

PG&E faces \$48 million lawsuit for injuries in Fresno gas pipeline blast

By Marc Benjamin



HANDOUT — TNS

A Fresno lawyer who compares the April 17 Fresno pipeline explosion to the San Bruno pipeline blast that killed eight people almost five years ago says Pacific Gas & Electric Co. should pay \$48 million in punitive damages to his three clients.

[An amended complaint](#), filed Thursday in Fresno County Superior Court, will seek an additional \$16 million on behalf of any additional clients who were burned in the pipeline explosion two weeks ago. The three men represented by lawyer Butch Wagner were working on an inmate crew at the Fresno Sheriff's Foundation shooting range, 7633 N. Weber Ave., and were among the 13 injured when the pipeline blew up.

Wagner filed a legal complaint last week against PG&E and a claim for damages against Fresno County in connection with the shooting range explosion and fire.

The claim and amended complaint, both precursors to lawsuits, say that PG&E and Fresno County each had some level of responsibility.

PG&E spokesman Denny Boyles said the investigation is ongoing, "and we can't comment on pending litigation related to the investigation."

The amended complaint filed Thursday added two inmate work crew members and implicated PG&E for "conscious

disregard of the safety and health of those in close proximity to the pipeline,” Wagner said in the complaint.

His three clients — Sam Ouk, Edgar Torres and Gabino Alberto Pizano — are in Fresno County Jail. They had moderate injuries from the explosion and fire, Wagner said.

The explosion and fire injured 10 others, including two deputies, other members of an inmate work crew and a county employee who was driving a front loader in the area of the pipeline.

The county employee remained in critical condition Thursday. A statement from the man’s family identified him as Ismael Arreazola. He was burned on at least 40% of his body, according to his family, and is being treated at Community Regional Medical Center.

On Thursday, five jail inmates also remained hospitalized at Community Regional’s burn unit, of whom two were in critical but stable condition.

Wagner said he determined an amount to seek for punitive damages by calculating 1% of the \$1.6 billion the California Public Utilities Commission fined PG&E in the San Bruno explosion.

The \$48 million for the three inmates will “punish and set an example of defendant (PG&E) and to deter such conduct ... in the future,” he wrote.

Punitive damages do not include compensatory damages, which pay for medical bills, pain and suffering, emotional distress and lost wages, Wagner said.

The Fresno pipeline explosion is similar to the one in San Bruno because the company “failed to take appropriate action to prevent a similar explosion from occurring in Fresno County,” he wrote.

Wagner said a pattern is emerging showing that PG&E doesn’t maintain its pipelines properly. He said other explosions are likely to occur unless PG&E takes preventive action to resolve its pipeline problems.

“Something has to cause PG&E to do something about this,” he said.

In the complaint, Wagner said PG&E “engaged in extreme and outrageous conduct, by failing to move the pipeline to a location that was less frequently populated, failing to properly inspect the pipeline, and failing to maintain the pipeline in a proper condition to make it less susceptible to an explosion. PG&E knew that the pipeline was very susceptible and failed to take adequate precautions and actions to make it less dangerous.”

PG&E crews conducted a ground survey on April 1 and an aerial survey on April 16. The company found no pipeline leaks. The pipeline also was surveyed in 2013 and was covered in 40 inches of dirt, PG&E officials say.

Company officials also say the pipeline was clearly marked.

Fresno County Sheriff Margaret Mims said the crew was building up berms and doing other maintenance at the firing range. Deputies witnessed the front-loader building up berms just before the explosion. Mims said the driver had not been digging but was smoothing out dirt, and the statement from Arreazola’s family, released through a Bay Area lawyer, said Arreazola “followed the instructions of his employer during his work day, which involved redistributing soil with no excavation.”

There’s been no word of any litigation on behalf of Arreazola.

In his claim filed last week against the county, Wagner said it failed in its duty to “properly train and supervise one or more of its employees on the proper use of (equipment) that allegedly came into contact with the PG&E gas line causing it to explode.” He also said the county failed in notifying PG&E that work was going to occur in the area of the pipeline.

Fresno County will have to reject the claim for damages before a lawsuit can be filed. The county has six months from the date of the claim filing to reject the claim.

It's possible both PG&E and the county could be at fault, Wagner said.

The explosion and fire remain under investigation by the California Public Utilities Commission, PG&E, Fresno County Sheriff's Office and Fresno Fire Department.

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