the proposed Class Area.

17 33. The noxious odors emitted from the Facility are offensive, would be offensive to a
18 reasonable person of ordinary health and sensibilities, and have caused property damage.

19 34. The invasion of Plaintiff’s property and that of the Class by noxious odor emissions
20 has reduced the value of that property and has interfered with the use and enjoyment of that
21 property, resulting in damages.

22 35. The Class Area is home to a wide range of commercial and recreational activities,
23 including but not limited to manufacturing, construction, retail trade, ministry, education, dining,
24 and lodging.

25 36. Plaintiff and the Class are a limited subset of individuals in Orange County, and the
26 Class Area, that includes only owner/occupants and renters of residential property who live within
27 the proposed Class Area and fit within the Class Definition.

28 37. Members of the public, including but not limited to businesses, employees,
commuters, tourists, visitors, minors, customers, clients, and students, have experienced and been
harmed by the noxious odors emitted from the Facility into public spaces; however, unlike Plaintiff

1 and the Class, members of the public who are outside of the Class area have not suffered damages
 2 of the same kind, in the form of diminished property values and/or loss of use and enjoyment of
 3 their private property.

4 38. Defendant intentionally, recklessly, willfully, grossly and/or negligently failed to
 5 properly maintain, operate, and/or construct the facility, and caused the invasion of Plaintiff's
 6 property by noxious odors on intermittent and reoccurring dates too numerous to individually
 7 recount.

8 39. Defendant's harmful, odorous emissions are continuing; Defendant has failed to
 9 cease the noxious emissions, despite the emissions being abatable with reasonable care and
 10 diligence.

11 40. The invasion of Plaintiff's property and that of the Class by noxious odors has
 12 reduced the value of those properties and has interfered with the use and enjoyment of those
 13 properties, resulting in damages well in excess of \$25,000.00.

CLASS ALLEGATIONS

A. Definition of the Class

16 41. Plaintiff brings this action individually and on behalf of all persons as the Court
 17 may determine to be appropriate for class certification, pursuant to California Code of Civil
 18 Procedure § 382. Plaintiffs seek to represent a Class of persons defined as:

**All owner/occupants and renters of residential property residing within two
 (2) miles of the Facility's property boundary between the date three (3) years
 predating the filing of this Complaint and the present.**

22 The definitional boundary is subject to modification as discovery will disclose the location of all
 23 persons properly included in the Class ("Class Members"). Plaintiff reserves the right to propose
 24 one or more sub-classes if discovery reveals that such subclasses are appropriate.

25 42. This case is properly maintainable as a class action pursuant to and in accordance
 26 with California Code of Civil Procedure § 382 in that:

- a. The Class, which includes thousands of members, is so numerous that joinder of all members is impracticable;

- b. There are substantial questions of law and fact common to the class including those set forth in greater particularity herein;
- c. Questions of law and fact such as those enumerated below, which are all common to the class, predominate over any questions of law or fact affecting only individual members of the class;
- d. A class action is superior to any other type of action for the fair and efficient adjudication of the controversy;
- e. The relief sought in this class action will effectively and efficiently provide relief to all members of the class; and,
- f. There are no unusual difficulties foreseen in the management of this class action; and
- g. Plaintiff, whose claim is typical of those of the Class, through her experienced counsel, will zealously and adequately represent the Class.

B. Numerosity

43. The Class consists of more than 2,000 households and therefore is so numerous that joinder is impracticable.

C. Commonality

44. There is a well-defined community of interest in the relevant questions of law and fact affecting putative Class Members. Common questions of law and fact predominate over individual questions.

45. These numerous common questions of law and fact predominate over any individual questions affecting Class Members, including, but not limited to the following:

- a. Whether and how Defendant negligently and knowingly failed to reasonably construct, maintain and operate the Facility to prevent off-site odor emissions;
- b. Whether Defendant owed any duties to Plaintiff;
- c. Which duties Defendant owed to Plaintiff;
- d. Which steps Defendant has and has not taken in order to control the emission of noxious odors through the construction, maintenance and operation of its Facility;
- e. Whether and to what extent the Facility’s noxious odors were dispersed over the Class Area;

- 1 f. Whether it was reasonably foreseeable that Defendant’s failure to properly
- 2 construct, maintain and operate the Facility would result in an invasion of Plaintiff’s
- 3 property interests;
- 4 g. Whether the degree of harm suffered by Plaintiff and the Class constitutes a
- 5 substantial annoyance or interference; and
- 6 h. The proper measure of damages incurred by Plaintiff and the Class.

7 **D. Typicality**

8 46. Plaintiff has the same interests in this matter as all the other members of the Class
9 and her claims are typical of all members of the Class. If brought and prosecuted individually, the
10 claims of each Class Member would require proof of many of the same material and substantive
11 facts, utilize the same complex evidence including expert testimony, rely upon the same legal
12 theories and seek the same type of relief.

13 47. The claims of Plaintiff and the other Class Members have a common cause and
14 their damages are of the same type. The claims originate from the same failure of the Defendant
15 to properly construct, repair, maintain and operate the Facility.

16 48. All Class Members have suffered injury in fact as a result of the invasion of their
17 properties by Defendant’s release of noxious odors, causing damage to their properties.

18 **E. Adequacy of Representation**

19 49. Plaintiff’s claims are sufficiently aligned with the interests of the absent Class
20 Members to ensure that the Class’ claims will be prosecuted with diligence and care by Plaintiff
21 as representatives of the Class. Plaintiff will fairly and adequately represent the interests of the
22 Class and do not have interests adverse to the Class.

23 50. Plaintiff has retained the services of counsel who are experienced in complex class
24 action litigation and in particular class actions stemming from invasions of industrial emissions.
25 Plaintiff’s counsel will vigorously prosecute this action and will otherwise protect and fairly and
26 adequately represent Plaintiff and all absent Class Members.

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F. Class Treatment Is the Superior Method of Adjudication

51. A class action is superior to other methods for the fair and efficient adjudication of the controversies raised in this Complaint because:

- a. Individual claims by the Class Members would be impracticable as the costs of pursuit would far exceed what any one Class Member has at stake;
- b. Little or no individual litigation has been commenced over the controversies alleged in this Complaint and individual Class Members are unlikely to have an interest in separately prosecuting and controlling individual actions;
- c. The concentration of litigation of these claims in one action will achieve efficiency and promote judicial economy; and
- d. The proposed class action is manageable.

52. The prosecution of separate actions by or against individual members of the Class would create the risk of (i) inconsistent or varying adjudications with respect to individual members of the Class, which could establish incompatible standards of conduct for the party opposing the Class; and (ii) adjudications with respect to individual members of the Class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests.

53. Notice can be provided to members of the Class by U.S. Mail and/or publication.

54. Class treatment of Plaintiffs' claims is appropriate and necessary.

**I. CAUSES OF ACTION I AND II
PUBLIC AND PRIVATE NUISANCE**

55. Plaintiff restates the allegations set forth in all previous paragraphs of this Complaint as if fully rewritten herein.

56. The noxious odors which entered Plaintiff's property originated from the Facility constructed, maintained and/or operated by Defendant.

57. The noxious emissions were created as a result of intentional and affirmative acts taken by the Defendant on the offending property.

1 58. The odors invading Plaintiff’s property are indecent and/or offensive to the senses,
 2 and obstruct the free use of their property so as to interfere with the comfortable enjoyment of life
 3 and/or property, including in but not limited to the following ways:

- 4 a. causing Plaintiff to remain inside her home and forego use of her yard;
- 5 b. causing Plaintiff to keep doors and windows closed when weather conditions
 6 otherwise would not so require; and
- 7 c. causing Plaintiff annoyance, discomfort, embarrassment, and reluctance to
 8 invite guests to her home.

9 59. Defendant owed and continues to owe a duty to Plaintiff and the putative class to
 10 take positive action to prevent and/or abate the interference with common public rights and/or the
 11 invasion of the private interests of the Plaintiff.

12 60. By constructing and then failing to reasonably repair, maintain, and/or operate its
 13 Facility, Defendant has negligently created an unreasonable risk of foreseeable harm by causing
 14 the invasion of Plaintiff’s property by noxious odors and pollutants.

15 61. As a foreseeable, direct and proximate result of the foregoing conduct of Defendant,
 16 Plaintiff suffered injuries and damages to her property, including through interference with the use
 17 and enjoyment of private property, loss of property values, and diminution of property values.

18 62. The Class Area is home to a wide range of commercial and recreational activities,
 19 including but not limited to manufacturing, construction, retail trade, ministry, education, dining,
 20 and lodging.

21 63. Plaintiff and the Class are a limited subset of individuals in Orange County, and the
 22 Class Area, that includes only owner/occupants and renters of residential property who live within
 23 the proposed Class Area and fit within the Class Definition.

24 64. Members of the public, including but not limited to businesses, employees,
 25 commuters, tourists, visitors, minors, customers, clients, and students, have experienced and been
 26 harmed by the noxious odors emitted from the Facility into public spaces; however, unlike Plaintiff
 27 and the Class, members of the public who are outside of the Class area have not suffered damages
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1 of the same kind, in the form of diminished property values and/or loss of use and enjoyment of
2 their private property.

3 65. The injuries and damages suffered by Plaintiff is specially injurious to herself given
4 the impact to her property, as compared with the general public impacted by the odors, whose
5 injuries do not include private property damage.

6 66. Plaintiff did not consent for noxious odors to enter into her land and property.

7 67. The nuisance conditions created by Defendant are abatable with reasonable care
8 and diligence.

9 68. The nuisance conditions created by Defendant are continuing.

10 69. By causing noxious odors produced and controlled by Defendant to physically
11 invade Plaintiff's land and property, Defendant intentionally, recklessly, and/or negligently
12 created a nuisance which substantially and unreasonably interfered with Plaintiff's comfortable
13 use and enjoyment of her property and caused the value of said property to diminish.

14 70. Whatever social utility All American Asphalt's Facility operations provide is
15 clearly outweighed by the harm suffered by the Plaintiff and the putative class, who have on
16 frequent occasions been deprived of the full use and enjoyment of their properties and have been
17 forced to endure substantial loss in the value of their properties.

18 71. Defendant's substantial and unreasonable interference with Plaintiff's use and
19 enjoyment of her property and diminution of property values constitutes a nuisance for which
20 Defendant is liable to Plaintiff for all damages arising from such nuisance, including
21 compensatory, exemplary, injunctive and punitive relief since Defendant's actions were, and
22 continue to be, intentional, willful, malicious and made with a conscious disregard for the rights
23 of Plaintiff, entitling Plaintiff to compensatory and punitive damages.
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25
26 **II. CAUSES OF ACTION III AND IV**
27 **NEGLIGENCE AND GROSS NEGLIGENCE**

28 72. Plaintiff restates the allegations set forth in all previous paragraphs of this
Complaint as if fully rewritten herein.

1 73. On occasions too numerous to mention, Defendant negligently and improperly
 2 constructed, maintained and/or operated its Facility, allowing excessive fugitive emissions to
 3 escape.

4 74. Defendant owed and continues to owe a duty to Plaintiff and the putative class, as
 5 neighboring residents with private property interests, to prevent and abate the interference with,
 6 and the invasion of, their private property interests.

7 75. By failing to properly construct, maintain and/or operate its Facility, and follow
 8 proper hot mix asphalt and crumb rubber facility practices, Defendant failed to exercise its duty of
 9 ordinary care and diligence so that noxious odors would not invade and damage Plaintiff's
 10 property.

11 76. As a direct and proximate result of Defendant's negligence and/or gross negligence
 12 in constructing, maintaining and/or operating the Facility, Plaintiff's property was physically
 13 invaded by noxious odors on occasions too numerous to list individually.

14 77. As a further direct and proximate result of the foregoing conduct of Defendant,
 15 Plaintiff suffered damages to her property as alleged herein. Such damages include, but are not
 16 limited to, diminution in the value of Plaintiff's property, loss of property value, and the
 17 interference with the right of use and enjoyment of Plaintiff's property.

18 78. By failing to construct, maintain and/or operate its Facility, Defendant has caused
 19 the invasion of Plaintiff's property by noxious odors.

20 79. Defendant knowingly breached its duty to exercise ordinary care and diligence
 21 when it improperly constructed, maintained and/or operated its Facility and knew, or should have
 22 known upon reasonable inspection that such actions would cause Plaintiff's property to be invaded
 23 by noxious odors.

24 80. As a direct and proximate result of the failure of Defendant to exercise ordinary
 25 care, Plaintiff's residence has been and continues to be physically invaded by noxious odors.
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81. Defendant’s conduct in causing noxious odors to invade Plaintiff’s property has caused damages to Plaintiff’s property, including unreasonable interference with ordinary use and enjoyment and diminution in value of said properties.

82. Defendant’s conduct in knowingly allowing conditions to exist, which caused noxious odors to physically invade Plaintiff’s property, constitutes gross negligence as it demonstrates an extreme lack of concern for whether an injury resulted to Plaintiff.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the proposed Class, prays for judgment as follows:

- A. Certification of the proposed Class pursuant to California Code of Civil Procedure § 382 and California Rules of Court Rule 3.764;
- B. Designation of Plaintiff as representatives of the proposed Class and designation of their counsel as Class Counsel;
- C. Judgment in favor of Plaintiff and the Class Members and against Defendant;
- D. An award, to Plaintiff and the Class, of compensatory damages, including pre-judgment and post-judgment interest thereupon;
- E. An Order holding that entrance of the aforementioned noxious odors upon Plaintiff’s property constituted a nuisance;
- F. An Order holding that Defendant was negligent in causing property damages to Plaintiff and the Class, causing damages to property.
- G. Injunctive relief not inconsistent with Defendant’s federally and state enforced air permits;
- H. An award of attorney fees and costs; and
- I. Such further relief as the Court deems just and proper.

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JURY DEMAND

Plaintiffs hereby demand a trial by jury.

Dated: March 9, 2021

**ARIAS SANGUINETTI WANG
& TORRIJOS LLP**

By:



MIKE M. ARIAS, ESQ.
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* *Pro Hac Vice* applications to be submitted

Attorneys for Plaintiffs and the Putative Class