

1 174. As a direct and proximate result of Defendants’ acts and omissions alleged herein,
2 Plaintiffs’ real property has been inundated by sea water, causing injury and damages thereto and
3 to improvements thereon, and preventing free passage on, use of, and normal enjoyment of that
4 real property, or permanently destroying it.

5 175. Defendants’ conduct as described herein is therefore an actual, substantial, and
6 proximate cause of Plaintiffs’ sea level rise-related injuries.

7 **VI. CAUSES OF ACTION**

8 **FIRST CAUSE OF ACTION**

9 **(Public Nuisance on Behalf of the People of the State of California)**

10 **(Against All Defendants)**

11 176. The People incorporate by reference each and every allegation contained above, as
12 though set forth herein in full.

13 177. Defendants, and each of them, by their affirmative acts and omissions, have created,
14 contributed to, and assisted in creating, a condition in City of Imperial Beach, and permitted that
15 condition to persist, which constitutes a nuisance by, *inter alia*, increasing local sea level,
16 increasing the frequency and intensity of flooding, and increasing the intensity and frequency of
17 storms and storm-related damage to the City and its residents.

18 178. Defendants specifically created, contributed to, and/or assisted, and/or were a
19 substantial contributing factor in the creation of the public nuisance, by, *inter alia*:

20 a. extracting raw fossil fuel products, including crude oil, coal, and natural gas
21 from the Earth, and placing those fossil fuel products into the stream of
22 commerce;

23 b. affirmatively and knowingly promoting the sale and use of fossil fuel
24 products which Defendants knew to be hazardous and knew would lead to
25 global warming, sea level rise, more frequent and more intense flooding,
26 and more frequent and more intense storm surges;

27 c. affirmatively and knowingly concealing the hazards that Defendants knew
28 would result from the normal use of their fossil fuel products by

1 misrepresenting and casting doubt on the integrity of scientific information
2 related to climate change;

3 d. disseminating and funding the dissemination of information intended to
4 mislead customers, consumers, elected officials and regulators regarding
5 known and foreseeable risk of climate change and its consequences, which
6 follow from the normal, intended use and foreseeable misuse of
7 Defendants' fossil fuel products;

8 e. affirmatively and knowingly campaigning against the regulation of their
9 fossil fuel products, despite knowing the hazards associated with the normal
10 use of those products, in order to continue profiting from use of those
11 products by externalizing those known costs onto people, the environment,
12 and communities, including the People; and failing to warn the public about
13 the hazards associated with the use of fossil fuel products.

14 179. The condition created by Defendants substantially and negatively affects the
15 interests of the public at large. In particular, higher sea level, increased storm frequency and
16 intensity, and increased flooding: (1) are harmful and dangerous to human health; (2) are indecent
17 and offensive to the senses of the ordinary person; (3) obstruct and threaten to obstruct the free use
18 of the People's property so as to interfere with the comfortable enjoyment of life and property; and
19 (4) obstruct and threaten to obstruct the free passage and use of navigable lakes, rivers, bays,
20 streams, canals, basins, public parks, squares, streets, and/or highways within City of Imperial
21 Beach.

22 180. The People of the State of California have a common right to be free from the
23 increased severity of these hazards due to climate change and sea level rise.

24 181. The seriousness of rising sea levels and increased weather volatility and flooding
25 is extremely grave, and outweighs the social utility of Defendants' conduct because, *inter alia*,

26 a. interference with the public's rights as described above is expected to
27 become so regular and severe that it will cause permanent inundation;

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- b. the ultimate nature of the harm is the destruction of real and personal property, rather than mere annoyance;
- c. the interference borne is the loss of property and infrastructure within City of Imperial Beach, which will actually be borne by Plaintiff's citizens as loss of use of public property and infrastructure and diversion of tax dollars away from other public services to sea level rise;
- d. Plaintiff's coastal property, which serves myriad uses including residential, infrastructural, commercial and ecological, is not suitable for regular inundation;
- e. the social benefit of placing fossil fuels into the stream of commerce is outweighed by the availability of other sources of energy that could have been placed into the stream of commerce that would not have caused sea level rise; Defendants, and each of them, knew of the external costs of placing their fossil fuel products into the stream of commerce, and rather than striving to mitigate those externalities, Defendants instead acted affirmatively to obscure them from public consciousness;
- f. the cost to society of each ton of greenhouse gases emitted into the atmosphere increases as total global emissions increase, so that unchecked extraction and consumption of fossil fuel products is more harmful and costly than moderated extraction and consumption; and
- g. it was practical for Defendants, and each of them, in light of their extensive knowledge of the hazards of placing fossil fuel products into the stream of commerce and extensive scientific engineering expertise, to develop better technologies and to pursue and adopt known, practical, and available technologies, energy sources, and business practices that would have mitigated their greenhouse gas pollution and eased the transition to a lower carbon economy.

1 increasing the frequency and intensity of flooding, and increasing the intensity and frequency of
2 storms, all of which have resulted in, and will continue to result in, injury to Plaintiff.

3 191. The condition created by Defendants substantially and negatively affects the
4 interests of the public at large. In particular, higher sea level, increased storm frequency and
5 intensity, and increased flooding: (1) are harmful and dangerous to human health; (2) are indecent
6 and offensive to the senses of the ordinary person; (3) obstruct and threaten to obstruct the free use
7 of the People's property so as to interfere with the comfortable enjoyment of life and property; and
8 (4) obstruct and threaten to obstruct the free passage and use of navigable lakes, rivers, bays,
9 streams, canals, basins, public parks, squares, streets, and/or highways within City of Imperial
10 Beach.

11 192. Plaintiff City of Imperial Beach includes coastal communities with substantial
12 numbers of residents and citizens living on and near the coast, and substantial numbers of
13 businesses and amenities on or near the coast; the condition created by Defendants therefore affects
14 substantial numbers of people in Plaintiff's communities at the same time.

15 193. The seriousness of rising sea levels and increased weather volatility and flooding
16 is extremely grave, and outweighs the social utility of Defendants' conduct. The seriousness of the
17 harm to Plaintiff City of Imperial Beach outweighs the benefit of Defendants' and each of their
18 conduct, because

- 19 a. the interference with Plaintiff's property is expected to become so regular
20 and severe as to be a permanent inundation;
- 21 b. the nature of the harm is the destruction of Plaintiff's property, rather than
22 mere annoyance;
- 23 c. the interference borne by Plaintiff is the loss of its property and
24 infrastructure, which will actually be borne by Plaintiff's citizens as loss of
25 use of public property and infrastructure and diversion of tax dollars away
26 from other public services to sea level rise;

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- d. Plaintiff’s coastal public and private property, which serves myriad uses including residential, infrastructural, commercial and ecological, is not suitable for regular inundation;
- e. the burden on Plaintiff to mitigate and prevent the interference with its property is significant and severe, as costs associated with addressing sea level rise caused by Defendants are projected to be in the billions of dollars over the next several decades;
- f. the social benefit of the purpose of placing fossil fuels into the stream of commerce, if any, is outweighed by the availability of other sources of energy that could have been placed into the stream of commerce that would not have caused sea level rise; Defendants, and each of them, knew of the external costs of placing their fossil fuel products into the stream of commerce, and rather than striving to mitigate those externalities, instead acted affirmatively to obscure them from public consciousness;
- g. the social cost of each ton of CO₂ emitted into the atmosphere increases as total global emissions increase, so that unchecked extraction and consumption of fossil fuel products is more harmful and costly than moderated extraction and consumption; and
- h. it was practical for Defendants, and each of them, in light of their extensive knowledge of the hazards of placing fossil fuel products into the stream of commerce and extensive scientific engineering expertise, to develop better technologies and to pursue and adopt known, practical, and available technologies, energy sources, and business practices that would have mitigated their greenhouse gas pollution and eased the transition to a lower carbon economy.

194. In addition to the harms suffered by the public at large, Plaintiff has suffered special injuries different in kind. Among other harms,

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- a. Plaintiff has been forced to spend or set aside significant funds to assess, plan for, and enact infrastructure changes needed to mitigate rising sea levels on Plaintiff’s publicly owned beaches and other public coastal property;
- b. Plaintiff has had to plan for and provide additional emergency and other public services in response to more frequent and more intense flooding and storm surges on both properties owned by Plaintiffs, and properties owned, leased, and utilized by residents, citizens, and visitors to Plaintiffs’ communities.

195. Defendants’ wrongful conduct was oppressive, malicious, and fraudulent, in that their conduct was willful, intentional, and in conscious disregard for the rights of others. Defendants’ conduct was so vile, base, and contemptible that it would be looked down upon and despised by reasonable people, justifying an award of punitive and exemplary damages in an amount subject to proof at trial, and justifying equitable disgorgement of all profits Defendants obtained through their unlawful and outrageous conduct.

196. As a direct and proximate result of Defendants’ conduct, as set forth above, the City of Imperial Beach has been unreasonably interfered with because Defendants knew or should have known that their conduct would create a continuing problem with long-lasting significant negative effects on the rights of the public.

197. Defendants’ actions are a direct and legal cause of the public nuisance.

198. Defendants’ acts and omissions as alleged herein are indivisible causes of Plaintiff City of Imperial Beach’s injuries and damage as alleged herein.

199. Wherefore, Plaintiff prays for relief as set forth below.

THIRD CAUSE OF ACTION

(Strict Liability—Failure to Warn on behalf of City of Imperial Beach)

(Against All Defendants)

200. Plaintiff City of Imperial Beach incorporates by reference each and every allegation contained above, as though set forth herein in full.

1 201. Defendants, and each of them, extracted raw fossil fuel products, including crude
2 oil, coal, and natural gas from the Earth, and placed those fossil fuel products into the stream of
3 commerce.

4 202. Defendants, and each of them, extracted, refined, formulated, designed, packaged,
5 distributed, tested, constructed, fabricated, analyzed, recommended, merchandised, advertised,
6 promoted and/or sold fossil fuel products, which were intended by Defendants, and each of them,
7 to be burned for energy, refined into petrochemicals, and refined and/or incorporated into
8 petrochemical products including fuels and plastics.

9 203. Defendants, and each of them, heavily marketed, promoted, and advertised fossil
10 fuel products and their derivatives, which were sold or used by their respective affiliates and
11 subsidiaries. Defendants received direct financial benefit from their affiliates' and subsidiaries'
12 sales of fossil fuel products. Defendants' role as promoter and marketer was integral to their
13 respective businesses and a necessary factor in bringing fossil fuel products and their derivatives
14 to the consumer market, such that Defendants had control over, and a substantial ability to
15 influence, the manufacturing and distribution processes of their affiliates and subsidiaries.

16 204. Throughout the times at issue, Defendants individually and collectively knew or
17 should have known, in light of the scientific knowledge generally accepted at the time, that fossil
18 fuel products, whether used as intended or misused in a foreseeable manner, release greenhouse
19 gases into the atmosphere that inevitably cause *inter alia* global warming, sea level rise, increased
20 intensity and frequency of nuisance flooding, and increased intensity and frequency of storm
21 surges.

22 205. Throughout the times at issue and continuing today, fossil fuel products presented
23 and still present a substantial risk of injury to Plaintiffs through the climate effects described above,
24 whether used as intended or misused in a reasonably foreseeable manner.

25 206. Throughout the times at issue, the ordinary consumer would not recognize that the
26 use or foreseeable misuse of fossil fuel products causes global and localized changes in climate,
27 including those effects described herein.

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1 214. Defendants, and each of them, extracted raw fossil fuel products, including crude
2 oil, coal, and natural gas from the Earth and placed those fossil fuel products into the stream of
3 commerce.

4 215. Defendants, and each of them, extracted, refined, formulated, designed, packaged,
5 distributed, tested, constructed, fabricated, analyzed, recommended, merchandised, advertised,
6 promoted and/or sold fossil fuel products, which were intended by Defendants, and each of them,
7 to be burned for energy, refined into petrochemicals, and refined and/or incorporated into
8 petrochemical products including but not limited to fuels and plastics.

9 216. Defendants, and each of them, heavily marketed, promoted, and advertised fossil
10 fuel products and their derivatives, which were sold or used by their respective affiliates and
11 subsidiaries. Defendants' received direct financial benefit from their affiliates' and subsidiaries'
12 sales of fossil fuel products. Defendants role as promoter and marketer was integral to their
13 respective businesses and a necessary factor in bringing fossil fuel products and their derivatives
14 to the consumer market, such that Defendants had control over, and a substantial ability to
15 influence, the manufacturing and distribution processes of their affiliates and subsidiaries.

16 217. Throughout the time at issue, fossil fuel products have not performed as safely as
17 an ordinary consumer would expect them to because greenhouse gas emissions from their use
18 cause numerous global and local changes to Earth's climate. In particular, ordinary consumers did
19 not expect that:

- 20 a. fossil fuel products are the primary cause of global warming since the dawn
21 of the industrial revolution, and by far the primary cause of global warming
22 acceleration in the 20th and 21st centuries;
- 23 b. fossil fuel products are the primary cause of accelerating sea level rise since
24 the beginning of the 20th century;
- 25 c. unmitigated use of fossil fuel products causes increased frequency and
26 intensity of nuisance flooding in coastal communities;
- 27 d. fossil fuel products cause increased frequency and intensity of storm surges
28 in coastal communities;

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- e. by increasing sea level rise, nuisance flooding, and storm surges, fossil fuel products cause damage to publicly and privately owned coastal infrastructure and buildings, including homes;
- f. the social cost of each ton of CO₂ emitted into the atmosphere increases as total global emissions increase, so that unchecked extraction and consumption of fossil fuel products is more harmful and costly than moderated extraction and consumption; and
- g. for these reasons and others, the unmitigated use of fossil fuel products present significant threats to the environment and human health and welfare, especially in coastal communities.

218. Throughout the times at issue, Defendants individually and in concert widely disseminated marketing materials, refuted the scientific knowledge generally accepted at the time, advanced pseudo-scientific theories of their own, and developed public relations materials, among other public messaging efforts, that prevented reasonable consumers from forming an expectation that fossil fuel products would cause grave climate changes, including those described herein.

219. Additionally, and in the alternative, Defendants’ fossil fuel products are defective because the risks they pose to consumers and to the public, including and especially to Plaintiff, outweigh their benefits.

- a. the gravity of the potential harms caused by fossil fuel products is extreme; global warming and its attendant consequences are guaranteed to occur following the use or foreseeable misuse of fossil fuel products because fossil fuel products inherently release greenhouse gases into the atmosphere; and global warming would continue to occur for decades even if all greenhouse gas emissions ceased.
- b. the social benefit of the purpose of placing fossil fuels into the stream of commerce is overshadowed by the availability of other sources of energy that could have been placed into the stream of commerce that would not have caused sea level rise and accordingly Plaintiffs’ injuries; Defendants,

1 and each of them, knew of the external costs of placing their fossil fuel
2 products into the stream of commerce, and rather than striving to mitigate
3 those externalities, instead acted affirmatively to obscure them from public
4 consciousness.

5 c. Defendants' campaign of disinformation regarding global warming and the
6 climatic effects of fossil fuel products prevented customers, consumers,
7 regulators, and the general public from taking steps to mitigate the
8 inevitable consequences of fossil fuel consumption, and incorporating those
9 consequences into either short-term decisions or long-term planning.

10 d. the cost to society of each ton of CO₂ emitted into the atmosphere increases
11 as total global emissions increase so that unchecked extraction and
12 consumption of fossil fuel products is more harmful and costly than
13 moderated extraction and consumption.

14 e. it was practical for Defendants, and each of them, in light of their extensive
15 knowledge of the hazards of placing fossil fuel products into the stream of
16 commerce, to pursue and adopt known, practical, and available
17 technologies, energy sources, and business practices that would have
18 mitigated their greenhouse gas pollution and eased the transition to a lower
19 carbon economy, reduced global CO₂ emissions, and mitigated the harms
20 associated with the use and consumption of such products.

21 220. Defendants' individual and aggregate fossil fuel products were used in a manner
22 for which they were intended to be used, or misused in a manner foreseeable to Defendants and
23 each of them, by individual and corporate consumers, the result of which was the addition of CO₂
24 emissions to the global atmosphere with attendant global and local consequences.

25 221. As a direct and proximate result of the defects in fossil fuel products described
26 herein, Plaintiff sustained the injuries and damages set forth in this Complaint, including damage
27 to publicly and privately owned infrastructure and real property.
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1 d. threatening to obstruct the free passage and use of navigable lakes, rivers,
2 bays, streams, canals, basins, public parks, squares, streets, and/or highways
3 within Plaintiff's communities.

4 229. The condition described above created by Defendants' conduct substantially
5 interferes with Plaintiff's use and quiet enjoyment of its coastal properties.

6 230. Plaintiff has not consented to Defendants' conduct in creating the condition that has
7 led to sea level rise and its associated harms.

8 231. The ordinary person, and the ordinary city or county in Plaintiff's position, would
9 be reasonably annoyed and disturbed by Defendants' conduct and the condition created thereby,
10 because, *inter alia*, it infringes on Plaintiff's ability to provide public space to residents and
11 visitors, and has forced Plaintiff to plan for and provide additional emergency and other public
12 services in response to more frequent and more intense flooding and storm surges on properties
13 owned by Plaintiff.

14 232. The seriousness of rising sea levels and increased weather volatility and flooding
15 is extremely grave, and outweighs the social utility of defendants' conduct. The seriousness of the
16 harm to Plaintiff outweighs the benefit of Defendants' and each of their conduct, because:

- 17 a. the interference with Plaintiff's property is expected to become so regular
18 and severe as to be a permanent inundation;
- 19 b. the nature of the harm is the destruction of Plaintiff's public and private real
20 and personal property, rather than mere annoyance;
- 21 c. the interference borne by Plaintiff is the loss of its private and public
22 property and infrastructure, which will actually be borne by Plaintiff's
23 citizens as loss of use of public property and infrastructure and diversion of
24 tax dollars away from other public services to sea level rise;
- 25 d. Plaintiff's coastal public and private property, which serves myriad uses
26 including residential, infrastructural, commercial and ecological, is not
27 suitable for regular inundation;

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- e. the burden on Plaintiff to mitigate and prevent the interference with its property is significant and severe, as costs associated with addressing sea level rise caused by Defendants are projected to be in the billions of dollars over the next several decades;
- f. the social benefit of the purpose of placing fossil fuels into the stream of commerce is overshadowed by the availability of other sources of energy that could have been placed into the stream of commerce that would not have caused sea level rise; Defendants, and each of them, knew of the external costs of placing their fossil fuel products into the stream of commerce, and rather than striving to mitigate those externalities, Defendants acted affirmatively to obscure those costs from public consciousness;
- g. the social cost each ton of CO₂ emitted into the atmosphere increases as total global emissions increase, so that unchecked extraction and consumption of fossil fuel products is more harmful and costly than moderated extraction and consumption;
- h. Defendants' campaign of disinformation regarding global warming and the climatic effects of fossil fuel products prevented customers, consumers, regulators, and the general public from staking steps to mitigate the inevitable consequences of fossil fuel consumption, and incorporating those consequences into either short-term decisions or long-term planning; and
- i. it was practical for Defendants, and each of them, in light of their extensive knowledge of the hazards of placing fossil fuel products into the stream of commerce, to pursue and adopt known, practical, and available technologies, energy sources, and business practices that would have mitigated their greenhouse gas pollution and eased the transition to a lower carbon economy, reduced global CO₂ emissions, and mitigated the harms associated with the use and consumption of such products.

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- c. failing to take actions including but not limited to pursuing and adopting known, practical, and available technologies, energy sources, and business practices that would have mitigated their greenhouse gas pollution and eased the transition to a lower carbon economy; shifting to non-fossil fuel products, and researching and/or offering technologies to mitigate CO₂ emissions in conjunction with sale and distribution of their fossil fuel products; and pursuing other available alternatives that would have prevented or mitigated the injuries to Plaintiff caused by sea level rise that Defendants, and each of them, knew or should have foreseen would inevitably result from use of Defendants' fossil fuel products;
- d. engaging in a campaign of disinformation regarding global warming and the climatic effects of fossil fuel products that prevented customers, consumers, regulators, and the general public from staking steps to mitigate the inevitable consequences of fossil fuel consumption, and incorporating those consequences into either short-term decisions or long-term planning.

240. Defendants individual and collective acts and omissions were actual, substantial causes of sea level rise and its consequences, including Plaintiff's injuries and damages set forth herein, as sea levels would not have risen to the levels that caused Plaintiff's injuries but for Defendants introduction of their fossil fuel products into the stream of commerce.

241. Defendants individual and collective acts and omissions were proximate causes of sea level rise and its consequences, including Plaintiff's injuries and damages set forth herein. No other act, omission, or natural phenomenon intervened in the chain of causation between Defendants' conduct and Plaintiff's injuries and damages, or superseded Defendants' breach of their duties' substantiality in causing Plaintiff's injuries and damages.

242. As a direct and proximate result of Defendants' and each of their acts and omissions, Plaintiff sustained injuries and damages as set forth herein.

243. Defendants' acts and omissions as alleged herein are indivisible causes of Plaintiff City of Imperial Beach's injuries and damage as alleged herein.

1 prevented reasonable consumers from recognizing the risk that fossil fuel products would cause
2 grave climate changes, undermining and rendering ineffective any warnings that Defendants may
3 have also disseminated.

4 251. Given the grave dangers presented by the climate effects that inevitably flow from
5 the normal use or foreseeable misuse of fossil fuel products, a reasonable extractor, manufacturer,
6 formulator, seller, or other participant responsible for introducing fossil fuel products into the
7 stream of commerce, would have warned of those known, inevitable climate effects.

8 252. Defendants' conduct was a direct and proximate cause of Plaintiff's injuries and a
9 substantial factor in the harms suffered by Plaintiff as described in this Complaint.

10 253. Defendants' acts and omissions as alleged herein are indivisible causes of Plaintiff
11 City of Imperial Beach's injuries and damage as alleged herein.

12 254. Defendants' wrongful conduct was oppressive, malicious, and fraudulent, in that
13 their conduct was willful, intentional, and in conscious disregard for the rights of others.
14 Defendants' conduct was so vile, base, and contemptible that it would be looked down upon and
15 despised by reasonable people, justifying an award of punitive and exemplary damages in an
16 amount subject to proof at trial, and justifying equitable disgorgement of all profits Defendants
17 obtained through their unlawful and outrageous conduct.

18 255. Wherefore, Plaintiff prays for relief as set forth below.

19 **EIGHTH CAUSE OF ACTION**

20 **(Trespass on Behalf of City of Imperial Beach)**

21 **(Against All Defendants)**

22 256. Plaintiff City of Imperial Beach incorporates by reference each and every allegation
23 contained above, as though set forth herein in full.

24 257. Plaintiff City of Imperial Beach owns, leases, occupies, and/or controls real
25 property within Plaintiff's city boundaries and within communities located within the City.

26 258. Defendants, and each of them, have intentionally, recklessly, or negligently caused
27 ocean waters to enter Plaintiff City of Imperial Beach's property, by extracting, refining,
28 formulating, designing, packaging, distributing, testing, constructing, fabricating, analyzing,

1 recommending, merchandising, advertising, promoting, marketing, and/or selling fossil fuel
2 products, knowing those products in their normal operation and use or foreseeable misuse would
3 cause global and local sea levels to rise, cause flooding to become more frequent and more intense,
4 and cause storm surges to become more frequent and more intense.

5 259. Plaintiff City of Imperial Beach did not give permission for Defendants, or any of
6 them, to cause ocean water to enter its property.

7 260. Plaintiff City of Imperial Beach has been and continues to be actually injured and
8 continues to suffer damages as a result of Defendants and each of their having caused ocean water
9 to enter their real property, by *inter alia* submerging real property owned by Plaintiff, causing
10 flooding which has invaded and threatens to invade real property owned by Plaintiff and rendered
11 it unusable, and causing storm surges and heightened waves which have invaded and threatened
12 to invade real Property owned by Plaintiff and rendered it unusable.

13 261. Defendants' and each Defendant's introduction of their fossil fuel products into the
14 stream of commerce was a substantial factor in causing the injuries and damages to Plaintiff's
15 public and private real property.

16 262. Defendants' acts and omissions as alleged herein are indivisible causes of Plaintiff
17 City of Imperial Beach's injuries and damage as alleged herein.

18 263. Defendants' wrongful conduct was oppressive, malicious, and fraudulent, in that
19 their conduct was willful, intentional, and in conscious disregard for the rights of others.
20 Defendants' conduct was so vile, base, and contemptible that it would be looked down upon and
21 despised by reasonable people, justifying an award of punitive and exemplary damages in an
22 amount subject to proof at trial, and justifying equitable disgorgement of all profits Defendants
23 obtained through their unlawful and outrageous conduct.

24 264. Wherefore, Plaintiff prays for relief as set forth below.

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1 **VII. PRAYER FOR RELIEF**

- 2 1. Compensatory damages in an amount according to proof;
- 3 2. Equitable relief to abate the nuisances complained of herein;
- 4 3. Reasonable attorneys' fees pursuant to California Code of Civil Procedure 1021.5
- 5 or otherwise;
- 6 4. Punitive damages;
- 7 5. Disgorgement of profits;
- 8 6. Costs of suit; and
- 9 7. For such and other relief as the court may deem proper.

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11 Dated: July 17, 2017

**McDOUGAL, LOVE, BOEHMER, FOLEY,
LYON & CANLAS, CITY ATTORNEY FOR
CITY OF IMPERIAL BEACH**

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15 By:  _____

JENNIFER LYON, CITY ATTORNEY
By: STEVEN E. BOEHMER, ASSISTANT
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22 *Attorneys for The City of Imperial Beach, a*

23 *municipal corporation, and on behalf of the*

24 *People of the State of California*

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VIII. JURY DEMAND

Plaintiff City of Imperial Beach demands a jury trial on all issues so triable.

Dated: July 17, 2017

**McDOUGAL, LOVE, BOEHMER, FOLEY,
LYON & CANLAS, CITY ATTORNEY FOR
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