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17 Attorneys for Plaintiffs

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **COUNTY OF SAN DIEGO – CENTRAL DIVISION**

20 GREGORY MONTOYA, an Individual;	)	CASE NO.:
21 MARTIN S. AGUILAR, an Individual;)	
22 ALAN ANTHONY AMADOR, an Individual;)	
23 JOSHUA BAKER, an Individual;	)	COMPLAINT FOR DAMAGES:
24 CAROLINA BAUTISTA, an Individual;)	
25 RUBEN CASTAÑEDA, an Individual;	)	1. INVERSE CONDEMNATION;
26 NANCY CASTAÑEDA, an Individual;	)	2. NEGLIGENCE;
27 RICHARD CORPUS, an Individual;	)	3. DANGEROUS CONDITION OF
28 MATTHEW CZECHOWSKI, an Individual;	)	PUBLIC PROPERTY;
	)	4. VIOLATION OF CCP § 526a;
	)	5. TRESPASS;
	)	6. PRIVATE NUISANCE.
)	
	)	<u>UNLIMITED CIVIL CASE</u>
)	
	)	<u>JURY TRIAL DEMANDED</u>
)	
)	
)	

1 CLINTON KVISTAD, an Individual;)
 OSCAR ROMERO LUNA, an Individual;)
 2 LLUVIA LORENA RODRIGUEZ VILLEGAS,)
 an Individual;)
 3 DANEIL MONTOYA, an Individual;)
 4 JOHANNA MORALES, an Individual;)
 JESUS F. ORTIZ, an Individual;)
 5 TURRAN TYRONE PRICE, an Individual;)
 6 PAULO QUIJANO, an Individual;)
 LUCINDA REGALADO, an Individual;)
 7 WILLIAM R. RODRIGUEZ, an Individual;)
 8 ALIULLAH SHEFAJU, an Individual;)
 GERSON SURIEL RODAS SILVESTRE,)
 9 an Individual;)
 10 ODILIA SULGENCIA FLORES SILVESTRE,)
 an Individual;)
 11 JULIE STAFFIERO, an Individual;)
 FRANK STAFFIERO, an Individual;)
 12 ABRAHAM ROBERT STAPLETON,)
 an Individual;)
 13 JESUS YAIR VARGAS, an Individual;)
 14 ANA VARGAS SANTIAGO, an Individual;)
 15 LUIS MIGUEL HERNANDEZ)
 VILLANUEVA, an Individual;)
 16 GIOVANNI RAMIREZ ANGEL, an Individual;)
 ERIBERTO ANGEL APARICIO, an Individual;)
 17 REYNALDA ANGEL APARICIO, an Individual;)
 18 ADELAIDA P. AREVALO, an Individual;)
 DAVID AMEZCUA ARIAS, an Individual;)
 19 NINFA APARICIO BARRAGAN, an Individual;)
 20 FAUSTO ANGEL, an Individual;)
 21 ELITA TORRES CASTELLANOS, an Individual;)
 CESAREO DIAZ LOZANO, an Individual;)
 22 KARLA CASTRO, an Individual;)
 MARTIN CORONA, an Individual;)
 23 MARK ANTHONY CASTRO DIAZ,)
 24 an Individual;)
 EVER SALAZAR GARCIA, an Individual;)
 25 RICARDO ALFONSO HERNANDEZ)
 SAUCEDA, an Individual;)
 26 KAREN INSUNZA, an Individual;)
 27 JOSEPH CHAVEZ, a Minor, by and through)
 his Guardian ad Litem, KAREN INSUNZA;)
 28)

1 ASHLEY ZENDEJAS, a Minor, by and through)
 her Guardian ad Litem, KAREN INSUNZA;)
 2 ALIAH ZENDEJAS, a Minor, by and through)
 her Guardian ad Litem, KAREN INSUNZA;)
 3 LUIS INSUNZA, an Individual;)
 4 NINFA ORTUNO DE INSUNZA, an Individual;)
 ERICK REYES GARCIA, a Minor by and)
 5 through his Guardian ad Litem, BLANCA)
 ESTELA GARCIA CASTREJON;)
 6 RAFAEL REYES MENDOZA, an Individual;)
 7 BLANCA ESTELA GARCIA CASTREJON,)
 an Individual;)
 8 CHRISTOPHER ORTEGA, an Individual;)
 9 DOLORES ORTIZ, an Individual;)
 ARTURO RAMIREZ, an Individual;)
 10 CESAR RAMIREZ, an Individual;)
 11 ELIA CARVAJAL, an Individual;)
 NOEMI RAMIREZ, a Minor, by and through)
 12 her Guardian ad Litem, CESAR RAMIREZ;)
 DAVID RAMIREZ, an Individual;)
 13 ALEJANDRO ANGEL SALAZAR, an Individual;)
 14 CECILIA MARTINEZ CANO, an Individual;)
 MOISES CANO, an Individual;)
 15 VANESSA COPELAND, an Individual;)
 16 CARMEN AGUILAR DE ORTIZ, an Individual;)
 CAROLINA DIAZ, an Individual;)
 17 ANTHONY DICK, an Individual;)
 18 ROY E. DURUMUPILI, an Individual;)
 KARLA ROJAS GARCIA, an Individual;)
 19 ROSITA EUSEBIA LABRADOR, an Individual;)
 20 JESUS S. ORTIZ, an Individual;)
 JOSE L. ROJAS-FLORES, an Individual;)
 21 ANA M. GARCIA, an Individual;)
 22 GUSTAVO SAUCEDO, an Individual;)
 PETRONILA SOLIS, an Individual;)
 23 KEN STOTLER, an Individual;)
 24 DELLA ARLENE TUCKER, an Individual;)
 TUEZ UMAHRI WANGO'OLO, an Individual;)
 25 HALIMA JUMAH, an Individual;)
 26 TAMASHA AUSTIN, an Individual;)
 CHRISTOPHER BARR, an Individual;)
 27 BRENDA BAUTISTA, an Individual;)
 28 ELENA ANN BURGOS, an Individual;)

1 NICOLAS MARTINEZ CASTAÑEDA,)
 an Individual;)
 2 APOLINARIO CHAN, an Individual;)
 MARCELA RALAC, an Individual;)
 3 ROBERTO CARLOS CHAVEZ, an Individual;)
 4 THADDEUS CLARKE, an Individual;)
 NATHANIEL COBB, an Individual;)
 5 OLUJIMI A. COKER, an Individual;)
 6 MARICELA CORONEL, an Individual;)
 DAMIAN CRUZ, an Individual;)
 7 JUAN CUEVAS, an Individual;)
 8 TANYA DAVIS, an Individual;)
 DOMERICA CABRAL DAVIS, an Individual;)
 9 XOCHITL DELGADO, an Individual;)
 10 SANDRA ADRIANA DELGADO, an Individual;)
 TOMAS DEL TORO, an Individual;)
 11 PATRICIA FLORES, an Individual;)
 12 JUSTIN MARKHAM FUNK, an Individual;)
 DAMIAN GARCIA, an Individual;)
 13 MARTHA VILLAGOMEZ GOMEZ,)
 an Individual;)
 14 MIGUEL GOMEZ, an Individual;)
 15 FREDERICK HALTON, an Individual;)
 16 DIANNE SCAVO-HARRISON, an Individual;)
 KENNETH HARRISON, an Individual;)
 17 ROBERT HORTON, an Individual;)
 18 DARIA HORTON, an Individual;)
 ESPIRIDION IBARRA, an Individual;)
 19 ADRIANA CECENA, an Individual;)
 MIGUEL JACOME, an Individual;)
 20 CAROLINA LUNA, an Individual;)
 21 AGNIESZKA JONES, an Individual;)
 RETHER JONES, an Individual;)
 22 CECILIA JUAREZ, an Individual;)
 23 YONS JUAREZ, an Individual;)
 BEN KELMAN, an Individual;)
 24 CARLOS LASAM, an Individual;)
 25 MARIA LOCIA, an Individual;)
 RICHARD EDWIN LUARCA, Individually and)
 26 dba as MOTORCAR SERVICES, a Sole)
 Proprietorship;)
 27 DUNCAN JOSHUA MACLUAN, an Individual;)
 28)

1 LINDA MANZO, an Individual;)
 FELIPE MARQUEZ, an Individual;)
 2 DIKETRIEL MCKNIGHT, an Individual;)
 KANASIA OWENS, an Individual;)
 3 ELIZABETH MEDINA, an Individual;)
 4 MARIA JOSEFINA MEDINA, an Individual;)
 5 HECTOR JESUS MORALES, an Individual;)
 FRANK MILLER, an Individual;)
 6 JAMES MOONEYHAM, an Individual;)
 GLORIA MURILLO, an Individual;)
 7 DARYL S. NANN, an Individual;)
 8 ELIA NAVA, an Individual;)
 DARAELYN PAMPLIN, an Individual;)
 9 AMBER MICHELE PIERCE, an Individual;)
 10 SEVUNYA RAINES, an Individual;)
 FABIAN GARCIA RAMIREZ, an Individual;)
 11 GUILLERMO RAMIREZ, an Individual;)
 12 JOSE RAMIREZ, an Individual;)
 GLORIA RANDALL, by and through her)
 13 Power of Attorney GAIL MARSHALL;)
 14 YANET ROLDAN, an Individual;)
 SARAHI ROMERO, an Individual;)
 15 REBECCA LYNN ROSALES, an Individual;)
 16 ESTELLA ROSE FLORES, a Minor, by and)
 through her Guardian ad Litem, REBECCA)
 17 LYNN ROSALES;)
 MANIZHA SADEQ, an Individual;)
 18 JUAN SANCHEZ, an Individual;)
 19 DULCE SANTIAGO-MONTOYA, an Individual;)
 BRIAN SEGURA, an Individual;)
 20 CHRISTIAN SEGURA, an Individual;)
 21 JAQUELINE SEGURA, an Individual;)
 SHARNAE SIMPSON, an Individual;)
 22 IVY SMITH, an Individual;)
 23 FABIOLA SOLIS, an Individual;)
 JAIME SOTO, an Individual;)
 24 LUPE GOMEZ, an Individual;)
 25 LIZ GOMEZ, a Minor, by and through her)
 Guardian ad Litem, LUPE GOMEZ;)
 26 MARK SOTO, a Minor, by and through his)
 Guardian ad Litem, LUPE GOMEZ;)
 27 JAMES SOTO, a Minor, by and through his)
 28 Guardian ad Litem, LUPE GOMEZ;)

1 YURANIE GOMEZ, a Minor, by and through)
 his Guardian ad Litem, LUPE GOMEZ;)
 2 SYLVIA SOTO, an Individual;)
 JOSE SEGURA, an Individual;)
 3 STAR LAUNDRY SERVICES, INC, a)
 California Corporation;)
 4 EDD STARKS, an Individual;)
 5 BARBARA STARKS, an Individual;)
 6 TAOTAFI TANOI-PENEFU, an Individual;)
 GAY TWYMAN, an Individual;)
 7 WILLIAM VALADEZ, an Individual;)
 8 GUILLERMO VALADEZ, an Individual;)
 LUZ VILLEGAS, an Individual;)
 9 CHRISTOPHER WATSON-DEVINE, an)
 Individual;)
 10 IDELLA WHITE, an Individual;)
 11 JAMES WILLIAMS, an Individual;)
 GUADALUPE ZAMUDIO, an Individual;)
 12 JETHRO ZATARAIN, an Individual;)
 13 ROBERT BELL, an Individual;)
 14 RUBY GODINEZ, an Individual;)
 SILVERBACK, INC, an Individual;)
 15 YASSER JABER, an Individual;)
 CARLA JABER, an Individual;)
 16 J. GABRIEL ACEVEDO, an Individual;)
 17 YANELI AGUILAR, an Individual;)
 SILVIA ALDAPE, an Individual;)
 18 ASHLEY TAX, an Individual;)
 19 VICTOR MARTIN ALEMAN, an Individual;)
 ELIZABETH ALEMAN, an Individual;)
 20 LIZETH SANCHEZ ZAMUDIO, an Individual;)
 21 ALFONSO EFREIN AGUILAR, an Individual;)
 RICHARD BELMONTEZ, an Individual;)
 22 LETICIA CARRILLO, an Individual;)
 23 JUAN DIAZ, an Individual;)
 ESTEFANIA DUARTE, an Individual;)
 24 HENRY LOPEZ, an Individual;)
 25 LUCIANO LOPEZ, an Individual;)
 AGUILAR'S COLLISION, LLC, a California)
 26 Limited Liability Company;)
 27 CARLOS MELENDREZ, an Individual;)
 NICHOLAS ESPOSITO, an Individual;)
 28 RANDALL HOOK, an Individual;)

1 NIKOLAS A. SOLANA, an Individual;)
 JOSE MONTES DE OCA, an Individual;)
 2 MIGUEL TALAMANTES, an Individual;)
 JOHN GONZALES, Individually and as Trustee)
 3 of the GONZALES FAMILY TRUST;)
 LHP, LLC., a California Limited Liability)
 4 Company;)
 EDUARDO DUARTE NAVA, an Individual;)
 5 VIVIAN CHEE, an Individual;)
 ALEJANDRO C. GUZMAN, an Individual;)
 6 MADONNA FLOYD, an Individual;)
 MARCO ORTIZ, an Individual;)
 7 ARCELIA GUZMAN, an Individual;)
 DANTE L. JULARBAL, an Individual;)
 8 JORDAN WARREN FINKELSTEIN, JR., an)
 10 Individual;)
 STAR AUTO GROUP INC., a California)
 11 Corporation;)
 AZTEC MARINE LLC dba YACHT DECK, a)
 12 California Limited Liability Company;)
 GERARDO VALADEZ, an Individual;)
 13 GEORGINA WATTERS, an Individual;)
 DEVIN WATTERS, an Individual;)
 14 PARRIS MORGAN ALLEN, an Individual;)
 SARA HENSLEY, an Individual;)
 15 YVETTE MAYNARD, an Individual;)
 JOSHUA THOMAS ROCHE, an Individual;)
 16 MONSERRAT DILRUBA LOPEZ, an Individual;)
 ASA POUVAVE, an Individual;)
 17 CHRISTEN PAIGE CLAMP, an Individual;)
 DIANA R. MEJIA, an Individual;)
 18 CARLOS R. MEJIA, an Individual;)
 HARROLD ROBERTS, an Individual;)
 19 IVETH ACEVEDO CANO, an Individual;)
 JAZMIN SERRANO, an Individual;)
 20 JOSHUA CORTEZ, an Individual;)
 MAAEYRA ZAAL, an Individual;)
 21 AMANDA ANN ROCHE, an Individual;)
 JOSE FRANCISCO MUNIZ, an Individual;)
 22 FRANCISCO JAVIER SOTO, an Individual;)
 JOE JUAQUIN RODRIGUEZ, an Individual;)
 23 SOUTH WEST LEASING AND SALES, Entity)
 24 of Unknown Formation;)
 25)
 26)
 27)
 28)

1 SONIA LEE, an Individual;)
 2 ABRAHAM LEE, an Individual;)
 3 BETA STREET HOLDINGS, LLC, a California)
 4 Limited Liability Company;)
 5 SADEEL NAJOR, Individually and as Trustee of)
 6 the NAJOR SADEEL FAMILY TRUST)
 7 and NAJOR FAMILY TRUST,)
 8)
 9 Plaintiffs,)
 10)
 11 vs.)
 12)
 13 CITY OF SAN DIEGO, and)
 14 DOES 1 through 100, inclusive,)
 15)
 16 Defendants.)
 17)
 18)
 19)
 20)
 21)
 22)
 23)
 24)
 25)
 26)
 27)
 28)

**TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO ALL PARTIES
 AND THEIR ATTORNEYS OF RECORD:**

1. Plaintiffs bring this action for damages against the Defendants the CITY OF SAN DIEGO and DOES 1 through 100 as a result of injuries and damages suffered by Plaintiffs in the flooding that occurred on or about January 24, 2024 and allege as follows:

2. The City of San Diego failed its residents on January 22, 2024 when it allowed millions of gallons of stormwater to infiltrate homes and businesses. The City of San Diego Stormwater Department has two primary functions: (1) To enhance San Diego's water quality and (2) To protect communities from flooding.¹ The City of San Diego failed in its duty to protect communities from flooding.

3. Plaintiffs live in neighborhoods throughout the City of San Diego and surrounding areas in the county for which the City of San Diego is responsible for/or has affected the stormwater infrastructure including but not limited to: Southcrest, Logan Heights, Mountain View, Jamacha-Lomita, Encanto, Rolando Park, Oak Park, Emerald Hills, Lincoln Park, Paradise Village, Shelltown, Grant Hill, Sherman Heights, Spring Valley, National City, Coronado.

¹ <https://www.sandiego.gov/stormwater/about>

1 4. At all times relevant to this lawsuit, Plaintiff GREGORY MONTOYA owned and/or
2 resided at 3758 Beta Street, San Diego, CA 92113, 3969 Beta Street, San Diego, CA 92113, 3694
3 Beta Street, San Diego, CA 92113, 3686 Beta Street, San Diego, CA 92113, and 3684 Beta Street,
4 San Diego, CA 92113. The flooding on January 22, 2024, destroyed and or/severely damaged
5 Plaintiff's real and personal property and caused injury to the Plaintiff.

6 5. At all times relevant to this lawsuit, Plaintiff MARTIN S. AGUILAR owned and/or
7 resided at 3640 Birch Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed
8 and or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

9 6. At all times relevant to this lawsuit, Plaintiff ALAN ANTHONY AMADOR owned
10 and/or resided at 2054 Osborn Street, San Diego, CA 92113. The flooding on January 22, 2024,
11 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
12 Plaintiff.

13 7. At all times relevant to this lawsuit, Plaintiff JOSHUA BAKER owned and/or resided
14 at 5473 Redwood Street, San Diego, CA 92105. The flooding on January 22, 2024, destroyed and
15 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

16 8. At all times relevant to this lawsuit, Plaintiff CAROLINA BAUTISTA owned and/or
17 resided at 812 S. Gregory Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed
18 and or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

19 9. At all times relevant to this lawsuit, Plaintiff RUBEN CASTAÑEDA owned and/or
20 resided at 3678 Beta Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
21 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

22 10. At all times relevant to this lawsuit, Plaintiff NANCY CASTAÑEDA owned and/or
23 resided at 3678 Beta Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
24 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

25 11. At all times relevant to this lawsuit, Plaintiff RICHARD CORPUS owned and/or
26 resided at 3644 Birch Street, San Diego, CA 92113, 3646 Birch Street, San Diego, CA 92113, and
27 3728 Beta Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
28 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

1 12. At all times relevant to this lawsuit, Plaintiff MATTHEW CZECHOWSKI owned
2 and/or resided at 5473 Redwood Street, San Diego, CA 92105. The flooding on January 22, 2024,
3 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
4 Plaintiff.

5 13. At all times relevant to this lawsuit, Plaintiff RAMON DE LA MORA owned and/or
6 resided at 3656 Birch Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed
7 and or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

8 14. At all times relevant to this lawsuit, Plaintiff BRENDA DE LA MORA owned and/or
9 resided at 3656 Birch Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed
10 and or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

11 15. At all times relevant to this lawsuit, Plaintiff RAFAEL REYES GARCIA owned
12 and/or resided at 3662 Birch Street, San Diego, CA 92113. The flooding on January 22, 2024,
13 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
14 Plaintiff.

15 16. At all times relevant to this lawsuit, Plaintiff BRENNA REYES GARCIA owned
16 and/or resided at 3662 Birch Street, San Diego, CA 92113. The flooding on January 22, 2024,
17 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
18 Plaintiff.

19 17. At all times relevant to this lawsuit, Plaintiff BRANDON GODINEZ owned and/or
20 resided at 3719 Acacia Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed
21 and or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

22 18. At all times relevant to this lawsuit, Plaintiff JOSEFINA HERNANDEZ owned
23 and/or resided at 3719 Beta Street, San Diego, CA 92113. The flooding on January 22, 2024,
24 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
25 Plaintiff.

26 19. At all times relevant to this lawsuit, Plaintiff LAZARO HERNANDEZ owned and/or
27 resided at 3719 Beta Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
28 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

1 20. At all times relevant to this lawsuit, Plaintiff MIRIAM DEL CARMEN MORALES
2 HERNANDEZ owned and/or resided at 3719 1/2 Acacia Street, San Diego, CA 92113. The flooding
3 on January 22, 2024, destroyed and or/severely damaged Plaintiff’s real and personal property and
4 caused injury to the Plaintiff.

5 21. At all times relevant to this lawsuit, Plaintiff CLINTON KVISTAD owned and/or
6 resided at 5251 Lenox Drive, San Diego, CA 92114. The flooding on January 22, 2024, destroyed
7 and or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

8 22. At all times relevant to this lawsuit, Plaintiff OSCAR ROMERO LUNA owned
9 and/or resided at 3674 Beta Street Apt. B, San Diego, CA 92113. The flooding on January 22, 2024,
10 destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to the
11 Plaintiff.

12 23. At all times relevant to this lawsuit, Plaintiff LLUVIA LORENA RODRIGUEZ
13 VILLEGAS owned and/or resided at 3674 Beta Street Apt. B, San Diego, CA 92113. The flooding
14 on January 22, 2024, destroyed and or/severely damaged Plaintiff’s real and personal property and
15 caused injury to the Plaintiff.

16 24. At all times relevant to this lawsuit, Plaintiff DANEIL MONTOYA owned and/or
17 resided at 3758 Beta Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
18 or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

19 25. At all times relevant to this lawsuit, Plaintiff JOHANNA MORALES owned and/or
20 resided at 4155 Bonillo Drive, Apt. 303, San Diego, CA 92115. The flooding on January 22, 2024,
21 destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to the
22 Plaintiff.

23 26. At all times relevant to this lawsuit, Plaintiff JESUS F. ORTIZ owned and/or resided
24 at 7709 Jamacha Road, San Diego, CA 92114. The flooding on January 22, 2024, destroyed and
25 or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

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1 27. At all times relevant to this lawsuit, Plaintiff TURRAN TYRONE PRICE owned
2 and/or resided at 905 S. 41st Street, Apt. 5, San Diego, CA 92113. The flooding on January 22,
3 2024, destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to
4 the Plaintiff.

5 28. At all times relevant to this lawsuit, Plaintiff PAULO QUIJANO owned and/or
6 resided at 5251 Lenox Drive, San Diego, CA 92114. The flooding on January 22, 2024, destroyed
7 and or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

8 29. At all times relevant to this lawsuit, Plaintiff LUCINDA REGALADO owned and/or
9 resided at 3678 Beta Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
10 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

11 30. At all times relevant to this lawsuit, Plaintiff WILLIAM R. RODRIGUEZ owned
12 and/or resided at 4203 Eta Street, San Diego, CA 92113. The flooding on January 22, 2024,
13 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
14 Plaintiff.

15 31. At all times relevant to this lawsuit, Plaintiff ALIULLAH SHEFAJU owned and/or
16 resided at 4422 Delta Street, Unit 11, San Diego, CA 92113. The flooding on January 22, 2024,
17 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
18 Plaintiff.

19 32. At all times relevant to this lawsuit, Plaintiff GERSON SURIEL RODAS
20 SILVESTRE owned and/or resided at 3711 Beta Street, San Diego, CA 92113. The flooding on
21 January 22, 2024, destroyed and or/severely damaged Plaintiff's real and personal property and
22 caused injury to the Plaintiff.

23 33. At all times relevant to this lawsuit, Plaintiff ODILIA SULGENCIA FLORES
24 SILVESTRE owned and/or resided at 3711 Beta Street, San Diego, CA 92113. The flooding on
25 January 22, 2024, destroyed and or/severely damaged Plaintiff's real and personal property and
26 caused injury to the Plaintiff.

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1 34. At all times relevant to this lawsuit, Plaintiff JULIE STAFFIERO owned and/or
2 resided at 3684-86 Beta Street, San Diego, CA 92113 and 3694-96 Beta Street, San Diego, CA
3 92113. The flooding on January 22, 2024, destroyed and or/severely damaged Plaintiff’s real and
4 personal property and caused injury to the Plaintiff.

5 35. At all times relevant to this lawsuit, Plaintiff FRANK STAFFIERO owned and/or
6 resided at 3684-86 Beta Street, San Diego, CA 92113 and 3694-96 Beta Street, San Diego, CA
7 92113. The flooding on January 22, 2024, destroyed and or/severely damaged Plaintiff’s real and
8 personal property and caused injury to the Plaintiff.

9 36. At all times relevant to this lawsuit, Plaintiff ABRAHAM ROBERT STAPLETON
10 owned and/or resided at 4150 National Avenue, Apt. 2, San Diego, CA 92113. The flooding on
11 January 22, 2024, destroyed and or/severely damaged Plaintiff’s real and personal property and
12 caused injury to the Plaintiff.

13 37. At all times relevant to this lawsuit, Plaintiff JESUS YAIR VARGAS owned and/or
14 resided at 848 S. 33rd Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed
15 and or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

16 38. At all times relevant to this lawsuit, Plaintiff ANA VARGAS SANTIAGO owned
17 and/or resided at 848 S. 33rd Street, San Diego, CA 92113. The flooding on January 22, 2024,
18 destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to the
19 Plaintiff.

20 39. At all times relevant to this lawsuit, Plaintiff LUIS MIGUEL HERNANDEZ
21 VILLANUEVA owned and/or resided at 3711 Beta Street, San Diego, CA 92113. The flooding on
22 January 22, 2024, destroyed and or/severely damaged Plaintiff’s real and personal property and
23 caused injury to the Plaintiff.

24 40. At all times relevant to this lawsuit, Plaintiff GIOVANNI RAMIREZ ANGEL owned
25 and/or resided at 725 South 33rd Street, San Diego, CA 92113. The flooding on January 22, 2024,
26 destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to the
27 Plaintiff.

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1 41. At all times relevant to this lawsuit, Plaintiff ERIBERTO ANGEL APARICIO
2 owned and/or resided at 725 South 33rd Street, San Diego, CA 92113. The flooding on January 22,
3 2024, destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to
4 the Plaintiff.

5 42. At all times relevant to this lawsuit, Plaintiff REYNALDA ANGEL APARICIO
6 owned and/or resided at 725 South 33rd Street, San Diego, CA 92113. The flooding on January 22,
7 2024, destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to
8 the Plaintiff.

9 43. At all times relevant to this lawsuit, Plaintiff ADELAIDA P. AREVALO owned
10 and/or resided at 4150 National Avenue, Apt. 2, San Diego, CA 92113. The flooding on January 22,
11 2024, destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to
12 the Plaintiff.

13 44. At all times relevant to this lawsuit, Plaintiff DAVID AMEZCUA ARIAS owned
14 and/or resided at 3721 1/2 Acacia Street, San Diego, CA 92114. The flooding on January 22, 2024,
15 destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to the
16 Plaintiff.

17 45. At all times relevant to this lawsuit, Plaintiff NINFA APARICIO BARRAGAN
18 owned and/or resided at 725 South 33rd Street, San Diego, CA 92113. The flooding on January 22,
19 2024, destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to
20 the Plaintiff.

21 46. At all times relevant to this lawsuit, Plaintiff FAUSTO ANGEL owned and/or resided
22 at 725 South 33rd Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
23 or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

24 47. At all times relevant to this lawsuit, Plaintiff ELITA TORRES CASTELLANOS
25 owned and/or resided at 3684 Birch Street, Apt. A, San Diego, CA 92113. The flooding on January
26 22, 2024, destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury
27 to the Plaintiff.

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1 48. At all times relevant to this lawsuit, Plaintiff CESAREO DIAZ LOZANO owned
2 and/or resided at 3684 Birch Street, Apt. A, San Diego, CA 92113. The flooding on January 22,
3 2024, destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to
4 the Plaintiff.

5 49. At all times relevant to this lawsuit, Plaintiff KARLA CASTRO owned and/or
6 resided at 3721 1/2 Acacia Street, San Diego, CA 92113. The flooding on January 22, 2024,
7 destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to the
8 Plaintiff.

9 50. At all times relevant to this lawsuit, Plaintiff MARTIN CORONA owned and/or
10 resided at 3678 Beta Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
11 or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

12 51. At all times relevant to this lawsuit, Plaintiff MARK ANTHONY CASTRO DIAZ
13 owned and/or resided at 3721 1/2 Acacia Street, San Diego, CA 92113. The flooding on January 22,
14 2024, destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to
15 the Plaintiff.

16 52. At all times relevant to this lawsuit, Plaintiff EVER SALAZAR GARCIA owned
17 and/or resided at 725 South 33rd Street, San Diego, CA 92113. The flooding on January 22, 2024,
18 destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to the
19 Plaintiff.

20 53. At all times relevant to this lawsuit, Plaintiff RICARDO ALFONSO HERNANDEZ
21 SAUCEDA owned and/or resided at 3674 Beta Street, Apt. A, San Diego, CA 92113. The flooding
22 on January 22, 2024, destroyed and or/severely damaged Plaintiff’s real and personal property and
23 caused injury to the Plaintiff.

24 54. At all times relevant to this lawsuit, Plaintiff KAREN INSUNZA owned and/or
25 resided at 3672 Birch Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed
26 and or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

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1 55. At all times relevant to this lawsuit, Plaintiff JOSEPH CHAVEZ, a Minor, by and
2 through his Guardian ad Litem, KAREN INSUNZA, owned and/or resided at 3672 Birch Street, San
3 Diego, CA 92113. The flooding on January 22, 2024, destroyed and or/severely damaged Plaintiff's
4 real and personal property and caused injury to the Plaintiff.

5 56. At all times relevant to this lawsuit, Plaintiff ASHLEY ZENDEJAS, a Minor, by and
6 through her Guardian ad Litem, KAREN INSUNZA, owned and/or resided at 3672 Birch Street,
7 San Diego, CA 92113. The flooding on January 22, 2024, destroyed and or/severely damaged
8 Plaintiff's real and personal property and caused injury to the Plaintiff.

9 57. At all times relevant to this lawsuit, Plaintiff ALIAH ZENDEJAS, a Minor by and
10 through her Guardian ad Litem, KAREN INSUNZA, owned and/or resided at 3672 Birch Street,
11 San Diego, CA 92113. The flooding on January 22, 2024, destroyed and or/severely damaged
12 Plaintiff's real and personal property and caused injury to the Plaintiff.

13 58. At all times relevant to this lawsuit, Plaintiff LUIS INSUNZA owned and/or resided
14 at 3672 Birch Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
15 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

16 59. At all times relevant to this lawsuit, Plaintiff NINFA ORTUNO DE INSUNZA
17 owned and/or resided at 3672 Birch Street, San Diego, CA 92113. The flooding on January 22, 2024,
18 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
19 Plaintiff.

20 60. At all times relevant to this lawsuit, Plaintiff ERICK REYES GARCIA, a Minor, by
21 and through his Guardian ad Litem, BLANCA ESTELA GARCIA CASTREJON, owned and/or
22 resided at 3662 Birch Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed
23 and or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

24 61. At all times relevant to this lawsuit, Plaintiff RAFAEL REYES MENDOZA owned
25 and/or resided at 3662 Birch Street, San Diego, CA 92113. The flooding on January 22, 2024,
26 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
27 Plaintiff.

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1 76. At all times relevant to this lawsuit, Plaintiff ANTHONY DICK owned and/or
2 resided at 620 66th Street, San Diego, CA 92114. The flooding on January 22, 2024, destroyed and
3 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

4 77. At all times relevant to this lawsuit, Plaintiff ROY E. DURUMUPILI owned and/or
5 resided at 1620 Rigel Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed
6 and or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

7 78. At all times relevant to this lawsuit, Plaintiff KARLA ROJAS GARCIA owned
8 and/or resided at 850 S. 33rd Street, San Diego, CA 92113. The flooding on January 22, 2024,
9 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
10 Plaintiff.

11 79. At all times relevant to this lawsuit, Plaintiff ROSITA EUSEBIA LABRADOR
12 owned and/or resided at 2715 E. Plaza Boulevard, No. 101, National City, CA 91950. The flooding
13 on January 22, 2024, destroyed and or/severely damaged Plaintiff's real and personal property and
14 caused injury to the Plaintiff.

15 80. At all times relevant to this lawsuit, Plaintiff JESUS S. ORTIZ owned and/or resided
16 at 7709 Jamacha Road, San Diego, CA 92114. The flooding on January 22, 2024, destroyed and
17 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

18 81. At all times relevant to this lawsuit, Plaintiff JOSE L. ROJAS-FLORES owned
19 and/or resided at 850 S. 33rd Street, San Diego, CA 92113. The flooding on January 22, 2024,
20 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
21 Plaintiff.

22 82. At all times relevant to this lawsuit, Plaintiff ANA M. GARCIA owned and/or resided
23 at 850 S. 33rd Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
24 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

25 83. At all times relevant to this lawsuit, Plaintiff GUSTAVO SAUCEDO owned and/or
26 resided at 1149 S. 41st Street, #24, San Diego, CA 92113. The flooding on January 22, 2024,
27 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
28 Plaintiff.

1 100. At all times relevant to this lawsuit, Plaintiff MARICELA CORONEL owned and/or
2 resided at 619 San Miguel Avenue, San Diego, CA 92113. The flooding on January 22, 2024,
3 destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to the
4 Plaintiff.

5 101. At all times relevant to this lawsuit, Plaintiff DAMIAN CRUZ owned and/or resided
6 at 3376 Main Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
7 or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

8 102. At all times relevant to this lawsuit, Plaintiff JUAN CUEVAS owned and/or resided
9 at 825 S. 33RD Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
10 or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

11 103. At all times relevant to this lawsuit, Plaintiff TANYA DAVIS owned and/or resided
12 at 4712 Nogal Street, San Diego, CA 92102. The flooding on January 22, 2024, destroyed and
13 or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

14 104. At all times relevant to this lawsuit, Plaintiff DOMERICA CABRAL DAVIS owned
15 and/or resided at 3922 Z Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed
16 and or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

17 105. At all times relevant to this lawsuit, Plaintiff XOCHITL DELGADO owned and/or
18 resided at 804 Payne Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed
19 and or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

20 106. At all times relevant to this lawsuit, Plaintiff SANDRA ADRIANA DELGADO
21 owned and/or resided at 804 Payne Street, San Diego, CA 92113. The flooding on January 22, 2024,
22 destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to the
23 Plaintiff.

24 107. At all times relevant to this lawsuit, Plaintiff TOMAS DEL TORO owned and/or
25 resided at 1030 Delta Street, National City, CA 91950. The flooding on January 22, 2024, destroyed
26 and or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

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1 132. At all times relevant to this lawsuit, Plaintiff LINDA MANZO owned and/or resided
2 at 603 Stork Street, San Diego, CA 92114. The flooding on January 22, 2024, destroyed and
3 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

4 133. At all times relevant to this lawsuit, Plaintiff FELIPE MARQUEZ owned and/or
5 resided at 812 South 33rd Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed
6 and or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

7 134. At all times relevant to this lawsuit, Plaintiff DIKETRIEL MCKNIGHT owned
8 and/or resided at 839 Galopago Street, Spring Valley, CA 91977. The flooding on January 22, 2024,
9 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
10 Plaintiff.

11 135. At all times relevant to this lawsuit, Plaintiff KANASIA OWENS owned and/or
12 resided at 839 Galopago Street, Spring Valley, CA 91977. The flooding on January 22, 2024,
13 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
14 Plaintiff.

15 136. At all times relevant to this lawsuit, Plaintiff ELIZABETH MEDINA owned and/or
16 resided at 544 Park Brook Street, Spring Valley, CA 91977. The flooding on January 22, 2024,
17 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
18 Plaintiff.

19 137. At all times relevant to this lawsuit, Plaintiff MARIA JOSEFINA MEDINA owned
20 and/or resided at 3264 Greely Avenue, San Diego, CA 92113. The flooding on January 22, 2024,
21 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
22 Plaintiff.

23 138. At all times relevant to this lawsuit, Plaintiff HECTOR JESUS MORALES owned
24 and/or resided at 3264 Greely Avenue, San Diego, CA 92113. The flooding on January 22, 2024,
25 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
26 Plaintiff.

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1 139. At all times relevant to this lawsuit, Plaintiff FRANK MILLER owned and/or resided
2 at 437 Kempton Street, Spring Valley, CA 91977. The flooding on January 22, 2024, destroyed and
3 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

4 140. At all times relevant to this lawsuit, Plaintiff JAMES MOONEYHAM owned and/or
5 resided at 3376 Main Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed
6 and or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

7 141. At all times relevant to this lawsuit, Plaintiff GLORIA MURILLO owned and/or
8 resided at 428 S. 33rd Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed
9 and or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

10 142. At all times relevant to this lawsuit, Plaintiff DARYL S. NANN owned and/or resided
11 at 3326-B Logan Street, San Diego, CA 92113; 3330 Logan Street, San Diego, CA 92113; 3330-B
12 Logan Street, San Diego, CA 92113, and 848 S. 33rd Street, San Diego, CA 92113. The flooding on
13 January 22, 2024, destroyed and or/severely damaged Plaintiff's real and personal property and
14 caused injury to the Plaintiff.

15 143. At all times relevant to this lawsuit, Plaintiff ELIA NAVA owned and/or resided at
16 743 S. 33rd Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
17 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

18 144. At all times relevant to this lawsuit, Plaintiff DARAELYN PAMPLIN owned and/or
19 resided at 156 Royal Oak Drive, San Diego, CA 92114. The flooding on January 22, 2024, destroyed
20 and or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

21 145. At all times relevant to this lawsuit, Plaintiff AMBER MICHELE PIERCE owned
22 and/or resided at 6044 Fulmar Street, San Diego, CA 92114. The flooding on January 22, 2024,
23 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
24 Plaintiff.

25 146. At all times relevant to this lawsuit, Plaintiff SEVUNYA RAINES owned and/or
26 resided at 4300 Newton Avenue, #76, San Diego, CA 92113. The flooding on January 22, 2024,
27 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
28 Plaintiff.

1 162. At all times relevant to this lawsuit, Plaintiff IVY SMITH owned and/or resided at
2 430 S. 33rd Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
3 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

4 163. At all times relevant to this lawsuit, Plaintiff FABIOLA SOLIS owned and/or resided
5 at 673 San Miguel Avenue, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
6 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

7 164. At all times relevant to this lawsuit, Plaintiff JAIME SOTO owned and/or resided at
8 5159 Naranja Street, San Diego, CA 92114. The flooding on January 22, 2024, destroyed and
9 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

10 165. At all times relevant to this lawsuit, Plaintiff LUPE GOMEZ owned and/or resided
11 at 5159 Naranja Street, San Diego, CA 92114. The flooding on January 22, 2024, destroyed and
12 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

13 166. At all times relevant to this lawsuit, Plaintiff LIZ GOMEZ, a Minor, by and through
14 her Guardian ad Litem, LUPE GOMEZ, owned and/or resided at 5159 Naranja Street, San Diego,
15 CA 92114. The flooding on January 22, 2024, destroyed and or/severely damaged Plaintiff's real
16 and personal property and caused injury to the Plaintiff.

17 167. At all times relevant to this lawsuit, Plaintiff MARK SOTO, a Minor, by and through
18 his Guardian ad Litem, LUPE GOMEZ, owned and/or resided at 5159 Naranja Street, San Diego,
19 CA 92114. The flooding on January 22, 2024, destroyed and or/severely damaged Plaintiff's real
20 and personal property and caused injury to the Plaintiff.

21 168. At all times relevant to this lawsuit, Plaintiff JAMES SOTO, a Minor, by and through
22 his Guardian ad Litem, LUPE GOMEZ, owned and/or resided at 5159 Naranja Street, San Diego,
23 CA 92114. The flooding on January 22, 2024, destroyed and or/severely damaged Plaintiff's real
24 and personal property and caused injury to the Plaintiff.

25 169. At all times relevant to this lawsuit, Plaintiff YURANIE GOMEZ, a Minor, by and
26 through his Guardian ad Litem, LUPE GOMEZ, owned and/or resided at 5159 Naranja Street, San
27 Diego, CA 92114. The flooding on January 22, 2024, destroyed and or/severely damaged Plaintiff's
28 real and personal property and caused injury to the Plaintiff.

1 186. At all times relevant to this lawsuit, Plaintiff RUBY GODINEZ owned and/or resided
2 at 3634 Birch Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
3 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

4 187. At all times relevant to this lawsuit, Plaintiff SILVERBACK, INC owned and/or
5 resided at 3634 Birch Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed
6 and or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

7 188. At all times relevant to this lawsuit, Plaintiff YASSER JABER owned and/or resided
8 at 3674 Beta Street, Unit A, San Diego, CA 92113 and 3674 Beta Street, Unit B, San Diego, CA
9 92113. The flooding on January 22, 2024, destroyed and or/severely damaged Plaintiff's real and
10 personal property and caused injury to the Plaintiff.

11 189. At all times relevant to this lawsuit, Plaintiff CARLA JABER owned and/or resided
12 at 3674 Beta Street, Unit A, San Diego, CA 92113 and 3674 Beta Street, Unit B, San Diego, CA
13 92113. The flooding on January 22, 2024, destroyed and or/severely damaged Plaintiff's real and
14 personal property and caused injury to the Plaintiff.

15 190. At all times relevant to this lawsuit, Plaintiff J. GABRIEL ACEVEDO owned and/or
16 resided at 3722 Beta Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
17 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

18 191. At all times relevant to this lawsuit, Plaintiff YANELI AGUILAR owned and/or
19 resided at 744 S. 33rd Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed
20 and or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

21 192. At all times relevant to this lawsuit, Plaintiff SILVIA ALDAPE owned and/or resided
22 at 1122 Elwood Street, San Diego, CA 92114. The flooding on January 22, 2024, destroyed and
23 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

24 193. At all times relevant to this lawsuit, Plaintiff ASHLEY TAX owned and/or resided
25 at 812 South 33rd Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
26 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

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1 209. At all times relevant to this lawsuit, Plaintiff JOSE MONTES DE OCA owned and/or
2 resided at 842 S. Bancroft Street, San Diego, CA 92113. The flooding on January 22, 2024,
3 destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to the
4 Plaintiff.

5 210. At all times relevant to this lawsuit, Plaintiff MIGUEL TALAMANTES owned
6 and/or resided at 1281 9th Avenue, A119, San Diego, CA 92101. The flooding on January 22, 2024,
7 destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to the
8 Plaintiff.

9 211. At all times relevant to this lawsuit, Plaintiff JOHN GONZALES, Individually and
10 as Trustee of the GONZALES FAMILY TRUST, owned and/or resided at 3878 Cottonwood Street,
11 San Diego, CA 92113 and 3880 Cottonwood Street, San Diego, CA 92113. The flooding on January
12 22, 2024, destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury
13 to the Plaintiff.

14 212. At all times relevant to this lawsuit, Plaintiff GONZALES FAMILY TRUST owned
15 and/or resided at 3880 Cottonwood Street, San Diego, CA 92113. The flooding on January 22, 2024,
16 destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to the
17 Plaintiff.

18 213. At all times relevant to this lawsuit, Plaintiff LHP, LLC., a California Limited
19 Liability Company, owned and/or resided at 3784 Beta Street, San Diego, CA 92113, and 3788 Beta
20 Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and or/severely damaged
21 Plaintiff’s real and personal property and caused injury to the Plaintiff.

22 214. At all times relevant to this lawsuit, Plaintiff EDUARDO DUARTE NAVA owned
23 and/or resided at 3290 Logan Avenue, San Diego, CA 92113. The flooding on January 22, 2024,
24 destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to the
25 Plaintiff.

26 215. At all times relevant to this lawsuit, Plaintiff VIVIAN CHEE owned and/or resided
27 at 1640 Enfield Street, Spring Valley, CA 91977. The flooding on January 22, 2024, destroyed and
28 or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

1 223. At all times relevant to this lawsuit, Plaintiff AZTEC MARINE LLC dba YACHT
2 DECK owned and/or resided at 3373 National Avenue, San Diego, CA 92113. The flooding on
3 January 22, 2024, destroyed and or/severely damaged Plaintiff's real and personal property and
4 caused injury to the Plaintiff.

5 224. At all times relevant to this lawsuit, Plaintiff GERARDO VALADEZ owned and/or
6 resided at 3375 National Avenue, San Diego, CA 92113. The flooding on January 22, 2024,
7 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
8 Plaintiff.

9 225. At all times relevant to this lawsuit, Plaintiff GEORGINA WATTERS owned and/or
10 resided at 3654 Beta Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
11 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

12 226. At all times relevant to this lawsuit, Plaintiff DEVIN WATTERS owned and/or
13 resided at 3654 Beta Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
14 or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

15 227. At all times relevant to this lawsuit, Plaintiff PARRIS MORGAN ALLEN owned
16 and/or resided at 5041 Solola Avenue, San Diego, CA 92113. The flooding on January 22, 2024,
17 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
18 Plaintiff.

19 228. At all times relevant to this lawsuit, Plaintiff SARA HENSLEY owned and/or resided
20 at 812 Broadview Street, Spring Valley, CA 91977. The flooding on January 22, 2024, destroyed
21 and or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

22 229. At all times relevant to this lawsuit, Plaintiff YVETTE MAYNARD owned and/or
23 resided at 618 S. 42nd Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed
24 and or/severely damaged Plaintiff's real and personal property and caused injury to the Plaintiff.

25 230. At all times relevant to this lawsuit, Plaintiff JOSHUA THOMAS ROCHE owned
26 and/or resided at 3713 Beta Street, San Diego, CA 92113. The flooding on January 22, 2024,
27 destroyed and or/severely damaged Plaintiff's real and personal property and caused injury to the
28 Plaintiff.

1 231. At all times relevant to this lawsuit, Plaintiff MONSERRAT DILRUBA LOPEZ
2 owned and/or resided at 3605 Birch Street, San Diego, CA 92113. The flooding on January 22, 2024,
3 destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to the
4 Plaintiff.

5 232. At all times relevant to this lawsuit, Plaintiff ASA POUVAVE owned and/or resided
6 at 4150 National Avenue, Apt. A8, San Diego, CA 92113. The flooding on January 22, 2024,
7 destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to the
8 Plaintiff.

9 233. At all times relevant to this lawsuit, Plaintiff CHRISTEN PAIGE CLAMP owned
10 and/or resided at 3662 Beta Street, San Diego, CA 92113. The flooding on January 22, 2024,
11 destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to the
12 Plaintiff.

13 234. At all times relevant to this lawsuit, Plaintiff DIANA R. MEJIA owned and/or resided
14 at 606 66th Street, San Diego, CA 92114. The flooding on January 22, 2024, destroyed and
15 or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

16 235. At all times relevant to this lawsuit, Plaintiff CARLOS R. MEJIA owned and/or
17 resided at 606 66th Street, San Diego, CA 92114. The flooding on January 22, 2024, destroyed and
18 or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

19 236. At all times relevant to this lawsuit, Plaintiff HARROLD ROBERTS owned and/or
20 resided at 3630 Beta Street, San Diego, CA 92113, and 3632 Beta Street, San Diego, CA 92113.
21 The flooding on January 22, 2024, destroyed and or/severely damaged Plaintiff’s real and personal
22 property and caused injury to the Plaintiff.

23 237. At all times relevant to this lawsuit, Plaintiff IVETH ACEVEDO CANO owned
24 and/or resided at 3722 Beta Street, San Diego, CA 92113. The flooding on January 22, 2024,
25 destroyed and or/severely damaged Plaintiff’s real and personal property and caused injury to the
26 Plaintiff.

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1 246. At all times relevant to this lawsuit, Plaintiff SONIA LEE owned and/or resided at
2 3410 Main Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
3 or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

4 247. At all times relevant to this lawsuit, Plaintiff ABRAHAM LEE owned and/or resided
5 at 3410 Main Street, San Diego, CA 92113. The flooding on January 22, 2024, destroyed and
6 or/severely damaged Plaintiff’s real and personal property and caused injury to the Plaintiff.

7 248. At all times relevant to this lawsuit, Plaintiff BETA STREET HOLDINGS, LLC, a
8 California Limited Liability Company, owned and/or resided at 3774 Beta Street, San Diego, CA
9 92113; 3774 Beta Street, Unit A, San Diego, CA 92113, and 3774 Beta Street, Unit B, San Diego,
10 CA 92113. The flooding on January 22, 2024, destroyed and or/severely damaged Plaintiff’s real
11 and personal property and caused injury to the Plaintiff.

12 249. At all times relevant to this lawsuit, Plaintiff SADEEL NAJOR, Individually and as
13 Trustee of the NAJOR SADEEL FAMILY TRUST and NAJOR FAMILY TRUST, owned and/or
14 resided at 741-43 S. 33rd Street, San Diego, CA 92113 and 806-12 S. 33rd Street, San Diego, CA
15 92113. The flooding on January 22, 2024, destroyed and or/severely damaged Plaintiff’s real and
16 personal property and caused injury to the Plaintiff.

17 250. Defendant City of San Diego is a governmental entity.

18 251. The true names of defendants sued as DOES 1 to 100 are unknown to Plaintiffs and
19 are sued under CCP § 474.

20 252. DOES 1 to 100 are liable to Plaintiffs.

21 253. DOES 1 to 50 were agents or employees of other named defendants and acted within
22 the scope of that agency or employment.

23 254. DOES 51 to 100 are persons whose capacities are unknown to Plaintiffs.

24 255. Plaintiffs will seek leave of Court to amend this Complaint to allege such names and
25 capacities when the information is ascertained.

26 256. Every reference to Plaintiffs, unless otherwise specified, refers to all Plaintiffs.

27 257. Every reference to Defendants, unless otherwise specified, refers to CITY OF SAN
28 DIEGO and DOES 1 to 100.

1 258. Venue in this Court is proper under CCP § 385 because the property is in San Diego
2 County.

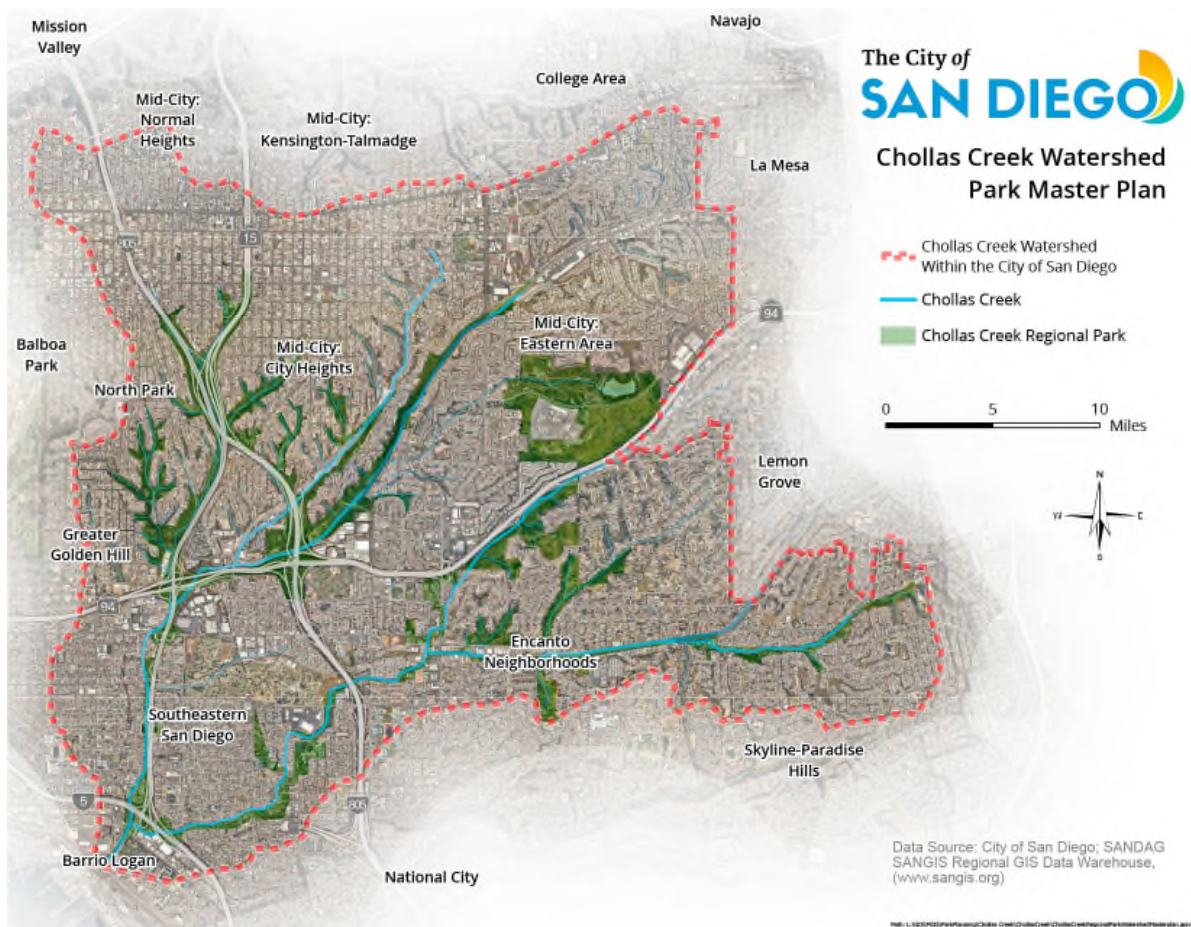
3 259. The amount in controversy exceeds the jurisdictional minimum of this Court.

4 260. Plaintiffs have complied with the Government Code § 810 et seq, and Plaintiffs'
5 claims have been denied as a matter of law.

6
7 **GENERAL ALLEGATIONS**

8 261. Justice will not be served until those who are unaffected are as outraged as those who
9 are.

10 262. Chollas Creek is an urban watershed that runs throughout several San Diego
11 neighborhoods as seen in this map:²



28 ² <https://www.sandiego.gov/planning/chollas-creek-master-plan>

1 263. Defendants are responsible for stormwater maintenance including, but not limited to,
2 the maintenance of its stormwater conveyance system/flood control project and the adjacent
3 infrastructure surrounding the drainage channels and storm drain system/flood control project
4 including, but not limited to, Chollas Creek (the stormwater conveyance system). Maintenance
5 includes, but is not limited to, the “removal of sediment, vegetation, debris, and trash to maximize
6 stormwater conveyance capacity.”³

7 264. Polluted urban runoff, injurious to health and property, flows untreated into the
8 stormwater conveyance system. Water flowing through the system fails to meet water quality
9 standards.⁴

10 265. Defendants have long been aware that funding for the stormwater conveyance system
11 is insufficient yet have not taken actions to increase stormwater revenues over 20 years. Revenues
12 have remained relatively flat while expenses have increased dramatically. Funding has been
13 insufficient to fund needs and Defendants have taken little to no action to develop and pursue a long-
14 term funding strategy. The funding gap is immense.⁵

15 266. The severe shortage of funding for the stormwater conveyance system is a well-
16 known and documented issue. Defendants have reviewed at least a dozen reports since the last fee
17 increase addressing the need to increase the funding.⁶

18 267. For years, Defendants failed to adequately fund maintenance of the stormwater
19 conveyance system, and as a result, Defendants’ stormwater assets have accrued a larger capital
20 needs backlog than any other asset type. This is a historic underfunding.⁷

21 268. This historic underfunding results in deferred maintenance of the stormwater
22 conveyance system. This has turned from a moderate inflow of failures into a deluge of need. There
23 have been at least 2,000 known infrastructure failures; 32 were emergencies.⁸

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26 ³ <https://ca-times.brightspotcdn.com/32/74/f199ebaf4a3d88141bd6e0f5bbb1/fy23-mwmp-annual-report.pdf>

27 ⁴ <https://www.sandiego.gov/sites/default/files/july-2021-funding-strategy-report.pdf>

28 ⁵ https://www.sandiego.gov/sites/default/files/18-023_storm_water_division_0.pdf

⁶ *Id*

⁷ *Id*

⁸ <https://www.sandiego.gov/sites/default/files/july-2021-funding-strategy-report.pdf>

1 269. Defendants' inadequate maintenance of the stormwater conveyance system not only
2 contributes to failure and flooding but also to broader environmental harm.

3 270. Although a primary goal is to reduce flood risk, Defendants' stormwater conveyance
4 system is "past its useful life."⁹

5 271. Defendants know that "age combined with deferred maintenance due to historic
6 underfunding of the storm drain system has resulted in an increasing amount of damage,
7 unmaintained, and failed stormwater infrastructure that can lead to flooding and catastrophic
8 failure."¹⁰



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23 272. For years, Defendants were aware of maintenance problems with the stormwater
24 conveyance system and hired Rick Engineering Company to prepare reports. For years, Defendants
25 received Summary of Findings for the Annual Drainage Channel Field Assessment and Maintenance
26 Prioritization Project South Chollas Creek Channel from Rick Engineering Company. These reports

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28 ⁹ <https://www.sandiego.gov/sites/default/files/fy23-27-five-year-capital-infrastructure-planning-outlook.pdf>

¹⁰ *Id*

1 showed Defendants how channel flows in the stormwater conveyance system would change if
2 maintenance was performed.

3 273. The September 13, 2016 report states “This report and preliminary analyses
4 concludes that the Channel Prioritization Score for this report for the South Chollas Creek Channel
5 (MMP Map 97) is **88.0 out of 100**. This score is above average and indicates that the channel is
6 highly recommended for maintenance” (emphasis in original).

7 274. Defendants refused to act on these reports, putting its residents at risk for flood.

8 275. Here is what the stormwater conveyance system at 4150 National Avenue looked like
9 on March 25, 2021: <https://bit.ly/3JhndK6>

10 276. Here is what the stormwater conveyance system at 3696 Beta Street looked like on
11 October 19, 2019: <https://bit.ly/4cUQHv1>

12 277. Rain began to fall on January 22, 2024. San Diego neighborhoods experience heavy
13 rainfall and flood. San Diego’s Mayor Todd Gloria declares a state of emergency “due to the extreme
14 rainfall and flash flooding.”¹¹

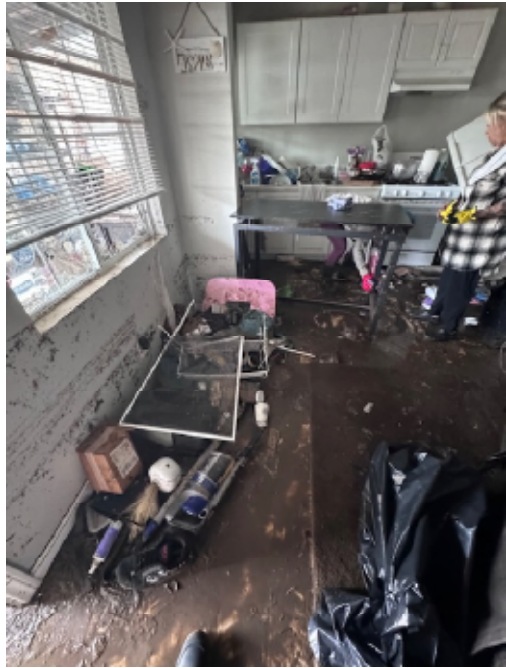
15 278. Plaintiffs’ real and personal property was deluged with floodwater, containing
16 polluted urban runoff, on January 22, 2024.

17 279. The damage to Plaintiffs’ property was unbelievable.



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28 ¹¹ <https://www.sandiego.gov/mayor/mayor-gloria-declares-state-emergency-due-impacts-monday-storm>

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1 280. Defendants' stormwater conveyance system was clogged and unmaintained. Here is
2 what it looked like at 4150 National Avenue days after January 22, 2024:



15 281. Here is what the stormwater conveyance system in Southcrest looked like days later:



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282. Defendants’ stormwater conveyance system was clogged full of vegetation, sediment and debris. Defendants were aware of the condition for years. Defendants created a destructive state of affairs and absolutely failed their residents.

CAUSE OF ACTION: INVERSE CONDEMNATION

283. Plaintiffs incorporate all prior paragraphs.

284. Article 1, § 19, of the California Constitution provides the basis for recovery against public entities when private property is taken or damaged for public use without just compensation.

285. Upon information and belief, at all relevant times, Defendants owned, planned, constructed, controlled, maintained, operated, or otherwise substantially participated in the stormwater conveyance system. The stormwater conveyance system served a public purpose and was a public project or improvement.

286. Defendants physically invaded and damaged Plaintiffs’ property when Defendants failed to do periodic or reasonable preventative maintenance of the stormwater conveyance system, causing water to back up and overflow into Plaintiffs’ property. That was a taking, and Defendants substantially participated in that taking. Plaintiffs have not been compensated for that taking.

1 287. Plaintiffs' damage was substantially caused by inherent risk associated with
2 Defendants ownership, plan, construction, control, maintenance, operation, or otherwise substantial
3 participation in the stormwater conveyance system, causing water to back up and overflow into
4 Plaintiffs' property. Defendants were aware of that risk, namely, the clogging of the stormwater
5 conveyance system with vegetation, trash, and sediment restricting the water flow and causing water
6 to back up and overflow into Plaintiffs' property, and deliberately chose to take inadequate action in
7 the face of that risk. Defendants' action was a proximate and substantial cause of damage to
8 Plaintiffs' properties.

9 288. Defendants physically invaded and damaged Plaintiffs' property when Defendants
10 failed to mitigate a known danger, namely, the clogging of the stormwater conveyance system with
11 vegetation, trash, and sediment restricting the water flow and causing water to back up and overflow
12 into Plaintiffs' property. That was a taking, and Defendants substantially participated in that taking.
13 Plaintiffs have not been compensated for that taking.

14 289. Defendants physically invaded and damaged Plaintiffs' property when Defendants
15 deliberately adopted a lower cost plan of maintenance of the stormwater conveyance system
16 allowing vegetation, trash, and sediment to build up restricting the water flow and causing water to
17 back up and overflow. That was a taking, and Defendants substantially participated in that taking.
18 Plaintiffs have not been compensated for that taking.

19 290. Defendants physically invaded and damaged Plaintiffs' property when Defendants
20 deliberately chose a plan of inaction when it comes to maintenance of the stormwater conveyance
21 system allowing vegetation, trash, and sediment to build up restricting the water flow and causing
22 water to back up and overflow. That was a taking, and Defendants substantially participated in that
23 taking. Plaintiffs have not been compensated for that taking.

24 291. Defendants' action and inactions as it relates to the stormwater conveyance system
25 were unreasonable, and Defendants' unreasonable actions or inactions was a substantial cause of
26 Plaintiffs' damage.

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1 292. Plaintiffs’ damage was substantially caused by inherent risks associated with
2 Defendants ownership, plan, construction, control, maintenance, operation or otherwise substantial
3 participation in the stormwater conveyance system including, but not limited to, Defendants’ failure
4 to mitigate a known danger, Defendants’ deliberately adoption of a lower cost plan of maintenance
5 of the stormwater conveyance system, and Defendants’ deliberation choice of a plan of inaction
6 when it comes to maintenance of the stormwater conveyance system. Defendants’ failure, adoption,
7 and choice allowed the stormwater conveyance system to be clogged with vegetation, trash, and
8 sediment restricting the water flow and causing water to back up and overflow. This was a proximate
9 and substantial cause of damage to Plaintiffs’ properties.

10 293. Alternatively, Defendants channeled storm flows into Plaintiffs’ real and personal
11 property via the public roadways which were being used as storm channels.

12 294. Defendants’ utilization of public roadways to function as storm channels were a
13 public improvement. Construction or maintenance of a water conveyance or flood protection system
14 which included the public roadways led to water escaping and entering private land. Defendants’
15 failure, adoption, and choice allowed the stormwater to be channeled on to Plaintiffs property by
16 utilizing the streets. This was a proximate and substantial cause of damage to Plaintiffs’ properties.

17 **CAUSE OF ACTION: NEGLIGENCE**

18 295. Plaintiffs incorporate all prior paragraphs.

19 296. Defendants, including but not limited to their agents and employees, have a duty to
20 apply a level of care consumer with and proportionate to the danger of controlling and maintaining
21 the stormwater conveyance system.

22 297. Plaintiffs timely filed government tort claims and substainally complied with
23 California *Government Code* sections 910 through 915.

24 298. Plaintiffs bring this cause of action under California *Government Code* section 815.

25 299. Defendants, including but not limited to their agents and employees, have special
26 knowledge and expertise far above that of a layperson that they were required to apply to the
27 construction, use, operation, inspection, repair and maintenance of the stormwater conveyance
28 system.

1 300. Defendants, including but not limited to their agents and employees, breached that
2 duty by, *inter alia*:

- 3 a. Failing to conduct reasonably prompt, proper and and frequent inspections of the
4 stormwater conveyance system;
- 5 b. Failing to monitor, inspect, and maintain the stormwater conveyance system in a
6 manner that avoids flooding private property by failing to clear vegetation and
7 maintaining the infrastructure and drainage channels, in a manner that flooding
8 could foreseeably occur;
- 9 c. Failing to construct, monitor and maintain the stormwater conveyance system in
10 flood-prone areas to avoid inundation;
- 11 d. Failing to keep the stormwater conveyance system in a well-maintained condition
12 at all times to prevent flooding of private property, and
- 13 e. Failing to regularly clean, dredge, and monitor the stormwater conveyance
14 system to prevent blockage.

15 301. Defendants are responsible for maintaining the stormwater conveyance system. The
16 clogging of the stormwater conveyance system is a direct result of neglect. Debris and sediment
17 accumulation are due to improper waste disposal and lack of regular maintenance.

18 302. Defendants' negligence was a substantial factor causing damage to Plaintiffs' real and
19 personal property, and personal injury and emotional distress to Plaintiffs.

20 303. Defendants' failure to comply with their duty of care proximately caused damage to
21 Plaintiffs.

22 **CAUSE OF ACTION: DANGEROUS CONDITION OF PUBLIC PROPERTY**

23 304. Plaintiffs incorporate all prior paragraphs.

24 305. Plaintiffs bring this cause of action under California *Government Code* section 835

25 306. Defendants controlled the stormwater conveyance system at all relevant times.

26 307. The stormwater conveyance system was in a dangerous condition on or around
27 January 22, 2024, because of Defendants' failure to install adequate drainage and failure to remove
28 accumulated material that had constricted hydraulic capacity of the stormwater conveyance system

1 causing water to back up and overflow, or the negligent or wrongful conduct of Defendants’
2 employee(s) acting within the scope of employment created the dangerous condition, or Defendants
3 had notice of the dangerous condition for a long enough time to have protected against it because
4 Defendants had either actual or constructive notice of the condition, or the condition existed for long
5 enough time before January 22, 2024 and was so obvious that Defendants reasonably should have
6 discovered the condition and known that it was dangerous.

7 308. That condition presented a substantial risk of injury to members of the public even
8 when the stormwater conveyance system was used with reasonable care and in a reasonably
9 foreseeable manner.

10 309. That condition caused Plaintiffs’ property to flood on January 22, 2024.

11 310. Defendants had the power to prevent, fix, and guard against that dangerous condition.

12 311. That dangerous condition created a reasonably foreseeable risk of damaging property,
13 which is what happened to Plaintiffs.

14 312. Defendants knew of the dangerous condition for a sufficient time before January 22,
15 2004, yet failed to take protective measures against it.

16 313. Defendant knew of the conditions through both their own reconnaissance as evidenced
17 by numerous reports and through previous litigation brought against them.

18 314. Defendants’ action and inactions were unreasonable.

19 315. Defendants’ negligence was a substantial factor causing damage to Plaintiffs’ real and
20 personal property, and personal injury and emotional distress to Plaintiffs.

21 316. Plaintiffs were harmed, and the dangerous condition substantially caused that harm.

22 **CAUSE OF ACTION: VIOLATION OF CCP 526a**

23 317. Plaintiffs incorporate all prior paragraphs.

24 318. Defendant CITY OF SAN DIEGO collects a stormwater fee or tax on every utility
25 bill.

26 319. Defendant CITY OF SAN DIEGO has a duty to maintain the stormwater conveyance
27 system with this stormwater fee or tax in such a way as to avoid damage to Plaintiffs’ property or
28 person.

1 320. The stormwater fee or tax was not used for that purpose and DEFENDANT CITY
2 OF SAN DIEGO has committed waste in violation of CCP § 526a.

3 321. Had the stormwater fee or tax been properly used for cleaning, maintenance, and
4 repairs of the stormwater conveyance system, the January 22, 2024 flooding could have been
5 prevented or lessened.

6 **CAUSE OF ACTION: TRESPASS**

7 322. Plaintiffs incorporate all prior paragraphs.

8 323. At all relevant times, Plaintiffs owned their property.

9 324. Defendants intentionally, negligently, or recklessly caused water to enter into and
10 flow over Plaintiffs' property because it was substantially certain by Defendants' failure to install
11 adequate drainage, to remove accumulated material that had constricted hydraulic capacity of the
12 stormwater conveyance system causing water to back up and overflow, to do periodic or reasonable
13 preventative maintenance of the stormwater conveyance system, to mitigate a known danger,
14 namely, the clogging of the stormwater conveyance system with vegetation, trash, and sediment
15 restricting the water flow and causing water to back up and overflow, and Defendants' deliberate
16 adoption of a lower cost plan of maintenance of the stormwater conveyance system, and deliberate
17 choice of a plan of inaction when it comes to maintenance of the stormwater conveyance system,
18 and improper diversion of water, would cause water to enter into and flow over Plaintiffs' property.

19 325. Plaintiffs did not give permission for the entry.

20 326. Plaintiffs were harmed, and the entry of the water was a substantial factor in causing
21 that harm.

22 **CAUSE OF ACTION: PRIVATE NUISANCE**

23 327. Plaintiffs incorporate all prior paragraphs.

24 328. At all relevant times, Defendants owned or controlled the stormwater conveyance
25 system.

26 329. Defendants' failure to install adequate drainage, to remove accumulated material that
27 had constricted hydraulic capacity of the stormwater conveyance system causing water to back up
28 and overflow, to do periodic or reasonable preventative maintenance of the stormwater conveyance

1 system, to mitigate a known danger, namely, the clogging of the stormwater conveyance system with
2 vegetation, trash, and sediment restricting the water flow and causing water to back up and overflow,
3 and Defendants' deliberate adoption of a lower cost plan of maintenance of the stormwater
4 conveyance system, and deliberate choice of a plan of inaction when it comes to maintenance of the
5 stormwater conveyance system, and improper diversion of water, created a condition or permitted a
6 condition to exist that was an obstruction to the free use of property, so as to interfere with the
7 comfortable enjoyment of life or property.

8 330. Defendants' conduct was intentional and unreasonable or unintentional but negligent.

9 331. This condition substantially interfered with Plaintiffs' use or enjoyment of their real
10 and personal property.

11 332. An ordinary person would reasonably be annoyed or disturbed by Defendants'
12 conduct.

13 333. Plaintiffs were harmed, and Defendants conduct was a substantial factor in causing
14 that harm, and the seriousness of the harm outweighs the public benefit of Defendants' conduct.

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PRAYER FOR RELIEF

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WHEREFORE, Plaintiff demands judgment from Defendants as follows:

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(1) As to the Inverse Condemnation Cause of Action,

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Legal interest from January 22, 2024

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Attorneys' fees and costs under CCP § 1036;

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(2) As to the Negligence Cause of Action,

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Compensatory damages

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(3) As to the Dangerous Condition of Public Property Cause of Action,

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Compensatory damages

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(4) As to the Trespass and Private Nuisance Causes of Action,

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Damages for annoyance and discomfort

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(5) As to the Trespass Cause of Action,

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Attorneys' fees and costs under CCP § 1021.9

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(6) As to all Causes of Action,
\$100,000,000.00
To enter judgment for Plaintiffs on these Counts;
For judicial interest;
For costs of suit; and
For such other and further relief as this Court may deem proper.

Dated: May 6, 2024

ENGSTROM, LIPSCOMB & LACK
THE LAW OFFICE OF EVAN W. WALKER

By 

WALTER J. LACK
DANIEL G. WHALEN
ASHLEY L. ARNETT
DANIEL C. WHALEN
EVAN W. WALKER
Attorneys for Plaintiffs

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JURY TRIAL DEMAND

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

Dated: May 6, 2024

ENGSTROM, LIPSCOMB & LACK
THE LAW OFFICE OF EVAN W. WALKER

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