

1 MORGAN, LEWIS & BOCKIUS LLP
Deanne L. Miller, Bar No. 185113
2 Jeremy B. Esterkin, Bar No. 268530
300 South Grand Avenue
3 Twenty-Second Floor
Los Angeles, CA 90071-3132
4 Tel: +1.213.612.2500
Fax: +1.213.612.2501
5 deanne.miller@morganlewis.com
jeremy.esterkin@morganlewis.com

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County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By J. Gnade, Deputy Clerk

6 Colin C. West, Bar No. 184095
7 300 South Grand Avenue
Twenty-Second Floor
8 Los Angeles, CA 90071-3132
Tel: +1.213.612.2500
9 Fax: +1.213.612.2501
colin.west@morganlewis.com

10 Attorneys for Defendants
11 Sempra and Southern California Gas Company

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF LOS ANGELES, SPRING STREET COURTHOUSE

14 DAN GRIGSBY, et al.,

15 Plaintiff,

16 vs.

17 CITY OF LOS ANGELES ACTING BY AND
THROUGH THE LOS ANGELES
18 DEPARTMENT OF WATER AND POWER, a
government entity, et al.,

19 Defendants.
20

Lead Case No. 25STCV00832

*Case Assigned for All Purposes to the
Hon. Samantha Jessner*

**DEFENDANT SOUTHERN
CALIFORNIA GAS COMPANY'S
NOTICE OF MOTION AND MOTION
TO STRIKE PORTIONS OF
PLAINTIFFS' REVISED MASTER
COMPLAINT; MEMORANDUM OF
POINTS AND AUTHORITIES**

Date: June 23, 2026
Time: 1:45 p.m.
Dept.: SS-7

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on June 23, 2026 at 1:45 p.m., or as soon thereafter as the
3 matter may be heard before the Honorable Samantha Jessner in Department 7 of the above-
4 entitled Court, located at 312 North Spring Street, Los Angeles, California 90012, Defendant
5 Southern California Gas Company (“SoCalGas”) will and hereby does move to strike the
6 following portions of Plaintiffs’ Revised Master Complaint pursuant to California Code of Civil
7 Procedure sections 435 and 436:

- 8 • **Paragraph 742 in its entirety:** “Further, the conduct alleged herein was despicable
9 and subjected Plaintiffs to cruel and unjust hardship in conscious disregard of
10 Plaintiffs’ rights, constituting oppression, for which Defendants must be punished by
11 punitive and exemplary damages in an amount according to proof. Defendants’
12 conduct evidences a conscious disregard for the safety of others, including Plaintiffs.
13 Defendants’ conduct was and is despicable conduct and constitutes malice and defined
14 by Civil Code § 3294. An officer, director, or managing agent of Defendants
15 personally committed, authorized, and/or ratified the despicable conduct alleged
16 herein. Plaintiffs are entitled to an award of punitive damages sufficient to punish and
17 make an example of these Defendants.
- 18 • **Paragraph 750 in its entirety:** “Defendants’ conduct was willful and wanton, and
19 with a conscious disregard for the disastrous consequences that Defendants knew
20 would occur as a result of their dangerous conduct. Accordingly, Defendants acted
21 with malice towards Plaintiffs, which is an appropriate predicate fact for an award of
22 exemplary damages in an amount according to proof.”
- 23 • **Paragraph 755 in its entirety:** “Defendants’ conduct was willful and wanton, and
24 with a conscious disregard for the safety of others. Accordingly, Defendants acted
25 with malice towards Plaintiffs, which is an appropriate predicate fact for an award of
26 exemplary/punitive damages in an amount to be proven at trial.”

- 1 • **Paragraph 774 in its entirety:** “As a further direct and legal result of the wrongful
2 acts and/or omissions of Defendants, Plaintiffs seek the recovery of punitive and
3 exemplary damages against Defendants as set forth above.”
- 4 • **Paragraph 779 in its entirety:** “Further, the conduct alleged against the Defendants
5 herein was despicable and subjected Plaintiffs to cruel and unjust hardship in
6 conscious disregard of their rights, constituting oppression, for which Defendants must
7 be punished by punitive and exemplary damages in an amount according to proof.
8 Defendants’ conduct was carried on with a willful and conscious disregard for the
9 rights and safety of the Plaintiffs, constituting malice, for which Defendants must be
10 punished by punitive and exemplary damages according to proof. An officer, director,
11 or managing agent of the SoCalGas [*sic*] personally committed, authorized, and/or
12 ratified the despicable conduct alleged herein.”

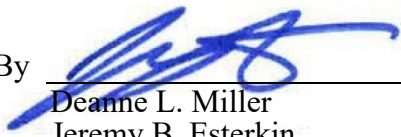
13 This Motion to Strike is brought following the good faith meet and confer attempts set
14 forth in the Declaration of Jeremy B. Esterkin (“Esterkin Decl.”), filed concurrently herewith. On
15 February 9, 2026, counsel for SoCalGas and counsel for Plaintiffs met and conferred by
16 videoconference to discuss the legal bases for SoCalGas’s intended motion but were unable to
17 resolve the dispute. Esterkin Decl., ¶ 3.

18 This Motion is based on this Notice of Motion and Motion to Strike, the accompanying
19 Memorandum of Points and Authorities in support thereof, the Esterkin Decl., all matters that
20 may be judicially noticed, the files and records in this case, and any oral or documentary evidence
21 that may be adduced at the hearing on this matter.

22 Dated: February 20, 2026

MORGAN, LEWIS & BOCKIUS LLP

23
24 By


Deanne L. Miller
Jeremy B. Esterkin
Colin C. West

25
26
27 Attorneys for Defendants
Sempra and Southern California Gas
28 Company

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. INTRODUCTION**

3 This case arises from the devastating Palisades Fire, which originated with an act of arson
4 and was driven by high winds and dry conditions into residential neighborhoods.
5 Notwithstanding the third-party criminal act that caused the Palisades Fire, Plaintiffs seek an
6 award of punitive damages, alleging in their Revised Master Complaint (“Complaint”) that
7 various defendants acted or failed to act in ways that caused the fire. However, none of Plaintiffs’
8 allegations, even if true, show that Defendant Southern California Gas Company (“SoCalGas”)
9 acted with malice, oppression or fraud. The allegations do not support a claim for punitive
10 damages and Plaintiffs’ requests for that extraordinary relief should be stricken.

11 Punitive damages are meant to be “an exception to th[e] rule” that “[t]he civil law is
12 normally concerned with compensating victims for actual injuries” *College Hospital Inc. v.*
13 *Sup. Ct.* (1994) 8 Cal. 4th 704, 712-713. That is why “ultimate facts of the defendant’s
14 oppression, fraud or malice” must be pled in the complaint (*Cyrus v. Haveson* (1976) 65 Cal.
15 App. 3d 306, 316-17) and proved under the heightened clear and convincing evidence standard
16 (Cal. Civ. Code § 3294). Here, however, Plaintiffs fail to support their use of the labels “malice”
17 and “oppression” with factual allegations (and they do not allege fraud). Nor can they, both
18 because binding legal precedent holds that a gas utility owes no duty to stop the flow of gas into
19 an area threatened by a fire, and because SoCalGas — a heavily regulated public utility — is not
20 alleged to have violated (and did not violate) any regulation, rule, or requirement of the California
21 Public Utilities Commission in connection with its response to the fire or its operation of the gas
22 distribution network in the Palisades. SoCalGas cannot have acted maliciously or with
23 oppression by not performing an act it had no legal duty to perform in the first place.

24 Further, where the defendant is a corporation, a plaintiff seeking punitive damages must
25 allege that “the advance knowledge and conscious disregard, authorization, ratification or act of
26 oppression, fraud, or malice [was] on the part of an officer, director, or managing agent of the
27 corporation.” Cal. Civ. Code § 3294(b). The logic of this rule rests on the concept that
28 “[c]orporations are legal entities which do not have minds capable of recklessness, wickedness, or

1 intent to injure or deceive,” and therefore, “the punitive damage statute requires proof of malice
2 among corporate leaders” *Cruz v. HomeBase* (2000) 83 Cal. App. 4th 160, 167. But here,
3 Plaintiffs allege no pertinent facts to satisfy the statutory requirement. They identify no officer,
4 director, or managing agent who consciously disregarded, authorized, and/or ratified any of the
5 conduct alleged in the Complaint, let alone allege when, where, or how that conscious disregard,
6 authorization or ratification occurred.

7 Plaintiffs’ conclusory allegations of oppression and malice are insufficient and improper,
8 and their request for punitive damages is overreach. This Motion should be granted.

9 **II. RELEVANT ALLEGATIONS**

10 Plaintiffs assert that SoCalGas and various other entities, including the City of Los
11 Angeles; the State of California; water and power utilities; telephone utilities; the J. Paul Getty
12 Trust; and the owners and operators of a mobile home park should pay for damage wreaked by a
13 fire that was started by an arsonist and fed by hurricane-force winds in the midst of a particularly
14 dry winter.

15 According to the Complaint, the Palisades Fire destroyed residential gas meters alongside
16 everything else, which in turn caused releases of natural gas that exacerbated the “fire
17 conflagration complex.” Complaint ¶ 353. Plaintiffs acknowledge that the fire was started by an
18 arsonist and spread rapidly due to hurricane-force winds, a lack of water, and several other
19 reasons articulated in the Complaint that have nothing to do with natural gas. They do not assert
20 that the same destruction would not have occurred but for the release of natural gas from home
21 meters that the fire destroyed. Plaintiffs nevertheless seek to hold SoCalGas liable on the theory
22 that it should have stopped the flow of gas into the impacted neighborhoods more quickly. *See id.*
23 ¶¶ 348-361. Plaintiffs further assert that the supposed failure by SoCalGas to stop the flow of gas
24 was so malicious and oppressive as to support a claim for punitive damages. *Id.* at ¶¶ 742, 750,
25 755, 774, 779.

1 **III. ARGUMENT**

2 **A. Legal Standard for Motion to Strike Punitive Damages**

3 “[W]hen a substantive defect is clear from the face of a complaint, such as . . . a purported
4 claim of right which is legally invalid, a defendant may attack that portion of the cause of action
5 by filing a motion to strike.” *PH II Inc. v. Sup. Ct.* (1995) 33 Cal. App. 4th 1680, 1682-83. The
6 court may “[s]trike out any irrelevant, false, or improper matter inserted in any pleading [or] all or
7 any part of any pleading not drawn or filed in conformity with the laws of this state, a court rule,
8 or an order of the court.” Cal. Code Civ. Proc., § 436(a)-(b). An “irrelevant” allegation is one
9 that is “not essential to the statement of a claim or defense”; “neither pertinent to nor supported
10 by an otherwise sufficient claim or defense”; or demands “relief not supported by the allegations
11 of the complaint.” *Id.* at § 431.10(b)-(c). An “improper” allegation is one that seeks relief not
12 recoverable as a matter of law. *See, e.g., Saberi v. Bakhtiari* (1985) 169 Cal. App. 3d 509, 517.
13 Allegations that are substantively defective on their face are appropriately stricken so that “the
14 defendant [does] not have to suffer discovery and navigate the often dense thicket of proceedings
15 in summary adjudication.” *PH II*, 33 Cal. App. 4th at 1682.

16 “The motion to strike is widely used to challenge portions of causes of action seeking
17 punitive damages.” *Id.* at 1683. Where plaintiffs seek punitive damages without describing
18 conduct that rises to the level of malice, oppression, or fraud, those claims must be stricken. *See*
19 *Grieves v. Sup. Ct.* (1984) 157 Cal. App. 3d 159, 166 (“Not only must there be circumstances of
20 oppression, fraud or malice, but facts must be alleged in the pleading to support such a claim”);
21 *Brousseau v. Jarrett* (1977) 73 Cal. App. 3d 864, 872 (conclusory allegations that conduct was
22 “intentional, willful and fraudulent” were “patently insufficient”).

23 **B. Plaintiffs Fail to Allege Malice, Oppression or Fraud**

24 “Malice” encompasses two types of conduct: (i) “conduct which is intended by the
25 defendant to cause injury to the plaintiff,” or (ii) “despicable conduct which is carried on by the
26 defendant with a willful and conscious disregard of the rights or safety of others.” Cal. Civ. Code
27 § 3294(c)(1).¹ “Oppression,” like the second type of malicious conduct, is “despicable conduct

28 ¹ Plaintiffs do not allege that any conduct by SoCalGas was “fraudulent.”

1 that subjects a person to cruel and unjust hardship in conscious disregard of that person’s rights.”
2 Civ. Code § 3294(c)(2). The “despicable conduct” component demands “conduct having the
3 character of outrage frequently associated with the crime.” *Johnson & Johnson Talcum Powder*
4 *Cases* (2019) 37 Cal. App. 5th 292, 335 (citations omitted). “[T]he adjective ‘despicable’ is a
5 powerful term that refers to circumstances that are ‘base,’ ‘vile,’ or ‘contemptable.’” *College*
6 *Hospital*, 8 Cal. 4th at 725; *accord Lackner v. North* (2006) 135 Cal. App. 4th 1188, 1210 (“The
7 adjective ‘despicable’ connotes conduct that is so vile, base, contemptible, miserable, wretched or
8 loathsome that it would be looked down upon and despised by ordinary decent people” (citations
9 omitted).)

10 To warrant punitive damages, such vile conduct must be coupled with “willful and
11 conscious disregard”—*i.e.*, “that the defendant was aware of the probable dangerous
12 consequences of his conduct, and that he willfully and deliberately failed to avoid those
13 consequences Put another way, the defendant must have *actual knowledge* of the risk of
14 harm it is creating and, in the face of that knowledge, fail to take steps it knows will reduce or
15 eliminate the risk of harm.” *Butte Fire Cases* (2018) 24 Cal. App. 5th 1150, 1159 (citations
16 omitted). Conduct does not consciously disregard the rights or safety of others unless it is
17 “reprehensible” and indicates “extreme indifference to the plaintiff’s rights.” *Id.* at 1170
18 (citations omitted). “[M]ere carelessness,” “ignorance,” or “potential shortcomings in . . . risk
19 management controls” are not such reprehensible acts. *Id.* at 1170-71. Not even “a series of poor
20 decisions” or a defendant having “seemingly ignored” various “red flags” is sufficient to merit
21 punitive damages. *In re First Alliance Mortg. Co.* (2006) 471 F.3d 977, 999 (applying California
22 law). This alternative route to punitive damages – where the conduct was not intended to cause
23 harm – is extraordinarily rare. Under California law, “there are ‘few situations in which claims
24 for punitive damages are predicated on ... conscious disregard of the rights or safety of others and
25 in which no intentional torts are alleged.’” *Id.* at 998 (quoting *Central Pathology Serv. Med.*
26 *Clinic, Inc. v. Sup. Ct.* (1992) 3 Cal. 4th 181, 191).

27 As alleged in the Complaint, SoCalGas supplies natural gas to Plaintiffs’ homes. The
28 only purportedly malicious or oppressive conduct alleged in the Complaint is SoCalGas’s

1 supposed failure to urge residents to “shut the valve permitting the gas flow before evacuating
2 their properties;” to “implement known fire-season protocols for gas line shutdown;” and/or to
3 install “automatic shutoff valves” that, allegedly, would have stopped the flow of gas to homes
4 when the gas meters were ignited by the spreading Palisades Fire. None of this alleged conduct is
5 “malicious” or “oppressive.” None of the conduct is alleged to be intentional, none of it has the
6 character of a crime, and none of it — even if true — describes anything more than carelessness
7 or ignoring red flags, neither of which are malice or oppression by definition.

8 As further evidence that the alleged conduct cannot be considered malicious or
9 oppressive, Plaintiffs do not allege — because they cannot — that SoCalGas violated any law,
10 rule, or regulation requiring SoCalGas to undertake any action in response to news of a spreading
11 wildfire. They do not allege any failure by SoCalGas to comply with the extensive safety
12 regulations promulgated by both the Federal Pipeline and Hazardous Materials Safety
13 Administration (PHMSA) and the California Public Utilities Commission (CPUC) that
14 comprehensively govern every aspect of the construction, maintenance, inspection, and materials
15 for natural gas distribution lines in residential areas like the Palisades. *See, e.g.*, 49 CFR Part 191
16 (Transportation of Natural and Other Gas by Pipeline; Annual, Incident, and Other Reporting);
17 CPUC General Order 112-F (State of California Rules Governing Design, Construction, Testing,
18 Operation, and Maintenance of Gas Gathering, Transmission, and Distribution Piping Systems).
19 Plaintiffs also do not allege — again, because they cannot — that any industry standard, rule, or
20 regulation required SoCalGas to install “automatic shutoff valves” on gas distribution lines.

21 Moreover, as a matter of settled law, SoCalGas did not and does not owe Plaintiffs any
22 legal duty to shut off gas flow due to an approaching wildfire:

23 The gas company, a public utility, knows that a rapidly spreading
24 fire is approaching a neighborhood. Does it have a duty to purge
25 gas from its pipes and house meters which may be in the path of the
26 fire? No.

26 *Lowenschuss v. Southern California Gas Company* (1992) 11 Cal. App. 4th 496, 497.²

27 ² SoCalGas’s argument demonstrating that SoCalGas did not owe Plaintiffs a legal duty is fully
28 addressed in SoCalGas’s Demurrer, filed concurrently with this Motion to Strike, and is
incorporated herein by reference.

1 The conduct described in the Complaint is neither tortious nor in violation of any law,
2 rule, or regulation, and therefore cannot support a request for punitive damages. *See Gagnon v.*
3 *Continental Casualty Co.* (1989) 211 Cal. App. 3d 1598, 1603 n.5 (“the defendant must have
4 committed a tortious act, i.e., an actionable wrong causing injury or damage, before punitive
5 damages may be assessed.”); *see also McLaughlin v. National Union Fire Ins. Co.* (1994) 23 Cal.
6 App. 4th 1132, 1164 (“In California there is no separate cause of action for punitive damages.
7 Plaintiffs must still prove the underlying tortious act . . .”).

8 **C. Plaintiffs Fail to Allege Ratification By An Officer, Director, or Managing**
9 **Agent of SoCalGas**

10 Punitive damages are not available against a corporate entity unless the purportedly
11 malicious or oppressive conduct was consciously disregarded, authorized, or ratified by an
12 officer, director, or managing agent. Cal. Civ. Code § 3294(b). Plaintiffs here fail to allege that
13 any particular “officer, director, or managing agent” consciously disregarded, authorized, or
14 ratified any of the conduct alleged in the Complaint. Nor do Plaintiffs allege any pertinent details
15 around when, where, or how a person with such authority consciously disregarded, authorized or
16 ratified the alleged conduct. Those “ultimate facts” must be alleged in support of a claim for
17 punitive damages against a corporation, and without them, conclusory allegations must be
18 stricken. *Clauson v. Super. Ct.* (1998) 67 Cal. App. 4th 1253, 1255; *see also Grieves*, 157 Cal.
19 App. 3d 159, 166; *Smith v. Sup. Ct.* (1992) 10 Cal. App. 4th 1033, 1042; *Cyrus*, 65 Cal. App. 3d
20 at 316-17.

21 *Grieves* is instructive here. There, the trial court denied the defendant hospital’s motion to
22 strike the plaintiff’s punitive damage allegations, finding that the complaint satisfied section
23 3294(b)’s requirements via *general* allegations that the hospital was negligent in its hiring
24 decisions, in undertaking the care and treatment of the plaintiff, and in allowing a medical
25 procedure to be performed without taking certain precautions. The Court of Appeal, however,
26 overturned the decision, finding that conclusory allegations alone did not “set[] forth *facts* to
27 show Hospital’s advance knowledge, authorization or ratification.” *Grieves*, 157 Cal. App. 3d at
28 168 (emphasis added).

1 The same result obtains here. Plaintiffs have pled no more about corporate ratification
2 against SoCalGas than was pled in *Grieves*, and their punitive damages allegations should be
3 stricken for the same reason. The Complaint is silent as to *any* action taken by *any* named
4 individual to authorize or ratify *any* malicious or oppressive conduct. Any plaintiff can copy and
5 paste the text of section 3294(b) into a complaint, but that is insufficient to plead “ultimate facts
6 showing an entitlement to such relief[.]” *Clauson*, 67 Cal. App. 4th at 1255.

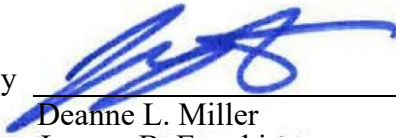
7 **IV. CONCLUSION**

8 For the foregoing reasons, Plaintiffs’ requests for punitive damages should be stricken.

9 Dated: February 20, 2026

MORGAN, LEWIS & BOCKIUS LLP

11 By


Deanne L. Miller
Jeremy B. Esterkin
Colin C. West

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14 Attorneys for Defendant
SOUTHERN CALIFORNIA GAS
COMPANY
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PROOF OF SERVICE

I am a resident of the State of California and employed in Los Angeles County, California.
I am over the age of eighteen years and not a party to the within entitled action. My business address is 300 South Grand Avenue, 22nd Floor, Los Angeles, California 90071-3132.

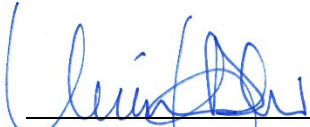
On February 20, 2026, I served a copy of the within document(s):

DEFENDANT SOUTHERN CALIFORNIA GAS COMPANY’S NOTICE OF MOTION AND MOTION TO STRIKE PORTIONS OF PLAINTIFFS’ REVISED MASTER COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES

BY ELECTRONIC SERVICE VIA CASE ANYWHERE: I attached a true and correct copy of the above-entitled document(s) to **Case Anywhere** by electronic transfer for service on all counsel of record by electronic service pursuant to the Order Authorizing Electronic Service. This service complies with C.C.P. § 1010.6.

Executed on February 20, 2026, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



Vivian F. Dohi