

SEP 30 2024

M24-977/05



**CLAIM FOR MONEY OR DAMAGES  
AGAINST THE COUNTY OF ORANGE**  
(Pursuant to Govt. Code section 910 et seq.)

Received by AS via:

- Mail
- Over the Counter
- Pony Mail
- Other \*\*\* COB USE ONLY\*\*\*

**Completed and signed forms must be mailed or delivered to:** Clerk of the Board of Supervisors  
400 W. Civic Center Drive, 6<sup>th</sup> Floor  
Santa Ana, CA 92701

**INSTRUCTIONS:** Claims related to personal injury or damage to personal property must be presented within six (6) months from the date of loss. Claims related to any other loss must be presented not later than one (1) year from the date of loss. (See Government Code Section 911.2)  
Please answer all items fully and to the best of your ability. Failure to do so may be grounds for deeming your claim insufficient. If more space is needed, please attach additional pages.

**CLAIMANT INFORMATION**

1. Claimant's Name: Margaret Keeter 2. Date of Birth: 09/17/1969

3. Claimant's Address: 32522 Ortega Hwy, Lake Elsinore, CA 92530  
Street (or P.O. Box) City State Zip Code

4. Phone Number: 619-771-3473 (Singleton Schreiber, LLP)  
Home Work Other

5. Name and address where correspondence should be sent (if different from above):  
Singleton Schreiber, LLP 591 Camino de la Reina, Suite 1025, San Diego, CA 92108  
Name Street (or P.O. Box) City State Zip Code

**CLAIM INFORMATION**

6. Exact date (including year) of the accident/incident/loss: 9/09/2024

7. Exact location of the accident/incident/loss (Be as specific as possible; Example: On the southeast corner of 6<sup>th</sup> and Broadway in the City of Santa Ana):  
32522 Ortega Hwy, Lake Elsinore, CA 92530

8. Describe the circumstances of how the accident/incident/loss occurred including the reason you believe the County of Orange is liable for your damages:  
Orange County Public Works ignited the Airport Fire when its equipment created a spark and when it let overgrown dry brush remain on the property. The Airport fire burned nearly 24,000 acres and several structures, including my primary residence. The County's conduct amounts to inverse condemnation, negligence, trespass, private nuisance, public nuisance, and dangerous condition of public property. See attached complaint for further allegations.

9. Jail Booking Number: N/A Police Agency/Report Number: N/A

10. Describe the damage/injury/loss incurred so far as is known as of the time of this claim:

I suffered economic and non-economic damages, including but not limited to loss of personal property, general damages for personal injury (emotional distress, fear, annoyance, loss of quiet enjoyment), loss of use of personal property, and medical and incidental expenses.

11. Name(s) of County employee(s) causing damage/injury/loss, if known: Specific County  
employee(s) names are unknown. Employees were part of Orange County Public Works.

12. License number of County vehicle (if applicable): N/A

13. Name, address and phone number of any and all witnesses known: Janie McLean (32522 Ortega Hwy, Lake Elsinore, CA 92530; 951-837-3019); Joseph McLean (same address; 949-538-8872).

14. Any additional information that may assist us in evaluating your claim: See complaint attached hereto.

**DAMAGES CLAIMED**

15. a. If the amount claimed is less than \$10,000:

Amount claimed to present: \$ \_\_\_\_\_

Estimated amount of any prospective damage/injury/loss: \$ \_\_\_\_\_

TOTAL AMOUNT CLAIMED: \$ \$1,695,000

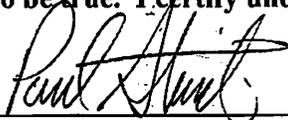
b. If the amount claimed exceeds \$10,000, would the case be a limited civil case (\$25,000 or less)?

Check one: Yes \_\_\_\_\_ No X

c. Basis of computation of the amount of damages (Please attach any estimates and/or receipts): Property loss totals approximately \$695,000; non-economic damages approximately \$1 million.

**WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM  
(PENAL CODE § 72)**

I have read the matters and statements in the above claim and I know the same to be true of my own knowledge; except as to those matters stated upon information and belief and as to such matters, I believe the same to be true. I certify under penalty of perjury that the foregoing is true and correct.



Signature of Claimant/Claimant's Representative

09/26/2024

Date

**THIS CLAIM FORM MUST BE SIGNED!!**



San Diego Office  
591 Camino de la Reina, Suite 1025, San Diego, CA 92108  
(619) 771-3473 | singletonschreiber.com

September 26, 2024

**VIA PERSONAL SERVICE**

Clerk of the Board of Supervisors  
400 W. Civic Center Drive, 6<sup>th</sup> Floor  
Santa Ana, CA 92701

Re: Airport Fire 2024 (origin – Trabuco Canyon)  
Date of Incident: September 9, 2024

Dear Clerk,

Our firm represents Janie Rhea McLean, Joseph Jeffries McLean, and Margaret Keeter in their claims against the County of Orange, California, for harm caused them by the Airport Fire. As such, please find attached the relevant Government Claim forms for each of our clients as well as a draft complaint that will be filed against the County of Orange should the attached claims be denied or deemed denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Starita", written in a cursive style.

Paul Starita

1 SINGLETON SCHREIBER, LLP  
Gerald Singleton (SBN 208783)  
2 *gsingleton@singletonschreiber.com*  
John C. Lemon (SBN 175847)  
3 *jlemon@singletonschreiber.com*  
591 Camino de la Reina, Suite 1025  
4 San Diego, CA 92108  
Telephone: (619) 771-3473  
5  
6

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 FOR THE COUNTY OF ORANGE  
9

10 JANIE MCLEAN, JOSPEH MCLEAN, AND  
MARGARET KETTER,

Case No.

11

COMPLAINT

12 Plaintiffs,

13 v.

14 COUNTY OF ORANGE, ORANGE COUNTY  
PUBLIC WORKS, AND DOES 1 THROUGH 100  
15 inclusive.  
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1 Plaintiffs JANIE MCLEAN, JOSPEH MCLEAN, AND MARGARET KETTER (hereinafter  
2 collectively referred to as "Plaintiffs") bring the following Complaint for damages against County  
3 of Orange ("County"), inclusive of Orange County Public Works department ("OCPW") and other  
4 as of yet unknown entities and individuals, Does 1 through 100 (collectively, the "Defendants"),  
5 as a result of the damages that Plaintiffs sustained in the wildfire known as the "Airport Fire."

6 **THE AIRPORT FIRE**

7 1. This Complaint arises from a wildfire that ignited on September 9, 2024, and has  
8 burned across two counties in Southern California called the Airport Fire.

9 2. Defendants caused the Airport Fire when they used steel machinery to move  
10 boulders during an excessive heat warning due to a triple-digit heat wave and dry conditions.  
11 Defendants, aware of the fire risk, were moving the boulders to block access to unmaintained  
12 vegetation susceptible to wildfires when its steel machinery sparked the blaze.



26 Photo from The Orange County Register Article: 'Reckless and stupid,' 'incompetent':  
27 OC work that started Airport fire questioned, blasted by Teri Sforza  
28



1 jurisdiction over Defendants by California courts consistent with the traditional notions of fair play  
2 and substantial justice.

3 8. The claims asserted in this complaint arise out of acts, omissions, transactions, and  
4 conduct that occurred within the County of Orange, and therefore this action is properly venued in  
5 the Superior Court for the County of Orange.

6 9. The amount in controversy exceeds the jurisdictional minimum of this Court.

7 **PLAINTIFFS**

8 10. Plaintiff Janie McLean owned real property in Riverside, California that was  
9 completed destroyed by the Airport Fire. Plaintiff's home, landscaping, vegetation, vehicles, and  
10 personal belongings were all completely destroyed. Plaintiff, who is 76 years old, was forced to  
11 evacuate from her home and only barely made it out of the home before it was consumed by the  
12 flames from the Airport Fire.

13 11. Plaintiffs Joseph McLean and Margaret Keeter resided in at real property owned by  
14 Joseph's mother, Janie McLean, in Riverside County. The home was destroyed by the fire.  
15 Plaintiffs lost all their personal belongings and vehicles in the fire. Plaintiff were forced to  
16 evacuate and only barely made it out of the home before it was consumed by the flames from the  
17 Airport Fire.

18 12. Plaintiffs and each of them were exposed to significant amounts of smoke, ashes,  
19 debris, and pollution while evacuating from the Airport Fire. Plaintiffs have suffered personal  
20 injuries, including emotional distress from exposure to the smoke, ashes, debris, and pollution.  
21 Plaintiffs have suffered emotional distress from having to flee from the Airport Fire and seeing  
22 flames approach their home.

23 **DEFENDANTS**

24 13. Plaintiffs, upon information and belief, allege that Defendant County is, and was at  
25 all relevant times, a political subdivision and/or entity of the State of California. Orange County  
26 Public Works (OCPW) is a governmental agency in and for the County of Orange.

27 14. County provides services to approximately three million residents, including  
28 Plaintiffs. County owns, operates, and controls public property and infrastructure. County is

1 comprised of several departments, including OCPW. The OCPW, in turn, is responsible for  
2 planning, constructing, operating, and maintaining the County's property and infrastructure: public  
3 roads, transportation systems, bridges, equipment maintenance, water, and vegetation  
4 management, among others.

5 15. County is a public entity pursuant to California Government Code section 811.2.

6 16. At all times relevant to this complaint, County is and was vested by law with  
7 authority to acquire property through the power of eminent domain pursuant to the provisions of  
8 California Constitution Article I, section 19 and California Code of Civil Procedure sections  
9 1230.010, 1235.190, 1240.040, et seq.

10 17. At all times mentioned herein, County planned, installed, operated, constructed,  
11 built, and maintained its infrastructure for the benefit of the general public, including but not  
12 limited to the use of heavy equipment to move boulders.

13 18. At all times mentioned herein, County provided pre-fire management and fire  
14 prevention services in Orange County, including but not limited to vegetation management of its  
15 State Responsibility Areas and open space lands and/or districts.

16 19. The true names and capacities, whether individual, corporate, associate, or  
17 otherwise of the Defendants Does 1 through 100, inclusive, are unknown to Plaintiffs who sue said  
18 Defendants by such fictitious names pursuant to Code of Civil Procedure section 474. The term  
19 "Defendants" used throughout this complaint refers collectively to the County, including OCPW,  
20 and Does 1 through 100, and each of them.

21 20. Plaintiffs are informed and believe that Defendants, and/or each of them, were the  
22 servants, employees, partners, aiders and abettors, co-conspirators, and/or joint venturers of each of  
23 the other Defendants and were operating within the purpose and scope of said agency, service,  
24 employment, partnership, enterprise, conspiracy, and/or joint venture; and each of Defendants has  
25 ratified and approved the acts of each of the remaining Defendants.

26 21. Plaintiffs are informed and believe that Defendants install, own, maintain,  
27 construct, manage, build, and/or operate infrastructure for the benefit of the general public,  
28 including but not limited to the use of heavy equipment to move boulders.



1 County, through OCPW and OCFA, also performs vegetation management, fire prevention, and  
2 fire suppression or reduction efforts.

3 26. Orange County had been under an Excessive Heat Warning, which means high fire  
4 danger due to extreme temperatures and low humidity.<sup>2</sup> The Excessive Heat Warning began on  
5 September 4, 2024 and lasted through September 10, 2024.

6 27. Orange County experienced two wet winters that fueled growth in the wildlands.  
7 Followed by an Excessive Heat Warning, this overgrown foliage becomes quite dry, brittle and  
8 receptive to ignition.<sup>3</sup>

9 28. County knew or should have known about the significant risk of wildfires in the  
10 area posed by the ongoing and immediate climate, weather, and drought conditions in and around,  
11 its service territory, including but not limited to Trabuco Canyon (“Canyon”) in Orange County,  
12 California, and the substantially elevated risk of fire ignition resulting from these known and  
13 foreseeable conditions. Defendants knew, prior to the Airport Fire’s ignition, that hot, dry weather  
14 conditions create an elevated risk of wildfires and that Southern California, including Orange  
15 County, faced record highs throughout 2024.<sup>4</sup> Defendants also knew that surrounding counties,  
16 like Riverside County, faced significant drought having recorded the driest August over the past  
17 130 years.<sup>5</sup>

18 29. According to CAL FIRE’s Hazard Severity Zones in Orange County, the Airport  
19 Fire’s general area of origin was located in a red zone; also referred to as a “Very High Fire  
20 Hazard Severity Zone” (“Red Zone”).<sup>6</sup> This classification put Defendants on notice to use  
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22  
23 <sup>2</sup> The Orange County Register ‘Reckless and stupid,’ ‘incompetent’: OC work that started Airport fire  
24 questioned, blasted by Teri Sforza; <https://www.ocregister.com/2024/09/12/reckless-and-stupid-incompetent-oc-work-that-started-airport-fire-questioned-blasted/>

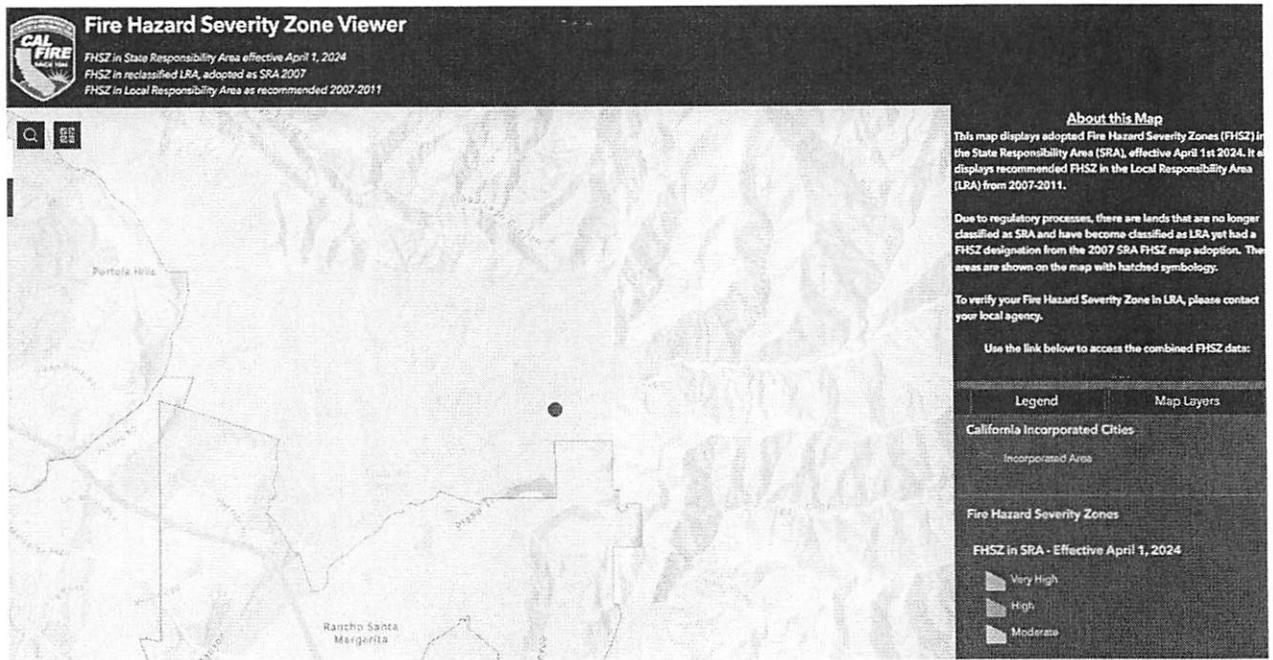
25 <sup>3</sup> *Id.* quoting Alex Tardy of the National Weather Service

26 <sup>4</sup> See Powerful heat wave hits Southern California starting Tuesday, but how hot will it be? - ABC7 Los  
27 Angeles; Triple-digit heat wave continues to broil Southern California - Los Angeles Times (latimes.com).

28 <sup>5</sup> See Riverside County Conditions | Drought.gov.

<sup>6</sup> See Fire Hazard Severity Zone Viewer | CAL FIRE Hub (arcgis.com).

1 heightened safety measures and increased precautions when operating their equipment.  
2 Additionally, CAL FIRE continuously updates its Fire Hazard Severity Zone Viewer. This viewer  
3 has the Airport Fire's General Area of Origin labeled with an overlay as "VHFHSZ" standing for  
4 Very High Fire Hazard Severity Zone.<sup>7</sup> The following screenshot was taken of CAL FIRE's Fire  
5 Hazard Severity Viewer, and the red dot depicts the Airport Fire's general area of origin in the  
6 VHFHSZ zone:



18 30. Despite the known risks, Defendants allowed the Canyon to become overgrown  
19 and filled with dry brush. Given the high fire danger this overgrown dry brush presented, County  
20 operated steel machinery to move, crush, and/or place boulders—creating the foreseeable risk of  
21 sparking—in a forested canyon. Defendants had a duty to properly maintain its infrastructure and  
22 equipment to ensure its safe operation by adequately planning, constructing, and operating its  
23 systems and services. However, Defendants violated these duties by using its machinery in a  
24 manner that posed a significant risk of and in fact, did cause a wildfire.

25 31. Defendants were aware that its operations, including but not limited to the use of  
26 heavy machinery to move, crush, and/or place boulders, is an inherently dangerous and  
27

28 <sup>7</sup> *Id.*

1 ultrahazardous activity given its proximity to forested areas filled with dry brush and the  
2 significant threat of wildfire. Indeed, Defendants were placing the boulders to prevent access to  
3 vegetation susceptible to wildfires. Defendants are required to exercise an increased level of care  
4 commensurate with and proportionate to the increased risk of danger associated with their  
5 conduct. The conditions and circumstances existing at the time of the Airport Fire's ignition were  
6 reasonably foreseeable by Defendants.

7 **COUNTY'S EQUIPMENT IGNITES THE AIRPORT FIRE**

8 32. On September 9, 2024, during the Excessive Heat Warning and high fire danger,  
9 County employees operated County equipment to move and place large boulders as barriers on  
10 Trabuco Creek Road. The boulders were to act as a fire prevention barrier to part of the canyon  
11 filled with dry brush. During this work, the employees noticed smoke from their equipment and  
12 called 911.



27 A burnt truck sits on Trabuco Creek Road in Trabuco Canyon, CA, on Wednesday, Sept. 11,  
28 2024. (Photo by Jeff Gritchen, Orange County Register/SCNG)

1           33.     Plaintiffs are informed and believe, consistent with the OCFA Deputy Chief's  
2 comments, that the Airport Fire was caused by County's machinery and/or failure to maintain  
3 public property in a safe condition.<sup>8</sup>

4           34.     First, Defendants were present and utilized heavy machinery to move, crush,  
5 and/or place boulders to create a barrier restricting access to vegetation. The County's conduct  
6 occurred in a Very High Fire Hazard Severity Zone where there was an increased risk of wildfire  
7 due to hot machinery and boulders connecting with one another.

8           35.     Second, and in the alternative, Defendants negligently, recklessly, and willfully  
9 failed to properly, safely, and prudently inspect, repair, maintain, and operate the machinery  
10 within its infrastructure, ultimately leading to the catastrophic Airport Fire.

11           36.     Third, and in the alternative, Defendants negligently, recklessly, and willfully  
12 failed to properly, safely, and prudently maintain its property in a safe condition by failing to  
13 comply with vegetation management and other fire prevention policies, regulations, and  
14 requirements.

15           37.     The conditions and circumstances surrounding the ignition of the Airport Fire,  
16 including the nature of Defendants' services, dry conditions, and a prolonged heatwave were  
17 foreseeable by any reasonably prudent person and, therefore, were certainly foreseeable to  
18 Defendants—which have a special knowledge and expertise as to their services.

19           38.     The Airport Fire was not the result of an "act of God" or other *force majeure*. This  
20 wildfire was started Defendants' machinery, which was intentionally used to move, crush, and/or  
21 place boulders—boulders that would create a spark when contact was initiated with the  
22 machinery.

23           39.     As a result of the Airport Fire, Plaintiffs suffered substantial harm, including  
24 damage to and/or destruction of real and personal property, lost business income, and evacuation  
25 expenses. The harms caused by the Defendants are extensive and ongoing.

26  
27  
28 <sup>8</sup> See Airport Fire in Orange County's Trabuco Canyon area spreads to more than 23,000 acres, homes destroyed near Lake Elsinore - ABC7 Los Angeles.

1 **FIRST CAUSE OF ACTION**

2 **INVERSE CONDEMNATION**

3 **By Plaintiffs for Inverse Condemnation Against County**

4 40. Plaintiffs incorporate and reallege each of the paragraphs above as though fully set  
5 forth herein.

6 41. On September 9, 2024, Plaintiffs are the owners of real and/or personal property  
7 located within Riverside County that was damaged, destroyed, or affected by the Airport Fire,  
8 which ignited in Orange County.

9 42. Prior to and on September 9, 2024, County, controlled, operated, maintained,  
10 constructed, used and/or serviced equipment, infrastructure, and public property within Orange  
11 County, including performing fire hardening, fire suppression, fire prevention, and vegetation  
12 management in and around the Airport Fire's location or origin. County's conduct was for the  
13 benefit of the general public.

14 43. On September 9, 2024, County was aware of the inherent dangers and risks  
15 associated with allowing dry brush to become overgrown during extreme fire conditions. County  
16 was also aware of the inherent dangers and risks associated with the use of heavy, steel machinery  
17 to move, crush, and/or place boulders in a Red Zone. Indeed, the boulders were being moved,  
18 crushed, and/or placed to block access to this overgrown dry brush that was susceptible to  
19 wildfires for the benefit of the general public.

20 44. This inherent risk was realized on September 9, 2024, when the steel machinery  
21 and boulders connected, created a spark that ignited the dry brush in the Canyon causing the  
22 Airport Fire and resulted in the taking and/or damaging of Plaintiffs' real and/or personal property.

23 45. This taking was legally and substantially caused by County's actions and inactions  
24 in constructing, installing, operating, controlling, using, servicing, and/or maintaining its property,  
25 equipment, and infrastructure, including the placement of boulders with steel machinery.

26 46. Plaintiffs have not been adequately compensated, if at all, for this taking.

27 47. Pursuant to Article 1, Section 19 of the California Constitution, Plaintiffs seek just  
28 compensation for this taking, according to individual proof at trial.



1           55. County and its employees have special knowledge and expertise far beyond that of a  
2 layperson, that they were obligated and required to use in the construction, use, operation, repair,  
3 and maintenance of their infrastructure, property, equipment, and services to assure safety under  
4 the local conditions of the service area, including but not limited to, the equipment used, the  
5 activity undertaken, and operation of equipment, all of which were prone to ignite sparks in the  
6 service area given local conditions, including unprecedented heatwaves, dry conditions, and  
7 susceptible vegetation, which was left unmaintained.

8           56. County and its employees breached their duties in negligently controlling,  
9 operating, and maintaining County equipment and infrastructure in a manner that was foreseeable  
10 to start a fire. County employees failed to utilize appropriate fire safety methods to prevent County  
11 equipment from igniting dry brush in the Canyon.

12           57. It was foreseeable that a massive wildfire would destroy personal and real property,  
13 force residents in the fire area to evacuate, and prevent customers of businesses located within the  
14 fire area from patronizing those businesses. Notwithstanding the above, County employees failed to  
15 take reasonable precautions to protect adjoining property owners against the foreseeable risk of  
16 harm created by their activities. The Airport Fire was a direct and legal result of the negligence,  
17 carelessness, recklessness, and/or unlawfulness of County employees who breached their respective  
18 duties owed to Plaintiffs, and each of them, including but not limited to: (1) failing to comply with  
19 the applicable statutory, regulatory, and/or professional standards of care; (2) failing to take  
20 necessary precautions given conditions and circumstances in service area; (3) failing to construct,  
21 monitor, operate, and/or maintain its machinery in a manner that avoids the potential to ignite a  
22 fire; (4) failing to implement procedures based upon service conditions, including procedures for  
23 using machinery to move objects prone to ignite fires; (5) failing to adequately maintain vegetation  
24 in public property; (6) failing to properly train and supervise employees and agents responsible for  
25 maintenance, inspection, and operation of the machinery, services provided, and vegetation  
26 management; and/or (7) violating Health and Safety Code section 13007 by allowing fire to be set  
27 to the property of another.

28





1 to the health of the public, including Plaintiffs, and created a fire which damaged and interfered with  
2 the quite use and enjoyment of their property. This interference is both substantial and unreasonable.

3 74. Plaintiffs do not consent, expressly or impliedly, to the wrongful conduct of  
4 Defendants.

5 75. The Airport Fire which was created by Defendants affected a substantial number of  
6 people at the same time within the general public, including Plaintiffs, and constituted a public  
7 nuisance under Civil Code sections 3479 and 3480 and Public Resources Code sections 4170 and  
8 4171.

9 76. The damaging effects of Defendants' creation of a fire hazard and the resulting  
10 Airport Fire are ongoing and affect the public at large.

11 77. As a direct and legal result of the Defendants' conduct, Plaintiffs have suffered harm  
12 that is different from the type of harm suffered by the general public. Specifically, Plaintiffs have  
13 lost the occupancy, possession, use, and/or enjoyment of their land, real, and/or personal property,  
14 including, but not limited to a diminution of value of their real property; an impairment of the ability  
15 to sell their property; property exposed to chemical retardant agents dropped from airborne  
16 firefighting aircraft; and lingering smell of smoke, soot, ash and dust in the air.

17 78. As a further direct and legal result of the conduct of Defendants, Plaintiffs have  
18 suffered, and will continue to suffer, discomfort, anxiety, fear, worry, annoyance, and/or stress  
19 attendant to the interference with the occupancy, possession, use and/or enjoyment of their property.

20 79. A reasonable, ordinary person would be annoyed or disturbed by the conditions  
21 caused by Defendants, and the resulting Airport Fire.

22 80. Defendants' conduct is unreasonable and the seriousness of the harm to the public,  
23 including Plaintiffs, outweighs the social utility of Defendants' conduct. There is little to no social  
24 utility associated with causing wildfires to destroy the property of the Plaintiffs.

25 81. The unreasonable conduct of Defendants is a direct and legal cause of the harm,  
26 injury, and/or damage to the public, including Plaintiffs.

27 82. Defendants have failed to maintain its property, equipment, or infrastructure in a safe  
28 condition. Defendants failed to comply with its fire hardening and vegetation management policies,

1 failed to trim and/or remove vegetation on public property, and/or remediate the potential for  
2 harmful contact between Defendants' equipment and boulders thereby creating a spark, and  
3 Defendants' failure to do so exposed every member of the public to a foreseeable danger of personal  
4 injury, death, and/or a loss or destruction of real and personal property.

5 83. Defendants' conduct set forth above constitutes a public nuisance within the meaning  
6 of Civil Code sections 3479 and 3480, Public Resources Code sections 4104 and 4170, and Code of  
7 Civil Procedure section 731. Under Civil Code section 3493, Plaintiffs have standing to maintain  
8 an action for public nuisance because the nuisance is especially injurious to Plaintiffs, because, as  
9 described above, it is injurious and/or offensive to the senses of the Plaintiffs unreasonably interferes  
10 with their comfortable enjoyment of their property, and/or unlawfully obstructs the free use, in the  
11 customary manner, of their property.

12 84. For these reasons, Plaintiffs seek an order directing Defendants to abate the existing  
13 and continuing nuisance described above.

14 **FIFTH CAUSE OF ACTION**

15 **By Plaintiffs For Dangerous Condition of Public Property Against County and Does 1-100**

16 85. Plaintiffs incorporate and re-allege by this reference, each of the paragraphs set forth  
17 as though fully set forth herein.

18 86. Defendants owned, controlled, or maintained the public road and adjacent canyon,  
19 an open space conservation district, in the area of the origin of the Airport Fire.

20 87. Defendants acted wantonly, unlawfully, carelessly, recklessly, and/or negligently in  
21 failing to properly manage and maintain its property allowing an unsafe condition presenting a  
22 foreseeable risk of fire danger to exist on public property.

23 88. In its role of providing fire prevention services, Defendants have superior knowledge  
24 and experience in dealing with fire hazards. Defendants also had actual and constructive notice of  
25 the dangerous condition. Defendants were aware of the high fire risk and dry brush that acted as a  
26 fire hazard.

27 89. Defendants also created a dangerous condition that caused the Airport Fire when they  
28 used heavy, steel machinery to move boulders during a triple-digit heat wave and dry conditions.

1 Defendants, aware of the fire risk, were moving the boulders to block access to vegetation  
2 susceptible to wildfires when its steel machinery sparked the blaze.

3 90. The dangerous condition Defendants maintained or otherwise created on its public  
4 property ignited the Airport Fire, which rapidly spread to Plaintiffs properties causing them harm  
5 and damages.

6 91. As a direct and legal result of the wrongful acts and/or omissions of Defendants,  
7 Plaintiffs suffered, and continues to suffer, the injuries and damages as set forth above.

8 92. As a further direct and legal result of the wrongful acts and/or omissions of  
9 Defendants, Plaintiffs seek the recovery of punitive and exemplary damages against Defendants as  
10 set forth above.

11 **PRAYER FOR RELIEF**

12 Plaintiffs pray for judgment against the County and Does 1 through 100, and each of them  
13 as follows:

- 14 1. For monetary damages in an amount to be proven at trial, which exceeds the  
15 jurisdictional minimum of this Court;
- 16 2. Loss of the use, benefit, goodwill, and enjoyment of Plaintiffs' real and/or  
17 personal property;
- 18 3. Loss of wages, earning capacity, goodwill, and/or business profits or proceeds  
19 and/or any related displacement expenses;
- 20 4. Out of pocket costs;
- 21 5. Damage to real and personal property;
- 22 6. Past and future medical expenses and incidental expenses;
- 23 7. General damages for personal injury, emotional distress, fear, annoyance,  
24 disturbance, inconvenience, mental anguish, and loss of quiet enjoyment of  
25 property;
- 26 8. For prejudgment-interest in accordance with California Civil Code section 3287  
27 and the California Constitution;
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9. For attorneys' fees and cost of suit to the extent allowed by California law,  
including California Code of Civil Procedure sections 1021.9 and 1036; and

10. For such other relief as the Court deems just and proper.

**JURY TRIAL DEMAND**

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

Dated:

[sig block]