

1 HUESTON HENNIGAN LLP
John C. Hueston, State Bar No. 164921
2 jhueston@hueston.com
Alison Plessman, State Bar No. 250631
3 aplessman@hueston.com
Moez M. Kaba, State Bar No. 257456
4 mkaba@hueston.com
Douglas J. Dixon, State Bar No. 275389
5 ddixon@hueston.com
523 West 6th Street, Suite 400
6 Los Angeles, CA 90014
Telephone: (213) 788-4340
7 Facsimile: (888) 775-0898

8 SOUTHERN CALIFORNIA EDISON COMPANY
Leon Bass, Jr., State Bar No. 127403
9 leon.bass@sce.com
Brian Cardoza, State Bar No. 137415
10 brian.cardoza@sce.com
2244 Walnut Grove Avenue
11 Rosemead, California 91770
Telephone: (626) 302-6931
12 Facsimile: (626) 302-6997

13 Attorneys for Defendants and Cross-Complainants
Southern California Edison Company and
14 Edison International

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

17 Coordination Proceeding Special Title
(Rule 3.550)

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4965

18 **SOUTHERN CALIFORNIA FIRE CASES**

19 **SOUTHERN CALIFORNIA EDISON
COMPANY’S AND EDISON
20 INTERNATIONAL’S CROSS-COMPLAINT
21 AGAINST CERTAIN PUBLIC ENTITIES**

20 SOUTHERN CALIFORNIA EDISON
COMPANY AND EDISON
21 INTERNATIONAL,

22 Cross-Complainants,

Judge: Hon. Daniel J. Buckley
Department: 1
Spring Street Courthouse

23 v.

24 COUNTY OF SANTA BARBARA; CITY OF
SANTA BARBARA; SANTA BARBARA
25 COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT; CALIFORNIA
26 DEPARTMENT OF TRANSPORTATION;
AND MONTECITO WATER DISTRICT,

27 Cross-Defendants.
28

1 Defendants and Cross-Complainants Southern California Edison Company and Edison
2 International (jointly, "Edison"), based upon personal knowledge as to all acts or events that they
3 have undertaken or witnessed, and upon information and belief as to all others, bring this action
4 against certain Public Entity Plaintiffs and Cross-Defendants (as named below), which are or may be
5 liable to Edison for all or part of the claims asserted against it in the Master Complaints filed by
6 Plaintiffs, and which should be bound by any judgment rendered in this case. Subject to and without
7 waiving its rights, privileges and defenses to Plaintiffs' claims, Edison hereby alleges the following:

8 **INTRODUCTION**

9 1. Montecito is an unincorporated seaside community located in the lower foothills of
10 the Santa Ynez Mountains in Santa Barbara County. Known for its proximity to both the ocean and
11 mountains, Montecito has attracted inhabitants for more than 10,000 years, dating back to the earliest
12 settlements of the Chumash tribe.

13 2. Montecito's location, however, places it at significant risk of natural disasters. The
14 community, built in the shadow of a steep, chaparral-covered mountain range, has faced the
15 destructive forces of routine wildfires and debris flows throughout human history.

16 3. Debris flows in Santa Barbara County are a particularly well-known and predictable
17 occurrence. Indeed, much of Santa Barbara County is built on geological landforms known as alluvial
18 fans, or alluvial cones, that are themselves the result of episodic debris flows that built up large
19 sediment deposits over time. Many of the homes and other buildings that now occupy Santa Barbara's
20 coastline were erected on land deposits that grew at the base of canyons in the mountains above
21 Montecito, where steep and rocky watersheds deposited debris and sediment into the open plains
22 below.

23 4. Santa Barbara's alluvial fans are evidence of major debris flow events that began
24 many millennia ago and continued throughout the 20th century, leaving their mark on the County
25 and providing notice of the dangers of building in the area and the need of local public agencies to
26 prepare for large debris flow events.

27 5. Indeed, for more than a century, geologists have published information on the natural
28 hazards of debris flows and construction in the alluvial plains that make up much of Santa Barbara

1 County. The first geologic map of Montecito, drafted in 1907, described “[s]treams [that] flow from
2 the larger canyons and debouch over alluvial fans onto the sloping terrace which skirts the coast. In
3 the summer, these streams are comparatively small, but during the rainy season, *they sometimes*
4 *assume torrential proportions and carry bowlders [sic] of enormous size out onto the lowlands for*
5 *distances of over a mile.*”¹

6 6. Events that followed in the 20th century continued the trend documented in 1907. For
7 example, in 1964, a 20-foot-tall debris flow moving at a high velocity destroyed dozens of homes
8 and numerous bridges in Santa Barbara County. Just seven years later, in 1971, the streets of
9 Montecito were again choked with mud and Highway 101 was blocked for eight hours as a three-
10 foot-high wall of mud and water sped toward the ocean. Other nearby coastal and mountainous
11 regions, including those in Los Angeles and San Bernardino Counties, also experienced severe
12 flooding and debris flows throughout the century that swept away homes and buried dozens of people
13 who were caught in the path of the deadly flows.

14 7. On January 9, 2018, debris flows returned to Montecito. The first rainstorm of the
15 year brought severe downpours to Southern California. The rain in the Santa Barbara area reached
16 its peak at approximately 3:30 a.m. on January 9th, causing mud and boulders from the Santa Ynez
17 Mountains to flow down creeks and valleys into Montecito in what has come to be known as the
18 “Montecito Mudslides.” Creek beds in Montecito were overwhelmed by the debris flows and debris
19 overflowed the banks. Inadequately designed and poorly maintained debris basins did little to contain
20 or slow down the debris flow, and two of the debris basins breached, demonstrating their inadequacy
21 in protecting downstream development. More than four hundred structures were destroyed or
22 damaged and nearly two dozen lives were lost. By contrast, in nearby Carpinteria, the runoff from
23 the rain was captured in adequately sized and maintained debris basins, thus sparing the Carpinteria
24 area from the damage and destruction seen in Montecito.

25 8. The public entities and officials who are obligated to ensure the safety of Santa
26 Barbara County’s residents knew such an event would inevitably reoccur. These public entities—

27 _____

28 ¹ RALPH ARNOLD, GEOLOGY AND OIL RESOURCES OF THE SUMMERLAND DISTRICT, SANTA BARBARA COUNTY, CALIFORNIA 18–19 (1907) (emphasis added).

1 including Santa Barbara County, the Santa Barbara County Flood Control and Water Conservation
2 District (the “FCWCD”), the City of Santa Barbara, the Montecito Water District (the “MWD”), and
3 the California Department of Transportation (“CalTrans”) (collectively, “Cross-Defendants”)—had
4 an array of tools and options at their disposal to reduce the risk and minimize or even avoid the
5 damages that would occur when natural disasters returned to Santa Barbara County.

6 9. Cross-Defendants nevertheless failed to take measures to reduce the known and
7 inevitable risks posed by debris flows in Santa Barbara County. Among other acts and omissions,
8 these entities, individually or collectively engaged in one or more of the following negligent actions
9 or inactions:

- 10 • Without due care, authorized and allowed development and redevelopment in hazard-
11 prone areas known to be at risk of flooding and debris flows;
- 12 • Without due care, inadequately designed, built, inspected, and/or maintained debris
13 basins in a manner that made them wholly inadequate for the volume of debris that
14 could be expected from their respective watersheds from events that probabilistically
15 could be expected to occur during the life cycle of the debris basin;
- 16 • Without due care, inadequately designed, built, inspected, and/or maintained flood
17 channels and culverts in a manner that made them wholly inadequate for the volume
18 of debris that could be expected from their respective watersheds from events that
19 probabilistically could be expected to occur during the life cycle of the debris basin;
- 20 • Without due care, inadequately designed, built, inspected, and/or maintained roads,
21 bridges, and other channel crossings in a manner that exacerbated the risks posed by
22 debris flows;
- 23 • Without due care, inadequately developed and/or enforced local building codes and
24 ordinances that improperly allowed for construction of structures and appurtenances,
25 such as fences and retaining walls, within the floodplain;
- 26 • Without due care, issued inadequate and flawed hazard warnings that left residents
27 in the most vulnerable areas of Montecito unaware of the significant risk to their
28 persons;

- 1 • Without due care, failed to enforce evacuations in the mandatory evacuation zones;
- 2 and
- 3 • Without due care, inadequately designed, built, and/or maintained Montecito's water
- 4 distribution system, resulting in the release of millions of gallons of water into
- 5 Montecito during the Montecito Mudslides event.

6 10. When rapid bursts of wind-driven rains dropped on the steep hills above Montecito,
7 the ensuing destruction and many of the injuries and fatalities that occurred in the disaster were
8 directly attributable to or exacerbated by Cross-Defendants' actions and inactions. Cross-
9 Defendants' poor planning and mismanagement spanning from decades prior to the Montecito
10 Mudslides all the way through the final hours before the storm directly and proximately caused all
11 or some of the damages that Plaintiffs now seek to recover from Edison.

12 11. Within weeks of the Montecito Mudslides, several lawsuits were filed against Edison
13 in Los Angeles, Ventura, and Santa Barbara Counties. To date, Edison has been served with more
14 than 75 complaints alleging that the Montecito Mudslides were caused by the December 2017
15 Thomas Fire, and that the Thomas Fire was in turn caused by Edison.

16 12. While the origins and causes of the Thomas Fire and its alleged relationship to the
17 Montecito Mudslides are still under investigation, numerous factors and causes contributed to the
18 severity of and damage caused by these unfortunate events. Even if Edison's equipment was involved
19 in one of the Thomas Fire's two known ignition sites, Edison does not concede that it is therefore
20 liable for any or all fire damage, nor does it concede that it carries any liability for damages arising
21 out of the Montecito Mudslides. Nevertheless, Edison files this Cross-Complaint for equitable
22 indemnity to ensure that any adjudication of liability for the Montecito Mudslides properly allocates
23 responsibility to the public entities named below on the basis that they contributed to or exacerbated
24 injuries to or losses incurred by Plaintiffs who have sued Edison in connection with the Montecito
25 Mudslides.

26 13. Much of the harm arising from the Montecito Mudslides was caused by the negligent
27 acts and omissions of the public entities entrusted with the safety and care of the populations they
28 serve. Most of the injuries and fatalities caused by the Montecito Mudslides, as well as much of the

1 property that was lost in the debris flows, could have been avoided or significantly reduced had
2 Cross-Defendants acted reasonably and with due care. But for Cross-Defendants' negligent acts and
3 omissions, the damages caused by this natural disaster—including the damages suffered by Public
4 Entity Plaintiffs and Cross-Defendants themselves—would have been substantially mitigated. Cross-
5 Defendants should be held accountable for their own contribution to the losses alleged by the
6 Montecito Mudslides Plaintiffs.

7 THE PARTIES

8 **A. Plaintiffs**

9 14. Plaintiffs in the original action include Individual Plaintiffs, Subrogation Plaintiffs,
10 and Public Entity Plaintiffs, as self-defined in the Master Complaints filed in the above-captioned
11 matter.

12 15. The Montecito Mudslides Plaintiffs are Plaintiffs alleging damage or injury as a result
13 of the January 9, 2018 debris flows in Montecito.

14 **B. Defendants and Cross-Complainants**

15 16. Defendant and Cross-Complainant Southern California Edison Company is a private
16 utility that provides electricity to fifteen million people and businesses across 50,000 square miles in
17 central, coastal, and southern California. It is one of California's oldest and largest electricity
18 providers. Southern California Edison Company maintains a vast electrical system containing more
19 than 13,000 miles of transmission lines, 106,000 miles of distribution lines, 1.4 million electric poles,
20 and 720,000 distribution transformers. Southern California Edison Company is incorporated in
21 California and has its principal place of business in Rosemead, California.

22 17. Defendant and Cross-Complainant Edison International is the parent holding
23 company of Southern California Edison Company. Edison International is incorporated in California
24 and has its principal place of business in Rosemead, California.

25 **C. Cross-Defendants**

26 18. Plaintiff and Cross-Defendant County of Santa Barbara is a county in the State of
27 California.

1 19. Plaintiff and Cross-Defendant Santa Barbara County Flood Control and Water
2 Conservation District is a division of the County of Santa Barbara. The FCWCD provides flood
3 control and water conservation services and flood control zones in the County of Santa Barbara.

4 20. Plaintiff and Cross-Defendant City of Santa Barbara is a city in the State of California.

5 21. Cross-Defendant California Department of Transportation is an executive department
6 of the State of California that manages the state's highway system.

7 22. Plaintiff and Cross-Defendant Montecito Water District is responsible for furnishing
8 potable water to the unincorporated communities of Montecito and Summerland in the State of
9 California.

10 **JURISDICTION AND VENUE**

11 23. The Court has jurisdiction over this action. To the extent the Court finds Plaintiffs
12 have stated a cognizable claim against Edison for negligence, nuisance, inverse condemnation, or
13 otherwise, Cross-Defendants have substantially contributed to any ensuing damages in Santa Barbara
14 County.

15 24. Venue is proper in this County because litigation against Edison arising out of the
16 Thomas Fire and the Montecito Mudslides has been or is in the process of being coordinated in Los
17 Angeles County as JCCP No. 4965.

18 25. On July 3, 2018, based on the facts outlined below, Edison filed claims for equitable
19 indemnity against Santa Barbara County, the City of Santa Barbara, CalTrans, and the MWD in
20 compliance with Government Code § 910 *et seq.* CalTrans rejected Edison's claim on July 18, 2018.
21 The MWD rejected Edison's claim on July 26, 2018. Santa Barbara County rejected Edison's claim
22 by operation of law on August 17, 2018. The City of Santa Barbara rejected Edison's claim on August
23 17, 2018.

24 **FACTUAL BACKGROUND**

25 **A. The Montecito Mudslides**

26 26. On January 8, 2018, a winter storm—that had been forecasted several days prior—
27 threatened Southern California with severe rain showers. The storm intensified the following day,
28 bringing a deluge of rain that reached its peak at approximately 3:30 a.m.

1 27. The heavy and concentrated rainstorm caused mud and boulders from the Santa Ynez
2 Mountains to flow down creeks and valleys into Montecito. The rate and volume of the debris flows
3 overwhelmed creeks, including Montecito Creek (and the Cold Springs and Hot Springs Tributaries),
4 Oak Creek, San Ysidro Creek, Buenavista Creek, and Romero Creek, eventually reaching the ocean.
5 On information and belief, the debris flows traveled at high velocities, creating walls of debris up to
6 20 feet high that impacted land downstream as they picked up velocity and force.

7 28. As the debris flows swept downstream, they quickly plugged and overtopped the
8 county-owned and maintained debris basins that were supposed to capture and retain debris to avoid
9 precisely such a condition. More than 150 roads, bridges, and other channel crossings designed
10 without adequate consideration of debris flows acted as additional dams that quickly overflowed,
11 causing debris to back up, divert away from the channel, and pick up additional debris as the flows
12 surged down the channels. Some channel crossings broke away and joined the debris flows. Other
13 obstacles, such as fences and retaining walls, created additional obstructions that caused further
14 build-up and diversion of the debris flows outside natural flow paths and channels.

15 29. The event killed more than twenty people and destroyed entire neighborhoods. Its
16 high death toll amassed largely in one area: the “voluntary evacuation zone” south of Highway 192.
17 Of the twenty-three individuals who perished in the debris flow, nineteen lived in this area, which
18 public officials had failed to deem a mandatory evacuation zone.² Told only that they should be ready
19 to leave if conditions changed, residents south of Highway 192 received unclear, untimely alerts
20 issued in the middle of the night as the debris flows rapidly approached and it became too late to
21 evacuate.

22 **B. Cross-Defendants have long been aware of dangers posed by predictable debris**
23 **flows**

24 30. Debris flows are predictable natural disasters in California. They are common in
25 California’s landscape due to the state’s geography, ecology, and weather patterns. Cross-Defendants
26

27 ² Tyler Hayden, *Public Survey Exposes Montecito Debris Flow Communication Failures*,” SANTA
28 BARBARA INDEPENDENT (June 14, 2018), <https://www.independent.com/news/2018/jun/14/public-survey-exposes-montecito-debris-flow-commun/>.

1 oversee, occupy, or utilize land that has been shaped and marred by these destructive acts of nature,
2 including several major debris flow events that occurred in the 20th century alone. Such events
3 continue to occur regularly in areas with similar topographical vulnerability across the entire state.
4 For example, before the Montecito Mudslides, the debris flow at Mud Creek in 2017 heaped six
5 million tons of rock and dirt on a quarter-mile section of the coastal highway in the Big Sur region.
6 The 2005 landslide in nearby La Conchita is another example of a similar natural disaster near
7 Montecito.

8 31. Santa Barbara County sits atop a series of alluvial fans that exist because episodic
9 debris flows, such as those that occurred on January 9, 2018, built up large sediment deposits over
10 the course of millennia. Indeed, Rocky Nook Park in Santa Barbara County, just a mile north of the
11 City of Santa Barbara, is named for the strewn boulders left behind by a thousand-year-old
12 catastrophic debris flow that originated one mile upstream and likely rose to between 60 and 100 feet
13 high.³

14 32. In 1964, a few months after the Coyote Fire burned 100 square miles above Santa
15 Barbara, a debris flow destroyed twelve homes and six bridges on Mission Creek in Santa Barbara.
16 Eyewitness accounts told of “20-foot walls of water, mud, boulders, and trees moving down the
17 channels at approximately 15 miles per hour.”⁴

18 33. Five years later, in 1969, El Niño flooding prompted another debris flow, which
19 brought boulders from the mountains down through the Romero and San Ysidro Creeks, ultimately
20 destroying seventy residences.⁵

21 34. Severe flooding and debris flows returned just two years later. The 1971 Romero Fire
22 burned twenty square miles in the mountains behind Santa Barbara and Montecito. Heavy rains

24 ³ Gail Gallesich Brown, *UCSB Scientists Study Ancient Debris Flows*, THE CURRENT (Nov. 21,
2001), <http://www.news.ucsb.edu/2001/011526/ucsb-scientists-study-ancient-debris-flows>.

25 ⁴ Melinda Burns, *Deadly Montecito Debris Flow Was Rare Event, But Could Happen Again*, SANTA
26 BARBARA INDEPENDENT (Jan. 16, 2018), <https://www.independent.com/news/2018/jan/16/deadly-montecito-debris-flow-was-rare-event-could-/>.

27 ⁵ Joe Mazingo, *Santa Barbara County knew mudslides were a risk. It did little to stop them*, L.A.
28 TIMES (Dec. 20, 2018), <http://www.latimes.com/local/california/la-me-montecito-debris-basins-20181220-htlstory.html>.

1 following the fire contributed to debris flows that blocked Highway 101 for eight hours near
2 Carpinteria. A wall of mud and water three feet high pushed across the freeway toward the ocean.⁶
3 It is, however, common for flooding not connected to a wildfire in Santa Barbara County to contain
4 significant sediment and debris.⁷

5 35. A 1974 report by the U.S. Army Corps of Engineers described the perpetual risks
6 faced in this region. Specifically, the report noted the particular risk created by alluvial fans or cones
7 themselves, which impede subsequent debris flows' natural course and cause the flows to fan out
8 further into new, previously unimpacted land:

9 The flatlands are alluvial cones formed from rocks and finer debris carried from the
10 steep upstream areas. When floodflows enter upon the alluvial cones, both the
11 streambed gradient and the flow velocity decrease, causing major deposition and
12 sedimentation, a decrease in the channel capacity, and possible changes in the stream
13 course.⁸

14 36. As early as 1978, the federal Flood Insurance Study for Santa Barbara County has
15 described runoff and flood issues in the area as follows:

16 Runoff in these stream basins is typical of most streams in Southern California.
17 Streamflow is negligible, except during and immediately after rains . . . ; however, it
18 increases rapidly in response to high-intensity precipitation. . . . High-intensity
19 rainfall, in combination with the effects of impervious soil types, possible denudation
20 by fire, and steep gradients on most channels, results in intense debris-laden
21 floods. . . . *Highways and bridges across the streams and creeks obstruct major
22 floodflow. . . . Other flooding problems are caused by inadequate channel and culvert
23 capacities.*⁹

24 ⁶ Burns, *supra* note 4.

25 ⁷ See Melinda Burns, *County Seeks Up to \$25 Million to Buy Land For New Debris Basin in Montecito*,
26 NOOZHAWK (Nov. 15, 2018),
27 https://www.noozhawk.com/article/county_25_million_buy_land_for_new_debris_basin_in_monte_cito
28 (“Even flooding not connected to wildfire on the South Coast typically contains a lot of debris.”).

⁸ DEP’T OF THE ARMY, L.A. DISTRICT, CORP. OF ENG’R, FLOOD PLAIN INFORMATION: MONTECITO STREAMS - VICINITY OF MONTECITO, SANTA BARBARA COUNTY, CALIFORNIA (1974).

⁹ FED. EMERGENCY MGMT. AGENCY, FLOOD INSURANCE STUDY VOLUME 1 OF 3, SANTA BARBARA COUNTY, CALIFORNIA AND INCORPORATED AREAS 10–11 (2015) [hereinafter “FEMA 2015 Flood Insurance Study”] (emphasis added) (citing U.S. DEP’T OF HOUS. & URBAN DEV., FED. INS. ADMIN., FLOOD INSURANCE STUDY, SANTA BARBARA COUNTY, CALIFORNIA (UNINCORPORATED AREAS) (1978)).

1 37. Montecito’s routine debris flows did not just recently become public knowledge.
2 Indeed, of the twenty-four properties that were hardest hit in just one area during the Montecito
3 Mudslides, four were named in old news reports as having suffered significant damage in 1926, 1964,
4 or 1969.¹⁰ In addition, severe flooding was reported as recently as the winter of 1995 on San Ysidro
5 Creek, in an area where four people were ultimately killed during the Montecito Mudslides.¹¹ Over
6 the course of the Twentieth Century, Santa Barbara County has experienced a “significant flood,” on
7 average, once every ten years.¹²

8 38. As such, Cross-Defendants not only *could* or *should* have known of the risk of
9 significant debris flows, but in fact they *did* know and took wholly inadequate actions to prevent
10 them.

11 39. On January 3, 2018, just six days before the Montecito Mudslides, Santa Barbara
12 County’s Board of Supervisors held a special meeting to discuss, in part, precautions to be taken in
13 advance of anticipated flooding that would result from the impending rainstorm. At that meeting,
14 Santa Barbara County’s Director of Emergency Management, Rob Lewin, described the flooding
15 that occurred in 1964 and in 1971. Pointing to photos of areas considered to be at risk of debris flows
16 in 2018, Lewin stated, “We know that this area flooded once. It could flood again.”¹³

17 40. In the months since the debris flows, state and local officials have admitted that they
18 were already aware of the significant and life-threatening risks posed by alluvial fans.

19 41. These events were both inevitable and predictable. Confronting such anticipated
20 environmental risks requires careful planning and corrective actions on the part of all interested
21 parties—including government entities. As such, Cross-Defendants are charged with the specific
22 duty to provide the public services and infrastructure necessary to minimize environmental hazards,
23

24 ¹⁰ Burns, *County Seeks Up to \$25 Million to Buy Land For New Debris Basin in Montecito*, *supra*
25 note 7.

26 ¹¹ *Id.*

27 ¹² COUNTY OF SANTA BARBARA OFFICE OF EMERGENCY MANAGEMENT, SANTA BARBARA
28 OPERATIONAL AREA EMERGENCY MANAGEMENT PLAN 143 (2013),
https://www.countyofsb.org/uploadedFiles/ceo/OEM/Docs/OEM_EMP_Final-2013.pdf.

¹³ County of Santa Barbara, *BOARD OF SUPERVISORS on 2018-01-03 9:00 AM - SPECIAL MEETING*, http://sbcounty.granicus.com/MediaPlayer.php?view_id=3&clip_id=3190 (7:28–7:34).

1 keep people and property safe from harm, and prevent unnecessary destruction. Moreover, Cross-
2 Defendants chose to build and chose to allow others to build in areas they knew would be susceptible
3 to major debris flow events but did not build structures or require structures to be built to the proper
4 standard of care.

5 42. Cross-Defendants must maintain the lands and structures for which they are
6 responsible in a manner that will promote safety given the well-known risks posed by recurring
7 natural disasters. They have failed to do so as described in the following paragraphs.

8 **C. Cross-Defendants allowed development in hazardous areas despite known risks**

9 i. Santa Barbara County encouraged growth in areas known to be at high risk of
10 significant flooding

11 43. Despite a history of flooding, including debris flows in some of the same watersheds
12 affected by flooding in 1964, 1969, and 1971, Santa Barbara County and the FCWCD failed to
13 implement adequate protective measures for development on the alluvial fan geology.¹⁴ Indeed, Santa
14 Barbara County has allowed development and redevelopment in areas that have repeatedly suffered
15 from debris flows. As a result, much of the development in Montecito lies on hazard-prone areas,
16 including alluvial fans, where “overbank flows may separate . . . and never return to the stream
17 channel.”¹⁵

18 44. For decades, Montecito and the surrounding areas remained sparsely developed. In
19 1927, for instance, the area consisted largely of open, undeveloped spaces, with few major roads or
20 bridges. *See* Figure 1, below.

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¹⁴ Pursuant to the National Flood Insurance Program, debris flows are a type of flooding.

¹⁵ FEMA 2015 Flood Insurance Study at 14.

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Figure 1 - 1927 aerial photo of Montecito

45. Nearly four decades later, Montecito’s residential and commercial construction had begun to expand, with the expansion of a federal highway through the community and increasing seaside development. Nonetheless, as visible in aerial shots from the time period, *see* Figure 2 below, the vast majority of the area remained minimally developed.

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Figure 2 - 1965 aerial photo of Montecito

46. By 1975, however, the previously sparse development in Montecito rapidly began to change. U.S. Route 101 and California State Highway 192 were improved and expanded as homes and commercial buildings sprung up where farmland and open areas had previously dominated. As visible in Figure 3 below, new development and structures significantly increased compared to Figure 2, a photo taken just ten years prior.

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Figure 3 - 1975 aerial photo of Montecito

47. During this time, in 1968, the National Flood Insurance Program (“NFIP”) was created by the U.S. Congress. The program enables property owners in participating communities to purchase federally administered insurance against losses from flooding and requires flood insurance for all loans or lines of credit that are secured by existing buildings, manufactured homes, or buildings under construction that are located in a designated flood zone (the “Special Flood Hazard Area”). Santa Barbara County has participated in the NFIP since 1979.

48. The NFIP encourages cooperation between local communities and the federal government to address the risk of flooding, including debris flows, through careful floodplain management. Communities that participate in the NFIP are required to adopt and enforce floodplain management ordinances that reduce future flood risks to new construction. The intent of the program

1 is to reduce flood damage through careful development planning, while providing protection for
2 property owners in flood hazard zones through insurance.

3 49. Santa Barbara County’s Floodplain Management Ordinance purports to comply with
4 this requirement. It states that development within the County must account for the risk of flooding,
5 including the risk of debris flows “which are proximately caused by flooding . . . and are akin to a
6 river of liquid and flowing mud”¹⁶

7 50. As the County has recognized, “[t]he flood hazard areas of Santa Barbara County are
8 subject to periodic inundation which results in loss of life and property, health and safety hazards,
9 disruption of commerce and governmental services, extraordinary public expenditures for flood
10 protection and relief, and impairment of the tax base, all of which adversely affect the public health,
11 safety and general welfare.”¹⁷ Moreover, flood losses are “caused by the cumulative effect of
12 obstructions in areas of special flood hazards which increase flood heights and velocities, and when
13 inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated
14 or otherwise protected from flood damage also contribute to the flood loss.”¹⁸

15 51. Given these inevitable risks, and because “the floodway is an extremely hazardous
16 area due to the velocity of flood waters which carry debris, potential projectiles, and erosion
17 potential,” Santa Barbara County requires structures in floodplains and floodways to meet certain
18 design standards.¹⁹ Specifically, the County’s Floodplain Management Ordinance prohibits
19 encroachments in the floodway, including new construction or substantial improvements, absent
20 assurance that the development will not result in any increase in flood levels.²⁰

21 52. Santa Barbara County was thus obligated to appropriately restrict development and
22 redevelopment in unincorporated areas, including Montecito, where improper developments could
23 risk diverting and exacerbating floods and debris flows and would face increased risk of themselves
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25 ¹⁶ SANTA BARBARA COUNTY, CA., CODE § 15A-5(23)(A)(iii) (2018).

26 ¹⁷ *Id.* § 15A-2(a).

27 ¹⁸ *Id.* § 15A-2(b).

28 ¹⁹ *See id.* § 15A-21.

²⁰ *See id.* § 15A-21(a).

1 succumbing to natural disasters. However, the County failed to comply with its own obligations or
2 adequately enforce its own ordinances, as Montecito continued to develop quickly. By 2018, the
3 open agricultural areas that once dotted Montecito had largely disappeared, replaced by densely
4 packed residences, commercial buildings, bridges, roads, and other structures that encroached upon
5 the natural floodplain and floodway, often in violation of the County's Floodplain Ordinance. *See*
6 Figure 4, below. These encroachments were allowed by Santa Barbara County without due
7 consideration for the effects of a large debris flow event.



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Figure 4 - 2018 aerial photo of Montecito

26 53. The development and associated infrastructure constructed or permitted by the
27 County in these areas created obstructions that exacerbated damages from debris flow events and
28 placed area residents in harm's way.

1 54. Moreover, the County wholly failed to require or implement adequate debris flow
2 mitigation measures as properties developed and redeveloped, such as larger debris basins, debris
3 nets, requiring structures to be built with or at greater elevation, and other planning and structural
4 practices that would have reduced the destructive effect of the Montecito Mudslides.

5 55. The County’s floodplain mapping failed to account for the likelihood that culverts and
6 bridges would become obstructed in a major flood or debris flow event, or for the effects of numerous
7 obstructions in the floodplain. As a result, the County failed to properly warn of severe risks in areas
8 within the regulatory floodplain and in areas affected by overflowing debris.

9 56. For instance, Olive Mill Road in Montecito lies along an area at high risk of significant
10 flooding. The County should have recognized the risk to this floodplain and appropriately curtailed
11 or managed development in response. Instead, the County allowed significant development in this
12 area, including the construction of Olive Mill Road itself, which passes over U.S. Route 101. During
13 the Montecito Mudslides, structures along Olive Mill Road suffered significant damage as the road
14 acted like an aqueduct for the debris flow, carrying mud and debris across and above the interstate
15 highway into the surrounding neighborhoods. A properly drawn and enforced floodplain map would
16 have identified risks to development along Olive Mill Road, which would have better regulated
17 development and prevented or reduced the damage that occurred during the Montecito Mudslides.

18 57. Likewise, the County has allowed more than 150 federal, state, county, and private
19 bridges and culverts to be built in locations that cross channels and often fall squarely in areas at high
20 risk of significant flooding. Allowing the development and redevelopment of such crossings in the
21 floodplain, particularly without mitigation measures to minimize their impact on predictable debris
22 flow paths, contributed significantly to the risk that these structures would impede and divert flows.
23 Development in the floodplain creates obstructions which divert debris flows from their natural
24 courses, causing debris flows to swell, increase in depth and velocity, and causing damage to
25 structures that would otherwise have remained clear of debris during a significant flooding event.
26 Santa Barbara County’s failure to require public and private developers to either build outside of the
27 natural floodplain or adhere to proper standards within the natural floodplain exacerbated the damage
28 caused by the inevitable debris flow when it occurred, causing it to grow and travel downstream in

1 an unpredictable and deadly fashion as it was diverted by and topped over obstructions placed in the
2 known floodplain.

3 ii. The City of Santa Barbara's inadequate floodplain mapping allowed deficient
4 construction in areas prone to flooding and debris flows

5 58. As in Santa Barbara County, areas within the City of Santa Barbara were directly
6 affected by the Montecito debris flows as a result of both the County's and the City's failure to
7 adequately map and plan for flood hazards in this area, despite clear indications from mapping and
8 topography that flood hazards exist in these locations. Topographic mapping of the City of Santa
9 Barbara indicates that the ground slopes in a downward direction westward from North Jameson
10 Lane to Coast Village Road. Given this downward slope, it is clear that debris and/or floodwaters in
11 the floodplain to the east of Olive Mill Road would flow west into the City and into low-lying
12 portions of Route 101. Although the City provided detailed floodplain mapping for other portions of
13 the City of Santa Barbara, this area was not mapped, and the floodplain mapping follows a political,
14 rather than topographical boundary.

15 59. The lack of accurate floodplain mapping in this area meant that regulators ignored the
16 flooding and debris flow risks in this portion of the City and in the area of Santa Barbara County to
17 the south of Route 101. Because these areas failed to be designated regulatory floodplains, building
18 standards typical for flood risk areas were not required. Property owners in these areas therefore were
19 not required to purchase flood insurance and, on information and belief, were not properly warned
20 of the risk of substantial damage to their properties.

21 60. Had the area been correctly mapped as a floodplain, buildings would have been built
22 to a higher standard that could better withstand debris flows. For instance, the Montecito Inn, which
23 was inundated with a thick layer of mud during the storms, would have been subject to a more
24 stringent standard. Had the Inn been required to be built to proper specifications based on an accurate
25 floodplain map, the chance of flooding would have been reduced, as would the ultimate damages.

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D. Santa Barbara County's drastically undersized and poorly-maintained debris basins failed to capture the bulk of the mounting debris flows

i. Debris basins in Montecito were far too small to capture the amount of debris that could be expected in the area

61. On information and belief, Santa Barbara County and the FCWCD are responsible for building and maintaining certain basins that are intended to capture and retain debris during the expected flooding and debris flows common in this area. Such debris basins are supposed to be designed to safely direct excess flows downstream, thereby reducing potential damages downstream from the debris flow.

62. In Santa Barbara County, the relevant debris basins include: the Cold Springs Creek Debris Basin, the Montecito Creek Debris Basin, the San Ysidro Creek Debris Basin, and the Romero Creek Debris Basin (all in the Montecito area), as well as the Santa Monica Creek Debris Basin (in Carpinteria). The four debris basins in the Montecito area range in size from a maximum capacity of approximately 5,500 cubic yards (Montecito Creek Debris Basin) to 27,000 cubic yards (Romero Creek Debris Basin). Based on the acreage of the watersheds they are meant to serve, these ranges translate to between 1.4 cubic yards per acre served (Montecito Creek Debris Basin) and 20.9 cubic yards per acre served (Romero Creek Debris Basin).

Basin Name	Approximate Design Capacity (yd ³)	Approximate Contributing Drainage Area (acres)	Approximate Unit Capacity (yd ³ /acre)	Date of Construction
Cold Springs Creek Debris Basin	20,000	2,380	8.4	1964
Montecito Creek Debris Basin	5,500	3,800	1.4	2002
San Ysidro Creek Debris Basin	11,000	1,930	5.7	1964
Romero Creek Debris Basin	27,000	1,290	20.9	1971

1 63. These basins, however, were not adequately designed or upgraded with due care to
2 withstand the magnitude of floods or debris flows experienced in the area. Santa Barbara County and
3 FCWCD officials knew for at least fifty years that the basins were too few and too small to adequately
4 manage the volume of debris flows that the Santa Ynez Mountains were prone to produce. In 1965,
5 the California Department of Water Resources, in summing up a report from the U.S. Army Corps
6 of Engineers, noted that the then-existing basins, including the Cold Springs Creek Debris Basin and
7 the San Ysidro Creek Debris Basin, were designed for the level of flooding that could be expected
8 every ten years on average, but would be overwhelmed during severe storms.²¹ In 1969, even after
9 additional basins were built in the area, the Corps’ district engineer for the region, Col. Norman E.
10 Pehrson, warned in a memorandum that the “danger of loss of life and the menace of public health
11 is great.”²²

12 64. Despite decades of warnings, Santa Barbara County and FCWCD officials failed to
13 adequately expand these debris basins or build other debris basins. These debris basins were built in
14 1964 (Cold Springs and San Ysidro) and 1971 (Romero), but in the decades that passed between
15 their initial construction and the debris flow event in January 2018, these basins were never upgraded
16 or expanded by the County, the FCWCD, or other responsible agencies to address Montecito’s actual
17 needs.

18 65. These basins were designed merely as temporary stopgap measures to address a
19 recurring event—debris flows—that the County and the FCWCD knew would be far greater than the
20 levels for which its basins were designed. As Santa Barbara County Water Resources Deputy
21 Director Tom Fayram acknowledged in a public meeting on May 1, 2018, the debris basins “above
22 Montecito, Cold Springs, San Ysidro and Romero, were all built after prior fires as emergency
23 projects So, it wasn’t a mathematical equation of what do we think the volume should be for a
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27 ²¹ Mozingo, *supra* note 5.

28 ²² *Id.*

1 given watershed size. It was an emergency placement of a basin based on the topography and the
2 configuration that was available.”²³

3 66. Deputy Director Fayram later admitted that, although the volume of debris flow was
4 indeed predictable, the basins whose purpose was to prevent such flows from damaging or destroying
5 land downstream from the basins were never designed to meet these known needs. Asked whether it
6 was “reasonable to assume the current debris basins we have are not adequately sized relative to what
7 [maps] predict[] as a potential volumetric flow,” Deputy Director Fayram responded:

8 Absolutely. And I would say they weren’t designed for that event either. But, yes,
9 clearly, I mean in the cases that we have seen in Cold Springs and San Ysidro those
10 basins were overtopped by 20-30 feet over the top of the spillway, so they were
11 overwhelmed by the magnitude of that event²⁴

12 67. In the last forty-seven years, the County and the FCWCD have built only one new
13 debris basin, and the site they chose is both far too small and inappropriately placed.²⁵ The
14 inadequately sized Montecito Creek Debris Basin, measuring just 5,500 cubic yards, *see* Figure 5
15 below, was placed *below* where the worst damage had historically occurred. The basin was so far
16 downstream from the watershed that its placement guaranteed significant damage would already
17 occur before any debris even reached the basin.



Figure 5 - Montecito Creek Debris Basin

26 ²³ County of Santa Barbara, *FEMA COMMUNITY MEETING OF MAY 1, 2018*,
27 http://sbcounty.granicus.com/MediaPlayer.php?view_id=3&clip_id=3287 (55:11–56:04).

28 ²⁴ *Id.* at 56:25–57:01.

²⁵ Mozingo, *supra* note 5.

1 68. As flood waters descended on Montecito on January 9, 2018, a fast-moving wall of
2 debris began to flow toward and through the inadequate debris basins. The basins' outlets soon
3 plugged, turning into dams and blocking the water from flowing through rapidly filling small basins.
4 Once the plugged debris basins reached their available capacity, water, mud, and debris then
5 overflowed the basins, which were incapable of holding back the burgeoning swell. The Cold Springs
6 Creek and San Ysidro Creek Debris Basins embankments breached, contributing to surges
7 downstream. A surge from the breach at the bridge forming the outlet of the Montecito Creek Debris
8 Basin also caused significant damage to the neighborhood downstream.

9 69. Proper planning, engineering, and construction could have resulted in debris basins
10 capable of storing a substantial portion of the debris flows, thereby mitigating the hazards caused by
11 the debris flows. The County and the FCWCD could have, but failed to, implement numerous
12 mitigation methods, including larger debris basins, steel nets, lower bridge profiles, and dedicated
13 overflow paths.

14 70. The sizes of the debris basins involved directly affected the level of damage suffered
15 downstream of the basins. Buildings and structures downstream of the Romero Creek Debris Basin,
16 the largest of the four basins, experienced comparatively less damage than structures downstream
17 from the three smaller basins in Montecito.

18 71. Even the Romero Creek Debris Basin, however, was far too small to adequately
19 capture the barrage brought on during the debris flow's peak. As the basin overflowed, a bridge blew
20 out approximately 1,300 feet downstream of the basin, causing significant downstream damages.

21 72. In sharp contrast, the Santa Monica Creek Debris Basin in Carpinteria effectively
22 protected areas downstream of the basin during the same January 2018 storm. Compared to the
23 woefully undersized basins in the Montecito area, the Santa Monica Creek Debris Basin was
24 designed and constructed at almost 10 times the unit capacity (yd³/acre) of the largest of the
25 Montecito basins. *See* Figure 6, below. The 208,000-cubic-yard Santa Monica Creek Debris Basin
26 was credited with saving Carpinteria from the effects experienced in Montecito.²⁶ As Deputy Director
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28 ²⁶ Brooke Holland, *Santa Monica Debris Basin Above Carpinteria Dubbed 'Hero' After Jan. 9*

1 Fayram acknowledged, the County “avoided some horrific damage that would have certainly
2 happened if we didn’t have [the basin].”²⁷ This demonstrates that the County and the FCWCD
3 understood and knew that the size of the basin was extremely important to its effectiveness in
4 controlling water, mud, and debris during the predictable flooding events.



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15 Figure 6 - Santa Monica Creek Debris Basin

16 73. Although the Santa Monica Creek Debris Basin likewise filled to or near capacity
17 during the January 2018 rainstorms, the areas downstream of the basin suffered virtually no damage,
18 as the basin adequately held back the mounting material. Had the County and the FCWCD properly
19 sized the debris basins above Montecito similarly to the Santa Monica Debris Basin in Carpinteria,
20 then the flooding and debris flows would have been controlled and contained, such that the damage
21 in Montecito would have been significantly reduced or eliminated altogether as, on information and
22 belief, it was in Carpinteria.

23 74. The debris basins in the Montecito, San Ysidro, Cold Springs, and Romero Creek
24 watersheds were designed to hold between 5,500 and 27,000 cubic yards of debris. These basins
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27 *Debris Flow*, NOOZHAWK (Feb. 20, 2018),
28 [https://www.noozhawk.com/article/santa_monica_debris_basin_above_carpinteria_dubbed_hero_](https://www.noozhawk.com/article/santa_monica_debris_basin_above_carpinteria_dubbed_hero_after_jan._9_debris)
[after_jan._9_debris](https://www.noozhawk.com/article/santa_monica_debris_basin_above_carpinteria_dubbed_hero_after_jan._9_debris).

²⁷ *Id.*

1 could individually hold as little as 2.6% of the Santa Monica Creek Debris Basin’s capacity, even if
2 properly maintained. Notwithstanding that the Carpinteria watershed is not significantly larger than
3 the watersheds served by Montecito’s basins, collectively, the Montecito basins could hold only a
4 small fraction of the debris that could be captured by the Santa Monica Creek Debris Basin or other
5 debris basins that serve comparable watersheds in adjacent Ventura County.

6 75. Now, many years too late, the County and the FCWCD seek to expand debris basins
7 that it admits were too small to prevent the damages sustained during the Montecito Mudslides.
8 During a community meeting held on June 14, 2018, officials from the County and the FCWCD
9 identified the Cold Spring, San Ysidro, and Romero Creek Basins as three projects for expansion and
10 outlet modification to make them more effective. FCWCD Engineering Manager Jon Frye also
11 announced a long-term goal of creating a bigger basin system modeled on the Santa Monica Creek
12 Debris Basin.

13 76. Tellingly, in November 2018, the County announced that it was seeking up to \$25
14 million in federal and County funds to buy eight acres of land in an area repeatedly destroyed by
15 previous debris flows to construct a new debris basin that could prevent or mitigate future debris
16 flow damages.²⁸

17 77. Rather than expand these basins before the Montecito Mudslides, however, Santa
18 Barbara County had actually been on the brink of eliminating the Cold Springs Creek and San Ysidro
19 Creek Debris Basins. Just six months before the January 9, 2018 event, Santa Barbara County
20 published the *Final Updated Debris Basin Maintenance and Removal Plan*, which called for the
21 elimination of two of the already inadequate debris basins in an effort to facilitate the migration of
22 steelhead trout.²⁹ The plan also ceased active maintenance of the basins.³⁰ Had the County’s plan to
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24 ²⁸ Burns, *County Seeks Up to \$25 Million to Buy Land For New Debris Basin in Montecito*, *supra*
25 note 7.

26 ²⁹ SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, FINAL
27 UPDATED DEBRIS BASIN MAINTENANCE AND REMOVAL PLAN (June 2017),
https://www.countyofsb.org/uploadedFiles/pwd/Content/Water/Environmental/Updated%20Debris%20Basin%20Plan_Final.pdf.

28 ³⁰ *See, e.g., id.* at 4.1-2 (“Sediment will not be removed as the basin fills but will be re-graded to
begin forming the creek banks that will be part of the eventual removal design. Once the basin is full

1 eliminate two of the four debris basins been implemented as intended prior to the Montecito
2 Mudslides, the damages resulting from the debris flows breaching the County's flood control
3 infrastructure would likely have been even more destructive.

4 78. Despite their duties and obligations, Santa Barbara County and the FCWCD have
5 failed to utilize consistent and objective debris basin sizing criteria to gauge the capacity necessary
6 for debris basins to prevent significant damage throughout the watershed. In contrast to Santa
7 Barbara's lack of standards, other municipal and county entities have developed design criteria and
8 maintenance standards for debris basins.

9 79. For instance, neighboring Ventura County has similar geographical and geological
10 features, including watersheds. Ventura County, however, utilizes specific design criteria and
11 maintenance standards for its debris basins, outlining, among other things, minimum capacities and
12 the frequency with which basins must be emptied of debris. Ventura County requires that debris
13 basins with tributary watersheds of less than five square miles be sized to provide for 125% of the
14 debris volume expected for a 100-year storm. Basins with tributary watersheds greater than five
15 square miles, on the other hand, are required to be even larger. By contrast, Santa Barbara County
16 has no clear specifications or criteria for building and maintaining debris basins.

17 80. Had the debris basins above Montecito been sized using Ventura County's criteria,
18 the basins would have been between 2 and 44 times larger than their actual sizes. Had Santa Barbara
19 exercised due care in designing its basins, the damages experienced in Montecito could have been
20 significantly reduced or eliminated altogether.

21 ii. The debris basins' already limited capacity was further undermined by the
22 County's and the FCWCD's failure to maintain the basins at their full capacity

23 81. Santa Barbara County's and the FCWCD's failure to provide adequate debris basins
24 extended to its prolonged failure to remove debris and sediment from the already dramatically
25 undersized basins.

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28 of sediment, any subsequent flows or sediment will move over the embankment and be carried
downstream.”).

1 82. As outlined above, the designed maximum capacity for the four relevant debris basins
2 in Montecito ranged from 5,500 cubic yards to 27,000 cubic yards. In reality, the basins were
3 maintained to provide only a fraction of their designed capacity.

4 83. The Cold Springs Creek Debris Basin, for instance, was built in 1964 and designed to
5 hold 20,000 cubic yards. But even after it was cleared out in 2005, the basin’s capacity was reduced
6 by one third, according to a 2005 County survey.³¹ Thus, even if it had not failed, the basin—already
7 drastically undersized—would have still failed to trap 7,000 additional cubic yards of debris that
8 would have instead flowed into Montecito.

9 84. According to a 231-page County report published just six months before the
10 Montecito Mudslides, eleven basins in the County were so full of rocks and sand that their collective
11 capacity was only forty-four percent of the total they had been designed to catch.³² This was despite
12 a County policy requiring that the basins be emptied whenever they were twenty-five percent full.³³

13 85. Despite County claims that the debris basins were fully cleared in anticipation of the
14 January storm, on information and belief, Montecito’s debris basins remained partially filled.³⁴ After
15 the basins were excavated and before the January storm hit, a County surveyor, Scott Brichan,
16 calculated the capacities of two basins. Brichan reported to the FCWCD that Romero Canyon had a
17 capacity of just 7,821 cubic yards, compared to a design capacity of 27,000 cubic yards.³⁵ San
18 Ysidro’s basin had a capacity of 6,112 cubic yards, compared to its design of 11,000 cubic yards.³⁶
19 On information and belief, at Cold Springs Creek, the County had last emptied the basin in 1969,
20 and more than a third of the basin’s length was left buried under sediment and vegetation, including
21 an eighteen-year-old oak tree.³⁷

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24 ³¹ Mozingo, *supra* note 5.

25 ³² *Id.*

26 ³³ *Id.*

27 ³⁴ *Id.*

28 ³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

1 86. The County’s and the FCWCD’s failure to clear thousands of cubic yards of decades-
2 old sediment and debris caused the already inadequate debris basins to perform even worse,
3 exacerbating the damage caused by the debris flows.

4 **E. Poorly designed bridges, culverts and road crossings obstructed and diverted**
5 **debris flow, thereby exacerbating damages**

6 i. CalTrans is responsible for improperly designed bridges and road crossings

7 87. CalTrans was or should have been aware of the well-documented potential for debris
8 flows in the Montecito area. Despite this awareness, the bridges and road crossings for which
9 CalTrans was responsible lacked features necessary to prevent or mitigate plugging and overtopping
10 of bridges. The result of these improper designs was that residential neighborhoods both upstream
11 and downstream of the inadequate bridges were deluged by avoidable debris flows when the bridges
12 became plugged.

13 88. CalTrans’s own Highway Design Manual requires the agency to consider debris flows
14 “near or within alluvial fans.”³⁸ CalTrans is required to use drainage design criteria that are
15 “commensurate with the importance of the highway, the potential for damage to the highway, loss
16 of property, and hazard to life associated with the facilities.”³⁹ Although the debris flow hazard areas
17 on the Montecito, San Ysidro, and Romero Creeks have been known for decades, CalTrans failed to
18 incorporate its own guidance in designing the bridges for U.S. Route 101 and California State Route
19 192.

20 89. The CalTrans bridges along both highways acted as obstructions to the debris flows.
21 In combination with other roads, these bridges, maintained by CalTrans, redirected the flows to
22 overbank areas that were not mapped as special flood hazard areas. The obstructions and redirection
23 resulted in greater debris flow depths upstream of road crossings and, in many areas, debris flows
24 that overtopped roads ran through neighborhoods before returning to the channels.

27 ³⁸ STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, HIGHWAY DESIGN MANUAL 810–43
28 (6th ed. 2018), <http://www.dot.ca.gov/design/manuals/hdm/chp0810.pdf>.

³⁹ *Id.* at 810-2.

1 90. For example, U.S. Route 101, which is maintained by CalTrans, contains a bridge that
2 crosses San Ysidro Creek. In that location, the bridge acted as an obstruction that became plugged
3 with debris due to its inadequate design. The obstructed opening below the highway forced the flow
4 in the channel to back up and inundate structures upstream from the bridge, as well as to overflow to
5 areas outside of the channel.

6 91. Likewise, State Route 192, which CalTrans designed and maintained, contains a
7 bridge that crosses Montecito Creek. The Route 192 bridge over Montecito Creek also became
8 plugged and forced flows out of the channel, into the neighborhood areas adjacent to both sides of
9 the channel. A similar condition occurred where the bridge for Route 192 crosses San Ysidro Creek.

10 92. Some of the most devastating damage from the debris flows—including the majority
11 of fatalities—occurred downstream from Route 192. Route 192, which is located approximately one
12 mile downstream from where the channels enter Montecito’s urbanized area, was the dividing line
13 selected by Santa Barbara County between voluntary and mandatory evacuation zones. Those who
14 lived downstream of the highway were not required to evacuate, despite the fact that the debris flows
15 diverted from the creeks as a result of the inadequate bridge would inevitably also overflow
16 downstream.

17 93. Tellingly, the damages upstream of Route 192 were a small fraction of those
18 downstream. Upon reaching Route 192, the debris flows were constricted and rerouted by the poorly
19 designed road crossings of channels, forcing debris out of the channels.

20 94. The redirected debris flows traveled out of Montecito Creek and into areas in the
21 floodplain overbanks that had been highly developed. These homes were destroyed by the ensuing
22 debris flows that should have otherwise traveled down the natural creek channel toward the ocean.

23 95. CalTrans could and should have implemented measures, as required by its own design
24 criteria, to consider and mitigate the risks posed by debris flows. For instance, the agency could have
25 designed bridges that provided more space for debris to flow without creating choke points, as
26 occurred at the culvert crossings. Instead, the agency designed numerous culvert crossings that
27 constricted channels, providing minimal room for debris to flow through without plugging the bridge
28 openings and routing the debris flows out of the channels.

1 96. CalTrans also failed to consider the effect on debris flows caused by structures that
2 could redirect debris flows, such as linear barriers and sound barriers, resulting in additional property
3 damage. The agency also failed to coordinate with Santa Barbara County to build debris racks to
4 capture debris upstream from the bridges, which would have reduced the amount of debris flowing
5 toward the bridges.

6 97. The designs of bridges and culverts failed to adequately consider the risk of debris
7 flows, as required by CalTrans's own design criteria. This design failure, along with improper
8 maintenance and operation of numerous bridges and creek crossings, directly contributed to damages
9 sustained by Plaintiffs.

10 ii. Santa Barbara County failed to require that its channel crossings be adequately
11 sized to minimize risks posed by debris flows

12 98. Infrastructure owned, maintained, and regulated by Santa Barbara County, including
13 private bridges and culverts authorized by the County, dangerously obstructed debris flows on
14 January 9, 2018. Channel crossings that were not designed to withstand significant debris flows
15 instead acted as dams, redirecting the debris flows to overbank areas that in many cases were not
16 even mapped as special flood hazard areas. Obstructions caused by bridges and culverts resulted in
17 greater debris flow depths upstream of road crossings, and in many areas, debris flows that
18 overtopped roads ran through neighborhoods before returning to the channels.

19 99. For example, the culverts at Hot Springs Road became obstructed by debris during
20 the Montecito Mudslides. The obstruction caused elevated debris levels upstream, which thereby
21 redirected a significant portion of the debris flow south where it caused unforeseen damages as it
22 flowed down Olive Mill Road. In addition, East Mountain Drive, on the Hot Springs tributary of
23 Montecito Creek, overtopped and directed flows to the overbank area westward along East Mountain
24 Drive.

25 100. Likewise, the North Jameson Lane crossings on the Oak, San Ysidro, and Romero
26 Creeks, in combination with the effects of bridges and culverts owned and maintained by CalTrans,
27 restricted flow and backed up mud and debris until the flow spilled into low-lying portions of
28 Route 101.

1 101. Other County bridges and culverts, as well as private bridges and culverts that the
2 County allowed to be constructed, had similar effects. For instance, multiple bridges that the County
3 allowed to be constructed across the creeks failed, including a private bridge located approximately
4 1,300 feet downstream of the Romero Creek Debris Basin. The bridge caused extensive damage
5 downstream when it breached, sending a surge into the neighborhood below.

6 102. The County's Engineering Design Standards include very little direct information or
7 guidance related to debris flows and focus primarily on "clearwater" flooding with no sediment in it.
8 However, though the County standards do not explicitly reference debris flows, they incorporate the
9 CalTrans Highway Design Manual, which explicitly requires debris flows to be considered during
10 drainage design, particularly in areas with steep slopes or in proximity to or within alluvial fan
11 geological areas.

12 103. Specifically, the CalTrans Highway Design Manual notes that it is well within
13 CalTrans's and the County's ability to size bridges and culverts for potential debris flows.⁴⁰ Although
14 Santa Barbara County incorporates these design criteria in its own engineering design standards
15 manual,⁴¹ these standards were not adequately considered or enforced in the design of the channel
16 crossings in Montecito, channel crossings that instead ignored the risk of debris flows. The County's
17 bridges and culverts overflowed, ultimately diverting debris flows to areas with significant
18 development. The County's bridges, as well as County-approved bridges, also failed and caused
19 downstream surges.

20 **F. Santa Barbara County's arbitrary hazard warnings led to preventable injuries**
21 **and fatalities as residents were left uninformed of known risks**

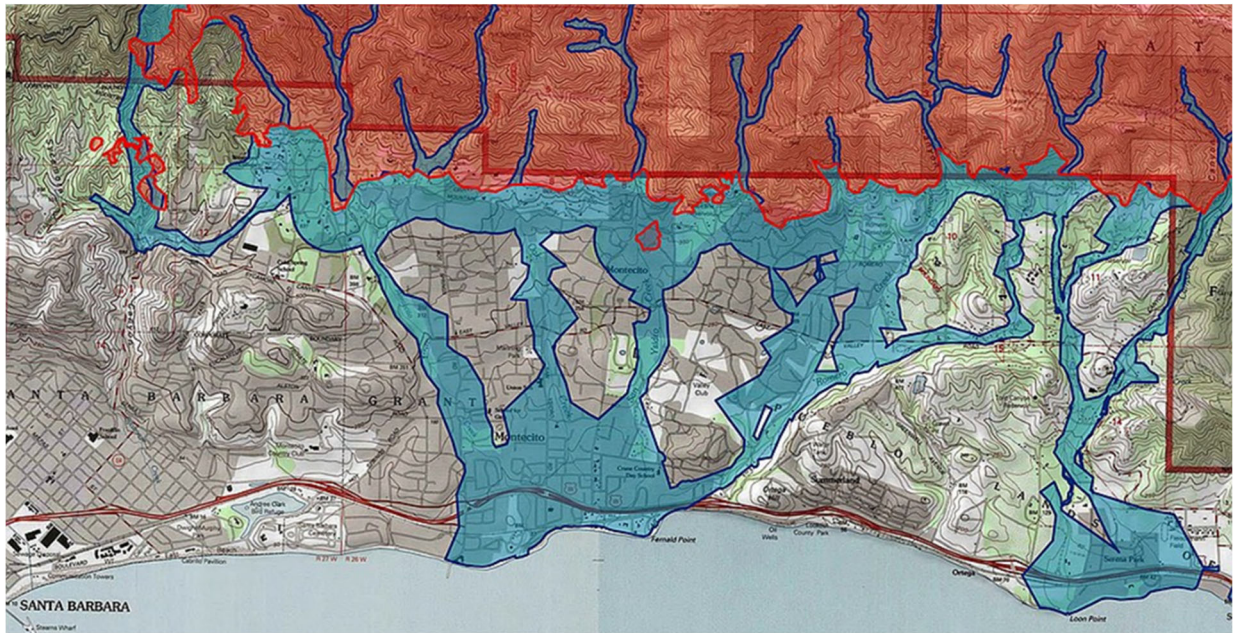
22 104. Santa Barbara County was aware that the oncoming storm could bring a sudden
23 deluge of rain that could cause massive and deadly debris flows. In the days leading up to the storm,
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26 ⁴⁰ STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, HIGHWAY DESIGN MANUAL 819-7
27 (6th ed. 2018) (bridge openings and culverts can be appropriately sized for areas that experience
high sediment and debris concentration).

28 ⁴¹ See SANTA BARBARA COUNTY DEPARTMENT OF PUBLIC WORKS TRANSPORTATION DIVISION,
ENGINEERING DESIGN STANDARDS (2011).

1 County officials worked with federal and local entities, including personnel from the FCWCD, to
2 estimate where the debris flows would hit.

3 105. On information and belief, approximately 7,000 people living in the foothill
4 communities above Montecito would have been required to evacuate per a mandatory order issued
5 by the County on January 7, 2018. Relying on flood maps that showed deadly threats both above and
6 below Route 192, County officials initially demarcated both sides of the highway as evacuation
7 zones.



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18 Figure 7 - Pre-Debris Flow Map of Danger Zones⁴²

19 106. This topography-based map, produced prior to the Montecito Mudslides and shown
20 in Figure 7 above, highlighted with almost surgical precision the areas along Montecito's creek
21 basins that would likely be impacted by flooding and debris flows in a heavy storm. It ultimately
22 proved remarkably accurate. This map, however, was only briefly available to the public before being
23 replaced with the County's evacuation map, shown in Figure 8 below.

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27 ⁴² Tyler Hayden, *Internal Records Reveal Mixed Messages, Missed Opportunities Before 1/9 Debris*
28 *Flow*, Santa Barbara Independent (May 24, 2018), available at
<https://www.independent.com/news/2018/may/24/internal-records-reveal-mixed-messages-missed-oppo/>.

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Figure 8 - Santa Barbara County Evacuation Map

107. For no apparent, scientifically sound reason, County officials ultimately selected Route 192 as an arbitrary demarcation line between mandatory and voluntary evacuation zones. Although the County knew that debris flows could overtop Route 192, a mandatory evacuation was issued only upstream of the highway.

108. In anticipation of a major flood or debris flow, there was no reason to distinguish between areas upstream and downstream of Route 192. Both were subject to essentially equivalent debris flow depths, velocities, and destructive forces. Indeed, it would have been reasonable to assume that flooding would make its way downstream.

109. On information and belief, those living upstream from the highway were subject to mandatory evacuation warnings that were often heeded. Those living downstream of the highway were told that evacuation was not required, and many stayed behind in reliance on such instructions.

1 110. The result of the County’s miscalculation speaks for itself. Of the twenty-three people
2 who perished in the debris flows, nineteen resided in the voluntary evacuation zone.⁴³ Had the County
3 issued an appropriate evacuation order for areas downstream of Route 192, many of these fatalities
4 would likely have been avoided.

5 111. The County has publicly admitted these grossly negligent errors. Months after the
6 event, County spokesperson Gina DePinto said that the director of the Santa Barbara County Office
7 of Emergency Management’s “biggest regret is probably that the map that showed the waterways
8 was pulled.”⁴⁴ According to news reports, DePinto described the evacuation boundary decisions
9 as “complete conjecture on everyone’s part” and “stuff we will be deposed on in court.”⁴⁵ “I
10 know it’s going to haunt people for the rest of their lives,” DePinto said.⁴⁶

11 112. In addition, the County’s warnings to residents of the risks they faced were wholly
12 inadequate in the days leading up to and even during the Montecito Mudslides. For instance, the
13 County published figures developed by the U.S. Geological Survey showing risks of debris flows in
14 the watersheds above Montecito but, as noted above, the only mapping showing how the debris
15 generated in the upper watersheds could travel through the community was not publicized and,
16 inexplicably, was quickly pulled from the County’s website.

17 113. Before the debris flows impacted Montecito, residents in the voluntary evacuation
18 zones were told to “stay alert to changing conditions and be prepared to leave immediately.”⁴⁷
19 This wording caused residents to pack cars and watch the weather under the mistaken assumption
20 that they could adequately assess their degree of risk by observing the rainfall in their neighborhoods.
21 As residents stayed put, mud and debris inundated their properties in the middle of the night with
22 little or no warning. Despite being urged to do so by disaster communication specialists, County
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25 ⁴³ Hayden, *Public Survey Exposes Montecito Debris Flow Communication Failures*, *supra* note 2.

26 ⁴⁴ Hayden, *Internal Records Reveal Mixed Messages, Missed Opportunities Before 1/9 Debris Flow*,
supra note 42.

27 ⁴⁵ *Id.*

28 ⁴⁶ *Id.*

⁴⁷ Hayden, *Public Survey Exposes Montecito Debris Flow Communication Failures*, *supra* note 2.

1 officials never informed residents that rainfall intensity over their homes could not reliably gauge the
2 ferocity of the storm in the mountains upstream, where debris flows originate.

3 114. For those waiting at home to learn when it would be time to evacuate, the warnings
4 that did come were inadequate and ill-designed to explain what residents needed to do to stay safe.
5 At 3:50 a.m., a cell-phone alert instructed residents to “GO TO HIGH GROUND,” leaving would-
6 be evacuees uncertain of whether they should leave their homes and scramble uphill or climb to their
7 attics.⁴⁸ On information and belief, some who attempted to exit their homes after receiving this
8 improper alert were swept away to their deaths by the oncoming debris flows.

9 115. The County’s inadequate emergency warnings both before and during the Montecito
10 Mudslides were, on information and belief, a substantial factor in causing or contributing to the
11 deaths of the vast majority of the individuals who died in the debris flows. Had the County adequately
12 warned residents, it is likely that many more would have heeded the County’s advice, as did those in
13 the mandatory evacuation zone.

14 **G. The Montecito Water District’s main line ruptured, releasing millions of gallons**
15 **of water into the debris flow**

16 116. The MWD owns, operates, and controls a municipal water supply and storage system
17 in the hills above Montecito. The MWD serves approximately 4,500 customers in Montecito and
18 Summerland, California.

19 117. The MWD’s primary distribution water main runs along reservoirs stationed along
20 East Mountain Drive, a high point in the district. The reservoirs, which are large storage tanks,
21 collectively hold up to twelve million gallons of water.

22 118. On January 9, 2018, the MWD’s main line ruptured in multiple locations, releasing
23 up to nine million gallons of water from MWD’s reservoirs via 300 ruptures and breaks, including
24 nine transmission pipeline breaks, fifteen distribution main breaks, twenty-five sheared off fire
25 hydrants, and approximately 290 damaged service connections.

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⁴⁸ *Id.*

1 119. During the storm, the main line, known as the Highline Transmission Pipeline, broke
2 in eight different places located at creek crossings, with breaks totaling more than 700 feet in length.
3 These breaks, in combination with others that occurred throughout the MWD's system, emptied the
4 reservoirs above Montecito and caused water to flow from the reservoirs into and down local creeks
5 in the hills upslope and above Montecito. This influx of water released from the MWD system joined
6 with rainwater in the local creeks and streams in the hillsides above Montecito. Thus, the MWD
7 infrastructure was a substantial cause of some of the damages experienced on January 9.

8 120. The MWD has an automatic Supervisory Control and Data Acquisition ("SCADA")
9 system to monitor pipelines and shut off valves when necessary. Without power, however, the system
10 cannot work. When power shut off during the storm, the district's backup generators did not turn on
11 automatically, as they were designed to do. The SCADA system therefore failed to shut off valves
12 and prevent water leakage into the debris flows.

13 121. As a result of MWD's acts and omissions and its failure to properly maintain the
14 municipal water supply and storage system in the hills above Montecito, residents living downstream
15 of the MWD's ruptured pipes experienced increased flows that damaged property.

16 **H. Cross-Defendants are liable for causing various injuries to Plaintiffs**

17 i. Cross-Defendants are liable for dangerous conditions on public property

18 122. Pursuant to Government Code § 835, a public entity may be held liable for injuries
19 proximately caused by a dangerous condition of or on its property if the dangerous condition created
20 a reasonably foreseeable risk of the kind of injury which the plaintiff incurred.

21 123. As described in greater detail in paragraphs 1–13 and 26–121, Cross-Defendants
22 created or had notice of dangerous conditions on their property that they failed to address or mitigate.
23 For instance, because of their faulty designs, bridges and roads that crossed drainage creeks in Santa
24 Barbara County caused debris to build up and ultimately fan out beyond the flow's anticipated path
25 and with greater force than it would otherwise. Santa Barbara County and CalTrans both share
26 liability for allowing a dangerous condition on land that they owned or controlled that created a
27 reasonably foreseeable risk of injury to Plaintiffs.

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1 124. Upon information and belief, the dangerousness of conditions on land owned or
2 maintained by Cross-Defendants created or contributed to the injuries suffered by Plaintiffs.

3 ii. Cross-Defendants are vicariously liable for tortious conduct of public
4 employees

5 125. Separately, Cross-Defendants are liable for their employees’ failure to appropriately
6 perform ministerial tasks. Pursuant to Government Code § 815.2, a public entity may be liable where
7 one of its employees engaged in a tortious act or conduct that caused injury while acting within the
8 course and scope of his or her employment, and where a private person under the same circumstances
9 would be personally liable for the injury. *See Johnson v. State of California*, 69 Cal. 2d 782, 794–96
10 (1968).

11 126. Government Code § 815.2 also provides that public entities are liable for any injury
12 proximately caused by the acts or omissions of an employee when that employee is not personally
13 protected by another grant of sovereign immunity. Public entity employees are not protected by
14 sovereign immunity if their negligence was not “the result of the exercise of the discretion vested in”
15 them. *See Cal. Gov. Code § 820.2*. Thus, government employees, and therefore their employing
16 public entities, are liable for injuries caused by their negligence in carrying out “ministerial” duties
17 and failing to implement adequate safety measures to protect their citizens.⁴⁹ *See Johnson*, 69 Cal.
18 2d at 794–96.

19 127. As described in greater detail in paragraphs 1–13 and 26–121, Cross-Defendants each
20 breached their common law duty to avoid negligent harm. For instance, Santa Barbara County
21 employees negligently failed to designate high-risk areas as mandatory evacuation zones, thereby
22 contributing to the deaths of up to nineteen individuals who failed to evacuate from an area that had
23 been marked as a voluntary evacuation zone. Likewise, employees of Santa Barbara County and the
24 City of Santa Barbara negligently failed to draft accurate floodplain maps, thereby permitting the
25 erection of buildings in high-risk floodplain areas with inadequate designs that failed to mitigate the

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27 ⁴⁹ “Matters of scientific and professional judgment—particularly judgments concerning safety—are
28 rarely considered to be susceptible to social, economic, or political policy” and thus are not
“discretionary.” *Whisnant v. U.S.*, 400 F.3d 1177, 1181 (9th Cir. 2005); *see also In re Glacier Bay*,
71 F.3d 1447, 1453 (9th Cir. 1995).

1 risks posed by flooding and debris flows. Similarly, employees of Santa Barbara County negligently
2 failed to adequately maintain the debris basins, both in failing to upgrade the basins to an adequate
3 size to address predictable flooding conditions, and also in failing to regularly clear the existing
4 basins of vegetation and sediment which further limited the capacity of the basins to perform their
5 fundamental function.

6 128. Upon information and belief, the tortious conduct of Cross-Defendants' public
7 employees created or contributed to the injuries suffered by Plaintiffs.

8 iii. Cross-Defendants are liable for failing to discharge mandatory duties

9 129. California's public entities have also waived sovereign immunity for their failures to
10 discharge "mandatory dut[ies] imposed by an enactment that is designed to protect against the risk
11 of a particular kind of injury." Cal. Gov. Code § 815.6. Therefore, public entities are liable for
12 injuries caused by their failure to comply with requirements imposed on them by law.

13 130. As described in greater detail in paragraphs 1–13 and 26–121, Cross-Defendants
14 failed to comply with mandatory legal duties. For instance, Santa Barbara County's Engineering
15 Design Standards incorporate the CalTrans Highway Design Manual as requirements. These
16 standards require debris flows to be considered during drainage design, particularly in areas with
17 steep slopes or near or within alluvial fans. As described in this Cross-Complaint, Santa Barbara
18 County failed to ensure that the design of its roads, bridges, culverts, and other channel crossings
19 adequately considered debris flows.

20 131. Upon information and belief, Cross-Defendants' failure to discharge mandatory
21 duties created or contributed to the injuries suffered by Plaintiffs.

22 iv. Cross-Defendants are liable for contributing to a public nuisance

23 132. In California, public entities are not immune from liability for contributing to a public
24 nuisance. *See Nestle v. City of Santa Monica*, 6 Cal. 3d 920 (1972); *Kempton v. City of Los Angeles*,
25 165 Cal. App. 4th 1344, 1349 (2008). Cross-Defendants may therefore be held liable on the basis
26 that their acts or omissions created public nuisance conditions that harmed life and property
27 belonging to Plaintiffs.

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1 133. As described in greater detail in paragraphs 1–13 and 26–121, Cross-Defendants
2 contributed to the creation of a public or private nuisance. For example, the MWD’s failure to prevent
3 or mitigate ruptures in its pipes caused up to nine million gallons of water to flow down local creeks
4 in Montecito, contributing to the debris flows or their destructive force.

5 134. Likewise, Santa Barbara County’s failure to maintain its debris basins, which caused
6 debris to overflow and damage property both upstream and downstream of the basins, created a
7 compensable nuisance.

8 135. Upon information and belief, Cross-Defendants’ creation of a public nuisance created
9 or contributed to the injuries suffered by Plaintiffs.

10 v. Cross-Defendants are liable for inverse condemnation

11 136. California’s Constitution “requires that just compensation be paid when private
12 property is taken or damaged for public use. Therefore, a public entity may be liable in an inverse
13 condemnation action for any physical injury to real property proximately caused by a public
14 improvement as deliberately designed and constructed, whether or not that injury was foreseeable,
15 and in the absence of fault by the public entity.” *Souza v. Silver Dev. Co.*, 164 Cal. App. 3d 165, 170
16 (1985). California courts have long held that inverse condemnation requires the broader community
17 to absorb the losses suffered by a small segment of the community whose property is “taken or
18 damaged for a public use.” *See, e.g., Smith v. City of Los Angeles*, 66 Cal. App. 2d 562, 578 (1944);
19 Cal. Const., Art I, § 19. Where, as here, the public entity “has made the deliberate calculated decision
20 to proceed with a course of conduct, in spite of a known risk,” just compensation is owed. *Arreola v.*
21 *City of Monterey*, 99 Cal. App. 4th 722, 742 (2002); *see also McMahan’s of Santa Monica v. City*
22 *of Santa Monica*, 146 Cal. App. 3d 683, 697 (1983) (inverse condemnation appropriate where the
23 government makes a deliberate decision to “treat[] private damage costs, anticipated or anticipatable,
24 but *uncertain in timing or amount or both*, as a deferred risk of the project”) (emphasis added).⁵⁰

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26 ⁵⁰ Edison has argued and maintains that inverse condemnation applies only where a public entity
27 deliberately takes or damages private property for the public use. *See, e.g., SCE's and EIX's Demurrer*
28 *to Inverse Condemnation Causes of Action, In re Southern California Fire Cases*, No. JCCP 4965
(Los Angeles Cty. Sup. Ct., August 3, 2018). Edison does not believe that these elements are met
based on the facts alleged in Plaintiffs’ Master Complaints against Edison. Nevertheless, to the extent

1 137. As described in greater detail in paragraphs 1–13 and 26–121, Cross-Defendants’
2 public improvements failed in numerous ways and constituted a substantial cause of Plaintiffs’
3 damages. For example, bridges, culverts, and road crossings that were poorly designed or maintained
4 by CalTrans and/or Santa Barbara County obstructed and diverted debris flows, thereby exacerbating
5 the damages they caused. In addition, the MWD’s negligently constructed or maintained main line
6 ruptured in multiple locations, releasing up to nine million gallons of water from MWD’s reservoirs
7 via 300 ruptures and breaks, including nine transmission pipeline breaks, fifteen distribution main
8 breaks, twenty-five sheared off fire hydrants, and approximately 290 damaged service connections.

9 138. Upon information and belief, Cross-Defendants’ actions and inactions—in the face of
10 known debris flow risks that were deliberately disregarded—were a substantial factor in causing
11 damage to Plaintiffs’ property.

12 **I. Edison has a right to equitable indemnification from Cross-Defendants**

13 139. Plaintiffs have brought claims against Edison, seeking to hold it uniquely liable for
14 multiple complex natural disasters whose precise causes and contributing factors remain unknown.

15 140. Plaintiffs do not have the unilateral right to determine which defendants should be
16 included in an action. Under the doctrine of equitable indemnity, a defendant has the right to bring
17 in additional parties who are at least partially responsible for any injury a plaintiff chooses to allege
18 against the defendant. *Evangelatos v. Superior Court*, 44 Cal.3d 1188, 1197 (1998).

19 141. The purpose of this widely-recognized doctrine is to avoid the inherent unfairness in
20 holding one company or entity liable for the entirety of a claimed injury, loss, or other actionable
21 damage, while allowing other culpable parties to avoid responsibility for their contribution and role
22 in creating the injury. Simply put, equitable indemnity is about fundamental fairness.

23 142. To the extent Edison is in any way liable for damages resulting from the Montecito
24 Mudslides, fundamental fairness dictates that the Court must consider Cross-Defendants’ substantial
25 contributions to such damages.

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27 Plaintiffs argue or the Court finds otherwise, inverse condemnation must apply to Cross-Defendants
28 as well. Edison has also argued that inverse condemnation liability cannot properly be applied to
private utilities like Edison, but that issue is plainly not applicable to the public entity Cross-
Defendants identified in this Cross-Complaint.

1 143. Under the doctrine of equitable indemnity, a defendant is entitled to seek an
2 apportionment of loss among wrongdoers so that there is an equitable sharing of losses among all
3 ultimately responsible parties. This is a broad and expansive form of relief. Unlike traditional
4 concepts of “joint” liability, equitable indemnity is a right against participants whose actions are
5 concurrent, successive, joint, or several and defendants may seek both total and comparative
6 indemnification. The only requirement is that the indemnitor has committed some actionable tort
7 against the underlying plaintiff. See, e.g., *Gem Developers v. Hallcraft Homes of San Diego, Inc.*,
8 213 Cal. App. 3d 419, 426 (1989); *BFGC Architects Planners, Inc. v. Forcum/Mackey Construction,*
9 *Inc.*, 119 Cal. App. 4th 848, 852 (2004); *Greystone Homes, Inc. v. Midtec Inc.*, 168 Cal. App. 4th
10 1194, 1208 (2008).

11 **FIRST CAUSE OF ACTION**

12 **Equitable Indemnity Against All Cross-Defendants**

13 144. Edison repeats and realleges each and every allegation of the Cross-Complaint as if
14 fully set forth herein.

15 145. Edison has denied in this action that it is responsible for the damages alleged in
16 Plaintiffs’ complaints.

17 146. As a result of the initiation of the above-captioned proceeding and the numerous
18 complaints against Edison filed within it, Edison has been required to defend against the Montecito
19 Mudslides Plaintiffs’ claims and has incurred and will continue to incur expenses for investigation,
20 legal costs, and legal fees, the full amount of which has not yet been ascertained.

21 147. In the event that Edison is held liable to the Montecito Mudslides Plaintiffs, or to
22 anyone else, for damages as a result of the incidents and occurrences alleged in Plaintiffs’ Master
23 Complaints, Edison’s liability would be based, at least in part, on damages caused by the conduct of
24 Cross-Defendants. Thus, if Edison is found liable for the Montecito Mudslides Plaintiffs’ claims
25 alleged in Plaintiffs’ Master Complaints, then Edison is informed and believes, and based thereon
26 alleges, that Cross-Defendants’ conduct substantially contributed to the damages as alleged by the
27 Montecito Mudslides Plaintiffs.
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Prayer for Relief

WHEREFORE, Edison prays:

1. For complete or partial indemnity from Cross-Defendants should the Montecito Mudslides Plaintiffs recover any amount of damages against Edison by way of judgment, settlement, or otherwise;
2. For apportionment of fault and contribution from Cross-Defendants based upon their pro rata fault or responsibility, if not complete fault and responsibility;
3. For a Declaration that Cross-Defendants are a substantial contributing factor to the acts alleged by the Montecito Mudslides Plaintiffs in Plaintiffs' Master Complaints; and
4. For such additional relief as the Court deems just and proper.

Dated: January 18, 2019

HUESTON HENNIGAN LLP

By: _____

John C. Hueston
Alison Plessman
Moez M. Kaba
Douglas J. Dixon

Leon Bass, Jr.
Brian Cardoza

Attorneys for Defendants and Cross-
Complainants
Southern California Edison Company and
Edison International