

1 Daniel M. Gilleon (SBN 195200)
Samuel A. Clemens (SBN 285919)
2 Gilleon Law Firm
1320 Columbia Street, Suite 200
3 San Diego, CA 92101
Tel: 619.702.8623
4 Fax: 619.702.6337

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Superior Court of California,
County of San Diego
01/25/2017 at 08:00:00 AM
Clerk of the Superior Court
By Patrick Gonzaga, Deputy Clerk

5 Attorneys for Plaintiffs Linda Rossitter, Deborah Rossitter, Kevin Richardson

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8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**
(Central Division)
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10
11 LINDA ROSSITTER; DEBORAH
ROSSITTER; KEVIN RICHARDSON

CASE NO. 37-2017-00003143-CU-PO-CTL

COMPLAINT FOR:

12
13 Plaintiff,

1. Negligence;
2. Private Nuisance;
3. Public Nuisance;
4. Trespass;
5. Violation of Business & Professions Code Section 17200; and
6. Breach of Contract/Warranty

14 vs.

15 GREENFIELD MHP ASSOCIATES,
LP, a California limited partnership;
16 AMETEK, INC., a Delaware
corporation; SENIOR OPERATIONS,
17 LLC, a Delaware limited liability
company; and
18 DOES 1 to 20,

19 Defendants.
20

21 Plaintiffs Linda Rossitter, Deborah Rossitter and Kevin Richardson allege:

22 **GENERAL ALLEGATIONS**

- 23 1. Plaintiff Linda Rossitter is an adult resident of San Diego County, California.
- 24 2. Plaintiff Deborah Rossitter is an adult resident of San Diego County, California.
- 25 3. Plaintiff Kevin Richardson is an adult resident of San Diego County, California.
- 26 4. Defendant Greenfield MHP Associates, LP ("Greenfield") is a California limited
27 partnership organized and existing under the laws of California headquartered, nerve-centered, and
28 at all relevant times its primary place of business in San Diego County, California. At all relevant

1 times, Greenfield was the owner, operator and manager of Greenfield Mobile Home Park ("the
2 Park") located in El Cajon, California.

3 5. Defendant Ametek, Inc. ("Ametek") is a Delaware corporation doing business in San
4 Diego County, California.

5 6. Defendant Senior Operations, LLC ("Senior") is a Delaware limited liability company
6 doing business in San Diego County, California. Senior owns Ametek.

7 7. Plaintiffs do not know the names of Does 1 through 20.

8 8. Each of the defendants was the agent or employee of the other defendants and in
9 doing the acts alleged in this complaint was acting within the course of scope of such agency and
10 employment.

11 9. Plaintiffs are owners, occupants, and tenants of a mobile home located in the Park
12 on real property that is leased to plaintiffs by Greenfield.

13 10. Since before plaintiffs resided in the Park, and continuing until now, there has existed
14 in the Park an underground toxic plume consisting of harmful chemicals dumped by Ametek on
15 adjacent property. At all material times, Greenfield knew about the plume but did not inform or
16 warn plaintiffs.

17 11. Ametek, which is owned by Senior, owns and operates an aircraft engine part
18 manufacturing plant located in El Cajon, CA. One of the byproducts of the manufacturing done by
19 Ametek is toxic waste. Instead of properly storing or disposing of the toxic waste, Ametek spent
20 decades dumping the toxic waste into the ground. As a direct result of the decades of dumping toxic
21 waste into the ground a toxic plume of waste and chemical formed and which now has spread under
22 many square miles in the El Cajon, CA area and has contaminated the soil and groundwater.

23
24 **FIRST CAUSE OF ACTION**
(Negligence Against All Defendants)

25 12. Plaintiffs reallege paragraphs 1 to 11.

26 13. Ametek and Senior acted negligently by dumping chemicals and toxic waste into the
27 ground in the first place, and then by not cleaning them up. Greenfield was negligent by failing to
28 warn plaintiffs, by failing to disclose to Plaintiffs that the toxic plume existed, and by not cleaning

1 up the pollutants in the Park.

2 14. As a direct and legal result of Defendants' actions and omissions, Plaintiffs suffered
3 economic damages for loss of property value and paying rent in excess of its fair value, and for
4 emotional distress for living on a toxic plume, as well as past and future medical expenses related
5 to exposure to the toxic waste.

6
7 **SECOND CAUSE OF ACTION**
(Private Nuisance Against All Defendants)

8 15. Plaintiffs reallege paragraphs 1 to 14.

9 16. Plaintiffs had a right to occupy, enjoy and use their property in the Park without
10 interference.

11 17. Ametek and Senior created a condition, and Greenfield failed to act to remedy such
12 condition, that was harmful to Plaintiffs' health and the health of the general public, was incident and
13 offensive to the senses, obstructed plaintiffs' free use of their property and obstructed the public's
14 use of public property, and unlawfully interfered with their use and comfortable enjoyment of it.
15 Absent abatement, Defendants' wrongful conduct will worsen plaintiffs' situation in this regard.

16 18. An ordinary person of reasonable sensibilities would be annoyed and disturbed by
17 Defendants' conduct and the condition they created which affects a substantial amount of people
18 over a substantial area in El Cajon, CA. Plaintiffs did not consent to Defendants conduct.

19 19. Defendants acted with malice, oppression, and fraud, in conscious disregard for the
20 rights and safety of Plaintiffs and of the public. Defendants all authorized and ratified the malicious
21 conduct of their employees, which was done by, authorized, or ratified by their corporate officers,
22 directors, and managing agents. Defendants further had advanced knowledge of the unfitness of
23 such employees and continued to employ them in conscious disregard of the rights and safety of
24 Plaintiffs and the general public.

25 20. As a direct and legal result of Defendants' actions and omissions, Plaintiffs suffered
26 economic damages for loss of property value and paying rent in excess of its fair value, and for
27 emotional distress for living on a toxic plume, as well as past and future medical expenses related
28 to exposure to the toxic waste. The seriousness of the harm suffered by Plaintiffs greatly and

1 substantially outweighs the public benefit, if any, of Defendants' conduct and the seriousness of the
2 harm, including but not limited to the contamination of the soil and groundwater greatly outweighs
3 the social utility, if any, of Defendants conduct. Plaintiffs' harms are different and greater than the
4 harms suffered by the general public because they live in the Park and their homes are directly
5 affected by the toxic plume.

6
7 **THIRD CAUSE OF ACTION**
8 **(Public Nuisance Against All Defendants)**

9 21. Plaintiffs reallege paragraphs 1 to 20.

10 22. Plaintiffs had a right to occupy, enjoy and use their property in the Park without
11 interference.

12 23. Ametek and Senior created a condition, and Greenfield failed to act to remedy such
13 condition, that was harmful to Plaintiffs' health and the health of the general public, was incident and
14 offensive to the senses, obstructed plaintiffs' free use of their property and obstructed the public's
15 use of public property, and unlawfully interfered with their use and comfortable enjoyment of it.
16 Absent abatement, Defendants' wrongful conduct will worsen plaintiffs' situation in this regard.

17 24. An ordinary person of reasonable sensibilities would be annoyed and disturbed by
18 Defendants' conduct and the condition they created which affects a substantial amount of people
19 over a substantial area in El Cajon, CA. The substantial failure of Greenfield to provide and
20 maintain physical improvements in the common facilities in good working order and condition at
21 the Park is a public nuisance as a matter of law. Plaintiffs did not consent to Defendants conduct.

22 25. Defendants acted with malice, oppression, and fraud, in conscious disregard for the
23 rights and safety of Plaintiffs and of the public. Defendants all authorized and ratified the malicious
24 conduct of their employees, which was done by, authorized, or ratified by their corporate officers,
25 directors, and managing agents. Defendants further had advanced knowledge of the unfitness of
26 such employees and continued to employ them in conscious disregard of the rights and safety of
27 Plaintiffs and the general public.

28 26. As a direct and legal result of Defendants' actions and omissions, Plaintiffs suffered

1 economic damages for loss of property value and paying rent in excess of its fair value, and for
2 emotional distress for living on a toxic plume, as well as past and future medical expenses related
3 to exposure to the toxic waste. The seriousness of the harm suffered by Plaintiffs greatly and
4 substantially outweighs the public benefit, if any, of Defendants' conduct and the seriousness of the
5 harm, including but not limited to the contamination of the soil and groundwater greatly outweighs
6 the social utility, if any, of Defendants conduct. Plaintiffs' harms are different and greater than the
7 harms suffered by the general public because they live in the Park and their homes are directly
8 affected by the toxic plume.

9
10 **FOURTH CAUSE OF ACTION**
(Trespass Against Ametek, Senior, and Does 1 to 20)

11 27. Plaintiffs reallege paragraphs 1 to 26.

12 28. Plaintiffs had a right to occupy, enjoy and use their property in the Park without
13 interference.

14 29. Defendants intentionally, recklessly, and negligently caused the toxic plume of waste
15 and chemical to enter Plaintiffs' property. Plaintiff did not consent to allow the toxic plume onto
16 their property.

17 30. As a direct and legal result of Defendants' actions and omissions, Plaintiffs suffered
18 economic damages for loss of property value and paying rent in excess of its fair value, and for
19 emotional distress for living on a toxic plume, as well as past and future medical expenses related
20 to exposure to the toxic waste. Defendants acted with malice, oppression, and fraud, in conscious
21 disregard for the rights and safety of Plaintiffs and of the public. Defendants all authorized and
22 ratified the malicious conduct of their employees, which was done by, authorized, or ratified by their
23 corporate officers, directors, and managing agents. Defendants further had advanced knowledge of
24 the unfitness of such employees and continued to employ them in conscious disregard of the rights
25 and safety of Plaintiffs and the general public.

26 **FIFTH CAUSE OF ACTION**
27 **(Violation of California UCL Against All Defendants)**

28 31. Plaintiffs reallege paragraphs 1 to 30.

1 to exposure to the toxic waste.

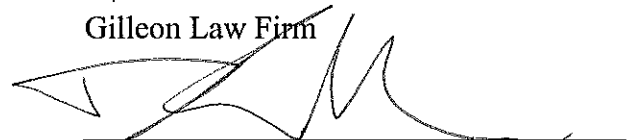
2 **REQUEST FOR RELIEF**

3 THEREFORE, Plaintiffs Linda Rossitter, Deborah Rossitter, and Kevin Richardson requests
4 a judgment against Defendants Greenfield MHP Associates LP, a California Limited Partnership,
5 Ametek, Inc., a Delaware corporation, Senior Operations LLC, a Delaware limited liability
6 company, and Does 1 to 20 for:

- 7 a. General and special damages according to proof;
- 8 b. Injunctive Relief ordering Defendants to stop trespassing on the Plaintiffs'
9 property and to clean and remedy the toxic plume;
- 10 c. Injunctive Relief ordering Defendants to refrain from violating the Unfair
11 Competition Laws;
- 12 d. Attorneys fees and costs of court;
- 13 e. Punitive damages;
- 14 f. Restitution, disgorgement, or other equitable relief; and
- 15 g. Other further relief.

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17 Dated: January 23, 2017

Gilleon Law Firm



Daniel M. Gilleon, Attorneys
for Plaintiffs Linda Rossitter, Deborah
Rossitter, Kevin Richardson

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