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14  
15  
16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
17 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

18 **JOHN SUGGS, an individual, JOHN**  
19 **SUGGS, SR., an individual, BRITTANY**  
20 **SUGGS, an individual, TINNIE SUGGS,**  
21 **an individual, JOE GOMEZ, an**  
22 **individual, ANGELICA GOMEZ, an**  
23 **individual, DEBRA LOVE, an individual,**  
24 **ANGELIQUE LOVE, an individual,**  
25 **AARON POLMOUNTER, an individual,**  
26 **AVO BABOUJIAN, an individual, SAKO**  
27 **DJABOURIAN, an individual, GARBIS**  
28 **DJABOURIAN, an individual, MARY**  
**DJABOURIAN, an individual, DEBORAH**  
**HIGBY, an individual, JOHN HIGBY, IV,**  
**an individual, JOSE CERRITOS, an**  
**individual, HAGOP ASSADOURIAN, an**  
**individual, PHOEBE OLIVERA, an**  
**individual, NATHAN OLIVERA, an**  
**individual, WILLIE BOONE, an**  
**individual, KATYA DAGHLIAN, an**  
**individual, NERSES DAGHLIAN, an**  
**individual, MARC BREWER, an**

**CASE NO. 24STCV02836**

**COMPLAINT FOR DAMAGES**

1. Negligence
2. Negligence Per Se
3. Strict Liability for Ultrahazardous Activities
4. Continuing Private Nuisance
5. Permanent Private Nuisance
6. Continuing Public Nuisance
7. Permanent Public Nuisance
8. Trespass

**DEMAND FOR JURY TRIAL**

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individual, LAKEN BREWER, an individual, CARMEN GONZALEZ, an individual, LUIS VILLALOBOS-GONZALEZ, an individual, AARON GONZALEZ, an individual, SHEILA BOGHIGIAN, an individual, VAHRAM BOGHIGIAN, an individual, NORMAN BOGHIGIAN, an individual, MARIA TURNBULL, an individual, HALEIGH ASHMORE, an individual, EDVIN HAKOPIAN, an individual, MALINEH MARTUSSIAN, an individual, RAFFI KARTALIAN, an individual, TAMAR KARTALIAN, an individual, ANNIE BUTALIA, an individual, INDERPAL SINGH, an individual, ARNO MELIKYAN, an individual, KATSIARYNA MELIKYAN, an individual, MARLENE NADEL, an individual, JESSICA HOOKER, an individual, SAM ALAVI, an individual, MASSA ALAVI, an individual, ARIAAN ALAVI, an individual, ATHINA ALAVI, an individual, RENATO FEDI, an individual, ANGELA FEDI, an individual,

Plaintiffs,

v.

CHIQUITA CANYON, LLC, a Delaware Limited Liability Company; WASTE CONNECTIONS OF CALIFORNIA, a California Corporation; CHIQUITA CANYON, INC., a Delaware Corporation; WASTE CONNECTIONS US. INC., a Delaware Corporation; and DOES 1-150, inclusive,

Defendants.

COME NOW the PLAINTIFFS JOHN SUGGS, an individual, JOHN SUGGS, SR., an individual, BRITTANY SUGGS, an individual, TINNIE SUGGS, an individual, JOE GOMEZ, an individual, ANGELICA GOMEZ, an individual, DEBRA LOVE, an individual, ANGELIQUE LOVE, an individual, AARON POLMOUNTER, an individual, AVO BABOUIAN, an individual, SAKO DJABOURIAN, an individual, GARBIS DJABOURIAN, an individual, MARY

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1 DJABOURIAN, an individual, DEBORAH HIGBY, an individual, JOHN HIGBY, IV, an  
2 individual, JOSE CERRITOS, an individual, HAGOP ASSADOURIAN, an individual, PHOEBE  
3 OLIVERA, an individual, NATHAN OLIVERA, an individual, WILLIE BOONE, an individual,  
4 KATYA DAGHLIAN, an individual, NERSES DAGHLIAN, an individual, MARC BREWER, an  
5 individual, LAKEN BREWER, an individual, CARMEN GONZALEZ, an individual, LUIS  
6 VILLALOBOS-GONZALEZ, an individual, AARON GONZALEZ, an individual, SHEILA  
7 BOGHIGIAN, an individual, VAHRAM BOGHIGIAN, an individual, NORMAN BOGHIGIAN,  
8 an individual, MARIA TURNBULL, an individual, HALEIGH ASHMORE, an individual, EDVIN  
9 HAKOPIAN, an individual, MALINEH MARTUSSIAN, an individual, RAFFI KARTALIAN, an  
10 individual, TAMAR KARTALIAN, an individual, ANNIE BUTALIA, an individual, INDERPAL  
11 SINGH, an individual, ARNO MELIKYAN, an individual, KATSIARYNA MELIKYAN, an  
12 individual, MARLENE NADEL, an individual, JESSICA HOOKER, an individual, SAM ALAVI,  
13 an individual, MASSA ALAVI, an individual, ARIAN ALAVI, an individual, ATHINA ALAVI,  
14 an individual, RENATO FEDI, an individual, ANGELA FEDI, an individual, (collectively  
15 “Plaintiffs”), bring this action against DEFENDANTS CHIQUITA CANYON, LLC, a Delaware  
16 Limited Liability Company; WASTE CONNECTIONS OF CALIFORNIA, a California  
17 Corporation; CHIQUITA CANYON, INC., a Delaware Corporation; WASTE CONNECTIONS  
18 US. INC., a Delaware Corporation; and DOES 1 through 150, inclusive, and each of them  
19 (collectively “Defendants”). PLAINTIFFS allegations are based upon personal knowledge as to  
20 Plaintiffs’ own experiences and on information and belief as to all other matters based on an  
21 investigation by counsel, such that each allegation has evidentiary support or is likely to have  
22 evidentiary support upon further investigation and discovery:

23 **I. NATURE OF THE CASE**

24 1. PLAINTIFFS allege herein that they were exposed to elevated levels of hydrogen  
25 sulfide, noxious fumes and odors in their homes and communities for an extended period of time,  
26 causing them harm, as a direct and proximate result of Defendants’ negligent and reckless operation  
27 of the Chiquita Canyon Landfill (“CCL”).

28 2. Hydrogen sulfide is a highly toxic and malodorous environmental contaminant most

1 commonly associated with sewage. Throughout 2023, thousands of individuals – including  
 2 Plaintiffs herein – experienced and complained of exposure to elevated levels of hydrogen sulfide,  
 3 noxious fumes and odors.

4 3. Hydrogen sulfide is known to cause headaches, nausea, respiratory issues, and other  
 5 illnesses.

6 4. PLAINTIFFS bring this action to recover compensatory damages associated with  
 7 their exposure to noxious fumes and odors from the CCL, for punitive damages, and for injunctive  
 8 relief.

9 **Smoldering Fire and Pressure Buildup Within CCL Caused Toxic Fumes and Odor**

10 5. CCL has, and is, currently experiencing a subsurface reaction over an inactive  
 11 portion of the landfill that is causing increased temperatures, increased production of landfill gas,  
 12 and increased production of leachate, as well as fugitive emissions of landfill gas from the surface  
 13 of the landfill. The area of the landfill affected by the reaction is located approximately 1000 feet  
 14 from the nearest resident in the surrounding community.

15 6. On January 16, 2024, at the South Coast Air Quality Management District's  
 16 ("SCAQMD") hearing, residents from the surrounding community stated that they have become  
 17 prisoners trapped in their homes to avoid exposure to the elevated levels of hydrogen sulfide,  
 18 noxious fumes and odors which pollute their community. Activities such as gardening, hiking, or  
 19 recreating outdoors at the nearby Hasley Equestrian Center, Hasley Canyon Park, or Val Verde Park  
 20 have been halted, as residents fear for their safety. Children who attend neighboring schools such as  
 21 Castaic Elementary School, Santa Clarita Valley International School and Live Oak Elementary  
 22 School are unable to enjoy their adolescent years as the noxious odors and elevated levels of toxic  
 23 gases prevent them from spending time outdoors and have the potential to increase their risk of  
 24 developing cancer.

25 7. According to the Los Angeles Regional Water Board, CCL has been disposing of  
 26 approximately 2- to 4-million gallons of contaminated water a month for much of the past year. That  
 27 water was made up of a combination of hazardous spills and CCL's efforts to extract wastewater.

28 8. Steaming-hot, contaminated water has also surged to the surface, oozing out of

1 fissures. These hazardous spills have formed bubbling ponds and “rivers of odorous waste,”  
2 according to officials with the SCAQMD. At times, this polluted water has erupted with such force  
3 that it has shot into the air like a geyser.

4 **Defendants have Recklessly Disregarded the Toxic Exposure of Hazardous Gas and Odors to**  
5 **Residents Neighboring the Facility**

6 9. In late 2023 Defendants acknowledged the gas and water leaks, although Defendants  
7 had knowledge that the hazardous spills had been occurring since mid-2022.

8 10. Defendants have been inadequately containing landfill gas, leachate, and associated  
9 surface emissions at CCL, which has caused odor and other unlawful emissions from the landfill.  
10 Defendants have also failed to comply with and frustrated the efforts of SCAQMD and Los Angeles  
11 Fire and Hazmat agents.

12 11. On October 17, 2023, SCAQMD, in coordination with Los Angeles Fire and Hazmat  
13 agents, conducted an unannounced inspection and attempted to collect samples of the leachate  
14 exposed to the air from Defendants’ property. Defendants denied access to the agents and did not  
15 allow them to collect samples of the leachate. Of the samples that SCAQMD was able to collect and  
16 test from neighboring areas close to CCL, results indicated elevated concentrations of benzene, a  
17 cancer causing chemical.

18 12. Around that time, SCAQMD requested real-time access to Defendants’ Community  
19 Air Monitoring (“CAM”) network, which Defendants must maintain as a condition of the  
20 Conditional Use Permit allowing them to operate the landfill. By January 10, 2024, SCAQMD  
21 Monitoring and Analysis Division staff had been given real-time access to some, but not all, of the  
22 air monitors within Defendants’ CAM network. A review of CCL’s air monitoring data showed  
23 approximately 35% of all hydrogen sulfide (H<sub>2</sub>S) readings over the past year exceeded the  
24 California state standard of 30 parts per billion (ppb), averaged over one hour.

25 13. SCAQMD Inspectors continued to routinely observe leachate exposed to the ambient  
26 air. Inspectors observed leachate at times bubbling or boiling, free flowing from the surface of the  
27 landfill, pooling at the landfill, channeling through soil at the landfill, and flowing to concrete lined  
28 drainage where Defendants had installed checkdams to prevent the leachate from leaving CCL.

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14. On some inspections, SCAQMD Inspectors observed leachate shooting into the air like a geyser. Where the leachate was discharged it flowed and channeled across the landfill, forming bubbling ponds of waste and saturating the surrounding soil. The leachate-saturated soil also emitted a foul-smelling odor. In several instances, SCAQMD Inspectors observed that Defendants did not take immediate actions to remediate either the leachate or the saturated soil prior to the leachate reaching the concrete channels.

## II. JURISDICTION AND VENUE

15. Venue is proper in the Superior Court of the County of Los Angeles, State of California pursuant to California Code of Civil Procedure §§ 393 and 395 because Los Angeles County is where the subject incident and injuries occurred, where the Plaintiffs reside, where CCL is located, and where the obligation and liability arose for Defendants.

16. The Federal Courts do not have subject matter or removal jurisdiction over this case and, therefore, it is not removable. Specifically, pursuant to 28 U.S.C. § 1441(b), this action is not removable and the Superior Court of the County of Los Angeles, State of California has jurisdiction of this case since at all times relevant to this action Defendants did business in and provided services in the County of Los Angeles, State of California. In addition, no federal question is involved in this action. As such, any removal of this case to federal court would be wrongful and done solely for the purposes of delay. Therefore, should one or more of the Defendants seek to improperly remove this case to federal court, PLAINTIFFS' will oppose such improper removal.

17. Defendants CHIQUITA CANYON, LLC, CHIQUITA CANYON, INC., and WASTE CONNECTIONS US. INC., purposely availed themselves of the benefits, protections and privileges of the laws of the State of California in conducting their business, and have purposely directed their activities in this State.

18. This Court has jurisdiction of this action because the Plaintiffs seek damages which are in excess of this Court minimum jurisdictional limits and because Defendants conduct business in, and Plaintiffs' causes of action arose in, the County of Los Angeles, State of California.

1 **III. THE PARTIES**

2 **A. Plaintiffs**

3 19. PLAINTIFFS are individuals who, at all times relevant to this action, resided in the  
4 areas impacted by the formation and release of hazardous chemicals and noxious fumes, including  
5 hydrogen sulfide, near the CCL. Plaintiffs have all suffered damages, losses, and harm as a result of  
6 exposure to the noxious gases including, but not limited to, physical injury, fear of future physical  
7 injury, increased risk of future injury, including the need for medical monitoring, emotional distress,  
8 harm to real and personal property, medical expenses, relocation expenses, and other economic  
9 damages.

10 **B. Defendants**

11 20. CHIQUITA CANYON, LLC is a Delaware Limited Liability Company. CHIQUITA  
12 CANYON, LLC and its subsidiaries and its predecessors constructed, operated or maintained the  
13 CCL located at 29201 Henry Mayo Dr. Castaic, California 91384.

14 21. WASTE CONNECTIONS OF CALIFORNIA is a California Corporation. WASTE  
15 CONNECTIONS OF CALIFORNIA and its subsidiaries and its predecessors constructed, operated  
16 or maintained the CCL located at 29201 Henry Mayo Dr. Castaic, California 91384.

17 22. CHIQUITA CANYON INC. is a Delaware Company. CHIQUITA CANYON INC.  
18 and its subsidiaries and its predecessors constructed, operated or maintained the CCL located at  
19 29201 Henry Mayo Dr. Castaic, California 91384.

20 23. WASTE CONNECTIONS US, INC. is a Delaware Company. WASTE  
21 CONNECTIONS US, INC. and its subsidiaries and its predecessors constructed, operated or  
22 maintained the Chiquita Canyon Landfill located at 29201 Henry Mayo Dr. Castaic, California  
23 91384.

24 24. There is a unity of interest and ownership between Defendants, such that any  
25 individuality and separateness between them has ceased, and each such entity is the alter ego of each  
26 other entity.

27 25. The names of the other Defendants and/or their involvement in PLAINTIFFS'  
28 situation are unknown to PLAINTIFFS, who therefore sue such Defendant in this action by fictitious



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names, identified as DOES 1 through 150. Each of the Defendants designated as a Doe is legally responsible in some manner for the unlawful acts described above. Plaintiffs will seek leave of the Court to amend this complaint to reflect the true names and capacities of the Defendants designated as Does 1 through 150 when their identities and/or involvement become known.

26. The identities and capacities of Defendants DOES 1 through 150 are currently unknown to Plaintiffs. Said Defendants are therefore sued by such fictitious names as individuals or entities of unknown form and of unknown capacity who, upon information and belief, are parties whose acts and/or omissions caused or contributed to cause the tortious conduct set forth in this pleading and who proximately and legally caused the resulting injuries and damages to Plaintiffs as alleged herein. When the true names and capacities of the Defendants sued herein as DOES are ascertained, Plaintiffs will amend this action accordingly. Whenever this complaint references acts of any Defendant or one of its unnamed agents or co-conspirators, such allegation shall be deemed to mean the act of all other Defendants, unless the reference is in a particular cause of action, and each of them acting, individually, jointly, and severally.

27. Each Defendant committed, conspired to commit, and/or ratified each of the acts and omissions alleged in this complaint. Defendants CHIQUITA CANYON, LLC, CHIQUITA CANYON, INC., and WASTE CONNECTIONS US. INC., and DOES 1 through 150, inclusive, and each of them, were the agents, servants, employees and/or joint venturers of each other and were acting within the course and scope of their agency, service, employment and joint venture. All acts performed by Defendants, and each of them, while acting as an agent, servant, employee and/or joint venturer have been adopted and ratified by all other Defendants, and each of them. Consequently, said Defendants are jointly and severally liable to the PLAINTIFFS for the injuries and damages sustained as a proximate result of their conduct.

#### IV. ADDITIONAL FACTUAL BASIS FOR THE CLAIMS ASSERTED

##### A. Background

28. At all relevant times herein, the PLAINTIFFS, collectively, resided in neighboring communities to the CCL including but not limited to, Val Verde, Hasley Canyon, Williams Ranch, Hasley Hills, Live Oak, North Bluffs, Hillcrest, Stevenson Ranch and Santa Clarita. The Plaintiffs,



1 given their proximity to the CCL, were sickened and injured as a result of the exposure to the  
2 noxious fumes and odors.

3 29. The CCL is located 500 feet from Val Verde residences and 150 feet from a United  
4 States Post Office. In close proximity to the north of CCL is Hasley Equestrian Center, Hasley  
5 Canyon Park, Val Verde Park, Live Oak Elementary School and Santa Clarita Valley International  
6 School.

7 30. The CCL extends over 639 acres, of which approximately 400 acres are used as a  
8 landfill and solid waste disposal site pursuant to a conditional use permit issued by the County of  
9 Los Angeles.

10 31. Under the CCL's conditional use permit, CCL is allowed to accept an average of  
11 6,616 tons per day of solid waste between the hours of 4:00am to 5:00pm, Monday through  
12 Saturday. The CCL may also accept green waste and beneficial reuse materials. The CCL may  
13 accept a maximum of 2,800,000 tons per year of solid waste and beneficial reuse material combined.

14 32. Defendants' operations at CCL range from landfill gas collections and control  
15 systems that include vertical and horizontal gas collection wells and associated piping and trenches,  
16 multiple collection headers and blowers for venting landfill gas, a landfill gas treatment system, a  
17 condensate/leachate collection system and two flares which combust landfill gas. The CCL also has  
18 an active permit application for an additional third flare which, if approved, would be incorporated  
19 into its landfill gas collection and control system.

20 **B. Conditional Use Permits obtained by Defendants to Operate the CCL**

21 33. In or about 1997, Defendants signed an agreement with the Val Verde Civic  
22 Association in which they agreed to close the Landfill no later than 2019.

23 34. On July 25, 2017, the County of Los Angeles approved another conditional use  
24 permit allowing the Defendants to expand and operate for another 30 years. The expansion included  
25 increasing the waste footprint from 257 acres to 400 acres, increasing the maximum elevation from  
26 1,430 to 1,573 feet and increasing the daily disposal limits from 6,000 tons per day to 12,000 tons  
27 per day.  
28

1           35. Under Sections 63-65 of the conditional use permit obtained by Defendants, CCL is  
2 required to comply with SCAQMD requirements and avoid being a nuisance to the community.

3           36. To apply for the conditional use permit allowing CCL to expand operations, CCL  
4 was required to create a cancer map which showed that there were places within close proximity to  
5 the CCL with populations with increased risk of developing cancer. The areas with increased risk  
6 of developing cancer included Castaic Elementary School, Santa Clarita Valley International School  
7 and Live Oak Elementary School.

8           **C. Investigation Conducted by the SCAQMD in 2023 Established that Residents**  
9           **within Four Miles of CCL are Exposed to Noxious Gases**

10           37. SCAQMD enforces air pollution regulations. These regulations are primarily meant  
11 to ensure that the surrounding (or ambient) air meets federal and state air quality standards.

12           38. SCAQMD is responsible for taking reports of nuisance, confirming these reports and  
13 issuing Notices of Violation (NOVs) where there is a violation of the law.

14           39. In 2023, the SCAQMD received more than 7,000 resident complaints of an odor  
15 nuisance with the CCL as the source. SCAQMD has issued approximately 110 NOVs against CCL  
16 for public nuisance in violation of the agency's Rule 402 and California Health and Safety Code  
17 Section 41700.

18           40. SCAQMD Rule 402 and California Health and Safety Code Section 41700 prohibit  
19 the discharge, from any source whatsoever, of such quantities of air contaminants or other materials  
20 which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or the  
21 public, or which cause, or have the natural tendency to cause, injury or damage to business or  
22 property.

23           41. Pursuant to SCAQMD's policies and practices, to establish a violation of Rule 402,  
24 the agency must receive three calls to their hotline within an hour to dispatch an investigator. If an  
25 investigator is able to confirm at least 6 complaints in a 24-hour period, then a NOV is issued.

26           42. On May 17, 2023, SCAQMD issued the first 2023 NOV against CCL for public  
27 nuisance in violation of the agency's Rule 402 and California Health and Safety Code Section  
28

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1 41700. In May, SCAQMD began receiving numerous odor complaints that Agency investigators  
2 traced back to CCL.

3 43. SCAQMD issued NOVs to Defendants under Rule 402 and other Agency Rules on  
4 May 18, 2023, June 25, 2023, June 27, 2023, June 28, 2023, June 29, 2023, June 30, 2023, July 2,  
5 2023, July 3, 2023, July 7, 2023, July 10, 2023, July 11, 2023, July 13, 2023, July 15, 2023, July  
6 16, 2023, July 17, 2023, July 18, 2023, July 19, 2023, July 20, 2023, July 21, 2023, July 22, 2023,  
7 July 23, 2023, July 24, 2023, July 26, 2023, July 27, 2023, July 28, 2023, July 29, 2023, July 30,  
8 2023, July 31, 2023, August 1, 2023, August 2, 2023, August 3, 2023, August 4, 2023, August 5,  
9 2023, August 6, 2023, August 7, 2023, August 9, 2023, August 10, 2023, August 11, 2023, August  
10 12, 2023, August 13, 2023, August 14, 2023, August 15, 2023, August 16, 2023, August 17, 2023,  
11 August 18, 2023, August 19, 2023, August 21, 2023, August 23, 2023, August 24, 2023, August 25,  
12 2023, August 27, 2023, August 28, 2023, August 29, 2023, August 30, 2023, August 31, 2023,  
13 September 1, 2023, September 5, 2023, September 6, 2023, September 7, 2023, September 8, 2023,  
14 September 12, 2023, September 13, 2023, September 14, 2023, September 15, 2023, September 19,  
15 2023, September 20, 2023, September 21, 2023, September 22, 2023, September 25, 2023,  
16 September 26, 2023, September 27, 2023. September 28, 2023, October 2, 2023, October 3, 2023,  
17 October 5, 2023, October 6, 2023, October 9, 2023, October 10, 2023, October 13, 2023, October  
18 16, 2023, October 20, 2023, October 23, 2023, October 25, 2023, October 26, 2023, October 27,  
19 2023, November 2, 2023, November 6, 2023, November 10, 2023, November 13, 2023, November  
20 15, 2023, November 16, 2023, November 28, 2023, November 29, 2023, November 30, 2023,  
21 December 6, 2023, December 7, 2023, December 12, 2023, December 18, 2023, December 22,  
22 2023, December 27, 2023, December 29, 2023, January 3, 2024, and January 9, 2024.

23 44. During the time of increased complaints, CCL was and is still currently experiencing  
24 a subsurface reaction in an inactive portion of the landfill that is causing increased temperatures,  
25 increased production of landfill gas, and increased production of leachate, as well as fugitive  
26 emissions of landfill gas from the surface of the landfill. The area of the landfill affected by the  
27 reaction is located approximately 1,000 feet from the nearest resident in the surrounding community.  
28

1           45. Between May and September 5, 2023, SCAQMD issued 58 NOVs against  
2 Defendants for violating SCAQMD Rule 402 and California Health and Safety Code Section 41700.  
3 In light of the NOVs and complaints, SCAQMD's Hearing Board issued an Order for Abatement  
4 which outlined practices and procedures in an attempt to resolve the issues.

5           46. The Order for Abatement was ineffective. Between September 6, 2023 and January  
6 11, 2024, SCAQMD received 4,860 complaints alleging CCL as the source of odors. SCAQMD  
7 responded to and investigated the complaints, including verifying the existence of complained-of  
8 odors and identifying the source of the complaints as CCL. Over this time period, Defendants  
9 received 46 NOVs for violations of SCAQMD Rule 402 and California Health and Safety Code  
10 Section 41700.

11           47. In early October, 2023, SCAQMD learned of the existence of leachate seeping out  
12 from the area of the landfill affected by the subsurface reaction. SCAQMD inspectors conducted an  
13 inspection and confirmed that leachate had seeped out of the landfill and pooled in a concrete-lined  
14 stormwater channel adjacent to the area of the landfill affected by the reaction. SCAQMD inspectors  
15 observed that the leachate gave off a foul odor, which inspectors determined was contributing to  
16 and worsening the alleged public nuisance.

17           48. On October 31, 2023, Defendants submitted the results of an initial flux chamber  
18 study. The results of the study concluded that if the emissions observed during the study held  
19 constant for an entire year, a total of around 43,000 tons per year of uncontrolled/fugitive surface  
20 emissions would be produced at CCL. Of those emissions, approximately 9.33 tons per year would  
21 be benzene, and approximately 100 tons per year toxic organics.

22           49. In November 2023, SCAQMD also cited the facility for failure to maintain the  
23 leachate collection and storage system in good operating condition, failure to report the breakdown  
24 of equipment, failure to submit a landfill excavation plan, and violations of other permit and  
25 conditional use conditions. Leachate was observed on numerous occasions bubbling, boiling, or  
26 shooting out like a geyser. The pooled and flowing liquid was observed seeping out of the soil and  
27 causing additional foul-smelling odors.  
28

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1           50. On several successive inspections, SCAQMD inspectors continued to routinely  
2 observe leachate exposed to the ambient air. Inspectors noted leachate at times bubbling or boiling,  
3 free flowing from the surface of the landfill, pooling at the landfill, channeling through soil at the  
4 landfill, and flowing to concrete lined drainage.

5           51. On several instances, SCAQMD inspectors observed that Defendants did not take  
6 immediate actions to remediate either the leachate or the saturated soil prior to the leachate reaching  
7 the concrete channels.

8           52. SCAQMD's Monitoring and Analysis Division compiled and reviewed continuous  
9 monitoring data from six monitors in Defendants' Community Air Monitoring network, all located  
10 within the affected communities. The monitors collect real-time data for hydrogen sulfide ("H2S")  
11 and particulate matter. Based on review of H2S continuous monitoring across all six monitors,  
12 SCAQMD determined that approximately 35% of all hourly average readings over the past year  
13 exceeded the California Office of Environmental Health Hazard Assessment ("OEHHA") acute  
14 standard of 30 parts per billion ("ppb") on a 1-hour average. Some readings, across a 1-hour average,  
15 exceeded 300 ppb, ten times the OEHHA standard. The highest single reading exceeded 500 ppb.  
16 SCAQMD Monitoring and Analysis staff concluded from this data review that there was clear  
17 indication that air emissions from CCL were having significant impact to the community.

18           53. The Los Angeles County Department of Public Health also received monitoring data  
19 of these community monitoring stations around CCL, including, eventually, real-time access to this  
20 data. Dr. Nichole Quick, the Department's Deputy Director for Health Protection, reviewed the data  
21 and concluded that, if assumed accurate, it showed evidence that there were likely health impacts  
22 observed in the community due to H2S exposure. Dr. Quick noted that physiological health impacts  
23 of H2S at the 1-hour acute standard of 30 ppb would often include headaches, nausea, and  
24 respiratory irritation. Dr. Quick observed that because the data from communities around CCL  
25 indicated significant exceedances of the 30 ppb standard, symptoms could be more prolonged or  
26 intense.

27           54. On October 17, 2023, SCAQMD, in coordination with LA Fire/Hazmat agents,  
28 conducted an unannounced inspection and attempted to collect samples of the leachate exposed to

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1 the air from Defendants' property. Defendants denied access to collect samples of the leachate.  
2 SCAQMD collected air samples at both the fence line and within the nearby community at that time.  
3 SCAQMD Monitoring and Analysis staff tested the samples within 24-hours and reviewed the  
4 laboratory results. Of those reviewed, several indicated levels of benzene above expected  
5 background levels, but below the 8-hour acute standard of 8ppb set by OEHHA.

6 55. At least one sample result, collected on November 6, 2023, reported the benzene  
7 level well above the 8-hour acute standard, measured at 69.5 ppb. SCAQMD learned about the result  
8 on December 8, 2023 (though the lab report was dated November 9, 2023). SCAQMD Monitoring  
9 and Analysis staff discussed this result with the third-party lab that performed the analysis to inquire  
10 about potential anomalies in the lab methods. The third-party lab confirmed the validity of the  
11 results.

12 56. Based on review of the laboratory sample reports made available to SCAQMD, Dr.  
13 Quick concluded that there is ample evidence supporting health impacts to the community from air  
14 contaminants from CCL.

15 **D. Conclusion of SCAQMD Investigation**

16 57. The SCAQMD has found that a subsurface reaction over an approximately 30-acre  
17 portion of CCL is the source of significant odors, which are causing injury, detriment, nuisance  
18 and/or annoyance to residents located in neighboring communities.

19 58. Defendants are also in violation of Rule 430, Rule 3002(c)(1) and Rule 203(b) for  
20 failing to report a breakdown to the SCAQMD in equipment which causes a violation of a rule of  
21 regulation of the SCAQMD. Defendants failed to maintain the full and proper working order of the  
22 leachate collection system, as required by Defendants' leachate collection system permit. Fully and  
23 properly operated, the leachate collection system captures leachate and collects it subsurface.  
24 However, leachate has been and continues to evade the leachate collection system, is exposed to  
25 ambient air, and is only collected by separate, external trucks, which are not part of Defendants'  
26 leachate collection system. Accordingly, the SCAQMD's Hearing Board concluded that there has  
27 been, and is an ongoing, breakdown in Defendants' leachate collection system.  
28

1           59. On January 17, 2024, Defendants were issued an Order for Abatement and the  
2 Hearing Board ordered Defendants to take significant actions, such as:<sup>1</sup>

- 3           a. Immediate Leachate Collection: Twice daily inspections for leachate and the  
4 immediate removal of any pooling or ponding liquid in a sealed tank/truck.
- 5           b. Excavation Plan and Interim Mitigation: Submit a complete excavation plan  
6 that includes proper management of soil, methane monitoring, dust  
7 suppression, and the immediate relocation of any excavated soil from the  
8 property. Until the plan is approved, the landfill must undertake interim  
9 mitigation measures to limit odor and fugitive dust during excavating  
10 activities.
- 11          c. Expand Collection and Extraction Wells: To collect gas and leachate as  
12 needed and properly cover wells to prevent leaks, as well as take precautions  
13 to avoid or limit escape of any liquids during well building or maintenance.
- 14          d. Expanded Monitoring: Install continuous air monitors in the community  
15 where odors have been reported for gases associated with landfills. Monitor  
16 for benzene and other volatile organic compounds (VOCs). Increase  
17 laboratory sampling in the community to 3 times per week until the monitors  
18 are in place. Take monthly samples of leachate at the reaction area, the areas  
19 with the highest temperature, and the bottom of the tanks where leachate is  
20 stored. Conduct an additional study of surface air emissions from the landfill.
- 21          e. Increased Transparency: Provide all past and current air monitoring data to  
22 SCAQMD immediately for review. Develop a webpage to display real-time  
23 monitoring information within 30 days.

24           60. Defendants will return for a status hearing on April 24 and 25, 2024, to report on the  
25 status of implementation of the Order for Abatement.

26  
27  
28 <sup>1</sup> <https://www.aqmd.gov/docs/default-source/news-archive/2024/ccl-mod-oa-jan17-2024.pdf>



**E. Plaintiffs' Injuries**

61. PLAINTIFFS are individuals and families who live and work within the neighboring communities to the CCL, and given their proximity to the CCL, were sickened and injured as a result of exposure to the noxious fumes and odors.

62. Due to the high levels of hydrogen sulfide and other toxic air pollutants, Plaintiffs claim damages for physical injury (for which many have sought medical treatment), fear of future physical injury, increased risk of future injury, including the need for medical monitoring, emotional distress, harm to real and personal property, medical expenses, relocation expenses, and other economic damages.

63. PLAINTIFFS' injuries include but are not limited to, headaches, lightheadedness, dizzy spells, asthma, other breathing conditions, rashes, cancers, tumors, and other related symptoms, as well as other harms not yet known. Plaintiffs are informed and believe, and thereon allege, that some or all of the health effects may result in chronic and/or ongoing injuries.

**V. BASIS FOR MEDICAL MONITORING DAMAGES**

64. Defendants have exposed Plaintiffs to excessive levels of hydrogen sulfide and other chemicals and toxins proven hazardous to human health.

65. Defendants have also exposed Plaintiffs to environmental conditions proven hazardous to mental health.

66. The exposure to these dangerous substances and conditions is such that Plaintiffs have been placed at an increased risk of contracting latent illness and disease, including but not limited to respiratory, cardiovascular, neurological, and mental health issues, and as such, require medical monitoring which Defendants are responsible for providing and paying for.

67. Monitoring and testing procedures for respiratory, cardiovascular, and neurological disorders and other illnesses associated with exposure to hydrogen sulfide and other chemicals exist, as well as for mental health issues, which make the early detection and treatment of such diseases and health conditions possible and beneficial.

68. Accordingly, Plaintiffs are entitled to compensatory damages for medical monitoring.

1 **VI. CAUSES OF ACTION**

2 **FIRST CAUSE OF ACTION**

3 **NEGLIGENCE**

4 **(By Plaintiffs Against Defendants Chiquita Canyon, LLC, a Delaware Limited Liability  
Company; Waste Connections of California, Inc., a California Corporation; Chiquita  
Canyon, Inc., a Delaware Corporation; Waste Connections US, Inc., a Delaware  
Corporation; and DOES 1–150)**

5 69. PLAINTIFFS incorporate by reference all allegations of the preceding paragraphs as  
6 though fully set forth herein.

7 70. At all relevant times, Defendants and each of them, owned, operated, inspected,  
8 controlled, managed, and/or maintained CCL.

9 71. At all relevant times prior to this incident, Defendants and each of them, had the duty  
10 to exercise the utmost care and diligence in the ownership, design, operation, management,  
11 supervision, inspection, maintenance, repair, and/or control of CCL in compliance with relevant  
12 regulations and industry standards, so as not to cause harm to individual persons, private and public  
13 property, the environment, public resources, public health, and/or the comfortable use and  
14 enjoyment of property and life by the public.

15 72. At all relevant times, Defendants and each of them, negligently, carelessly,  
16 recklessly, and/or unlawfully used, owned, operated, managed, supervised, maintained, repaired,  
17 and/or controlled CCL, including but not limited to (a) failing to implement reasonable safety and  
18 leak prevention practices; (b) failing to properly inspect, assess, and/or evaluate the integrity of CCL  
19 in compliance with applicable safety standards and regulations; and/or (c) failing to have an  
20 adequate and appropriate response plan to timely, adequately, promptly and properly respond to and  
21 contain leaks.

22 73. As a direct and legal result of the wrongful acts and/or omissions of Defendants, and  
23 each of them, Plaintiffs have suffered damages, including but not limited to inhalation of noxious  
24 and toxic gases, chemicals, and/or fumes resulting in personal injuries including, but not limited to,  
25 severe headaches, dizziness, difficulty breathing, and other harms known and as yet unknown. Upon  
26 information and belief, some or all of the health effects may result in permanent impairments and/or  
27 disabilities, all to their general damage in a sum according to proof.

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74. As a direct and legal result of the wrongful acts and/or omissions of Defendants, and each of them, PLAINTIFFS are required to, and continue to, employ physicians and/or other health care providers to examine, treat, and care for their injuries. PLAINTIFFS have incurred, and will continue to incur, medical and incidental expenses for such examination, treatment, rehabilitation, and care, all in an amount according to proof.

75. As a direct and legal result of the wrongful acts and/or omissions of Defendants, and each of them, PLAINTIFFS have been put at risk for the development of latent health problems, such that they now require medical monitoring for such problems in the future.

76. As a direct and legal result of the wrongful acts and/or omissions of Defendants, and each of them, PLAINTIFFS have incurred, and will continue to incur, a loss of income and/or a loss of earning capacity, all in an amount according to proof at the time of trial pursuant to California Code of Civil Procedure § 425.10.

77. As a direct and legal result of the wrongful acts and/or omissions of Defendants, and each of them, PLAINTIFFS have incurred, and will continue to incur, a loss of revenues and profits from the operation of their businesses, all in an amount according to proof at the time of trial pursuant to California Code of Civil Procedure § 425.10.

78. As a direct and legal result of the wrongful acts and/or omissions of Defendants, and each of them, PLAINTIFFS have suffered and will continue to suffer the loss of the quiet use and enjoyment of their property, as well as public properties located in the area, have suffered and will continue to suffer the diminution of the value of their property, and/or have been or will be required to expend monies to repair and/or restore the property to its condition prior to the blowout, all in an amount according to proof at the time of trial pursuant to California Code of Civil Procedure § 425.10.

**SECOND CAUSE OF ACTION**  
**NEGLIGENCE PER SE – VIOLATION OF CALIFORNIA HEALTH AND SAFETY**  
**CODE § 41700**

(By Plaintiffs Against Defendants Chiquita Canyon, LLC, a Delaware Limited Liability Company; Waste Connections of California, Inc., a California Corporation; Chiquita Canyon, Inc., a Delaware Corporation; Waste Connections US, Inc., a Delaware

**Corporation; and DOES 1–150)**

79. PLAINTIFFS incorporate by reference all allegations of the preceding paragraphs as though fully set forth herein.

80. Prior to and at all times relevant hereto, California Health and Safety Code Section 41700 was in full force and effect. That statute states, in pertinent part:

**41700 – Health and Safety Code**

(a) Except as otherwise provided in Section 41705, a person shall not discharge from any source whatsoever quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property.

81. PLAINTIFFS were among the class of persons that California Health and Safety Code Section 41700 was intended to protect.

82. At the time of the incident giving rise to this action, Defendants, and each of them, violated the California Health and Safety Code Section 41700 by, inter alia, inadequately containing landfill gas, leachate, and associated surface emissions at CCL, which has caused odor and other unlawful emissions from the landfill. SCAQMD received more than 7,000 resident complaints of an odor nuisance with CCL as the source. SCAQMD has issued approximately 110 NOVs against CCL for public nuisance in violation of the agency's Rule 402 and California Health and Safety Code Section 41700.

83. Defendants' violation of California Health and Safety Code Section 41700, was the sole, direct, and proximate cause of the incident out of which this action arises and Plaintiffs' resulting injuries and damages.

84. As a direct and proximate result of the above-described negligent conduct and tortious acts and omissions of Defendants, and each of them, PLAINTIFFS sustained serious personal injuries, which have caused, and continue to cause PLAINTIFFS pain and suffering, all to their general and non-economic damages in an amount which will be stated according to proof at the time of trial pursuant to California Code of Civil Procedure § 425.10.

85. As a direct and proximate result of the above-described negligent conduct and tortious acts and omissions of Defendants, and each of them, PLAINTIFFS sustained serious injuries

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1 which have required hospitalization, therapy and rehabilitation and which continue to require  
2 medical care and treatment, all to PLAINTIFFS' special and economic damages, will be stated  
3 according to proof at the time of trial pursuant to California Code of Civil Procedure § 425.10.

4 86. As a direct and proximate result of the above-described negligent conduct and  
5 tortious acts and omissions of Defendants, and each of them, PLAINTIFFS have suffered and will  
6 continue to suffer the loss of the quiet use and enjoyment of their property, as well as public  
7 properties located in the area, have suffered and will continue to suffer the diminution of the value  
8 of their property, and/or have been or will be required to expend monies to repair and/or restore the  
9 property to its condition prior to the blowout, will be stated according to proof at the time of trial  
10 pursuant to California Code of Civil Procedure § 425.10.

11 **THIRD CAUSE OF ACTION**  
12 **STRICT LIABILITY FOR ULTRAHAZARDOUS ACTIVITIES**  
13 **(By Plaintiffs Against Defendants Chiquita Canyon, LLC, a Delaware Limited Liability**  
14 **Company; Waste Connections of California, Inc., a California Corporation; Chiquita**  
15 **Canyon, Inc., a Delaware Corporation; Waste Connections US. Inc., a Delaware**  
16 **Corporation; and DOES 1-150)**

17 87. PLAINTIFFS incorporate by reference all allegations of the preceding paragraphs as  
18 though fully set forth herein.

19 88. At all times herein, Defendants were the owner and operator of CCL. The CCL is  
20 located centrally, 500 feet from Val Verde residences and 150 feet from a United State Post Office.  
21 To the north of the CCL is the Hasley Equestrian Center, Hasley Canyon Park, Val Verde Park,  
22 Live Oak Elementary School and Santa Clarita Valley International School which are also in close  
23 proximity to the CCL.

24 89. At all times relevant to this action, Defendants, and each of them, had supervision,  
25 custody, and control of the CCL.

26 90. At all times relevant to this action, Defendants, and each of them, were under a  
27 continuing duty to protect the Plaintiffs from the natural consequences of mishandling of chemicals,  
28 including but not limited to hydrogen sulfide and sulfur-containing which is exuded as a result of  
handling landfill and solid waste disposal, at CCL.

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91. Defendants, and each of them, were engaged in an ultrahazardous activity by handling, landfill gas collection and control system that includes vertical and horizontal gas collection wells and associated piping and trenches multiple collection headers and blowers for venting landfill gas, a landfill gas treatment system, a condensate/leachate collection system and two flares which combust landfill gas that contain hazardous chemicals, including but not limited to hydrogen sulfide and sulfur-containing wastewater, at CCL.

92. PLAINTIFFS have suffered harm as a result of Defendants' conduct as described herein including but not limited to: physical injury, loss of use and enjoyment of their homes and other expenses.

93. The injuries sustained by PLAINTIFFS as a result of Defendants' conduct described herein were the direct and proximate result of Defendants' activities.

94. The harm to PLAINTIFFS was and is the kind of harm that would be reasonably anticipated as a result of the risks created by the improper handling of landfill and solid waste disposal that contain hazardous chemicals.

95. Defendants' harm to PLAINTIFFS was foreseeable because fugitive discharge of hydrogen sulfide and other chemicals from CCL would reasonably result in a significant environmental impact on the surrounding communities.

96. Defendants' operation and use of CCL and resulting discharge was and remains a substantial factor in causing the harms suffered by Plaintiffs.

97. Defendants, and each of them, are liable to PLAINTIFFS for all damages arising from this ultrahazardous activity, including all compensatory damages, and punitive damages pursuant to Cal Civ. Code § 3294, and attorney's fees pursuant to Cal Civ. Code § 1021.5.

98. Defendants are liable to PLAINTIFFS for all damages arising from their violations of California Civil Code section 3479 and California Health & Safety Code section 25510(a), including compensatory and injunctive relief, punitive damages pursuant to California Civil Code § 3294, and attorneys' fees pursuant to California Code of Civil Procedure § 1021.5.

99. The wrongful acts, representations and/or omissions of Defendants, hereinabove set forth, were made, adopted, approved, authorized, endorsed and/or ratified by their officers, directors

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1 or managing agents, and were done maliciously, oppressively, fraudulently and/or with a willful and  
2 knowing disregard of the probable dangerous consequences for the health and safety of Plaintiffs  
3 and their community.

4 100. The officers, directors and/or managing agents of Defendants had advanced  
5 knowledge of the storing of products containing harmful chemicals. The officers, directors and/or  
6 managing agents of Defendants had advanced knowledge that a failure to properly store, maintain,  
7 and/or inspect the condition of CCL would result in the probability of a catastrophic event, which  
8 foreseeably would lead to harm and/or injuries to the health and safety of Plaintiffs and their  
9 community, generally.

10 101. In failing to take protective measures to safeguard against the danger, the officers,  
11 directors and/or managing agents of Defendants acted with a willful and/or knowing disregard of  
12 the probable dangerous consequences, and/or acted with an awareness of the probable dangerous  
13 consequences of their conduct and deliberately failed to avoid those consequences, thereby creating  
14 a substantial risk of injury to Plaintiffs and the surrounding community.

15 102. PLAINTIFFS are entitled to punitive and exemplary damages in an amount to be  
16 ascertained, which is appropriate to punish or set an example of Defendants and deter such behavior  
17 by Defendants and others in the future.

18 **FOURTH CAUSE OF ACTION**  
19 **PRIVATE NUISANCE - CONTINUING**  
20 **(By Plaintiffs Against Defendants Chiquita Canyon, LLC, a Delaware Limited Liability**  
21 **Company; Waste Connections of California, Inc., a California Corporation; Chiquita**  
22 **Canyon, Inc., a Delaware Corporation; Waste Connections US, Inc., a Delaware**  
23 **Corporation; and DOES 1-150)**

24 103. PLAINTIFFS incorporate by reference all allegations of the preceding paragraphs as  
25 though fully set forth herein.

26 104. PLAINTIFFS own and/or occupy property at or near the exposed area. At all relevant  
27 times, PLAINTIFFS had a right to occupy, enjoy, and/or use their property without interference by  
28 Defendants.

105. Defendants and each of them, by reason of their wrongful acts and/or omissions  
created a condition that (a) was harmful to PLAINTIFFS' health; (b) was indecent and/or offensive



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1 to PLAINTIFFS' senses; (c) was an obstruction of PLAINTIFFS' free use and enjoyment of their  
2 property, so as to interfere with their comfortable enjoyment of life and/or property; and/or (d)  
3 unlawfully obstructed PLAINTIFFS' free passage or use, in the customary manner, of public parks,  
4 squares, streets, and/or highways in the exposed area.

5 106. PLAINTIFFS did not consent to Defendants' conduct. To the extent PLAINTIFFS  
6 gave any express or implied permission for the maintenance improper handling landfill and solid  
7 waste disposal that contain hazardous chemicals. Such permission extended only to a properly  
8 maintained, up-to-date, and safe facility, and Defendants and each of them, exceeded the scope of  
9 any such consent by operating a shoddy, dangerous, aging, and faulty containment facility near  
10 Plaintiffs' property.

11 107. An ordinary person of reasonable sensibilities would reasonably be annoyed and/or  
12 disturbed by the conduct of Defendants and each of them.

13 108. The seriousness of PLAINTIFFS' injuries outweighs any public benefit from the  
14 conduct of Defendants and each of them.

15 109. As a direct and legal result of the wrongful acts and/or omissions of Defendants and  
16 each of them, PLAINTIFFS have suffered, and will continue to suffer, discomfort, annoyance,  
17 anxiety, fear, worries, and stress attendant to the interference with PLAINTIFFS' occupancy,  
18 possession, use, and/or enjoyment of their property, as alleged above.

19 110. As a direct and legal result of the wrongful acts and/or omissions of Defendants and  
20 each of them, PLAINTIFFS suffered and continue to suffer damages as herein above set forth.

21 **FIFTH CAUSE OF ACTION**  
22 **PRIVATE NUISANCE - PERMANENT**

23 **(By Plaintiffs Against Defendants Chiquita Canyon, LLC, a Delaware Limited Liability**  
24 **Company; Waste Connections of California, Inc., a California Corporation; Chiquita**  
25 **Canyon, Inc., a Delaware Corporation; Waste Connections US. Inc., a Delaware**  
26 **Corporation; and DOES 1-150)**

27 111. PLAINTIFFS incorporate and re-allege each of the paragraphs above as though fully  
28 set forth herein.

112. Defendants and each of them, by reason of their wrongful acts and/or omissions  
created a permanent condition that (a) is harmful to Plaintiffs' health; (b) is indecent and/or offensive

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1 to Plaintiffs' senses; (c) is an obstruction of Plaintiffs' free use of their property, so as to interfere  
2 with the comfortable enjoyment of life or property; and/or (d) unlawfully obstructs Plaintiffs' free  
3 passage or use, in the customary manner, of public parks, squares, streets, and/or highways in the  
4 exposed area.

5 113. This permanent condition has interfered with Plaintiffs' free use and enjoyment of  
6 their land, along with numerous other neighbors, in the form of damage to buildings, a significant  
7 decrease in the value of the property, exposure to an array of toxic substances on the land, and/or a  
8 lingering and foul smell of toxic gases, permeating the air surrounding their property and invading  
9 their homes.

10 114. PLAINTIFFS did not consent to the conduct of Defendants and each of them, which  
11 was a substantial factor in causing Plaintiffs' harm.

12 115. An ordinary person would be reasonably annoyed or disturbed by the conduct of  
13 Defendants and each of them.

14 116. The seriousness of the harm outweighs any public benefit of Defendants' conduct.

15 117. As a direct and legal result of the wrongful acts and/or omissions of Defendants and  
16 each of them, PLAINTIFFS suffered and continue to suffer damages as herein above set forth.

17 **SIXTH CAUSE OF ACTION**  
18 **PUBLIC NUISANCE - CONTINUING**

19 **(By Plaintiffs Against Defendants Chiquita Canyon, LLC, a Delaware Limited Liability**  
20 **Company; Waste Connections of California, Inc., a California Corporation; Chiquita**  
21 **Canyon, Inc., a Delaware Corporation; Waste Connections US, Inc., a Delaware**  
22 **Corporation; and DOES 1-150)**

23 118. PLAINTIFFS incorporate and re-allege each of the paragraphs above as though fully  
24 set forth herein.

25 119. PLAINTIFFS own and/or occupy property at or near the exposed area. At all relevant  
26 times, Plaintiffs had a right to occupy, enjoy, and/or use their property without interference by  
27 Defendants.

28 120. Defendants and each of them, by reason of their wrongful acts and/or omissions  
created a condition that (a) is harmful to PLAINTIFFS' health; (b) is indecent and/or offensive to  
PLAINTIFFS' senses; (c) is an obstruction of PLAINTIFFS' free use of their property, so as to

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1 interfere with the comfortable enjoyment of life or property; and/or (d) unlawfully obstructs  
2 PLAINTIFFS' free passage or use, in the customary manner, of public parks, squares, streets, and/or  
3 highways in the exposed area.

4 121. This condition has interfered with PLAINTIFFS' free use and enjoyment of their  
5 land, along with numerous other neighbors, in the form of damage to buildings, a significant  
6 decrease in the value of the property, exposure to an array of toxic substances on the land, and/or a  
7 lingering and foul smell of toxic gases, permeating the air surrounding their property and invading  
8 their homes.

9 ~~122. The condition that Defendants created and/or permitted to exist affected a substantial~~  
10 number of people within the general public, including causing Plaintiffs to relocate, personal injuries  
11 and disturbance in the enjoyment of everyday living.

12 123. PLAINTIFFS did not consent to the conduct of Defendants and each of them, which  
13 was a substantial factor in causing Plaintiffs' harm.

14 124. An ordinary person of reasonable sensibilities would reasonably be annoyed and/or  
15 disturbed by the condition created by each and every Defendant.

16 125. The seriousness of the harm outweighs any public benefit of Defendants' conduct.

17 126. As a direct and legal result of the wrongful acts and/or omissions of Defendants and  
18 each of them, PLAINTIFFS suffered and continue to suffer damages as herein above set forth.

19 **SEVENTH CAUSE OF ACTION**  
20 **PUBLIC NUISANCE - PERMANENT**

21 **(By Plaintiffs Against Defendants Chiquita Canyon, LLC, a Delaware Limited Liability**  
22 **Company; Waste Connections of California, Inc., a California Corporation; Chiquita**  
23 **Canyon, Inc., a Delaware Corporation; Waste Connections US, Inc., a Delaware**  
24 **Corporation; and DOES 1-150)**

25 127. PLAINTIFFS incorporate and re-allege each of the paragraphs above as though fully  
26 set forth herein.

27 128. PLAINTIFFS own and/or occupy property at or near the exposed area. At all relevant  
28 times, PLAINTIFFS had a right to occupy, enjoy, and/or use their property without interference by  
Defendants.

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129. Defendants and each of them, by reason of their wrongful acts and/or omissions created a permanent condition that (a) is harmful to PLAINTIFFS' health; (b) is indecent and/or offensive to PLAINTIFFS' senses; (c) is an obstruction of PLAINTIFFS' free use of their property, so as to interfere with the comfortable enjoyment of life or property; and/or (d) unlawfully obstructs PLAINTIFFS' free passage or use, in the customary manner, of public parks, squares, streets, and/or highways in the exposed area.

130. This condition has interfered with PLAINTIFFS' free use and enjoyment of their land, along with numerous other neighbors, in the form of damage to buildings, a significant decrease in the value of the property, exposure to an array of toxic substances on the land, and/or a lingering and foul smell of toxic gases, permeating the air surrounding their property and invading their homes.

131. The condition that Defendants created and/or permitted to exist affected a substantial number of people within the general public, including causing PLAINTIFFS to relocate, personal injuries, and disturbance in the enjoyment of everyday living.

132. The condition described herein is permanent.

133. PLAINTIFFS did not consent to the conduct of Defendants and each of them, which was a substantial factor in causing Plaintiffs' harm.

134. An ordinary person of reasonable sensibilities would reasonably be annoyed and/or disturbed by the condition created by each and every Defendant.

135. The seriousness of the harm outweighs any public benefit of Defendants' conduct.

136. As a direct and legal result of the wrongful acts and/or omissions of Defendants and each of them, PLAINTIFFS suffered and continue to suffer damages as herein above set forth.

#### **EIGHT CAUSE OF ACTION** **TRESPASS**

**(By Plaintiffs Against Defendants Chiquita Canyon, LLC, a Delaware Limited Liability Company; Waste Connections of California, Inc., a California Corporation; Chiquita Canyon, Inc., a Delaware Corporation; Waste Connections US. Inc., a Delaware Corporation; and DOES 1-150)**

137. PLAINTIFFS incorporate and re-allege each of the paragraphs above as though fully set forth herein.

1 138. PLAINTIFFS own and/or occupy property at or near the exposed area. At all relevant  
2 times, Plaintiffs had a right to occupy, enjoy, and/or use their property without interference by  
3 Defendants.

4 139. Defendants and each of them, caused a trespass by allowing or causing to seep or  
5 migrate underground, benzene, hydrogen sulfide, sulfur dioxide, and other unknown chemicals and  
6 matter beyond the boundary of CCL in such a manner that it was reasonably foreseeable that the  
7 pollutants would, in due course, invade PLAINTIFFS' real property and cause physical injury to  
8 that property.

9 140. Defendants and each of them, were engaged in an ultra-hazardous activity and/or  
10 intentionally, recklessly, and/or negligently caused toxic and noxious chemicals, gases, and/or  
11 fumes to escape the CCL and invade PLAINTIFFS' property, including the air space surrounding,  
12 above, and within Plaintiffs' residence.

13 141. PLAINTIFFS did not give permission for this direct and/or indirect entry.

14 142. As a direct and legal result of the wrongful acts and/or omissions of Defendants and  
15 each of them, PLAINTIFFS suffered and continue to suffer damages as described above and in  
16 amount according to proof at trial.

## 17 **VII. PRAYER FOR RELIEF**

18 WHEREFORE, PLAINTIFFS request relief against all Defendants as follows:

- 19 a. a judgment in favor of PLAINTIFFS on all claims;
- 20 b. for compensatory and general damages according to proof;
- 21 c. an award to PLAINTIFFS for the amount of damages, including personal
- 22 injuries, property damage, damage to the health of their pets, and diminution
- 23 in property value, according to proof;
- 24 d. loss of the use and benefit of PLAINTIFFS' real and/or personal property;
- 25 e. past and future medical expenses and incidental expenses according to proof;
- 26 f. loss of wages, earning capacity, and/or business profits or proceeds and/or
- 27 any related displacement expenses, according to proof;
- 28 g. an immediate temporary injunction against Defendants to prevent further

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- 1 harm to Plaintiffs and to include provisions for further ongoing monitoring  
2 of Plaintiffs' property and potential remediation by Defendants;
- 3 h. the cost of future medical monitoring;
- 4 i. general damages for fear, worry, annoyance, discomfort, disturbance,  
5 inconvenience, mental anguish, emotional distress, and loss of quiet  
6 enjoyment of property;
- 7 j. an award to PLAINTIFFS for punitive and exemplary damages according to  
8 proof;
- 9 k. all costs of suit, including attorneys' fees where appropriate, appraisal fees,  
10 engineering fees and related costs;
- 11 l. for reasonable attorneys' fees pursuant to California Code of Civil Procedure,  
12 section 1021.5;
- 13 m. for pre- and post-judgment interest at the legal rate on all amounts awarded;  
14 and
- 15 n. for all other relief as this Court may deem just and proper.

16 DATED: February 2, 2024

KIESEL LAW LLP

17  
18 By: 

19 Paul R. Kiesel  
20 Mariana A. McConnell  
21 Marine Davtyan  
22 Lauren Kiesel

23 Counsel for Plaintiffs  
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