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JUDICIAL COUNCIL OF CALIFORNIA
CHAIR OF THE JUDICIAL COUNCIL

24 THIS DOCUMENT RELATES TO:

25 *BONNIE CHRISTINE KOVEN, ROBERT
26 HERBERT KOVEN, BRIAN HOYT, TODD
27 AXBERG and APRIL DAWN AXBERG v.
28 PACIFIC GAS & ELECTRIC COMPANY,
PG&E CORPORATION, et al, Sonoma
County Superior Court, Case No.
SCV-261556*

**PETITION FOR COORDINATION
OF TUBBS FIRE CASES**

29 **TO THE CHAIRPERSON OF THE JUDICIAL COUNSEL:**

1 1. In accordance with California Code of Civil Procedure § 404 *et seq.* and
2 California Rules of Court 3.501 *et seq.*, Petitioners Bonnie Christine Koven, Robert
3 Herbert Koven, Brian Hoyt, Todd Axberg and April Dawn Axberg (“Petitioners”)
4 hereby request that a coordination motion judge be assigned to determine whether
5 coordination of their actions is appropriate in Sonoma County Superior Court with
6 thirty-seven (37) other actions involving the Tubbs Fire specifically:
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8 1.1 *Torrey Cortez Thomas, et al v. Pacific Gas & Electric Company, et al;*
9 Sonoma County Superior Court Case No. SCV-261484, filed
10 November 3, 2017;

11 1.2 *Brett Travis Burton v. Pacific Gas & Electric Company, et al;* Sonoma
12 County Superior Court Case No. SCV-261489, filed on November 3,
13 2017;

14 1.3 *Summer June Hill v. Pacific Gas & Electric Company, et al;* Sonoma
15 County Superior Court Case No. SCV-261490, filed on November
16 3, 2017;

17 1.4 *Clifford Jack Hollenbeck and Inez Hollenbeck v. Pacific Gas & Electric*
18 *Company, et al;* Sonoma County Superior Court Case No. SCV-
19 261513, filed on November 9, 2017

20 1.5 *Leo Raymond Callagy, III, et al v. Pacific Gas & Electric Company, et al;*
21 Sonoma County Superior Court Case No. SCV-261536, filed on
22 November 15, 2017;

23 1.6 *Debra Anne Davenport, et al v. Pacific Gas & Electric Company, et al;*
24 Sonoma County Superior Court Case No. SCV-261542, filed on
25 November 16, 2017;

26 1.7 *David Tom Clausen, et al v. Pacific Gas & Electric Company, et al;*
27 Sonoma County Superior Court Case No. SCV-261558, filed on
28 November 21, 2017;

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- 1.8 *Joshua Carucci, et al v. Pacific Gas & Electric Company, et al*; Sonoma County Superior Court Case No. SCV-261564, filed on November 22, 2017;
- 1.9 *William Michael Andrews, et al v. Pacific Gas & Electric Company, et al*; Sonoma County Superior Court Case No. SCV-261599, filed on November 30, 2017;
- 1.10 *Maria Angelica Reynoso, et al v. PG&E Corp., et al.*, Sonoma County Superior Court Case No. SCV-587 filed on November 29, 2017;
- 1.11 *Paul David Appleton, et al v. Pacific Gas & Electric Company, et al*; Sonoma County Superior Court Case No. SCV-261602, filed on December 1, 2017;
- 1.12 *Ross H. Bevier, et al v. Pacific Gas & Electric Company, et al*; Sonoma County Superior Court Case No. [pending], filed on December 1, 2017;
- 1.13 *Heidingsfelder, et al. v. PG&E Corp., et al*, Sonoma County Superior Court, Case No. SCV-261436, filed October 24, 2017;
- 1.14 *Krause, et al., v. PG&E Corp., et al.*, County of San Francisco Superior Court, Case No. CGC-17-562192, filed October 27, 2017;
- 1.15 *Berry, et al., v. PG&E Corp., et al.*, County of San Francisco Superior Court, Case No. CGC-17-562172, filed October 27, 2017;
- 1.16 *Green, et al v. PG&E Corp., et al.*, County of San Francisco Superior Court, Case No. CGC-17-562173, filed October 27, 2017;
- 1.17 *Harvell, et al., v. PGE Corp., et al.*, County of San Francisco Superior Court, Case No. CGC-17-561937, filed October 27, 2017;
- 1.18 *Daniels, et al s v. PG&E Corp., et al.*, County of San Francisco Superior Court, Case No. CGC-17-562175, filed October 27, 2017;
- 1.19 *O’Neal, et al v. PG&E Corp., et al.*, County of San Francisco Superior Court, Case No. CGC-17-561997, filed October 19, 2017;

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- 1.20 *Schrock v. PG&E Corp., et al.*, County of San Francisco Superior Court, Case No. CGC-17-561983, filed October 18, 2017;
- 1.21 *Evans, et al v. PG&E Corp., et al.*, County of Napa Superior Court, Case No. 17CV001224, filed October 25, 2017;
- 1.22 *Tandrup, et al v. PG&E Corp., et al.*, County of San Francisco Superior Court, Case No. CGC-17-562246, filed November 1, 2017;
- 1.23 *Ruiz, et al v. PG&E Corp., et al.*, County of San Francisco Superior Court, Case No. CGC-17-562251, filed November 2, 2017;
- 1.24 *Omlin, et al v. PG&E Corp., et al.*, County of San Francisco Superior Court, Case No. CGC-17-562320, filed November 6, 2017;
- 1.25 *Roger Bubel d/b/a Ben & Jerry's v. PG&E Corp., et al.*, County of San Francisco Superior Court, Case No. CGC-17-562668, filed November 22, 2017;
- 1.26 *Charlotte Wood v. PG&E Corp., et al.*, County of San Francisco Superior Court, Case No. CGC-17-562667, filed November 22, 2017;
- 1.27 *Monica Udell d/b/a Seasons of Skin Day Spa v. PG&E Corp., et al.*, County of San Francisco Superior Court, Case No. CGC-17-562666, filed November 22, 2017;
- 1.28 *Quyên Tran d/b/a Queen Nail Spa v. PG&E Corp., et al.*, County of San Francisco Superior Court, Case No. CGC-17-562665, filed November 22, 2017;
- 1.29 *Kristina Olson d/b/a Apples N Carrots Tack v. PG&E Corp., et al.*, County of San Francisco Superior Court, Case No. CGC-17-562664, filed November 22, 2017;
- 1.30 *Periliss Estate Vineyards, LLC v. PG&E Corp., et al.*, County of San Francisco Superior Court, Case No. CGC-17-562648, filed November 2, 2017;

- 1 1.31 *Perry Butler d/b/a Juslyn Vineyards v. PG&E Corp., et al.*, County of
2 San Francisco Superior Court, Case No. CGC-17-562647, filed
3 November 22, 2017;
- 4 1.32 *Wilson, et al v. PG&E Corp., et al.*, County of San Francisco Superior
5 Court, Case No. CGC-17-562458, filed November 14, 2017;
- 6 1.33 *Jordan, et al v. PG&E Corp., et al.*, County of San Francisco Superior
7 Court, Case No. CGC-17-562457, filed November 14, 2017;
- 8 1.34 *Hay, et al v. PG&E Corp., et al.*, County of San Francisco Superior
9 Court, Case No. CGC-17-562456, filed November 14, 2017;
- 10 1.35 *Wilson, et al v. PG&E Corp., et al*; Sonoma County Superior Court,
11 Case No. SCV-261535; filed November 14, 2017;
- 12 1.36 *Meyer, individually and d/b/a Ravenswood Bernese Mountain Dogs v.*
13 *PG&E Corp., et al*; Sonoma County Superior Court, Case No. SCV-
14 261534, filed November 14, 2017;
- 15 1.37 *Taylor Waldon v. v. PG&E Corp., et al*; Sonoma County Superior
16 Court, Case No. SCV-261591, filed November 30, 2017

17 2. These thirty-seven (37) actions, together with Petitioners' action, are the
18 "Included Actions."

19 3. This Petition is brought on the grounds that coordination of the Included
20 Actions and all others concerning the Tubbs Fire specifically should be brought before
21 one judge for all purposes in Sonoma County Superior Court, as such coordination will
22 promote the ends of justice as required by California Code of Civil Procedure §§ 404
23 and 404.1, for the following reasons:

- 24 a. The Included Actions involving the Tubbs Fire specifically all contain
25 claims against Pacific Gas & Electric Company and PG&E Corporation
26 ("PG&E");
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- b. These claims include substantially overlapping facts and legal theories involving PG&E’s acts and failures to act, which led to the Tubbs Fire beginning on October 8, 2017 in Napa County, California near Calistoga, and spreading into Sonoma County, and burning more than 6,600 homes and business structures, killing 24 persons and injuring many others in Sonoma County near Santa Rosa, California;
- c. These claims are all brought by parties who suffered damages in the Tubbs Fire specifically, beginning on October 8, 2017 in Napa County, California near Calistoga, and spreading into Sonoma County, and burning more than 6,600 homes and business structures, killing 24 persons and injuring many others in Sonoma County near Santa Rosa, California;
- d. Coordination of the Included Actions involving the Tubbs Fire specifically will advance the convenience of the parties, witnesses, and counsel;
- e. The Included Actions involving the Tubbs Fire specifically have all been filed within the last six weeks and are all in a very early stage of litigation;
- f. Coordination of the Included Actions involving the Tubbs Fire specifically will promote the efficient utilization of judicial facilities and manpower;
- g. Coordination of the Included Actions involving the Tubbs Fire specifically before one Sonoma County court will remove the strain of these complex actions from the calendars of multiple courts before which the actions are now proceeding; and

1 h. Coordination of the Included Actions involving the Tubbs Fire specifically
2 will avoid the risk of duplicative and inconsistent rulings, orders, and
3 judgments.

4 4. The Included Actions involving the Tubbs fire specifically are complex
5 within the meaning of California Rule of Court 3.400 in that they require exceptional
6 judicial management to avoid placing unnecessary burdens on the courts and the
7 litigants and to expedite the cases, keep costs reasonable, and promote efficient
8 decision-making by the courts, the parties, and counsel. The Included Actions
9 involving the Tubbs Fire specifically are likely to involve numerous pretrial motions
10 raising difficult or novel legal issues that will be time-consuming to resolve;
11 management of a large number of witnesses or a substantial amount of documentary
12 evidence; management of a large number of separately represented parties; and
13 coordination with related actions pending in one or more Superior Court in California.

14 5. In accordance with California Code of Civil Procedure §§ 404 and 404.3
15 and California Rules of Court 3.521 and 3.540, Petitioners request that any hearing on
16 this Petition and the coordinated proceedings in the Included Actions involving the
17 Tubbs Fire specifically be assigned to the Sonoma County Superior Court, where seven
18 (7) of the eighteen (18) actions have been filed.

19 6. If no party to any of the Included Actions involving the Tubbs Fire
20 specifically serves and submits a written opposition to this Petition within the time
21 allowed by California Rule of Court 3.525, then Petitioners request that this Petition be
22 granted without a hearing. If any such written opposition is served and submitted
23 within the time allowed, then Petitioners request that a hearing on this Petition be
24 conducted in Sonoma County Superior Court.
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1 7. This Petition is based upon the accompanying Memorandum of Points
2 and Authorities, the Declaration of Counsel and the exhibits attached thereto, and the
3 Declaration of Michael J. Schulz, a well-respected, and nationally-recognized, fire cause
4 and origin expert. Specifically, Mr. Schulz demonstrates that the at least five different
5 fires have at least fire different ignition sources with five different destruction
6 footprints; therefore, at least five different causes. There is no common nexus of fact
7 justifying the consolidation of different claims relating to these five distinct fires.
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9 8. Furthermore, Petitioners are aware that a different Petition for
10 Coordination for Pretrial Purposes was filed, with respect to *all Northern California fires*
11 *beginning on October 8, 2017*, by certain other plaintiffs' lawyers, seeking coordination in
12 San Francisco County. In addition, on November 14, 2017, PG&E filed with the
13 Judicial Council its own Petition for Coordination and Corresponding Memorandum
14 of Points and Authorities. PG&E's Petition also served as a response to the original
15 Petition for Coordination filed by certain other plaintiffs' counsel in the Included
16 Actions above, which sought coordination in San Francisco County. As discussed more
17 fully in Petitioners' Memorandum in Support of Petition for Coordination, PG&E, in its
18 Petition, agrees with Petitioners here that all the Northern California wildfire cases
19 should not be coordinated in San Francisco County. Instead, because there are at least
20 five different fires with five different causes, PG&E asked this Council to coordinate
21 the fire cases in groups in the particular county where each fire occurred. Petitioners
22 here agree with PG&E's suggestion in this regard.¹ Most importantly, PG&E agrees
23 that the Tubbs Fire cases should be coordinated in Sonoma County, and Petitioners
24 here agree with PG&E in that regard.
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27 _____
28 ¹ Petitioner notes that PG&E has moved to coordinate cases involving both the Pocket Fire and
the Tubbs Fire in Sonoma County, a suggestion to which Petitioner has no objection.

