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13 *Attorneys for Petitioners*

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
15 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

16 DAN GRIGSBY, et. al.,  
17  
18 Plaintiffs,  
19 vs.

20 CITY OF LOS ANGELES ACTING BY  
AND THROUGH THE LOS ANGELES  
21 DEPARTMENT OF WATER AND POWER,  
a government entity; CITY OF LOS  
22 ANGELES, a government entity;  
CALIFORNIA DEPARTMENT OF PARKS  
23 AND RECREATION, a government entity;  
STATE OF CALIFORNIA; SOUTHERN  
24 CALIFORNIA EDISON COMPANY, a  
California corporation; EDISON  
25 INTERNATIONAL, a California corporation;  
26 CHARTER COMMUNICATIONS, a  
Delaware corporation; FRONTIER  
27 COMMUNICATIONS, a Delaware  
28 corporation; AT&T, Inc., a Delaware

Lead Case No. 25STCV00832  
And Related Cases

Master Complaint Filed: December 1, 2025

*[Assigned For All Purposes to  
Hon. Samantha P. Jessner – Dept. 7]*

**PLAINTIFFS' EX PARTE APPLICATION  
TO ADVANCE HEARING ON OMNIBUS  
PETITION FOR RELIEF FROM  
GOVERNMENT CLAIM FILING  
REQUIREMENTS (GOVT CODE § 946.6)**

Judge: Hon. Samantha Jessner  
Date: December 10, 2025  
Time: 8:30 a.m.  
Dept.: 7

Assigned for all purposes to:  
Hon. Samantha Jessner, Department 7

Action Filed: January 13, 2025  
Trial Date: Not set.

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
12/08/2025 9:08 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By G. Cordon, Deputy Clerk

1 corporation; COUNTY OF LOS ANGELES,  
2 a government entity; LAS VIRGENES  
3 MUNICIPAL WATER DISTRICT, a public  
4 utility; SEMPRA ENERGY, a California  
5 corporation; SOUTHERN CALIFORNIA  
6 GAS COMPANY, a California corporation; J.  
7 PAUL GETTY TRUST, a California  
8 charitable trust; MOUNTAIN RECREATION  
9 AND CONSERVATION AUTHORITY,  
10 SANTA MONICA MOUNTAINS  
11 CONSERVANCY, and DOES 1 through 50,  
12 inclusive,

Defendants.

AND ALL RELATED CASES

**TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

PLEASE TAKE NOTICE THAT on Wednesday, December 10, 2025, at 8:30 a.m., or as soon thereafter as the matter may be heard, in Department 7 of the Spring Street Courthouse of the Los Angeles Superior Court, 312 North Spring Street, Los Angeles, California 90012, the Honorable Samantha Jessner presiding, the Petitioners (“Petitioners”) listed on the Omnibus Petition for Relief From Government Claim Filing Requirements (Govt Code § 946.6) (“Petition”)<sup>1</sup> will and hereby do apply *ex parte* to this Court pursuant to California Code of Civil Procedure § 1005, for an order advancing the Petitioners’ hearing on the Petition, which is currently noticed for April 28, 2026 at 10:00 a.m. Petitioners seek to advance the hearing on the Petition to December 15, 2025, at 2:30 p.m. to allow the Court to conduct the hearing contemporaneously with the upcoming Status Conference, which will be held at that time.

This Application is made pursuant to California Rules of Court rule 3.1200, *et seq.* on the grounds that there are exceptional circumstances here related to the Petition for which there is insufficient time to address in a noticed motion.

<sup>1</sup> The Petition is attached as Exhibit 1 to the Declaration Of Ben Odell In Support Of Ex Parte Application (“Odell Decl.”) filed concurrently herewith.

1           Petitioners are survivors of the Palisades Fire and therefore prospective plaintiffs in the  
2 Palisades Fire Litigation. Pursuant to Cal. Govt. Code § 945.4, tort claims against public entities  
3 may not be filed in court until those claims are presented to the public entities in accordance with  
4 the Government Code. Due to extenuating circumstances constituting mistake and excusable  
5 neglect, set forth in detail within the Petition (*see* Odell Decl. Ex. 1), Petitioners were unable to  
6 present their claims for personal injury or damage to personal property within six months of the  
7 Palisades Fire (*i.e.*, by July 7, 2025). In accordance with Cal. Govt. Code § 911.4, Petitioners  
8 submitted written applications for leave to present claims (“Late Claim Applications”) to  
9 Defendants in the Palisades Fire Litigation, including the State of California (the “State”), County  
10 of Los Angeles (the “County”), Mountains Recreation & Conservation Authority (“MRCA”), and  
11 Santa Monica Mountains Conservancy (“SMMC” and, collectively with the State, County, and  
12 MRCA, the “Government Defendants”).

13           As of the filing of this *ex parte* Application, Petitioners have either had their Late Claim  
14 Applications denied by the Government Defendants, deemed denied because no response was  
15 received within 45 days (Govt. Code § 911.6(c)), or have not received a response to their Late Claim  
16 Applications. Accordingly, Petitions bring their Petition asking the Court to issue an order relieving  
17 them of the claim presentation requirements in the Government Code. *See* Govt. Code § 946.6.

18           Time is of the essence on this relief because Petitions may need to file claims against the  
19 Government Entities prior to January 1, 2026. California Senate Bill 447, enacted in 2022,  
20 temporarily expanded the scope of noneconomic survival damages under Cal. Civ. Proc. Code §  
21 377.34, permitting estates to recover a decedent’s damages for pain, suffering, or disfigurement for  
22 survival actions so long as the claims were filed between January 1, 2022, and January 1, 2026.  
23 Beginning in 2026, however, this provision will sunset, and an estate may no longer be allowed to  
24 recover pain, suffering, and disfigurement in survival actions. As a result, unless Petitioners file  
25 their lawsuits in connection with the Palisades Fire by the end of the year, the estates of those  
26 Petitioners with limited life expectancy may be unable to recover noneconomic damages they have  
27 suffered as a result of the fire in the event they predecease the resolution of the Palisades Fire  
28 Litigation.

1 Given the looming sunset of the survivability of noneconomic damages under Cal. Civ. Proc.  
2 Code § 377.34, it is imperative that the Court hear and rule upon the Petition as soon as practicable.  
3 Advancing the hearing on the Petition to December 15, 2025 would provide Petitioners with enough  
4 time to prepare and file complaints that preserve potential survival claims and noneconomic  
5 damages before this provision sunsets.

6 Pursuant to California Rule of Court 3.1202(a), the State's counsel's business contact  
7 information is as follows:

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13 Pursuant to California Rule of Court 3.1202(a), the County's and its counsel's business  
14 contact information is as follows:

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16 Claims Manager for County of Los Angeles  
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20 Pursuant to California Rule of Court 3.1202(a), MRCA's counsel's business contact  
21 information is as follows:

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26 Pursuant to California Rule of Court 3.1202(a), SMMC's counsel's business contact  
27 information is as follows:

28 Angelica Ochoa

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Pursuant to California Rule of Court 3.1203(a), Petitioners' counsel provided notice of the *ex parte* application to counsel for the State, MRCA, and County on December 5, 2025 and December 8, 2025 by electronic mail. (Odell Decl. ¶¶ 3-6.) Through the notice by email, Petitioners' counsel explained the relief being sought. (Odell Decl. ¶ 4.) Petitioners' counsel informed the Government Defendants' counsel that the *ex parte* application would be filed on December 8, 2025 in Department 7 of the Spring Street Courthouse of the Los Angeles Superior Court, 312 North Spring Street, Los Angeles, California 90012, the Honorable Samantha Jessner presiding. (*Id.*) Petitioners' counsel asked the Government Defendants' counsel whether the Government Defendants would oppose the *ex parte* Application. (*Id.*) As of the time of this filing, Petitioners' counsel had not received any response to that question. (*Id.*)

Pursuant to California Rule of Court 3.1202(b), Petitioners have not previously applied to this Court or any other court for the relief sought herein.

This Application is based on this Ex Parte Application; the attached Memorandum of Points and Authorities; the attached declaration of Ben Odell; and any additional argument of counsel the Court may permit.

Dated: December 8, 2025

**BOYLE LAW PC**

By: /s/ Matthew J. Stumpf  
Kevin R. Boyle  
Matthew J. Stumpf

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 I. **INTRODUCTION**

3 The Palisades Fire burned approximately 23,500 acres and 6,800 structures,<sup>2</sup> impacting over  
4 100,000 people,<sup>3</sup> and causing upwards of \$50 billion in property damage alone.<sup>4</sup> The fire impacted  
5 numerous civilians from vulnerable classes of our society including senior citizens and individuals  
6 with serious illness. Some elderly victims have now died in the months since the fire, passing  
7 without ever knowing if their loss will know civil justice.

8 The Petitioners bringing this *ex parte* Application are victims of the Palisades Fire, including  
9 individuals who are in the advanced stages of their lives and/or are suffering from serious health  
10 conditions. Petitioners have brought an Omnibus Petition for Relief From Government Claim Filing  
11 Requirements (Govt Code § 946.6) (the “Petition”), which requests an order pursuant to  
12 Government Code § 946.6 relieving them from the requirements of Government Code § 945.4, and  
13 thus allowing them to join the Palisades Fire Litigation and file claims against the government  
14 entities who are named in the Master Complaint filed as of December 1, 2025. As described below,  
15 in order to ensure their claims and potential recovery are fully preserved, Petitions require an  
16 advanced hearing date on the Petition.

17 II. **EX PARTE RELIEF IS WARRANTED AND THERE IS GOOD CAUSE GIVEN THE**  
18 **LOOMING SUNSET OF CCP § 377.34(B).**

19 Under Cal. Gov. Code § 945.4, prospective plaintiffs in the Palisades Fire Litigation are  
20 required to present a written claim to Defendants and have that claim be “acted upon” or rejected  
21 before filing a lawsuit. Cal. Gov. Code § 911.2 requires any claims “relating to a cause of action  
22

23 \_\_\_\_\_  
24 <sup>2</sup> *Incident Update: Palisades Fire*, CalFire (Feb. 10, 2025, 3:46 PM), <https://www.fire.ca.gov/incidents/2025/1/7/palisades-fire/updates/fc673f28-0d66-402b-9ebe-2380a9bf3c26>.

25 <sup>3</sup> *Palisades Fire Grew by 1,000 Acres Overnight*, BBC Live (Jan. 11, 2025, 10:18 AM),  
26 <https://www.bbc.com/news/live/cg7z9zjv90jt?page=2>.

27 <sup>4</sup> *Redfin Reports Over \$50 Billion Worth of Los Angeles Homes Were Impacted by the January*  
28 *Wildfires*, Redfin News (July 24, 2025), <https://www.redfin.com/news/press-releases/redfin-reports-over-50-billion-worth-of-los-angeles-homes-were-impacted-by-the-january-wildfires/>.

1 for death or for injury to person or to personal property” to be presented “no later than six months  
2 after the accrual of the cause of action.” Cal. Gov. Code § 911.2. Under Cal. Gov. Code § 911.4, a  
3 claimant who is unable to present such claims within that time may submit a written application for  
4 leave to present those claims (a “Late Claim Application”), so long as the application is (i) presented  
5 to the public entity receiving the claim “within a reasonable time not to exceed one year after the  
6 accrual of the cause of action” and (ii) “state[s] the reason for the delay in presenting the claim.”  
7 Cal. Gov. Code § 911.4.

8         Petitioners presented Late Claim Applications to Defendants in the Palisades Fire Litigation,  
9 including the State of California (the “State”), County of Los Angeles (the “County”), Mountains  
10 Recreation & Conservation Authority (“MRCA”), and Santa Monica Mountains Conservancy  
11 (“SMMC” and, collectively with the State, County, and MRCA, the “Government Defendants”).  
12 Due to extenuating circumstances constituting mistake or excusable neglect, set forth in detail within  
13 the Petition, Petitioners were unable to present their claims to the Government Defendants within  
14 six months of the Palisades Fire (*i.e.*, by July 7, 2025). As of the filing of this *ex parte* Application  
15 and as discussed in the Petition, Petitioners have either had their Late Claim Applications denied by  
16 the Government Defendants, deemed denied because no response was received within 45 days (*see*  
17 Govt. Code § 911.6(c)), or have not received a response to their Late Claim Applications.

18         Cal. Civ. Proc. Code §§ 377.30 and 377.34 govern survival actions and allow a decedent’s  
19 estate to recover damages the decedent incurred before death, such as medical expenses, lost  
20 earnings, and property losses. In general, such actions exclude damages for pain, suffering, or  
21 disfigurement. However, California Senate Bill 447, enacted in 2022, temporarily expanded the  
22 scope of noneconomic survival damages under Cal. Civ. Proc. Code § 377.34, permitting estates to  
23 recover a decedent’s damages for pain, suffering, or disfigurement for survival actions so long as  
24 the claims were filed between January 1, 2022, and January 1, 2026. Beginning in 2026, however,  
25 this provision will sunset, and an estate will no longer be allowed to recover pain, suffering, and  
26 disfigurement in survival actions. As a result, unless Petitioners with reduced life expectancies file  
27 their lawsuits in connection with the Palisades Fire by the end of the year, their estate may be unable  
28



1 to recover noneconomic damages they have suffered as a result of the fire in the event of their  
2 passing before the resolution of the Palisades Fire Litigation.

3 Counsel for Petitioners informed the Court in the Joint Status Conference Report dated  
4 November 10, 2025 that they were prepared to file their Petition by December 1, 2025, which would  
5 have allowed sufficient time for the Court to make a ruling on the Petition prior to January 1, 2026.  
6 However, at the November 17, 2025 Status Conference, counsel for Defendant the City of Los  
7 Angeles (“the City”) asked to meet and confer concerning this issue and the Court requested the  
8 Parties do so. During the ensuing meet and confer discussions, Petitioners agreed to allow the  
9 Government Defendants to take until December 5, 2025 to review and make a decision on the Late  
10 Claim Applications. (Odell Decl. ¶¶ 7-8.) At the conclusion of this review period, the City agreed  
11 to accept the Late Claim Applications as filed. (*Id.* ¶ 9.) Unfortunately, the extra time to review  
12 did not result in any of the Late Claim Applications being accepted by the Government Defendants.  
13 (*Id.*) Petitioners thus seek to advance the hearing date on their Petition in order to ensure it will be  
14 heard with sufficient time for them to file their lawsuits prior to January 1.

15 Petitioners comprise more than one thousand victims of the Palisades Fire, some of whom  
16 are in the advanced stages of their lives and/or are suffering from serious health conditions. Given  
17 the number of Petitioners and their age and health, there exists a high risk that some Petitioners may  
18 predecease the resolution of this complex and potentially years-long litigation, leaving their estate  
19 and successors with no recourse for recovery of their noneconomic damages. Because of the  
20 looming sunset of the survivability of noneconomic damages under Cal. Civ. Proc. Code § 377.34,  
21 it is imperative that the Court hear and rule upon the Petition as soon as practicable. Advancing the  
22 hearing on the Petition to December 15, 2025 would provide Petitioners with enough time to prepare  
23 and file complaints that preserve any potential survival claims and noneconomic damages.

1 Dated: December 8, 2025

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18 By: /s/ James West

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