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DISTRICT COURT, PUEBLO COUNTY, COLORADO Court Address: 501 N Elizabeth St, Pueblo, CO 81003	
PLAINTIFFS: Robyn Armijo, Richard Rocha, Jayden McMahon, Isabella McMahon, Mazzy Miller, Maureen de Jongh, and Michael de Jongh v. DEFENDANTS: San Isabel Electric Association, Inc. and DOES 1-10 whose true names are unknown.	▲ COURT USE ONLY ▲
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COMPLAINT AND JURY DEMAND	

Plaintiffs Robyn Armijo, Richard Rocha, Jayden McMahon, Isabella McMahon, Mazzy Miller, Maureen de Jongh, and Michael de Jongh (collectively, “Plaintiffs”) hereby bring this Complaint and Jury Demand against Defendant San Isabel Electric Association, Inc. (“San Isabel” or “SIEA”) seeking recovery of damages Plaintiffs sustained from the Aspen Acres Fire.

Plaintiffs allege the following against San Isabel:

I. INTRODUCTION

1. On June 29, 2026, the Aspen Acres Fire ignited and began a path of destruction through Custer, Fremont, Huerfano, and Pueblo Counties. The communities of Beulah, Rye, and others and the lives of hundreds of tightly knit residents in the Wet Mountains were forever changed.



Source: Jerilee Bennett, The Gazette, *available at* <https://gazette.com/2026/07/08/aspen-acres-fire-damage-footage-released-residents-seek-reentry/>.

2. The Aspen Acres Fire eventually burned over 100,000 acres, damaging or destroying over 900 structures, including over 300 homes. The fire continues to smolder and was 82% contained as of September 18, 2026.¹ Thousands of individuals evacuated; many continue to be displaced.² Tragically, one man died in the flash floods that followed the fire.³

¹ Aspen Acres Fire, InciWeb, <https://inciweb.wildfire.gov/incident-information/copsf-aspen-acres-fire> (last visited Sept. 23, 2026).

² Zach Hillstrom, *337 homes, 850 structures have been destroyed in the Aspen Acres Fire*, The Pueblo Chieftain (July 10, 2026, 2:55pm MT), <https://www.chieftain.com/story/news/fire/2026/07/10/new-update-shows-850-structures-337-homes-burned-in-aspen-acres-fire/90879289007/>.

3. What eventually became the fifth most destructive wildfire in state history⁴ began on the morning on Monday, June 29, 2026, near the intersection of Custer Drive and Highway 165 in Custer County underneath equipment owned by San Isabel, as reported by eyewitnesses.

4. Based on information and belief and investigation of counsel, the fire began as two ignitions, one on each side of Highway 165, both under San Isabel's power lines.



5. An eyewitness video shows the beginnings of the fire on either side of Highway 165:

³ Olivia Prentzel, *80-year-old man killed in Beulah flash flood. More rain threatens Colorado burn scars this week*, The Colorado Sun (Aug. 17, 2026, 8:34am MT), <https://coloradosun.com/2026/08/17/man-killed-flooding-beulah-colorado-burn-scar/>.

⁴ Zach Hillstrom, *Aspen Acres Fire among the worst in state history. Here are the others*, The Pueblo Chieftain (July 20, 2026, 10:43am MT), <https://www.chieftain.com/story/news/fire/2026/07/11/where-does-aspen-acres-fire-stand-among-colorados-largest-wildfires/90864085007/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epi=z116745e009730v116745d--67--b--67--&gca-ft=223&gca-ds=sophi>.



6. Based on counsel's investigation, the two ignitions began when trees or other vegetation fell on San Isabel's energized power lines from areas where vegetation had not been adequately maintained by San Isabel.

7. In fact, recently—weeks after the fire—an investigator identified another tree that had fallen and remained resting against San Isabel's now-repaired power lines in the general area where the Aspen Acres Fire began:



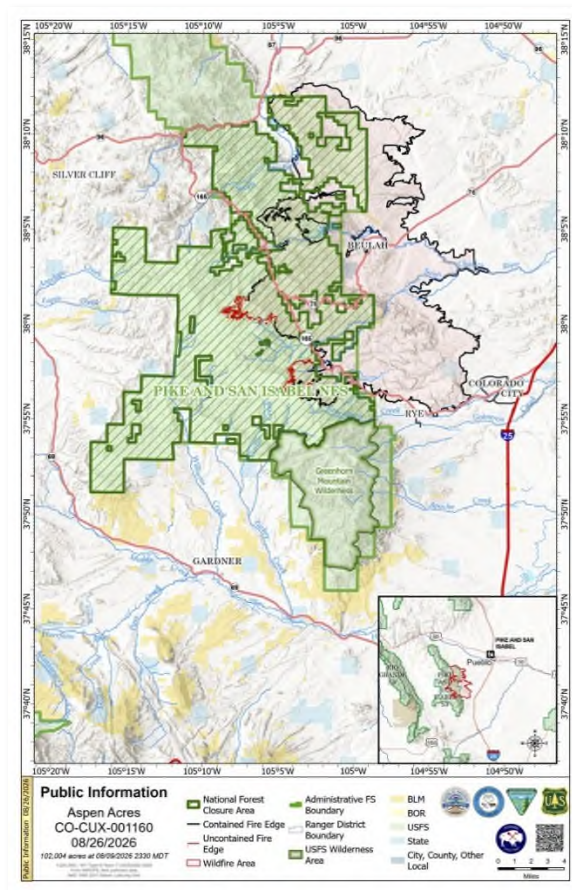
8. An investigator also found a piece of San Isabel's power line equipment on the ground near one of the areas of origin to the west of Highway 165 that showed the markings of an electrical arcing event. Such arcing can provide the source of heat to ignite a wildfire:



9. At around the same time the Aspen Acres Fire was discovered, witnesses in the area reported the power going off or going off and coming back on again, a sign of a fault or series of faults on San Isabel's power lines.

10. After quickly spreading through the mixed conifer and hardwood forests of the San Isabel National Forest, the Aspen Acres Fire rapidly moved eastward due to the record-low fuel moisture levels and ongoing red flag conditions during the week prior to and the days following the ignition.⁵

11. Driven by sustained winds of over 40 miles per hour, with estimated gusts of up to 100 miles per hour, the Aspen Acres Fire tore through communities across Custer, Fremont, Huerfano, and Pueblo counties, leaving scorched and smoldering homes and forests in its wake.⁶



Source: InciWeb, available at <https://inciweb.wildfire.gov/incident-maps-gallery/copsf-aspen-acres-fire>

⁵ InciWeb, *supra* note 1.

⁶ *Id.*

12. Plaintiffs bring this action to hold San Isabel accountable for the harm and damages caused by its failure to reasonably operate and maintain its equipment and the resulting Aspen Acres Fire.

II. JURISDICTION AND VENUE

13. This Court has jurisdiction pursuant to CRS § 13-1-124(1)(a)-(c) because Defendant transacts business within this state, committed tortious acts within this state, and owns, uses, or possesses real property in this state.

14. Venue is proper in this county pursuant to Colo. R. Civ. P. 98(a) & (c)(1), (5) because this action affects real property located in this county, Defendant is a resident of this county, and this county is among the counties where the tort was committed.

III. PARTIES

15. Plaintiff Robyn Armijo is a natural person and a citizen of the State of Colorado. At the time of the Aspen Acres Fire, Robyn Armijo was a resident of Pueblo County, residing at 8205 Old San Isabel Road, Rye, CO 81069.

16. Plaintiff Richard Rocha is a natural person and a citizen of the State of Colorado. At the time of the Aspen Acres Fire, Richard Rocha was a resident of Pueblo County, residing at 8205 Old San Isabel Road, Rye, CO 81069.

17. Plaintiff Jayden McMahon is a natural person and a citizen of the State of Colorado. At the time of the Aspen Acres Fire, Jayden McMahon was a resident of Pueblo County, residing at 8205 Old San Isabel Road, Rye, CO 81069.

18. Plaintiff Isabella McMahon is a natural person and a citizen of the State of Colorado. At the time of the Aspen Acres Fire, Isabella McMahon was a resident of Pueblo County, residing at 8205 Old San Isabel Road, Rye, CO 81069.

19. Plaintiff Mazzy Miller is a natural person and a citizen of the State of Colorado. At the time of the Aspen Acres Fire, Mazzy Miller was a resident of Pueblo County, residing at 8205 Old San Isabel Road, Rye, CO 81069.

20. Plaintiff Maureen de Jongh is a natural person and a citizen of the State of Colorado. At the time of the Aspen Acres Fire, Maureen de Jongh was a resident of Pueblo County, residing at 8695 Pine Drive, Beulah, CO 81023.

21. Plaintiff Michael de Jongh is a natural person and a citizen of the State of Colorado. At the time of the Aspen Acres Fire, Maureen de Jongh was a resident of Pueblo County, residing at 8695 Pine Drive, Beulah, CO 81023.

22. Defendant San Isabel Electric Association Inc. is a non-profit electric utility cooperative association operating across seven counties in Southern Colorado. San Isabel is a

Colorado cooperation with its principal place of business at 781 E. Industrial Boulevard, Pueblo, CO 81007.

IV. FACTUAL ALLEGATIONS

A. San Isabel was aware of the risk of starting catastrophic fires, particularly in Colorado.

23. San Isabel is an electric cooperative operating approximately 4,600 miles of power lines across in Southern Colorado.⁷ San Isabel owns, builds, operates, and maintains power lines and other electrical equipment and infrastructure to transmit and sell electricity to its members across seven counties in Colorado, including in and around the origin areas of the Aspen Acres Fire.

24. The State of Colorado has vested San Isabel with the power of eminent domain pursuant to Colorado Revised Statute § 38-5-105, allowing it to take private property for public use as part of its operations as a public utility cooperative.

25. In addition to the common law duty to exercise reasonable care, San Isabel has a statutory duty to “construct and maintain [its] facilities in a careful and safe fashion so as to minimize hazards to either persons or property.” Colo. Rev. Stat. § 40-9.5-107. San Isabel assures its customers that its equipment and operations are safe. “Safety is our top priority, whether it’s personal safety or fire safety,” says SIEA General Manager Ryan Elarton.⁸

26. Electrical power facilities include transmission lines, which transport electricity at high voltages across long distances, and lower voltage distribution lines, which deliver electricity to neighborhoods and communities over a shorter distance.

27. Transmitting and distributing electricity carries inherent danger, including the threat of wildfire. Large, utility-caused fires are an increasingly common event in the American West. The 2017 Thomas Fire and the 2018 Camp Fire in California, the 2020 Labor Day Fires in Oregon, and the 2021 Marshall Fire in Boulder County, Colorado were all deadly, devastating, and caused by power lines.

28. The risk associated with electrical infrastructure is recognized nationally. The Institute of Electrical and Electronics Engineers (“IEEE”) publishes the National Electrical Safety Code (“NESC”), which Colorado has adopted.⁹ The NESC covers work rules for the

⁷ *Our History*, San Isabel Electric, <https://siea.com/ourhistory/> (last visited Sept. 23, 2026).

⁸ P. Elliott, *Technology and Training Strengthen Rural Fire Response*, San Isabel Electric (Feb. 5, 2026), <https://siea.com/uncategorized/technology-and-training-strengthen-rural-fire-response/>.

⁹ *Rules Regulating Electric Utilities*, 4 CCR 723-3, Department of Regulatory Agencies, Public Utilities Commission, https://drive.google.com/file/d/0B8qvU2knU8BkcEJneE93YkNRQmM/view?resourcekey=0-XGWvr_3zVqbuKs9g1SpG1Q (last visited Sept. 23, 2026).

construction, maintenance, and operation of electric supply lines and equipment, as well as basic provisions for safeguarding people from hazards related to the installation, operation, or maintenance of electric supply lines station equipment.¹⁰

29. Before the Aspen Acres Fire, San Isabel was aware of the wildfire risk created by its activities. In January 2026, San Isabel posted an article titled “One Spark Away,” informing its members of San Isabel’s significant liability risks, stating in part: “Wildfires are a persistent, growing threat in our region. We have seen firsthand the devastation they bring[.]”¹¹

30. San Isabel knew that wildfires could cause catastrophic levels of damage—and that these risks were increasing, especially in its own territory. This includes the risk presented by “Red Flag Warning” weather conditions and vegetation contacting power lines. As San Isabel said in a 2024 post, “Overgrowth near power lines can create significant fire hazards.”¹²

31. Despite knowing the risks, San Isabel failed to properly maintain and safely operate its power lines and equipment, causing the Aspen Acres Fire.

B. San Isabel had notice of the extreme fire danger in the Wet Mountains late June 2026.

32. In the months leading up to the Aspen Acres Fire, Colorado experienced some of its most extreme warm weather conditions in recorded history. The state recorded its warmest winter on record in 2025-2026.¹³ The statewide snowpack sank to its lowest levels in over 40 years.¹⁴ The impacts of such conditions contribute to developing or worsening drought conditions.¹⁵

¹⁰ C2-2012 – *National Electric Safety Code(R) (NESC(R))*, IEEE Xplore (Aug. 1, 2011), <https://ieeexplore.ieee.org/document/5967877>.

¹¹ P. Elliott, *One Spark Away*, San Isabel Electric (Jan. 6, 2026), <https://siea.com/uncategorized/one-spark-away/>.

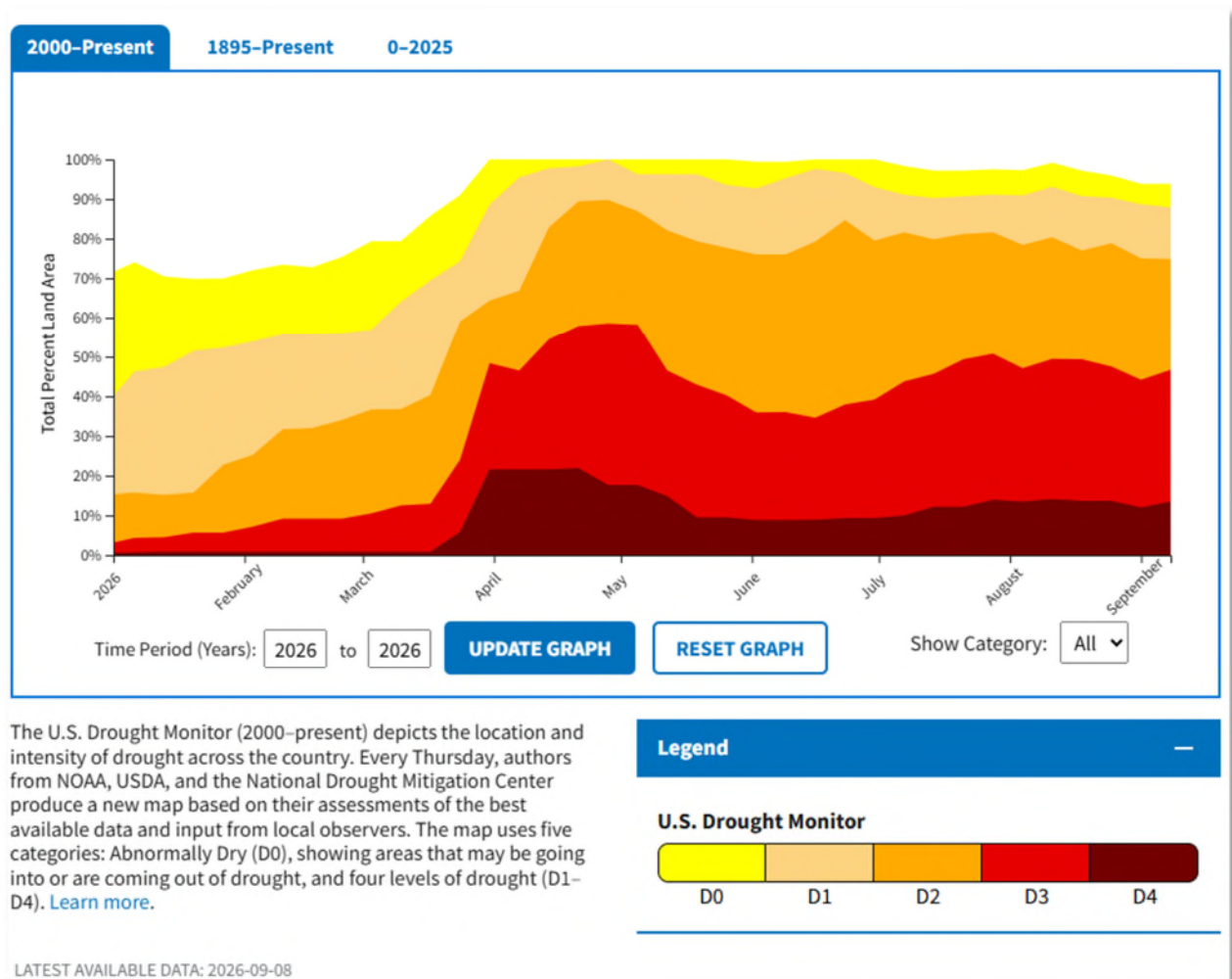
¹² P. Elliott, *Shut Offs Are Not Part Of San Isabel Electric’s Fire Mitigation Strategy*, San Isabel Electric (July 22, 2024), <https://web.archive.org/web/20250207213115/https://siea.com/uncategorized/shut-offs-are-not-part-of-san-isabel-electrics-fire-mitigation-strategy/>.

¹³ Chase Woodruff, *Late July heat wave was Colorado’s hottest 4-day period on record*, Colorado Newsline (Aug. 12, 2026, 4:10am), <https://coloradonewsline.com/2026/08/12/july-heat-wave-colorado-hottest/>.

¹⁴ Russ Schumacher, *Grim outlook - Colorado faces limited water supply after record-low snowpack*, Colorado State University (Mar. 25, 2026), <https://source.colostate.edu/colorado-record-low-snowpack/>.

¹⁵ *Id.*

33. That is exactly what occurred across the state in the first half of 2026. Nearly the entire state of Colorado experienced some level of drought conditions in the three months preceding the Aspen Acres Fire.¹⁶



34. In June 2026, there were nine days in which a Red Flag Warning and Fire Weather Watch were in place in Pueblo County,¹⁷ and five days in which those same warnings

¹⁶ Colorado, Drought.gov, National Integrated Drought Information System, <https://www.drought.gov/states/colorado> (last visited Sept. 23, 2026).

¹⁷ NWS Watch/Warning/Advisory Search, Iowa Environmental Mesonet, <https://mesonet.agron.iastate.edu/vtec/search.php?mode=byugc&state=CO&ugc=COZ228&sdate=2026-06-01&edate=2026-08-07> (last visited Sept. 23, 2026).

were in place in Fire Weather Zone 225 in the Southern Front Range, which includes the portion of Custer County where the Aspen Acres Fire originated.¹⁸

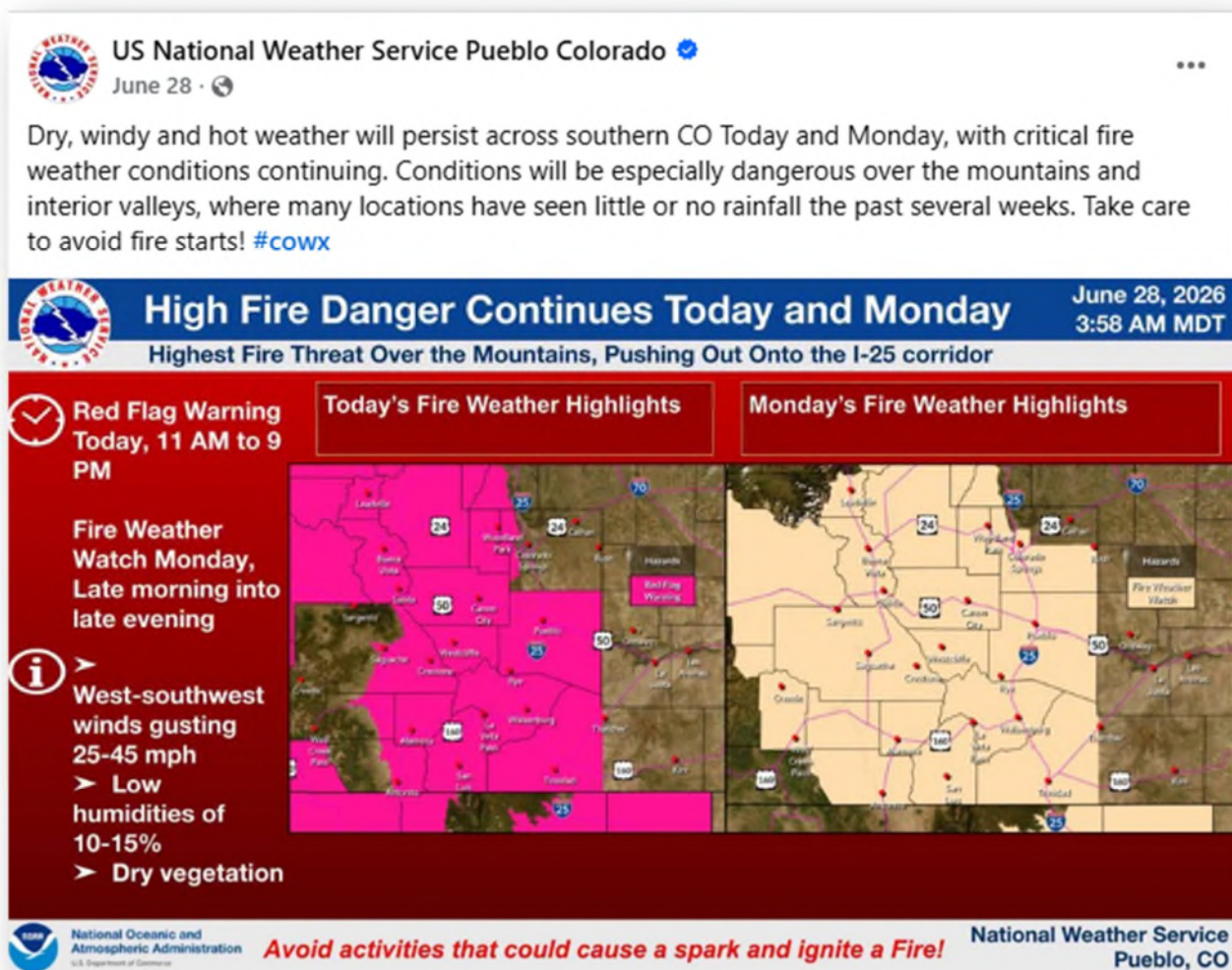
35. Two days before the Aspen Acres Fire began, on June 27, the National Weather Service in Pueblo issued a warning that Red Flag Warning conditions remained in effect for the Wet Mountains and other areas, warning “Extreme fire danger is expected. **Fires will uncontrollably spread and be very destructive.**”¹⁹

36. Then on June 28, the National Weather Service in Pueblo again issued a Red Flag Warning, cautioning that “Dry, windy and hot weather will persist across southern CO Today and Monday [June 29], with critical fire weather conditions continuing. *“Avoid activities that could cause a spark and ignite a Fire!”* the agency warned.”²⁰

¹⁸NWS Watch/Warning/Advisory Search, Iowa Environmental Mesonet, <https://mesonet.agron.iastate.edu/vtec/search.php?mode=byugc&state=CO&ugc=COZ225&sdate=2026-06-01&edate=2026-06-30> (last visited Sept. 23, 2026).

¹⁹ National Weather Service Text Product, Iowa Environmental Mesonet, <https://mesonet.agron.iastate.edu/wx/afos/p.php?pil=RFWPUB&e=202606271845> (last visited Sept. 23, 2026) (emphasis added).

²⁰ US National Weather Service Pueblo Colorado, Facebook (June 28, 2026), <https://www.facebook.com/NWSPueblo/posts/dry-windy-and-hot-weather-will-persist-across-southern-co-today-and-monday-with-/1494587786045533/>.



37. Finally, on June 29, the National Weather Service in Pueblo also posted about the extreme fire conditions, warning “Avoid anything that could spark a wildfire!”.²¹

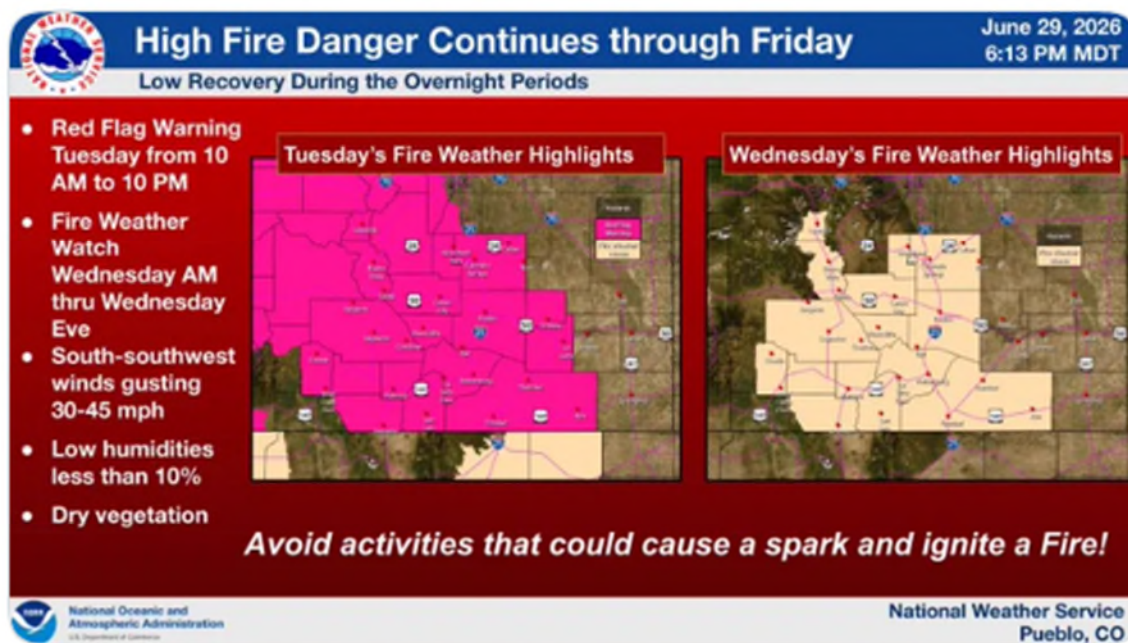
²¹ NWS Pueblo (@NWSPueblo), X (June 29, 2026, 7:19pm), <https://x.com/NWSPueblo/status/2071750354593603759>.



NWS Pueblo
@NWSPueblo

...

A Red Flag Warning and Fire Weather Watch are in effect for Tuesday and Wednesday. Southwest winds with gusts 30-45 mph with humidity values less than 10 percent will continue to produce dangerous conditions. Avoid anything that could spark a wildfire! #COWX



7:19 PM · Jun 29, 2026 · 1,023 Views

38. These warnings, including those continually in place on June 28 and 29, 2026, presented clear and critical fire danger.

39. In response to these forecasted weather conditions, both Custer and Pueblo Counties took action. Both counties issued Stage 2 Fire Restrictions because of the dangers presented by the weather conditions. Custer County had Stage 2 Restrictions in place beginning June 26,²² and Pueblo County placed Stage 2 Restrictions beginning June 29.²³

²² *Stage 2 Fire Restrictions in Effect*, Custer County (June 26, 2026), <https://custercounty-co.gov/stage-2-fire-restrictions-in-effect/>.

Stage 2 Fire Restrictions in Effect

Posted on June 26, 2026

Stage 2 Fire Restrictions Beginning Friday June 26 – Custer County

After consultation with the Wet Mountain Fire Protection District Fire Chief, the National Weather Service and a thorough review of current fire danger conditions, Sheriff and Fire Warden Rich Smith has implemented **Stage 2 Fire Restrictions for Custer County**, effective on Friday June 26, 2026.



PRESS RELEASE

*City of Pueblo Fire Department
Pueblo County Sheriff's Office*



For Immediate Release

Date: June, 29, 2026

Stage 2 Fire Restrictions Issued for Pueblo County

Pueblo, CO: Pueblo County Sheriff David J. Lucero, in consultation with area fire chiefs including Pueblo City Fire Department Chief Barb Huber, is implementing Stage 2 fire restrictions effective immediately for Pueblo County due to the ongoing dry conditions and the extremely high fire danger that persists in the region.

40. San Isabel would have been aware of these extreme conditions. Monitoring the weather is part of San Isabel's Wildfire Mitigation Program. San Isabel states that "During Red Flag Warnings, SIEA sets protective devices called reclosers to a highly sensitive mode, which

²³ Press Release: Stage 2 Fire Restrictions Issued for Pueblo County, City of Pueblo Fire Department and Pueblo County Sheriff's Office (June 29, 2026), <https://www.pueblosheriff.com/DocumentCenter/View/3766/fire-restrictions?bidId=>.

turn off power when they detect something in the line.”²⁴ On June 29, 2026, San Isabel had a forecast to rely on for Pueblo and Custer Counties – Red Flag Warning and Fire Danger.²⁵

41. The forecast proved true – but San Isabel appears to have not heeded the forecast or taken appropriate measures to mitigate the risk. The warned-of gusty winds, fire danger, and red flag conditions yielded at least two fires under San Isabel’s equipment on June 29, 2026.

42. In fact, those were not even the first fires San Isabel had started in the area that month. According to several eyewitnesses, in the days leading up to the Aspen Acres Fire, San Isabel’s power lines caused multiple fires in the area, including a fire at Bishop’s Castle only four miles north of Aspen Acres Campground. San Isabel’s power lines also reportedly started another fire in the Terra J neighborhood, just north of the Aspen Acres Campground, only two days before the Aspen Acres Fire began. That fire was fortunately extinguished before firefighters arrived on scene. The same would not be true for the Aspen Acres Fire.

C. San Isabel failed to respond to the Red Flag and fire danger warnings.

43. Even though San Isabel was aware of the risk of utility-caused wildfires, it has refused to adopt what is now a common tool that utilities use to reduce the risk of starting a fire: a “Public Safety Power Shutoff,” or “PSPS.” When conditions are extreme, like they were on June 29, 2026, utilities regularly perform a PSPS in high-risk areas to preemptively de-energize portions of their grid before their equipment can start a fire.

44. Despite this being a commonplace tool, San Isabel pledged in July 2024 that “Shut Offs are Not Part of San Isabel Electric’s Fire Mitigation Strategy.”²⁶ The company said in a now-deleted post that “At San Isabel Electric, we will not issue pre-emptive shutdown orders unless directed by government agencies during an extreme weather event or active fire.”

45. San Isabel’s Board President Jacque Sikes re-iterated this position in September 2025, saying “public-power shutoffs are not part of our wildfire mitigation and grid management plan[.]”²⁷ San Isabel negligently decided to not even consider using this effective tool to prevent the Aspen Acres Fire.

46. In addition to pre-emptive shutoffs, another wildfire mitigation tool that San Isabel was aware of is changing the settings on protective devices called “reclosers.” A recloser

²⁴ 2024 Annual Report, San Isabel Electric, <https://siea.com/wp-content/uploads/2025/10/San-Isabel-Annual-Report-1.pdf> (last visited Sept. 23, 2026).

²⁵ NWS Watch/Warning/Advisory Search, *supra* notes 17 and 18.

²⁶ Shut Offs Are Not Part of San Isabel Electric’s Fire Mitigation Strategy, *supra* note 12.

²⁷ Message From Board President Jacque Sikes and General Manager Ryan Elarton, Colorado Country Life (Sept. 2025), <https://coloradocountrylife.coop/message-from-board-president-jacque-sikes-and-general-manager-ryan-elarton/>.

is essentially a high-voltage circuit breaker designed to handle faults.²⁸ When it detects a fault, a recloser shuts off power and then attempts to restore power almost immediately. If it detects a fault again, it shuts off power again before once again trying to restore power, repeating the attempts for a set number of times before it determines the fault is permanent and it keeps power off. Reclosers are helpful for keeping the power on when the fault is temporary, like an animal hitting a powerline, for example.

47. However, when extreme fire conditions are present, it is not prudent to automatically re-energize a powerline after a fault when something like a falling tree interrupts power.²⁹ Engineers can therefore adjust a recloser's sensitivity by setting the number of times it will operate, setting the trip level it will consider a fault, and setting the number of attempts before its lockout stage.³⁰ These settings are sometimes referred to as "one shot," "two shot," and so on, depending on the number of attempts before lockout.³¹ To keep people and structures safe, engineers at power companies should change these settings to account for certain weather and hazard conditions.

48. For at least thirty years, utilities have also known that reclosers automatically re-energizing lines in fault conditions can start fires. If, for example, a power line breaks and falls into a tree or bush, a recloser's attempts to resume the flow of electricity may ignite a fire. San Isabel knew or should have known to adjust its reclosers during extreme wind events and dry conditions but, upon information and belief, did not do so for the circuit providing power to the area where the Aspen Acres Fire began.

49. San Isabel was aware of the extreme fire weather warnings in the days leading up to and on June 29, 2026. It knew that it was critical to manage and safely operate its power lines in the face of that fire risk. Despite knowledge of these weather warnings, San Isabel failed to properly inspect, maintain, and operate its power equipment, causing the Aspen Acres Fire.

D. San Isabel's fire predictably led to a devastating debris flow.

50. The destruction of the Aspen Acres Fire did not end with burned property. Two weeks after the fire started, fire crews warned that residents in the burn area should prepare for

²⁸ *Reclosers: fundamentals of reclosers*, Eaton, <https://www.eaton.com/us/en-us/products/medium-voltage-power-distribution-control-systems/reclosers/reclosers--fundamentals-of-reclosers.html> (last visited Sept. 23, 2026).

²⁹ Jonathan Fleming, *How Small Utilities Can Adapt Big Wildfire Strategies*, Electric Power Engineers (June 9, 2025), <https://epeconsulting.com/epe-intelligence/publications/how-small-utilities-can-adapt-big-wildfire-strategies>.

³⁰ See *Beyond One-Size-Fits-All: How Flexible Recloser Design Strengthens Wildfire Mitigation Strategies*, G&W Electric, <https://www.gwelectric.com/wp-content/uploads/2025/08/How-Flexible-Recloser-Design-Strengthens-Wildfire-Mitigation.pdf> (last visited Sept. 23, 2026).

³¹ Fleming, *supra* note 29.

flooding, mudslides, and debris flows as heavy rains approached.³² As fire officials explained, the intense burning increases those catastrophes because it can strip hillsides of stabilizing vegetation and turn soil “hydrophobic.”³³

51. This risk is well understood following major wildfires in the West. For example, following the Thomas Fire near Montecito, California, the hillsides were stripped of vegetation above that community. As NASA explained, “[r]ecent fire activity tends to make flash floods, debris flows, and mudflows much more likely.”³⁴ When heavy rains followed the Thomas Fire in January 2018, it triggered a deadly debris flow that destroyed homes and took several lives in Montecito.

52. As warned, roughly a month after the Aspen Acres Fire started, the predicted flooding and debris flows arrived, prompting new risks and new evacuations for residents already traumatized by the Aspen Acres Fire. The flash flooding and debris flow damaged at least eight homes in Beulah.³⁵

E. Plaintiffs suffered injury to their property.

53. As a result of San Isabel’s conduct, the Aspen Acres Fire caused extensive economic and non-economic damages to Plaintiffs, including destruction of real or personal property, lost personal or business income, alternative living expenses, or loss to timber, crops, or specialty vegetation. Some suffered bodily injury, including smoke inhalation.

54. In addition, the Aspen Acres Fire has caused Plaintiffs extensive emotional distress and mental anguish, including but not limited to anxiety, depression, loss of community, or sleeplessness.

1. The Armijo/Rocha Household

55. Robyn Armijo and Richard (Rich) Rocha lived with their two adult children, Jayden McMahon and Isabella (Bella) McMahon, and Bella’s girlfriend Mazzy Miller, in their home in Rye. Robyn’s parents purchased the fifteen-acre property in 1977, and Robyn had lived at the home for most of her life after it was built in 1996. Beginning with her parents, the property had always been a safe space, for friends, family, and their community. Everyone knew the Old San Isabel Road home had an open-door policy. During the warm months, Robyn and

³² Nicole Ashley, *Fire crews warn Aspen Acres burn scar could bring flooding, mudslides after heavy rain*, KKTv11 (July 14, 2026, 1:11pm CT), <https://www.kktv.com/2026/07/14/fire-crews-warn-aspen-acres-burn-scar-could-bring-flooding-mudslides-after-heavy-rain/>.

³³ *Id.*

³⁴ *Deadly Debris Flows in Montecito*, NASA (Jan. 12, 2018), <https://science.nasa.gov/earth/earth-observatory/deadly-debris-flows-in-montecito-91573/>.

³⁵ Katie Langford, *Red Mountain Pass reopens after mudslides, flash flooding damage Colorado communities*, The Denver Post (July 31, 2026, 5:44pm MT), <https://www.denverpost.com/2026/07/30/colorado-flash-flood-wildfire-mudslide/>.

Rich welcomed kids and neighbors to the property regularly to barbecue and enjoy the mountain views, lawn games, outdoor movies, and shooting range.

56. Robyn's entire life, as well as her family's life, was in the home. A lifetime of one-of-a-kind blankets and dolls handmade by her late seamstress mother filled the home. Rich's love of sports was stored in signed memorabilia, over 500 jerseys, sneakers, and hats. Mazzy's art, and all of the supplies for her burgeoning nail art business were there. The terrarium and equipment for Bella's tortoise, Miss Peaches, were there. Jayden's tool collection, including some of his grandpa's tools for home repair and automotive work, and his custom-built PC and racing simulator that he had been putting together since he was fourteen were there too.

57. Then the Aspen Acres Fire came. On Monday, June 29, 2026, Jayden headed into work in Pueblo around 6 A.M. as part of his normal routine, not noticing anything unusual. A bit later, the family woke to news of the fire. Mazzy and Bella headed into town for work. Jayden called his mom around 9 A.M., learned there was a fire, and returned home shortly after the call, where he could see and smell a giant plume of smoke over the mountains. Mazzy and Bella returned home after receiving an evacuation notice at 1 P.M. The family stayed at the home until they decided to evacuate around 8 P.M. that night. They quickly gathered their two dogs and tried to catch all of their housecats but were unable to find their cat Wacky. Bella was able to bring Miss Peaches, but not her large tank and heat lamps.

58. The family first evacuated to Colorado City, where all five of them shared a camper at Mazzy's stepmother's house. Only two days later, on July 1, they were forced to evacuate again as the fire pushed further east, relocating to Lascar. They stayed in their camper in Lascar for four more days, sharing it between eight people, with no running water and using limited power from a generator.

59. While displaced in Colorado City and Lascar, they continued to desperately keep an eye on their home security cameras, watching as smoke and flames marched closer and closer to their beloved home. On July 3, the camera shut off. They learned their home had been consumed by the Aspen Acres Fire on July 5.

60. As seen in the following photos, when the family returned to their property, they found nothing but melted structures and ash. They could point out doll heads from Robyn's treasured collection of her mother's handmade dolls in the rubble. They never found Wacky. Because Bella could not salvage the heating equipment necessary for Miss Peaches' care, she lost her tortoise following the Aspen Acres Fire.



61. Two months after the fire, Robyn is constantly stressed and anxious. She suffers from sleeplessness and is overwhelmed by the burden of cleaning up her home and keeping her family together. Rich feels a constant sense of doom and anxiety, losing sleep as he and Robyn continue to look for resources to put their lives back together and find work. Jayden had nightmares for weeks after evacuating and remains stressed about his living situation after moving constantly and crashing with a friend. Bella suffers from sleeplessness and stress, compounded by losing her job as a result of the fire. Mazzy feels she has lost her safe space that was the Old San Isabel Road home, and her anxiety has gotten worse.

62. Though they are grateful to have escaped the Aspen Acres Fire and find comfort in each other, Robyn, Rich, Jayden, Bella, and Mazzy feel sad when they think of all the possessions and memories they lost to the Aspen Acres Fire.

63. Robyn, Rich, Jayden, Bella, and Mazzy remain displaced to this day.

2. Maureen and Michael de Jongh

64. Maureen and Michael de Jongh's 6.7-acre property on Pine Drive in Beulah survived the flames of the Aspen Acres Fire, but not the debris flow that followed.

65. Before the Aspen Acres Fire, the de Jonghs had lived at the property for seven years, but they were in the process of moving out of the property and selling it when the Aspen Acres Fire hit. The property had three homes: a main house, a cottage, and a cabin.





66. Fortunately, except for some smoke and ash damage, their property largely survived the fire. The same was not true for the debris flow that followed. It coated the side of their house with mud, deposited mud in their garage, severely damaged the property's well, and destroyed the property's landscaping, fencing, a garden shed, a gazebo, and the personal property in the gazebo.



67. The buyer who had agreed to buy their property pulled out of the sale after the fire and the flood.

68. The de Jonghs were also displaced during the fire, and during that time they were unable to return to the property to care for their twelve chickens, which were unfortunately killed by a bear during their absence.

69. Following the fire and some initial clean up, the couple began renting out all of the residences on the property to individuals displaced by the fire, while they have relocated to Colorado Springs.

70. Maureen and Michael had been planning to spend this time after selling their property traveling and enjoying retirement, but the fallout from the fire and flood has erased those plans.

V. CLAIMS

COUNT ONE — INVERSE CONDEMNATION (Against San Isabel Electric Association, Inc. Only)

71. Plaintiffs restate and incorporate the allegations above as if fully stated herein.

72. During the relevant time, Plaintiffs were the owners of property or persons claiming an interest in property damaged by the Aspen Acres Fire.

73. The Colorado Constitution, Article II, § 15, provides in part: “Private property shall not be taken or damaged, for public or private use, without just compensation,” and, “whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.”

74. The state grants San Isabel the power to condemn by eminent domain pursuant to Colo. Rev. Stat. § 38-5-105.

75. San Isabel owned, operated, controlled, managed, and/or maintained power line infrastructure in Pueblo and Custer County, Colorado, for the purpose of providing electricity to the public pursuant to Colo. Rev. Stat. § 40-1-103(1)(a)(I) and (2)(a). Providing electricity to the public using power line infrastructure is a public improvement intended to benefit the community as a whole, and it therefore serves a public purpose.

76. Pursuant to this public purpose, San Isabel perpetrated a taking of or damage to Plaintiffs’ private property. San Isabel’s failure to adequately maintain and prepare its circuits in the face of a known, foreseeable high-wind event, and failure to de-energize its power lines during the high-wind event caused the Aspen Acres Fire, which burned property owned and/or occupied by Plaintiffs on or around June 29, 2026.

77. Given the risk of a catastrophic fire at the time San Isabel started the Aspen Acres Fire, San Isabel’s taking had the natural consequence of the taking of Plaintiffs’ property.

78. San Isabel's actions constitute a taking by inverse condemnation of Plaintiffs' private property, without adequate or just compensation or the institution of formal eminent domain or condemnation proceedings.

79. The damage to Plaintiffs is disproportionate to the risks from the public improvements made to benefit the community as a whole. Justice, fairness, and the Colorado Constitution require that Plaintiffs be compensated for their injuries and the taking by San Isabel rather than allowing the injuries and taking to remain disproportionately or exclusively concentrated on Plaintiffs.

80. Plaintiffs suffered property losses and other economic losses as well as non-economic losses including stress, depression, and anxiety, among other general damages, resulting from San Isabel's inverse condemnation.

COUNT TWO — NEGLIGENCE

81. Plaintiffs restate and incorporate the allegations above as if fully stated herein.

82. Plaintiffs suffered injuries, losses, or damages as described in this Complaint.

83. San Isabel was negligent. Specifically, San Isabel had duties and responsibilities pursuant to accepted industry standards, San Isabel's own standards, National Electric Safety Code standards, the requirements of the American National Standards Institute's utility vegetation management standards, and other state standards. San Isabel's duties included, but were not limited to:

- A. Apply a level of care corresponding with and proportionate to the danger of designing, engineering, constructing, operating, and maintaining electrical transmission and distribution systems;
- B. Operating and maintaining its power line infrastructure in a safe and reasonable manner;
- C. Reasonably inspecting its power line infrastructure for hazardous conditions;
- D. Exercising the care required of an electric utility cooperative to design, construct, monitor, and maintain high voltage transmission and distribution lines in a manner that would avoid igniting and/or spreading fire during foreseeable and expected dry seasons;
- E. Exercising the care required of an electric utility cooperative to design, construct, operate, and maintain high voltage transmission and distribution lines and equipment to withstand foreseeable conditions and avoid igniting and/or spreading fires;

- F. Reasonably inspecting, maintaining, and monitoring of high voltage transmission and distribution lines in known fire-prone areas to avoid igniting and/or spreading fires;
- G. Reasonably de-energizing power lines during critical and extremely critical fire conditions, when San Isabel knew or in the exercise of reasonable care should have known that the then-present fire conditions would cause energized lines to fall or otherwise contact vegetation, structures, and objects;
- H. Reasonably de-energizing power lines even after fires had been ignited by their power line infrastructure;
- I. Reasonably implementing policies and procedures, and using equipment, to avoid igniting or spreading fire; and
- J. Reasonably adjusting its operations to heed warnings about weather conditions that could cause rapid and dangerous fire growth and spread on or around June 29, 2026.

84. San Isabel, through its own actions or inactions or those of its agents or employees, breached its duties as alleged in this Complaint.

85. San Isabel's negligence caused or was a substantial factor in causing foreseeable harm to Plaintiffs' property, damages, and other economic losses as well as non-economic losses including stress, depression, and anxiety, among other general damages.

COUNT THREE — TRESPASS TO LAND

86. Plaintiffs restate and incorporate the allegations above as if fully stated herein.

87. San Isabel intentionally and wrongfully entered upon Plaintiffs' properties by causing or allowing fire, flames, smoke, embers, ash, odors, gases, mud, debris, and/or airborne particles to physically come into contact with, enter, damage, destroy, or otherwise trespass on Plaintiffs' property. This intrusion on Plaintiffs' property was unauthorized and not consented to by Plaintiffs, and it caused physical damage to Plaintiffs' properties.

88. Plaintiffs were the owner(s) or had lawful possession of the damaged properties described above.

89. San Isabel's actions were intentional because San Isabel purposefully operated its utility equipment in a dangerous way that in the natural course of events resulted in the entry onto Plaintiffs' properties. San Isabel knew of the extreme fire danger that drought and red flag conditions posed and knew or should have known that there existed extremely critical fire conditions leading up to June 29, 2026. Despite San Isabel's knowledge of the risk of extreme fire danger in drought and red flag conditions, San Isabel had no plan in place to shut off power

and chose not to de-energize their power lines during the then-present red flag conditions. Instead, San Isabel kept its power lines energized during the extremely critical fire conditions.

90. San Isabel knew that the then-present conditions were certain or substantially certain to cause the unauthorized entry and trespass onto Plaintiffs' property and disturb Plaintiffs' possessory interest.

91. As a direct and proximate result of San Isabel's conduct, San Isabel interfered with Plaintiffs' possessory interests and caused damage to Plaintiffs, including property damage, loss of cherished possessions, economic losses, business losses, emotional distress, annoyance, disturbance, inconvenience, mental anguish, loss of quiet enjoyment of their property, and costs related to evacuation and/or relocation.

92. Plaintiffs have also suffered general damages including, but not limited to, shock, embarrassment, physical distress and injury, humiliation, emotional distress, stress, and other damages to be proven at time of trial.

COUNT FOUR — PRIVATE NUISANCE

93. Plaintiffs restate and incorporate the allegations above as if fully stated herein.

94. Plaintiffs have a possessory interest, including the right to quiet use and enjoyment, in the real property harmed by the fire San Isabel caused.

95. San Isabel kept powerlines energized and did not adjust the settings for protective equipment during windy and extremely dry conditions, when San Isabel knew or in the exercise of reasonable care should have known that the conditions could cause energized powerlines to fall or come into contact with structures, objects, or vegetation and cause sparking, arcing, or emission of burning materials or electricity.

96. Proper inspection and maintenance of infrastructure and equipment, shutting down power, or increasing the sensitivity of protective equipment could have prevented or avoided the harm to Plaintiffs' property. Failure to do so created an unreasonable risk of harm that San Isabel's infrastructure and equipment would ignite a fire.

97. San Isabel's failure to do so was a failure to exercise reasonable care. San Isabel's behavior was negligent and/or intentional.

98. San Isabel's conduct unreasonably interfered with the use and enjoyment of Plaintiff's property. Such substantial and unreasonable interference includes, but is not limited to:

- A. Total destruction of Plaintiffs' real and personal property.
- B. Damage to Plaintiffs' real and personal property.
- C. Diminution in the value of Plaintiffs' real and personal property.

- D. Loss of use and ability to enjoy Plaintiffs' real and personal property.
- E. Annoyance and inconvenience.
- F. Loss of wages, earning capacity, and/or business profits or proceeds and/or any related displacement expenses; and
- G. Other noneconomic damages.

99. San Isabel's interference was so substantial that it would have been, and was, offensive or caused inconvenience or annoyance to a reasonable person in the community.

100. San Isabel's interference was negligent and/or intentional.

101. San Isabel's interference with the use and enjoyment of Plaintiffs' property constitutes a private nuisance for which San Isabel is liable to Plaintiffs for all resulting damages.

102. As a direct and proximate result of San Isabel's conduct, San Isabel interfered with Plaintiffs' possessory interests and caused damage to Plaintiffs, including property damage, loss of cherished possessions, economic losses, business losses, emotional distress, annoyance, disturbance, inconvenience, mental anguish, loss of quiet enjoyment of their property, and costs related to evacuation and/or relocation.

103. Plaintiffs have also suffered general damages including, but not limited to, shock, embarrassment, physical distress and injury, humiliation, emotional distress, stress, and other damages to be proven at time of trial.

COUNT FIVE — PUBLIC NUISANCE

104. Plaintiffs restate and incorporate the allegations above as if fully stated herein.

105. Plaintiffs have a possessory interest, including the right to quiet use and enjoyment, in the real property harmed by the fire San Isabel caused.

106. San Isabel kept powerlines energized and did not adjust the settings for protective equipment during windy and extremely dry conditions, when San Isabel knew or in the exercise of reasonable care should have known that the conditions could cause energized powerlines to fall or come into contact with structures, objects, or vegetation and cause sparking, arcing, or emission of burning materials or electricity.

107. Proper inspection and maintenance of infrastructure and equipment, shutting down power, or increasing the sensitivity of protective equipment could have prevented or avoided the harm to Plaintiffs' property. Failure to do so created an unreasonable risk of harm that San Isabel's infrastructure and equipment would ignite a fire.

108. San Isabel's failure to do so was a failure to exercise reasonable care. San Isabel's behavior was negligent and/or intentional.

109. San Isabel's conduct unreasonably interfered with the use and enjoyment of Plaintiff's property. Such substantial and unreasonable interference includes, but is not limited to:

- A. Total destruction of Plaintiffs' real and personal property.
- B. Damage to Plaintiffs' real and personal property.
- C. Diminution in the value of Plaintiffs' real and personal property.
- D. Loss of use and ability to enjoy Plaintiffs' real and personal property.
- E. Annoyance and inconvenience.
- F. Loss of wages, earning capacity, and/or business profits or proceeds and/or any related displacement expenses; and
- G. Other noneconomic damages.

110. San Isabel's interference was so substantial that it would have been, and was, offensive or caused inconvenience or annoyance to a reasonable person in the community.

111. San Isabel's interference was negligent and/or intentional.

112. San Isabel's interference with the use and enjoyment of Plaintiffs' property constitutes a public nuisance for which San Isabel is liable to Plaintiffs for all resulting damages.

113. As a direct and proximate result of San Isabel's conduct, San Isabel interfered with Plaintiffs' possessory interests and caused damage to Plaintiffs, including property damage, loss of cherished possessions, economic losses, business losses, emotional distress, annoyance, disturbance, inconvenience, mental anguish, loss of quiet enjoyment of their property, and costs related to evacuation and/or relocation.

114. Plaintiffs have also suffered general damages including, but not limited to, shock, embarrassment, physical distress and injury, humiliation, emotional distress, stress, and other damages to be proven at time of trial.

COUNT SIX — WILLFUL AND WANTON CONDUCT

115. Plaintiffs restate and incorporate the allegations above as if fully stated herein.

116. Defendant has been designing, engineering, constructing, operating, and maintaining electrical distribution and transmission systems in Colorado for nearly ninety years. It has specialized knowledge and expertise in electrical distribution and transmission systems. It also is aware of the risk of electric utility equipment and infrastructure starting wildfires.

117. Despite its expertise and knowledge, and despite warnings of windy and extremely dry conditions that day, San Isabel did not shut down power or adjust the sensitivity of

its protective equipment including reclosers in the Fire's origin area. In doing so, San Isabel consciously disregarded a substantial and unjustifiable risk that its equipment would cause a destructive wildfire that could endanger thousands of people and their homes.

118. As a direct and proximate result of San Isabel's conduct, San Isabel interfered with Plaintiffs' possessory interests and caused damage to Plaintiffs, including property damage, loss of cherished possessions, economic losses, business losses, emotional distress, annoyance, disturbance, inconvenience, mental anguish, loss of quiet enjoyment of their property, and costs related to evacuation and/or relocation.

COUNT SEVEN — NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

119. Plaintiffs restate and incorporate the allegations above as if fully stated herein.

120. San Isabel was negligent as described above.

121. San Isabel's negligence created an unreasonable risk of physical harm and caused certain Plaintiffs to fear for their own safety. Many residents were directly in the path of deadly fire and were forced to abandon their homes and belongings. They had to flee in the midst of fire, smoke, and debris. The fire, evacuation, and subsequent debris flow both posed risks of physical harm.

122. Plaintiffs' fear had physical consequences and/or resulted in long-continued emotional disturbances. Plaintiffs have experienced continued effects of Defendants' negligence, including but not limited to fear, anxiety, post-traumatic stress disorder, depression, and a diminished capacity to enjoy their day-to-day life.

123. Certain plaintiffs were in the "zone of danger," or personally in the Aspen Acres Fire area.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that the Court enter judgment in their favor and against Defendants as follows:

- A. An award of damages, including nominal and compensatory damages, as allowed by law and in an amount to be determined;
- B. Plaintiffs may in the future seek exemplary damages by amendment to this Complaint;
- C. An award of attorneys' fees, costs and litigation expenses;
- D. An award of prejudgment interest on all amounts awarded;
- E. An Order for injunctive and declaratory relief; and

F. Such other and further relief as this Court may deem just and proper.

VII. JURY TRIAL

Plaintiffs demand a trial by jury for all issues so triable.

Dated this 23rd day of September, 2026.

Respectfully submitted,

KELLER ROHRBACK L.L.P.

s/ Katherine J. Klein

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