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[Fee Exempt pursuant to Cal. Gov.  
Code., § 6103.]

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **IN AND FOR THE COUNTY OF SAN DIEGO**

15 CORONADO UNIFIED SCHOOL )  
16 DISTRICT, a governmental entity; )  
17 Plaintiff, )  
18 v. )  
19 VEOLIA WATER WEST OPERATING )  
20 SERVICES, INC.; )  
21 VEOLIA WATER NORTH AMERICA- )  
22 WEST, LLC; )  
23 VEOLIA ENVIRONNEMENT, S.A., a Public )  
24 Limited Company; )  
25 MARK WIPPLER, AN INDIVIDUAL; and )  
26 DOES 1-200; )  
27 Defendants. )

CASE NO: 25CU011178C

**COMPLAINT FOR DAMAGES**

- 1. Negligence
- 2. Negligence Per Se
- 3. Public Nuisance
- 4. Trespass
- 5. Strict Liability for Ultrahazardous Activities

**DEMAND FOR JURY TRIAL**

1 Plaintiff, CORONADO UNIFIED SCHOOL DISTRICT (“Plaintiff”), by and through its  
2 undersigned counsel, brings this action against Defendants VEOLIA WATER WEST  
3 OPERATING, SERVICES, INC.; VEOLIA WATER NORTH AMERICA-WEST, LLC;  
4 VEOLIA ENVIRONNEMENT, S.A.; MARK WIPPLER; and DOES 1-200, inclusive, and each  
5 of them (“Defendants”). Plaintiff’s allegations are based upon personal knowledge as to Plaintiff’s  
6 own experiences and on information and belief as to all matters, such that each allegation has  
7 evidentiary support or is likely to have evidentiary support upon further investigation and  
8 discovery.

9 **I. NATURE OF THE CASE**

10 Plaintiff alleges herein that its students, faculty, and other community members for whose  
11 benefit Plaintiff exists, were and continue to be exposed to noxious fumes and odors in their homes  
12 and communities for an extended period of time as a direct and proximate result of Defendants’  
13 negligent and reckless operation of the South Bay International Water Treatment Plant  
14 (“SBIWTP”), located in San Ysidro, California.

15 1. Defendants, through their intentional actions, negligence, recklessness, and other unlawful  
16 conduct, have caused Plaintiff to suffer harm from exposure to untreated sewage and various  
17 contaminants, including Hydrogen Sulfide, Dichloro-Diphenyl-Trichloroethane (“DDT”),  
18 Benzidine, and Polychlorinated Biphenyls (the “Contaminants”).

19 2. The Contaminants are highly toxic, malodorous environmental pollutants most commonly  
20 associated with sewage. Thousands of individuals living, working and recreating in Imperial Beach  
21 and the surrounding communities of Coronado, National City, Chula Vista and San Ysidro  
22 (collectively the “South Bay”) have experienced and complained of exposure to the Contaminants  
23 via noxious fumes, odors and unsafe water.

24 3. These Contaminants are known to cause headaches, nausea, respiratory issues,  
25 gastrointestinal upset, tremors, fatigue and other illnesses.

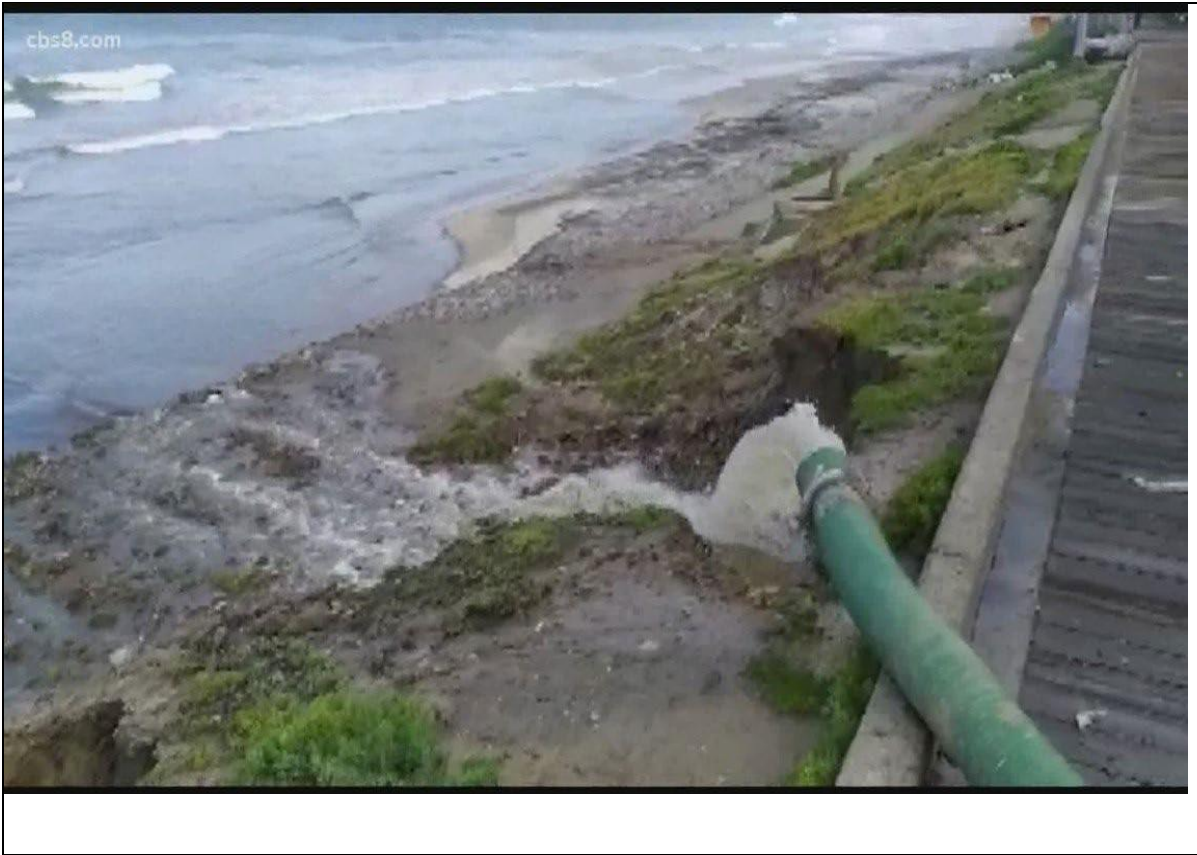
26 4. Plaintiff brings this action to recover compensatory damages associated with the substantial  
27 costs Plaintiff has had to expend resulting from the exposure to noxious fumes, odors and unsafe  
28 water flowing from the SBIWTP, for punitive damages, and for injunctive relief.

1           5. The harms experienced by Plaintiff stem from the Defendants' discharge — and continued  
2 discharge — of harmful pollutants, including fecal bacteria, contaminated sediment, heavy metals,  
3 and toxic chemicals, such as DDT, Benzidine, and Polychlorinated Biphenyls ("PCBs"), some of  
4 which are banned in the United States. These pollutants have been released into the Tijuana River  
5 and Estuary, as well as the Pacific Ocean (the "Host Waters"). In doing so, Defendants have  
6 violated the express terms of their National Pollutant Discharge Elimination System ("NPDES")  
7 Permit and the Clean Water Act, Title 33 U.S.C. Section 1342.

8           6. Defendants' NPDES Permit mandates the capture of certain wastewater flows from  
9 Mexico, directing those flows to the South Bay International Water Treatment Plant before  
10 discharging up to 25 million gallons per day ("MGD") into the Pacific Ocean. However, due to  
11 decades of neglect, deferred maintenance, and other improper actions, the Defendants have  
12 repeatedly violated their NPDES Permit, resulting in hundreds of violations and causing significant  
13 harm to Plaintiff.

14           7. The consequences of the Defendants' actions and inactions are extensive and far-reaching.  
15 For example, the California Coastal Commission reported on September 29, 2023, that over the  
16 past five years, more than 100 billion gallons of transboundary flows—containing untreated  
17 sewage, bacteria, viruses, heavy metals, pesticides, sediment, trash, and toxic chemicals—have  
18 been discharged from Mexico into Southern California through the Tijuana watershed. Much of  
19 this contamination is directly attributable to the Defendants' failures, including their routine  
20 discharge of these same pollutants into the Pacific Ocean via the South Bay Ocean Outfall  
21 ("SBOO") and into the Tijuana River and Estuary through leaks and spills from their canyon  
22 collectors and other infrastructure. These actions and omissions violate their NPDES Permit and  
23 have caused significant environmental harm.

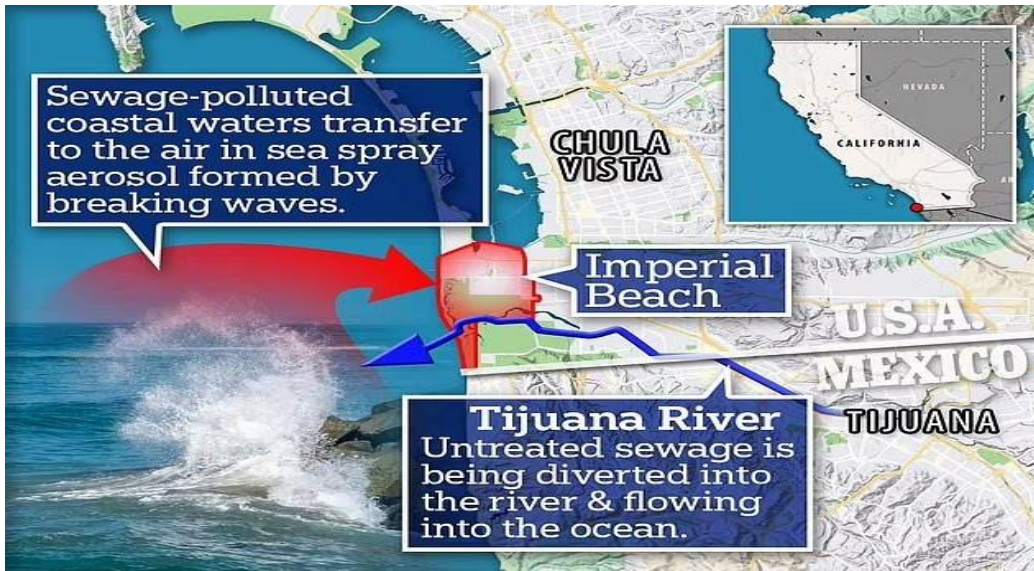
24           8. Defendants' failure to comply with their NPDES Permit and their negligence, trespass,  
25 nuisance, and intentional acts have resulted in serious consequences to human health and the  
26 environment. Among the consequences are exposure to dangerous and deadly pathogens, raw sewage,  
27 hazardous toxins, and noxious odors throughout the South Bay, impacting the health of Plaintiff's  
28 students and faculty.



17 9. The noxious fumes and odors from the discharge of the untreated sewage by Defendants have  
18 caused children attending schools within Plaintiff’s district to remain inside, denying students the use  
19 of playgrounds and curtailing outside sports and activities such that they are unable to enjoy their  
20 adolescent years. This has resulted because of the students’ exposure to the noxious odors and elevated  
21 levels of toxins increases their risk of illness.

22 10. The sewage has also caused hundreds of days of closure at Imperial Beach, Silver Strand State  
23 Beach, Border Field State Beach, and other areas of public recreations, making some recreational and  
24 outdoor activities impossible due to Defendants’ actions and inactions. Residents in some South Bay  
25 communities have received “boil water” orders due to contaminated drinking water.

26 11. Recent studies have found that aerosolized sewage pollutants are often present in the air in the  
27 South Bay communities at levels that present a likely public health threat to people living, working and  
28 recreating in those communities.



12. Public beaches in the affected South Bay communities have been closed intermittently for hundreds of days over the past decade, because of transboundary flows of raw sewage and untreated or poorly treated discharges from the SPIWTP contaminating coastal waters. Discharges contaminated with pathogens, chemicals, sediment, and trash are also severely degrading the Tijuana River Estuary and offshore marine habitat. This harms local businesses, tourism, and has greatly affected the value and desirability of homes and properties located in the South Bay.

## II. JURISDICTION AND VENUE

13. This Court has jurisdiction over this matter because the amount in controversy exclusive of costs and interest exceeds the Court's jurisdictional minimum.

14. Venue is proper in this Court because all of the events giving rise to the claims alleged herein and Plaintiff's injuries occurred in San Diego County.

### A. Plaintiff

15. Plaintiff is a school district serving 2,747 students and is comprised of 5 schools spanning Grades PK-12, consisting of 2 elementary schools, 1 middle school, 1 high school, and 1 prekindergarten. Plaintiff is located in San Diego County, California, with a population of over 3.3 million residents.

16. Plaintiff alleges that Defendant's tortious, wrongful, and unlawful conduct that is detailed throughout this Complaint has proximately caused Plaintiff to expend substantial sums to combat

1 the health issues faced by Plaintiff's students and faculty members. In addition, Defendants'  
2 conduct has caused Plaintiff to lose its ability to permit the free use and enjoyment of its properties  
3 while simultaneously causing physical injury to Plaintiff's properties to fall. Plaintiff has therefore  
4 suffered actual harm as the direct and proximate result of the reckless, intentional, and/or neglectful  
5 conduct of Defendants.

#### 6 **B. Defendants**

7 17. Defendant Veolia Water West Operating Services, Inc. is a corporation headquartered in  
8 Aubervilliers, France and doing business in this judicial district.

9 18. Defendant Veolia Water North America-West, LLC is a limited liability company  
10 incorporated in Delaware. It maintains its corporate headquarters in Boston, Massachusetts, and  
11 maintains offices in multiple locations, including San Diego, California.

12 19. Defendant Veolia Environnement, S.A. ("S.A."), is a French Public Limited Corporation  
13 (Société Anonyme) with its principal place of business in Paris, France. Plaintiff alleges that S.A.  
14 commingles its funds and other assets with those of the two Defendant entities who are its North  
15 American subsidiaries; that S.A. holds itself out as being liable for the debts of the other Defendant  
16 entities; that there is identical equitable ownership in S.A. and its North American subsidiaries;  
17 that S.A. uses the other entities as mere shells or conduits for the affairs of S.A.; that the North  
18 American subsidiary Defendants maintain inadequate capitalization; that there is a general  
19 disregard of corporate formalities among the North American subsidiaries; and that the directors  
20 and officers of S.A. are ultimately controlled by S.A. Moreover, S.A. goes beyond the  
21 establishment of general policy and direction for these subsidiaries and has in effect taken over  
22 performance of their day-to-day operations in carrying out policies and management. There is such  
23 a unity of interest and ownership between S.A. and the other entities that the separate personalities  
24 of each do not in reality exist, and there will be an inequitable result if the acts giving rise to this  
25 action are treated as those of the subsidiary entities alone. Therefore, Plaintiff refers to the Veolia  
26 Defendants collectively as "Veolia."

27 20. Defendant Mark Wippler is an employee of Veolia who resides in San Diego, California.  
28 At all times relevant to the facts and circumstances alleged in this pleading, Mr. Wippler was

1 Project Manager at Veolia North America. Plaintiff is informed and believes that all relevant times,  
2 as Project Manager Defendant Wippler oversaw the design and management of the treatment of  
3 sewage at the SPIWTP. Included in his duties, which he failed to perform, were the following:

- 4 • Participate in the development of engineering design and delivery processes and  
5 standards that would ensure the proper treatment and discharge of sewage and by  
6 products of the treatment of sewage.
- 7
- 8 • Review designs by others to assure conformance with company and legal  
9 standards.
- 10
- 11 • Perform all job responsibilities and duties in compliance with all safety, health,  
12 environmental, and security laws, rules, policies, programs and training and  
13 ensure compliance with all applicable government regulations and procedures.
- 14
- 15 • Collaborate with others to accomplish design and construction oversight for  
16 assigned 16 facilities on new developments. Coordinates internal resources to  
17 ensure accurate and timely plan reviews of assigned facilities for new  
18 developments.
- 19
- 20 • Managing the Plant, including ensuring that the Plant did not discharge such  
21 quantities of air contaminants or other material that could cause injury, detriment,  
22 nuisance or annoyance to any persons or to the public or which endanger the  
23 comfort, repose, health or safety of such person or the public or which cause or  
24 have a natural tendency to cause injury to business or property.
- 25

26 21. The true names and/or capacities, whether individual, corporate, associate or otherwise of  
27 Defendants DOES 1 through 200, inclusive, and each of them, are unknown to Plaintiff, who  
28 therefore sues said Defendants by such fictitious names.

1 22. Plaintiff is informed and believes, and thereupon alleges, that each of the Defendants  
2 fictitiously named herein as a DOE is legally responsible, negligently, or in some other actionable  
3 manner, for the events and happenings hereinafter referred to, and proximately caused the injuries  
4 of Plaintiff as hereinafter alleged. Plaintiff will amend this Complaint to assert the true names  
5 and/or capacities of such fictitiously named Defendants when the same have been ascertained.

6 23. Plaintiff is informed and believes, and thereupon alleges, that at all times mentioned herein,  
7 Defendants, including DOES 1 through 200, inclusive, and each of them, were the agents, servants,  
8 employees and/or joint ventures of the co-Defendants, and were, as such, acting within the course,  
9 scope and authority of said agency, employment and/or venture.

### 10 **III. ADDITIONAL FACTUAL BASIS FOR CLAIMS ASSERTED**

11 24. For decades, South Bay residents have suffered injury from exposure to raw sewage. The  
12 United States Section, International Boundary & Water Commission (IBWC), owns and operates  
13 SBIWTP, intended and designed for treating, among other things, raw sewage flows from Mexico.  
14 It was completed in January 1999 and IBWC hired Defendants to manage the SBIWTP.

15 25. The SBIWTP was designed to deal with the growing demand for the treatment of  
16 wastewater resulting in the contamination of the Tijuana River Estuary in the United States as well  
17 as the Pacific Ocean within the United States' territorial seas. That contamination has been an  
18 ongoing concern since 1934 when the United States and Mexican governments instructed the  
19 International Boundary Commission (IBC) to cooperate in the preparation of a report on the  
20 Tijuana sewage problem. The SBIWTP is capable, when it is working, of providing secondary  
21 treatment for 25 MGD average daily flows of sewage but has expansion capability of up to 100  
22 MGD. The plant treats sewage originating in Tijuana, Mexico and discharges it to the Pacific  
23 Ocean through the South Bay Ocean Outfall, a four and one-half mile long 11foot diameter pipe  
24 completed in January 1999.

25 26. The San Diego Regional Quality Control Water Board ("San Diego Water Board") is the  
26 administrative agency that issued and enforces the NPDES Permit Order No. R9-2014-0229,  
27 NPDES No. CA0108928, and Order No. R9-2021-0001, NPDES No. CA0108928, as amended by  
28 Order No. R9-2023-0009, adopted Time Schedule Order No. R9-2023-0189 ("TSO")

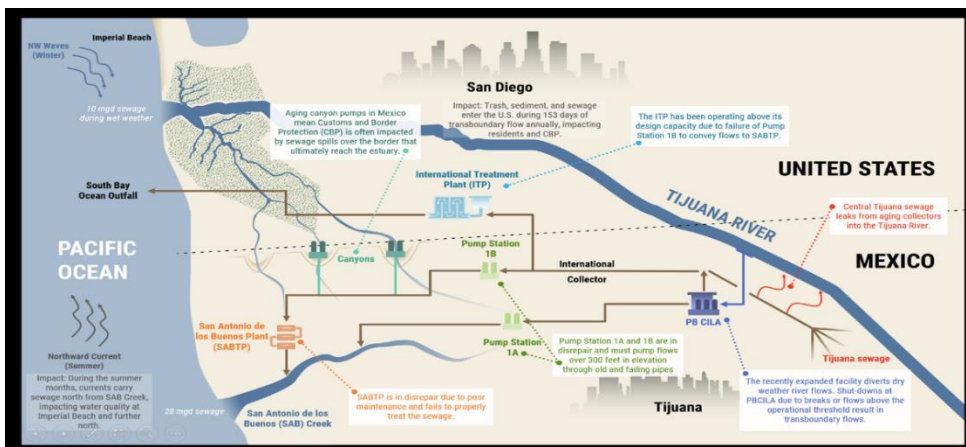
1 (collectively, “NPDES Permits”). The NPDES Permits required IBWC to comply with the NPDES  
2 Permits’ secondary effluent limitations by August 15, 2024, and set task deadline and  
3 corresponding interim goals to ameliorate the pollution arising from the South Bay Ocean Outfall  
4 (SBOO). But Defendants have not complied, and the polluting conditions persist, causing harm to  
5 Plaintiff.

6 27. Pursuant to the Clean Water Act, the NPDES Permit Program was created to control water  
7 pollution by regulating harmful pollutants from being discharged from a “point source” (such as  
8 SBIWTP) into “waters of the United States” (such as the Tijuana River Estuary and the Pacific  
9 Ocean) to protect human health and the environment. While this is a federal program, the  
10 implementation and enforcement of the program has been delegated to the State of California  
11 through its State Water Resources Control Board and the nine subordinate Regional Water Quality  
12 Control Boards which includes the San Diego Water Board.

13 28. The discharge of effluent from the SBIWTP to the Pacific Ocean through the SBOO is a  
14 significant and ongoing source of pollution affecting Imperial Beach, often requiring beach  
15 closures and adverse effects to wildlife and human health and noxious and harmful odors  
16 throughout the area.

17 29. The IWBC is a federal agency responsible for operating the SBIWTP in South San Diego.  
18 The purpose of SBIWTP is to collect large amounts of trash and sediment coming into the estuary  
19 from the Tijuana River, treat the sewage, and pump the treated water out into the Pacific Ocean.

20 30. The IWBC contracted with Veolia to operate, manage, and maintain the SBIWTP. Veolia  
21 is a large international consulting firm that manages public projects for governments and private  
22 entities around the world.



1 31. Although it has received millions of dollars from the federal government to operate,  
2 manage and maintain the SBIWTP, Veolia has, instead, caused, or contributed to, or failed to  
3 ameliorate, a public health and environmental crisis that continues to harm South Bay residents.  
4 Since 2018, the IWBC and Veolia have caused, or failed to prevent, over 500 illegal discharge  
5 incidents from SBIWTP, resulting in over a billion gallons of raw sewage being dumped into the  
6 Tijuana River that flows into South San Diego.

7 32. For instance, on or about July 29, 2024, the San Diego County Air Pollution Control  
8 District (“SDCAPCD”) issued a notice to the IBWC about over 150 complaints about an odor over  
9 a three-day period. The SDCAPCD investigation found that the Hollister Wastewater Pump  
10 Station, operated by Defendants, was improperly maintained and caused the odors.

11 33. Plaintiff is informed and believe and based thereon allege that Veolia and Wippler have  
12 failed, to such an enormous degree, to comply with its contract with the United States (IBWC), by  
13 failing to adequately operate, manage, and maintain SBIWTP with due care and diligence, in  
14 contravention of its contractual mandate, such that neither may rely on any derivative  
15 governmental immunity herein.

16 34. The effects of the recent sewage spills are well known and well documented, and while the  
17 Cities of Imperial Beach and Chula Vista, together with the San Diego Port Commission have sued  
18 the IBWC and Veolia, detailing years of neglect, incompetent management, and maintenance  
19 failures at SBIWTP, such cases have merely sought injunctive relief and civil penalties. No relief  
20 has been directly sought to compensate South Bay residents who suffer daily from exposure to the  
21 Contaminants, noxious odors, toxic chemicals, raw sewage, hazardous waste, pollutants, and  
22 pathogens.

23 35. The ocean water regularly tests positive for Norovirus and has even been found to have  
24 trace amounts of illegal drugs such as methamphetamine and cocaine from the Tijuana River.  
25 There have been “boil water” orders due to contaminated drinking water. There is an increase in  
26 the mosquito population causing fear of contracting diseases such as West Nile Virus. According  
27 to a recent report, the entire fish population is now gone from the estuary. Plaintiff is informed and  
28 believe and based thereon allege that the level of toxic waste and pollution in the Tijuana River

1 has increased tenfold over the last three years, the consequences of which has been exacerbated  
2 dramatically by Defendants' mismanagement of SBIWTP.

3 36. The State Water Board and the San Diego Water Board have issued hundreds of violations  
4 to IWBC and Veolia for their ongoing failures. Despite these sanctions, the Defendants continue  
5 to allow the toxicity and pollution in the river and coastal waters to worsen, unchecked and  
6 unremedied. As detailed above, on July 29, 2024, the San Diego Air Pollution Control District  
7 issued a notice of violation to Veolia for discharging 302,000 gallons of untreated sewage into the  
8 Pacific Ocean at Imperial Beach, creating a public nuisance. Following this incident, Veolia failed  
9 to adequately treat the wastewater, leading to the continued release of raw sewage, exacerbating  
10 the nuisance, and causing further environmental damage, including persistent odors affecting the  
11 public, and in particular South Bay residents. The State Water Board and the San Diego Water  
12 Board have issued hundreds of violations to IWBC and Veolia. But Defendants continue to allow  
13 the toxicity and pollution in the river and waters off the coast to increase and run unchecked.

14 **A. Plaintiff's Injuries**

15 37. Plaintiff is a public school district in a community that is home to individuals and families  
16 who live, work, and/or own property and homes in the South Bay and given their proximity to the  
17 SBIWTP and the discharge of the raw sewage, were sickened and injured as a result of the noxious  
18 fumes, odors and the contaminated water.

19 38. Due to the high levels of the Contaminants and other toxic pollutants and their prolonged  
20 exposure, Plaintiff claims damages for the costs Plaintiff has expended for medical treatment of  
21 students and faculty, counseling for students' fear of future physical injury, costs sufficient to  
22 cover the need for medical monitoring, and physical injury to real and personal property, and other  
23 economic damages.

24 39. Plaintiff's injuries include but are not limited to the costs associated with aiding in  
25 treatment for Plaintiff's students' and faculty members' headaches, lightheadedness, dizzy spells,  
26 asthma, nausea, breathing conditions, stinging eyes, and other related symptoms, as well as other  
27 harms not yet known. Plaintiff's injuries also include remediation needed for school property and  
28 other structures and facilities Plaintiff owns and possesses.

1           **B. Medical Monitoring and Health Care Damages**

2           40. Defendants have exposed Plaintiff’s students and faculty to excessive levels of  
3 Contaminants proven toxic and hazardous to human health.

4           41. The exposure to these dangerous substances and conditions has placed Plaintiff’s students  
5 and faculty in a position of increased risk of contracting latent illnesses and disease, including but  
6 not limited to respiratory, cardiovascular, neurological and mental health issues. Plaintiff’s  
7 responsibility to these individuals includes providing health care coverage for faculty and, when  
8 necessary, providing health services to students. Defendants must compensate Plaintiff for these  
9 services because they have substantially caused the need for Plaintiff to expend these costs.

10          42. Monitoring and testing procedures for illnesses associated with exposure to the  
11 Contaminants make early detection and treatment of such diseases and health conditions possible  
12 and confer a substantial benefit on recipients.

13          43. For these reasons, Plaintiff requests and is entitled to compensatory damages for medical  
14 monitoring and additional health care costs.

15           **IV. CAUSES OF ACTION**

16   **FIRST CAUSE OF ACTION**

17   **Negligence**

18   **(Against All Defendants)**

19           44. All previous paragraphs are incorporated into this cause of action.

20           45. Defendants, and/or each of them, as owners, controllers, or operators of the SBIWTP and  
21 related infrastructure, were under a duty codified in Civil Code §1714(a), which states, in pertinent  
22 part:

23                   Everyone is responsible, not only for the result of his or her willful acts, but also for an  
24                   injury occasioned to another by his or her want of ordinary care or skill in  
25                   the management of his or her property or person, except so far as the latter has,  
26                   willfully or by want of ordinary care, brought the injury upon himself or herself.

27           46. Defendants each have special knowledge and expertise far beyond that of a layperson with  
28 regard to the safe design, engineering, construction, use, operation, inspection, repair, replacement,  
and maintenance of the SBIWTP, related infrastructure, and wastewater treatment.

1 47. At all times relevant herein, Defendants had a duty to properly design, engineer, construct,  
2 operate, and maintain the SBIWTP and related infrastructure to ensure wastewater was properly  
3 treated and to not expose individuals in Plaintiff's community to hazardous substances, sewage,  
4 pollution, trash and other dangerous substances.

5 48. Defendants owed a duty to Plaintiff to ensure the handling, storing, treating, management  
6 of hazardous waste, raw sewage, pollution, trash and other dangerous substances did not  
7 contaminate of the air, soil, and water causing injuries to the health of Plaintiff's students and  
8 faculty, and to Plaintiff's properties.

9 49. Defendants each breached these duties by, among other things:

- 10 a. Failing to design, construct, operate, manage, and maintain the Plant and related  
11 infrastructure in a way that would prevent the discharge hazardous waste, raw  
12 sewage, pollution, trash and other dangerous contaminants from entering the air,  
13 soil, water, and Plaintiff's properties;
- 14 b. Failing to prevent the discharge of trash, sewage, pollution, hazardous chemicals,  
15 and other dangerous contaminants from being released or discharged from the  
16 Plant and related infrastructure;
- 17 c. Failing to properly maintain the Plant and related infrastructure in a manner that  
18 would prevent the discharge of trash, sewage, pollution, hazardous chemicals,  
19 and other dangerous contaminants from being released or discharged from its  
20 facilities;
- 21 d. Improperly and illegally discharging trash, sewage, pollution, hazardous  
22 chemicals, and other dangerous contaminants from the Plant and related  
23 infrastructure;
- 24 e. Failing to properly train and supervise employees and agents responsible for  
25 operation, maintenance, and inspection of the Plant and related infrastructure;
- 26 f. Failing to implement and follow regulations and reasonably prudent practices to  
27 avoid the discharge of trash, sewage, pollution, hazardous chemicals, and other  
28 dangerous contaminants from SBIWTP and related infrastructure;

- 1 g. Failing to operate and maintain its facilities and equipment in accordance with  
2 the requirements issued by the State Water Board; and/or  
3 h. Failing to comply with the San Diego Water Board requirements and NPDES  
4 Permits.

5 50. Defendants' breaches resulted in illegally discharging hazardous waste, raw sewage,  
6 pollution, trash, and other dangerous contaminants into the South Bay that has entered the air, soil,  
7 water, and Plaintiff's properties. This has caused a public health and environmental crisis that has  
8 harmed and continues to harm Plaintiff's properties, in addition to the health of Plaintiff's students  
9 and faculty.

10 51. Also, contamination of the air, soil, and water caused by pollutants, sewage, and hazardous  
11 waste does not ordinarily occur in the absence of negligence. And here, the contamination was  
12 caused by an agency and instrumentality in the control of Defendants only. The contamination was  
13 not caused by any voluntary action by Plaintiff. Thus, Plaintiff will be able to meet its burden of  
14 proof under the doctrine of res ipsa loquitur.

15 52. As a result of Defendants' negligence, Plaintiff's students and faculty were and continually  
16 are exposed to pollutants, sewage, and hazardous waste in the air they breathe, the water they drink  
17 and use in their home. The pollutants, sewage, and hazardous waste has also contaminated the soil  
18 on Plaintiff's properties.

19 53. As a result of the contaminated water, air, and soil, Plaintiff has expended costs and  
20 resources to combat the adverse health effects that have resulted to Plaintiff's students and faculty,  
21 who were and are exposed to dangerous and deadly pathogens, including E.coli, SARS-CoV2,  
22 hepatitis A, human norovirus, and other viruses.

23 54. Plaintiff's outdoor facilities are in such a condition that students and faculty cannot breath  
24 the air outside without suffering exposure to pathogens, pollutants, sewage, hazardous waste, and  
25 noxious odors. Plaintiff's students and faculty have suffered and will continue to suffer injuries  
26 and illness from their exposure to the contaminated water and air, requiring Plaintiff to expend  
27 additional costs for the treatment of students while they attend school or school related events, in  
28 addition to the health insurance and treatment costs of faculty members in Plaintiff's employ.

1 Plaintiff's properties have also been damaged from pollutants, sewage, hazardous waste, and  
2 noxious odors that have invaded these properties.

3 55. Defendants' negligence was a substantial factor in causing Plaintiff to suffer damages  
4 including, but not limited to, the expenditure of costs to do all the following:

- 5 a. Hiring additional personnel to address mental, emotional, and physical health  
6 crises of students and faculty;
- 7 b. Developing and spending additional resources to address mental, emotional, and  
8 physical health issues;
- 9 c. Increasing training for teachers and staff to identify students exhibiting symptoms  
10 impacting their mental, emotional, and physical health and well being;
- 11 d. Implementing additional training for teachers, staff, and members of the  
12 community about the harms caused by Defendants' wrongful conduct;
- 13 e. Educating students, staff and parents about the dangers of exposure to the  
14 Contaminants;
- 15 f. Remediating the inability to use outdoor property for athletic and fitness  
16 purposes;
- 17 g. Increasing time and resources spent addressing the health problems caused by  
18 Defendants' conduct;
- 19 h. Diverting time and resources from instruction activities to notify parents and  
20 guardians of the potential for exposure to the dangerous Contaminants that are  
21 present in their communities and at places of public gathering due to Defendants'  
22 conduct;
- 23 i. Updating student handbook(s) to address responsiveness to the public health  
24 crisis created by Defendant; and
- 25 j. Addressing the decreased value of Plaintiff's properties by spending time and  
26 resources to determine the long term effects of their devaluation, in addition to  
27 the viability of these properties and their facilities.

1 56. Defendants' negligent conduct has actually and proximately caused Plaintiff to suffer  
2 damages because the value of Plaintiff's properties has diminished as a result of the toxic  
3 substances and pollution that constantly surrounds and affects these properties.

4 57. All of these damages were foreseeable to Defendants because Defendants were aware of  
5 the adverse consequences associated with the deficient and negligent performance of their  
6 responsibilities and illegal discharge of hazardous waste, raw sewage, pollution, trash, and other  
7 dangerous contaminants into the South Bay would result in the public health crisis affecting local  
8 communities. Defendants knew that these local communities included school districts who would  
9 bear the consequences that have caused Plaintiff's damages. But for Defendants' negligence,  
10 Plaintiff would not have sustained these damages.

11 58. Plaintiff seeks compensatory damages in amount which will compensate Plaintiff for all  
12 the detriment proximately caused by Defendants' negligence, to be determined according to proof  
13 at trial.

14 59. Defendants' conduct, as described above, was intended to serve their own interests despite  
15 Defendants' knowledge and conscious disregard of the substantial risk that their conduct was likely  
16 to significantly injure the rights of others, including Plaintiff. Defendants have deliberately made  
17 choices culminating in a course of conduct that created a substantial risk of significant harm to  
18 others, including Plaintiff. Defendants consciously risk the health of persons living in local  
19 communities, including minors and children, with full knowledge of the dangers their conduct  
20 posed. Defendants, including one or more officers, directors, and/or managers, know that allowing  
21 contaminated water to spread into the air, soil, water, and enter Plaintiff's properties would cause  
22 a significant risk of injury and illness. Defendants acted recklessly and with conscious disregard  
23 to human life and safety, and this recklessness and conscious disregard was a substantial factor in  
24 bringing about Plaintiff's harm. Defendants engaged in this conduct while being fully aware of the  
25 probable dangerous consequences of the conduct and deliberately failing to avoid those  
26 consequences. This is despicable and oppressive conduct, especially considering Defendants'  
27 knowledge that Plaintiff's students—vulnerable, innocent, unsuspecting children—would have to  
28 suffer the consequences associated with lifelong health issues and missing out on experiences in

1 their childhood years that they will never have. Defendants made a conscious and deliberate choice  
2 to risk the lives and health of the children in Plaintiff's district while their officers, directors, and  
3 managing agents all decided to pay themselves substantial salaries on the backs of American  
4 taxpayers, believing that the public would bear the costs Plaintiff has expended and will  
5 continually expend to abate the nuisance Defendants created. Reasonable members of society  
6 would agree that Defendants' conduct evincing a long history of deliberate disregard for the safety  
7 and well being of Plaintiff's students and faculty should be punished and deterred. Therefore,  
8 Plaintiff seeks an award of punitive damages, as is warranted because of the Defendants' willful,  
9 knowing, and reckless conduct resulting in Plaintiff's injuries and damages.

10 **SECOND CAUSE OF ACTION**

11 **Negligence Per Se**  
12 **(Against All Defendants)**

13 60. All previous paragraphs are incorporated into this cause of action as though fully set forth  
14 herein.

15 61. California Health and Safety Code section 5411 provides: "No person shall discharge  
16 sewage or other waste, or the effluent of treated sewage or other waste, in any manner which will  
17 result in contamination, pollution or a nuisance."

18 62. In doing the acts that are alleged herein, Defendants, and each of them, discharged waste,  
19 effluent, and/or sewage in a manner that has resulted in contamination, pollution, and a nuisance,  
20 and have thereby violated Healthy and Safety Code section 5411 pursuant to its express terms.

21 63. Health and Safety Code section 5411 was enacted by the California Legislature and is a  
22 statute applicable to all persons and entities subject to the jurisdiction of California courts.

23 64. As a result of Defendants' violation of Health and Safety Code section 5411, Plaintiff's  
24 properties have been damaged, and Plaintiff has suffered harm resulting from injuries sustained by  
25 Plaintiff's students and faculty. Defendants' violation of the statute has proximately caused the  
26 harms for which the present action is brought.

27 65. Health and Safety Code section 5411 was designed, enacted, and adopted to prevent the  
28 kind of injuries suffered by Plaintiff as it is a means by which the Legislature sought to deter  
persons and entities, including Defendants, from discharging sewage, waste, and/or effluent in a

1 manner that would result in injuries of the sort that Plaintiff has suffered and continues to suffer  
2 as the result of Defendants' acts and omissions that constitute a direct violation of the statute.

3 66. Plaintiff was of the class of persons for whose protection the statute was adopted because  
4 Plaintiff exists for the benefit of persons who have suffered as the result of having been exposed  
5 to, and continuing to be exposed to, the substantial health and safety risks associated with the  
6 sewage, waste, and/or effluent that Defendants have discharged in conscious disregard for the  
7 rights and safety of other. The Legislature sought to protect persons like Plaintiff from these health  
8 and safety risks and injuries associated therewith by adopting the statute as a means through which  
9 the Legislature could deter against the sort of conduct in which Defendants have engaged and in  
10 which Defendants continue to engage.

11 67. Defendants, and each of them, have therefore breached the duty Defendants owed to  
12 Plaintiff and in so doing have breached the relevant standard of care set forth under Health and  
13 Safety Code section 5411. Defendants' failure to comply with applicable provisions of the Health  
14 and Safety Code, regulations, orders, and permits of the State Water Board and the San Diego  
15 Water Board as alleged herein, is negligence per se because these statutes, orders, and rules seek  
16 to prevent the exact type of harm that Plaintiff suffered because of Defendants' failure to comply  
17 with these statutes, orders, and rules. That is, Plaintiff is within the class of persons which these  
18 statutes, orders, and rules were implemented to protect

19 68. In doing the above-mentioned acts in violation of Health and Safety Code section 5411,  
20 Defendants' conduct was a substantial factor in bringing about the injuries and damages to  
21 Plaintiff. Defendants were accordingly negligent per se and are liable to Plaintiff as a result of  
22 Defendants' statutory violations.

23 69. As a direct, proximate and legal cause of the negligence and carelessness of Defendants,  
24 Plaintiff sustained injuries to the persons Plaintiff exists to benefit, and to Plaintiff's properties.

25 70. Defendants' negligence, including negligence per se, was a substantial factor in causing  
26 Plaintiff to suffer damages including, but not limited to, damage to real property, costs incurred to  
27 address and respond to physical harm and illness, discomfort, annoyance, inconvenience, mental  
28 anguish, loss of quiet enjoyment, and emotional distress. Plaintiff seeks damages in an amount

1 which will compensate Plaintiff for all the detriment proximately caused by Defendants'  
2 negligence per se, to be determined according to proof at trial.

3 71. Defendants' negligent, reckless, and/or illegal actions and inactions in discharging waste  
4 in a manner that resulted in contamination, pollution, and a nuisance was a substantial factor in  
5 causing Plaintiff to suffer damages including, but not limited to, damage to real property, damage  
6 to structures, and all damages resulting from expenditures of money and resources which have  
7 been made necessary to address Plaintiff's students' and faculty members' physical injuries and  
8 illness, discomfort, annoyance, inconvenience, mental anguish, loss of quiet enjoyment, and  
9 emotional distress. Plaintiff is entitled to and seeks damages in an amount which will compensate  
10 Plaintiff for all the detriment proximately caused by Defendants' negligence per se, to be  
11 determined according to proof at trial.

12 72. Defendants, including one or more officers, directors, and/or managers, have deliberately,  
13 and repeatedly ignored their obligations to prevent pollution, raw sewage, hazardous substances  
14 from contaminating the air, water, and soil in Imperial Beach. Defendants, including one or more  
15 officers, directors, and/or managers, have deliberately, and repeatedly, ignored complaints and  
16 even orders issued by the San Diego Water Board related to the significant environmental impacts  
17 and harm caused by its handling, storage, treatment, transport, and/or disposal of hazardous and/or  
18 solid waste through its facilities. Defendants, including one or more officers, directors, and/or  
19 managers, know that allowing contaminated water to spread into the air, soil, water, and enter  
20 Plaintiff's properties would cause a significant risk of injury and illness. Defendants acted  
21 recklessly and with conscious disregard to human life and safety, and this recklessness and  
22 conscious disregard was a substantial factor in bringing about Plaintiff's harm. This is despicable  
23 and oppressive conduct. Plaintiff thus seeks punitive damages in an amount sufficient to punish  
24 Defendants for their long history of deliberate disregard for the rights and safety of Plaintiff and  
25 those who Plaintiff serves, and to deter similar conduct by others.

26 **THIRD CAUSE OF ACTION**

27 **Public Nuisance**  
28 **(Against All Defendants)**

73. All previous paragraphs are incorporated into this cause of action.

1 74. Plaintiff is currently, and at all times relevant to this action was, the owner of real property  
2 located in Imperial Beach, the area of the contamination that is the subject of this action.

3 75. Defendants have created and maintained a public nuisance which proximately caused  
4 injury to Plaintiff.

5 76. Plaintiff, in the operation of its schools, has a right to be free from conduct that endangers  
6 its health and safety, and the health and safety of its employees and students. Yet Defendants have  
7 engaged in conduct and omissions which unreasonably and injuriously interfered with the public  
8 health and safety in Plaintiff's community and created substantial and unreasonable annoyance,  
9 inconvenience, and injury to the public. Defendants' actions and inactions created a condition  
10 and/or permitted a condition to exist that undermined health, was offensive to the senses,  
11 obstructed the free use of property, and interfered with the comfortable enjoyment of life and  
12 property, unlawfully obstructing the free passage or use, in the typical manner, of public streets  
13 and highways.

14 77. Defendants' actions and omissions have substantially, unreasonably, and injuriously  
15 interfered with Plaintiff's functions and operations and affected the public health, safety and  
16 welfare of Plaintiff's community.

17 78. Each Defendant has created or assisted in the creation of a condition that is injurious to the  
18 health and safety of Plaintiff and its students and faculty, and this condition interferes with the  
19 comfortable enjoyment of life and property of Plaintiff's community.

20 79. Defendants' conduct has directly caused a severe disruption of public health, order and  
21 safety. Defendants' conduct is ongoing and continues to produce permanent and long-lasting  
22 damage.

23 80. This harm to Plaintiff and the public is substantial, unreasonable, widespread and ongoing.

24 81. Because of the public health crisis caused by Defendants, Plaintiff's schools can no longer  
25 operate, use, or enjoy their property free from injury or interference.

26 82. Plaintiff's students and faculty were and are continually exposed to pollutants, sewage, and  
27 hazardous waste in the air they breathe, the water they drink and use in their home, and the soil on  
28 their properties. Also, as a result of the contaminated water, air, and soil, Plaintiff's students and

1 faculty were and are exposed to dangerous and deadly pathogens, including E. coli, SARS-CoV2,  
2 hepatitis A, human norovirus, and other viruses.

3 83. Plaintiff's students and faculty cannot drink the water, shower, or bathe without being  
4 exposed to pathogens, pollutants, sewage, and hazardous waste. Oftentimes, students and faculty  
5 breath the air outside without suffering exposure to pollutants, sewage, hazardous waste, and  
6 noxious odors. Students and faculty have suffered and will continue to suffer injuries and illness  
7 from their exposure to the contaminated water and air.

8 84. Plaintiff's properties have also been damaged from pollutants, sewage, hazardous waste,  
9 and noxious odors that have invaded their properties.

10 85. These conditions also affected many people at the same time.

11 86. At no time did Plaintiff consent to Defendants' actions and inactions in creating these  
12 conditions.

13 87. Any ordinary person would be reasonably annoyed and disturbed by Defendants' actions  
14 and omissions in creating these conditions.

15 88. Defendants' actions and inactions in creating these conditions were a substantial factor in  
16 causing Plaintiff to suffer damages. Defendants' conduct substantially and unreasonably interfered  
17 with public health, safety and the right to a public education in a safe and healthy environment. In  
18 that regard, and in other ways as discussed herein, the public nuisance created or maintained by  
19 Defendants was connected to Plaintiff's property, including but not limited to the school buildings,  
20 outdoor areas, athletic fields, and other areas Plaintiff owns and controls for the benefit of  
21 Plaintiff's students and the public as a whole.

22 89. The health and safety of Plaintiff's students and employees, including those who use, have  
23 used, or will use Plaintiff's properties are matters of substantial public interest and of legitimate  
24 concern to Plaintiff and Plaintiff's community.

25 90. Defendants' conduct has affected and continues to affect a substantial number of people  
26 within Plaintiffs' school district and is likely to continue causing significant harm.

27 91. But for Defendants' actions and omissions, Plaintiff's students would not be forced to  
28 suffer from their exposure to pathogens, pollutants, sewage, hazardous waste, and noxious odors.

1 Plaintiff is now straddled with the responsibility to care for these students as they navigate the  
2 public health crisis that currently exists as a result of Defendants' conduct, which includes  
3 responding to the discomfort, annoyance, inconvenience, mental anguish, loss of quiet enjoyment,  
4 and emotional distress Plaintiff's students must contend with.

5 92. The seriousness of the harm Defendants caused Plaintiff outweighs any public benefit that  
6 Defendants may provide.

7 93. Defendants knew or should have known that their conduct would create a public nuisance.  
8 Defendants, including one or more officers, directors, and/or managers, have deliberately, and  
9 repeatedly, ignored their obligations to prevent pollution, raw sewage, hazardous substances from  
10 contaminating the air, water, and soil in Imperial Beach. Defendants, including one or more  
11 officers, directors, and/or managers, have deliberately, and repeatedly, ignored complaints, orders  
12 issued by the San Diego Water Board, and even violations received from the State Water Board  
13 related to the significant environmental impacts and harm caused by its handling, storage,  
14 treatment, transport, and/or disposal of hazardous and/or solid waste through its facilities.

15 94. Thus, the public nuisance caused by Defendants was reasonably foreseeable, including the  
16 financial and economic losses incurred by Plaintiff.

17 95. By failing to fulfill their contractual responsibility to prevent pollution, raw sewage,  
18 hazardous substances from contaminating the air, water, and soil in Imperial Beach, and seeking  
19 to maximize their own profits without regard to the health, safety, and welfare of those individuals  
20 within Plaintiff's district, Defendants, and each of them, directly contributed to the public health  
21 crisis and the public nuisance affecting Plaintiff.

22 96. Defendants' conduct is especially injurious to Plaintiff because, as a direct and proximate  
23 cause of Defendants' conduct creating or assisting in the creation of a public nuisance, Plaintiff  
24 and its students and employees have sustained and will continue to sustain substantial injuries.

25 97. Defendants, and each of them, facilitated and permitted the conditions to exist that caused  
26 the harms herein mentioned.

27 98. Plaintiff has attempted to mitigate the harm and adverse effects caused by Defendants'  
28 conduct, by doing the following:

- 1 a. Hiring additional personnel to address mental, emotional, and physical health
- 2 crises of students and faculty;
- 3 b. Developing and spending additional resources to address mental, emotional, and
- 4 physical health issues;
- 5 c. Increasing training for teachers and staff to identify students exhibiting symptoms
- 6 impacting their mental, emotional, and physical health and well being;
- 7 d. Implementing additional training for teachers, staff, and members of the
- 8 community about the harms caused by Defendants' wrongful conduct;
- 9 e. Educating students, staff and parents about the dangers of exposure to the
- 10 Contaminants;
- 11 f. Remediating the inability to use outdoor property for athletic and fitness
- 12 purposes;
- 13 g. Increasing time and resources spent addressing the health problems caused by
- 14 Defendants' conduct;
- 15 h. Diverting time and resources from instruction activities to notify parents and
- 16 guardians of the potential for exposure to the dangerous Contaminants that are
- 17 present in their communities and at places of public gathering due to Defendants'
- 18 conduct;
- 19 i. Updating student handbook(s) to address responsiveness to the public health
- 20 crisis created by Defendant; and
- 21 j. Addressing the decreased value of Plaintiff's properties by spending time and
- 22 resources to determine the long term effects of their devaluation, in addition to
- 23 the viability of these properties and their facilities.

24 99. Fully abating the public health crisis resulting from Defendants' conduct will require much  
25 more than these steps.

26 100. As detailed herein, Plaintiff has suffered special injuries, different in kind from those  
27 suffered by the general public, including but not limited to, those arising from: hiring and training  
28 additional staff to deal specifically with the health issues of faculty and students; loss of the ability

1 to use property without having to subject students to the egregious and noxious odors emanating  
2 as the direct result of Defendants' conduct; having to closely monitor the health of students and  
3 faculty in order to ensure it can maintain proper funding to address the health needs of those in its  
4 employ and those who Plaintiff is tasked with protecting; divert resources towards both the  
5 physical and mental health crisis caused by Defendants; devoting and diverting staff resources to  
6 conduct staff training on the dangers of exposure to Contaminants; and hiring additional school  
7 counselors and staff to address the adverse effects and consequences of the public health crisis that  
8 has been substantially caused by the greed, incompetence, and malfeasance of Defendants.

9 101. Plaintiff therefore requests all the relief to which it is entitled in its own right and  
10 relating to the special damage or injury it has suffered, and not in any representative or parens  
11 patriae capacity on behalf of students, including damages in an amount to be determined at trial  
12 and an order providing for the abatement of the public nuisance that Defendants have created or  
13 assisted in the creation of, and enjoining Defendants from future conduct contributing to the public  
14 nuisance described above.

15 102. Defendants, including one or more officers, directors, and/or managers, know that  
16 allowing contaminated water to spread into the air, soil, water, and enter Plaintiff's properties  
17 would cause a significant risk of injury and illness. Defendants acted recklessly and with conscious  
18 disregard to human life and safety, and this recklessness and conscious disregard was a substantial  
19 factor in bringing about Plaintiff's harm. Defendants engaged in this conduct while being fully  
20 aware of the probable dangerous consequences of the conduct and deliberately failing to avoid  
21 those consequences. This is despicable and oppressive conduct, especially considering  
22 Defendants' knowledge that Plaintiff's students—vulnerable, innocent, unsuspecting children—  
23 would have to suffer the consequences associated with lifelong health issues and experiences in  
24 their childhood years that they will never have. Defendants made a conscious and deliberate choice  
25 to risk the lives and health of the children in Plaintiff's district while their officers, directors, and  
26 managing agents decided to pay themselves substantial salaries on the backs of American  
27 taxpayers, believing that the public would bear the costs Plaintiff has expended and will  
28 continually expend to abate the nuisance Defendants created. Plaintiff thus seek punitive damages

1 in an amount sufficient to punish Defendants' long history of deliberate disregard for the safety  
2 and well being of Plaintiff's students and faculty, and to deter similar conduct by others.

3 **FOURTH CAUSE OF ACTION**

4 **Trespass**

5 **(Against All Defendants)**

6 103. All previous paragraphs are incorporated into this cause of action.

7 104. At all relevant times, Plaintiff was the fee simple owner of real properties in the area  
8 of the contamination.

9 105. Defendants discharged raw sewage, pollution, and contaminated water into the water  
10 in Imperial Beach from its facilities. The sewage, pollutants, and contaminated water spread and  
11 entered Plaintiff's properties through the sea spray aerosol and also entered Plaintiff's plumbing  
12 and water used at Plaintiff's properties, which caused damage to Plaintiff's properties.

13 106. Defendants' injurious conduct as alleged above constitutes an unlawful interference in  
14 Plaintiff's possession of Plaintiff's properties, which Plaintiff at all relevant times had the legal  
15 right to possess.

16 107. Plaintiff did not grant permission for any pollution, sewage, and contaminated water to  
17 enter or to come into contact with their properties.

18 108. This trespass was a substantial factor in causing Plaintiff to suffer damages including,  
19 but not limited to, damage to real property, damage to structures, damage to Plaintiff's possessions  
20 and equipment, discomfort, annoyance, inconvenience, mental anguish, loss of quiet enjoyment,  
21 and emotional distress. Plaintiff seeks damages to be determined according to proof at trial.

22 109. Defendants, including one or more officers, directors, and/or managers, have  
23 deliberately, and repeatedly, ignored their obligations to prevent pollution, raw sewage, hazardous  
24 substances from contaminating the air, water, and soil in the South Bay. Defendants, including one  
25 or more officers, directors, and/or managers, have deliberately, and repeatedly, ignored  
26 complaints, orders issued by the San Diego Water Board, and even violations received from the  
27 State Water Board related to the significant environmental impacts and harm caused by its  
28 handling, storage, treatment, transport, and/or disposal of hazardous and/or solid waste through its  
facilities.

1 110. Defendants, including one or more officers, directors, and/or managers, know and at  
2 all relevant times knew, that allowing contaminated water to spread into the air, soil, water, and  
3 enter Plaintiff's properties would cause a significant risk of injury and illness. Defendants acted  
4 recklessly and with conscious disregard to human life and safety, and this recklessness and  
5 conscious disregard was a substantial factor in bringing about Plaintiff's harm. This is despicable  
6 and oppressive conduct. Plaintiff thus seek punitive damages in an amount sufficient to punish  
7 Defendants' long history of deliberate disregard for the safety of others, including the students  
8 who attend Plaintiff's schools and faculty members in Plaintiff's employ.

9 **FIFTH CAUSE OF ACTION**  
10 **Strict Liability for Ultrahazardous Activities**  
11 **(Against All Defendants)**

12 111. All previous paragraphs are incorporated into this cause of action as though fully set  
13 forth herein.

14 112. Defendants, and each of them, are and at all relevant times were engaged in the  
15 treatment of sewage, waste, pollutants, and other materials which necessarily involves a risk of  
16 serious harm to persons, land, or chattels of others as the results of inherently ultrahazardous  
17 potential to cause injuries.

18 113. Defendants' treatment of sewage, waste, pollutants, and other materials has caused the  
19 Contaminants to become airborne and have resulted in physical injury to Plaintiff's properties.  
20 Each of the Contaminants has caused this physical injury as follows:

- 21 a. Hydrogen Sulfide has corroded the metals and surfaces within Plaintiff's  
22 properties;
- 23 b. Benzidine has condensed and adsorbed onto surfaces of Plaintiff's properties,  
24 creating a hazardous residue that has contaminated these properties and that cannot  
25 be removed without substantial effort and expense, if at all, materially and  
26 measurably reducing the use and value of Plaintiff's properties; and
- 27 c. PCBs have settled into the building materials of Plaintiff's properties, including but  
28 not limited to the carpets, drywalls, and concrete, and has accumulated to such an  
extent that the properties are no longer fit for their normal use.

1 114. These physical injuries occurred as the direct and proximate result of Defendants'  
2 conduct while Defendants were engaging in the treatment of sewage, waste, and pollutants.

3 115. Defendants knowingly and voluntarily chose to engage in the aforementioned treatment  
4 and at all relevant times knew that the activity involved a serious risk of harm and injuries to  
5 persons in the position of Plaintiff, and the diminution in value of Plaintiff's property.

6 116. The ultrahazardous activities in which Defendants do and all relevant times did engage  
7 were such that there was a substantial likelihood that harm resulting from these activities would  
8 be great, and in fact has been great with respect to all the injuries to Plaintiff.

9 117. The treatment activities in which Defendants do and at all relevant times did engage  
10 that are the source of Plaintiff's injuries are not a matter of common usage.

11 118. The treatment activities in which Defendants do and at all relevant times did partake  
12 are inappropriate in relation to where the activities are carried out because of the high likelihood  
13 and foreseeable result that the toxins, viruses, pollutants, chemicals, and all Contaminants to which  
14 Plaintiff's students and faculty have been and are exposed, as the result of Plaintiff being located  
15 and serving communities in a coastal and highly populated area, all of which made these activities  
16 pose a grave threat to the health and safety of the persons Plaintiff serves and employs.

17 119. The community receives little or no value whatsoever from Defendants' activities but  
18 is subjected to the constant presence of Contaminants because of Defendants' activities that led to  
19 such Contaminants' exposure to persons who did not know, nor had reason to know, of  
20 Defendants' activities and the resulting harm that they would suffer harm from said activities.

21 120. Defendants' engagement in the ultrahazardous activities pertaining to the treatment of  
22 waste, sewage, and effluent was a substantial factor in causing the physical injuries to Plaintiff's  
23 properties.

24 121. Plaintiff's harm, including all of the injuries and damages mentioned throughout this  
25 Complaint, is and at all relevant times was the kind of harm that Defendants would and did  
26 anticipate as the result of the risk Defendants created by virtue of engaging in the discharge of  
27 effluent from the SBIWTP to the Pacific Ocean, an ultrahazardous activity, for which Defendants  
28 are strictly liable to Plaintiff for all physical injury and damages to Plaintiff's property.

1           **VII. PRAYER FOR RELIEF**

2           Plaintiff, for causes of action against Defendants, seeks the following damages in an amount  
3 according to proof at the time of trial:

- 4           i.    General and/or special damages determined on an individual basis according to proof;
- 5           ii.   Loss of the use, benefit, goodwill, and enjoyment of Plaintiff’s real property and other  
6           property used by Plaintiff;
- 7           iii.   Out of pocket costs;
- 8           iv.    Damage to real and personal property;
- 9           v.    General damages annoyance, disturbance, inconvenience, mental anguish, and loss of quiet  
10           enjoyment of property;
- 11          vi.    Prejudgment interest;
- 12          vii.   For punitive and exemplary damages in an amount sufficient to punish Defendants’  
13           conduct and deter similar conduct, as allowed under all applicable law, including California  
14           Civil Code section 3294(a)-(b); and
- 15          viii.   Any and all other and further such relief as the Court shall deem proper, all according to  
16           proof.

17  
18 DATED: March 3, 2025

**FRANTZ LAW GROUP, APLC**

/s/ William B. Shinoff

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James P. Frantz, Esq.  
William B. Shinoff, Esq.  
M. Regina Bagdasarian, Esq.  
George T. Stiefel, Esq.  
Kristin Westphal, Esq.  
Attorneys for Plaintiff

1 **JURY DEMAND BY PLAINTIFF**

2 Plaintiff herein demands a trial by jury.

3  
4 DATED: March 3, 2025

**FRANTZ LAW GROUP, APLC**

5  
6 /s/ William B. Shinoff

7 \_\_\_\_\_  
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12 Attorneys for Plaintiff