

FILED
Superior Court of California
County of Los Angeles

10/26/2026

David W. Slayton, Executive Officer / Clerk of Court

By: N. Navarro Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

EATON FIRE CASES

JEREMY GURSEY, an individual,

Plaintiff,

vs.

SOUTHERN CALIFORNIA EDISON
COMPANY, a California corporation;
EDISON INTERNATIONAL, a California
corporation; and DOES 1-200 inclusive,

Defendants.

Lead Case No.: 25STCV00731

ORDER RE MOTION FOR SUMMARY
ADJUDICATION; MOTIONS TO SEAL

Date: October 26, 2026

Time: 10:00 a.m.

Dept.: SSC 17

1 Defendant Southern California Edison filed a motion for summary adjudication on
2 Plaintiffs' inverse condemnation cause of action.

3 **I. OBJECTIONS**

4 **A. Defendant's Objections to Romney Declaration**

5 Nos. 1, 8, 9, 11: Overruled.

6 Nos. 2-6, 10, 12: Sustained.

7 **II. MOTION**

8 A defendant seeking summary judgment must "conclusively negate[] a necessary element
9 of the plaintiff's case, or . . . demonstrate[] that under no hypothesis is there a material issue of fact
10 that requires the process of trial." (*Guz v. Bechtel Nat. Inc.* (2000) 24 Cal.4th 317, 334.) To show
11 that a plaintiff cannot establish an element of a cause of action, a defendant must make the initial
12 showing "that the plaintiff does not possess, and cannot reasonably obtain, needed evidence."
13 (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 854.) "The defendant may, but need not,
14 present evidence that conclusively negates an element of the plaintiff's cause of action. The
15 defendant may also present evidence that the plaintiff does not possess, and cannot reasonably
16 obtain, needed evidence – as through admissions by the plaintiff following extensive discovery to
17 the effect that he has discovered nothing." (*Id.* at p. 855.)

18 Defendant makes two arguments. First, "the transmission line Plaintiffs allege caused the
19 ignition of the Easton Fire, the Mesa-Sylmar Line, did not serve the public at the time of the fire"
20 and therefore did not serve a public use. (Motion at p. 6.) Second, Defendant did not construct
21 and maintain the Mesa-Sylmar Line through condemnation or eminent domain and therefore it
22 cannot be subject to inverse condemnation. (*Id.* at p. 7.)

23 **A. Public Use**

24 Defendant argues that inverse condemnation's " 'public use' element is not met where . . .
25 the equipment 'does not provide service to the public at large'," citing *Foley Investments, L.P. v.*
26 *Alisal Water Corp.* (2021) 72 Cal.App.5th 535. (Motion at p. 10.) In that case, the court held that
27 a water main "was 'designed to fulfill an individual need'" and did "not provide 'service to the
28 public at large'" because it benefited only one apartment building. (*Foley Investments*, 72

1 Cal.App.5th at p. 544.) The water company installed the main on the apartment building's
2 property pursuant to a contract with the developer. (*Id.* at p. 544.) Defendant also cites *Cantu v.*
3 *Pacific Gas & Electric Co.* (1987) 189 Cal.App.3d 160. (Motion at p. 10.) In that case, the court
4 held that a trench built to run gas and electric facilities to a subdivision of 16 homes did “not
5 benefit the public at large.” (*Cantu, supra*, 189 Cal.App.3d at p. 165.) The utility built that trench
6 as part of a contract with the developers. (*Id.* at pp. 162-173.) Defendant argues that, like the
7 utilities in those cases, the Mesa-Sylmar line was not “actually serving the public” when the harm
8 occurred because it was idle, not connected to the broader system, and not transmitting electricity
9 to any customers. (Motion at pp. 11, 12.)

10 The reliance on *Foley* and *Cantu* is not convincing. The improvements in those cases were
11 designed and constructed under contracts with private developers to serve a small number of
12 customers on the private property. Defendant did not establish that the Mesa-Sylmar line was
13 designed and constructed under a contract with a private developer to serve a few customers. To
14 the contrary, the Mesa-Sylmar line is a transmission line, and “[e]lectric power lines for the
15 transmission and distribution of electric energy are clearly a public use.” (*Slemons v. Southern*
16 *California Edison Co.* (1967) 252 Cal.App.2d 1022, 1026.) The fact pattern here is completely
17 different from that in *Foley* and *Cantu*, and the findings of no public use in those cases were not
18 based on the fact that the improvement was not actually in use when the damage occurred.

19 Nor is Defendant’s argument that “[p]ublic use is determined at the time of the alleged
20 taking” compelling. (Motion at p. 11.) To support that assertion, Defendant cites *Leaf v. City of*
21 *San Mateo* (1984) 150 Cal.App.3d 1184. (*Ibid.*) That case does not mention how public use is
22 determined, let alone hold that in analyzing public use, a court may only consider the moment
23 when the alleged harm occurred. Defendant did not cite any legal authority that a transmission
24 line originally built to serve the public cannot be a public improvement because it was idle and not
25 transmitting electricity at the time of the harm.

26 Even if determining the issue of public use requires a narrow focus on the time of the harm,
27 Defendant has not shown that Plaintiffs cannot prove a public use. Defendant insists that the
28 inquiry must target the Mesa-Sylmar line, and only that line, without consideration of other parts

1 of the system, again citing *Foley* and *Cantu*. (Motion at p. 15.) In those cases, the event leading
2 to the harm occurred in one location without implicating the larger system. In *Foley*, the water
3 main located on the private property ruptured. (*Foley, supra*, 72 Cal.App.5th at p. 538.) In *Cantu*,
4 the trench for the private development allegedly caused the property owners' slope to slide.
5 (*Cantu, supra*, 189 Cal.App.3d at p. 163.) Nothing in those cases suggests that other parts of the
6 utility systems caused or contributed to the harm on the private property. In contrast, here the
7 facts are undisputed (at least for the purpose of this motion) that a "fault on the Eagle Rock-Gould
8 line . . . increased current on the 'adjacent in-service circuits in Eaton Canyon,' those circuits
9 'provided the fault current' that reached Tower 208, and the two lines therefore 'collectively
10 caused this Fire.'" (Reply at pp. 12-13.) Thus the facts here show several lines causing the fire:
11 the Eagle Rock-Gould line, in-service circuits in Eaton Canyon, and the Mesa-Sylmar line. The
12 Eagle Rock-Gould line and the in-service circuits in Eaton Canyon indisputably were in use and
13 providing electricity to customers, and therefore were public uses. Unlike in *Foley* and *Cantu*,
14 parts of the system other than the Mesa-Sylmar line are implicated in the fire. Because of this
15 critical difference, the *Foley* and *Cantu* cases are not useful in determining public use here.

16 Defendant also argues that the other lines cannot be considered as public uses because
17 Plaintiffs contend that only the Mesa-Sylmar line caused the fire. (Reply at p. 13.) That is not
18 correct. Plaintiffs contend that two electrical faults occurred on the Eagle Rock-Gould line three
19 second apart, and at the same time two electrical arcing events occurred on the Mesa-Sylmar line
20 at the tower where a few seconds later the fire started. (Opposition at pp. 5-6.) According to
21 Plaintiffs, the faults on the Eagle Rock-Gould line increased the current on the circuits in Eaton
22 Canon, reenergizing the Mesa-Sylmar line (*Id.* at p. 12.)

23 Next Defendant argues that the Eagle Rock-Gould line cannot provide the public use
24 element because the faulting events on that line are too remote to have caused the fire as a matter
25 of law, citing *City of Oroville v. Superior Court* (2019) 7 Cal.5th 1091. (Reply at pp. 13-14.)
26 Defendant contends that "Plaintiffs' own facts show only a remote connection" because the Eagle
27 Rock-Gould line is five to twelve miles away, and the theory that the fault caused an increase of
28 current, which energized the Mesa-Sylmar line, and then caused arcing and the fire is too remote

1 to be a “direct and necessary effect.” (*Id.* at p. 14.) However, Defendant acknowledges that these
2 events happened instantaneously or within a couple seconds, despite the distance. Instantaneous
3 events do not seem too remote or indirect. In any event, whether Plaintiffs can prove that the
4 faulting on the Eagle Rock-Gould line and the resulting chain of events was a substantial cause of
5 the harm and the harm was “the direct and necessary effect of the inherent risks posed by” the
6 lines at issue (*Oroville, supra*, 7 Cal.5th at pp. 1107-1108) will require expert evidence and is
7 beyond the scope of this motion.

8 **B. Eminent Domain or Condemnation**

9 Defendant’s second argument is that public use requires that the utility “acquired the right
10 to occupy the land . . . through eminent domain or condemnation.” (Motion at p. 13.) Once again,
11 Defendant basis this argument on *Cantu* and *Foley*. (*Id.* at p. 14.) In *Cantu*, the court explained
12 that Civil Code section 1001 provides a private right of eminent domain allowing an easement to
13 provide utility service, and that “[t]his is tantamount to a legislative declaration that such use is a
14 public use.” (*Cantu, supra*, 189 Cal.App.3d at p. 164.) In other words, if a utility obtains property
15 via eminent domain, it must be using that property for a public use. But the converse is not
16 necessarily true. If a utility obtains property some other way, such as buying or leasing it, it does
17 not necessarily follow that the utility is not using the property for a public use. The court in *Cantu*
18 did not hold that if a utility buys property to build a transmission line, that transmission line cannot
19 be a public use as a matter of law. The *Cantu* court only goes so far as say that a utility’s rule that
20 it will not “condemn private property to furnish line extensions . . . is evidence of the uniquely
21 private nature of this service.” (*Ibid.*) Thus, the lack of property acquisition by eminent domain or
22 condemnation is evidence of private use, but not necessarily determinative.

23 Likewise, *Foley* does not hold that a transmission line built on purchased or leased
24 property cannot be a public use as a matter of law. Those cases did not need to address the
25 question whether, as a matter of law, eminent domain or condemnation is a required element of
26 inverse condemnation because those cases did not involve a public use for a different reason – the
27 small number of customers served pursuant to contracts with developers.

1 In *Barham v. Southern California Edison Co.* (1999) 74 Cal.App.4th 744, the court
2 emphasized that the question of public use of a transmission line does not concern how the utility
3 obtained the land. “Rather the issue is whether [the plaintiffs’] property was taken for a public
4 use, i.e., the transmission of electric power to the public.” (*Id.* at p. 754.) Under *Barham*, the fact
5 that Defendant owns the land under the tower at issue is not pertinent to the question of public use.

6 The motion is DENIED.

7 **III. MOTIONS TO SEAL**

8 Defendants move to seal (1) SCE System Operating Bulletins No. 25 and No. 322 and (2)
9 specific statements in Plaintiffs’ Separate Statement in Opposition to Summary Adjudication and
10 Defendants’ Response and Objections to Plaintiffs’ Separate Statement. The Motions to Seal are
11 unopposed.

12 In *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178, the
13 Supreme Court identified factors that a trial court must “expressly find” satisfied before ordering
14 records sealed: “that (i) there exists an overriding interest supporting closure and/or sealing; (ii)
15 there is a substantial probability that the interest will be prejudiced absent closure and/or sealing;
16 (iii) the proposed closure and/or sealing is narrowly tailored to serve the overriding interest; and
17 (iv) there is no less restrictive means of achieving the overriding interest.” (*Id.* at pp. 1217-18; see
18 Cal. Rules of Court, Rule 2.550(d).)

19 The internal bulletins contain information about the functionality of Defendant’s electrical
20 facilities and internal procedures relating to those facilities. Defendant argues it keeps this
21 information confidential and malicious actors could misuse it to damage the power grid.
22 Defendants have shown an overriding interest in the confidentiality of this information and likely
23 prejudice absent sealing. It is not feasible to redact specific portions of the bulletins, which mostly
24 contain confidential information. Therefore, full sealing is appropriate as it is narrowly tailored
25 and no less restrictive means exist.

26 The statements concern upgrades to and the potential reactivation of the Mesa-Sylmar line,
27 which the court previously sealed. (UMF 14, 15, 17, 18, 21; AMF 24, 25, 26; Response to AMF
28 32). Defendant established an overriding interest in confidentiality of its “non-public, long-term

1 bulk generation and transmission planning analyses, resource assumptions, modeled results, and
2 internal cost estimates,” which will likely be prejudiced absent sealing. (Sealing Order at p. 3].)
3 The sealing is narrowly tailored to specific portions of specific material facts. Sealing is
4 appropriate because no less restrictive means exist to protect this information.

5 The motions to seal are GRANTED.

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7
8 Dated: 10/26/2026



Laura A. Seigle

LAURA A. SEIGLE
JUDGE OF THE SUPERIOR COURT
Laura A. Seigle / Judge