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March 10, 2020

Honorable Tani Gorre Cantil-Sakauye
Chief Justice and the Associate Justices
California Supreme Court
350 McAllister Street
San Francisco, CA 94102-7303

Re: Amicus Letter in Support of Cross-Defendant's Petition for Review
Southern California Edison Company and Edison International v.
County of Santa Barbara, et al.
California Supreme Court Case No., S260731
Petition for Review filed on February 18, 2020

To the Chief Justice and the Associate Justices of the California Supreme Court:

The League of California Cities (the "League") and the California State Association of Counties ("CSAC") respectfully apply to this Court under California Rules of Court, rule 8.500, subdivision (g), for permission to file an amici curiae brief in support of the petition for review filed by the County of Santa Barbara in the above-referenced case. The League and CSAC urge this Honorable Court to grant review on grounds the Superior Court's ruling improperly expands the scope of inverse condemnation, creating a likelihood that utility companies will inequitably shift liability to public entities following future large-scale natural disasters.

The issues presented concern important questions of law with practical implications for California cities and counties, which must allocate finite resources to protect the public health, safety and welfare. Accordingly, the outcome of this case is of significant interest to both the League and CSAC.

The League's and CSAC's Interest in This Case

The League of California Cities is an association of 479 California cities dedicated to protecting and restoring local control to provide for the public health, safety, and welfare of their residents, and to enhance the quality of life for all Californians. The League is advised by its Legal Advocacy Committee, comprised of 24 city attorneys from all regions of the State. The Committee monitors litigation of concern to municipalities, and identifies those cases that have statewide or nationwide significance. The Committee has identified this case as having such significance.



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CSAC is a non-profit corporation whose membership consists of the 58 California counties. CSAC sponsors a Litigation Coordination Program, which is administered by the County Counsels' Association of California and is overseen by the Association's Litigation Overview Committee, comprised of county counsels throughout the state. The Litigation Overview Committee monitors litigation of concern to counties statewide and has determined that this case is a matter affecting all counties in that this Court's decision will impact important issues of governance statewide.

The League and CSAC have a substantial interest in the outcome of this important case. Should the Superior Court's ruling stand, a public utility company responsible for causing a future natural disaster, such as a wildfire or post-fire debris flow, may shift its liability to a public entity through inverse condemnation as a basis for equitable indemnity and contribution. Not only would this allow utility companies to avoid liability after having caused such disasters, but such a shift would fall to the very public entities harmed by those events.

Such an improper expansion of inverse condemnation is subject to exploitation and, given public entities lack (i) tort immunities or (ii) fault-based elements for tort liability, such entities would face increased legal exposure. For example, if, through its own negligence, a public utility company causes a natural disaster and thereafter declares bankruptcy, affected cities and counties face legal exposure and may be held liable. Further, Cross-Complainant and Real Party in Interest Southern California Edison Company and Edison International ("Edison") has identified its cross-complaint as a "test case," whereby Edison strives to reapportion liability to public entities for catastrophic injuries that Edison is solely responsible for causing. Such facts demonstrate why this issue is important to cities and counties beyond just this case.

Additionally, Edison seeks to use its superior financial resources as leverage, forcing constrained public entities to incur significant costs to defend against future claims of inverse condemnation and equitable indemnity. This type of financial gamesmanship harms the interests of cities and counties throughout California, and would protect future unscrupulous utility companies from liability.

Conclusion

The Superior Court's proposed expansion of inverse condemnation would have widespread effects throughout the cities and counties of this State. Accordingly, the League of California Cities and California State Association of Counties have direct stakes in the outcome of this case and respectfully urge this Honorable Court to grant review in this case. Should such review be granted, the League and CSAS further respectfully request leave to file an amici brief in support of the merits of the Petition filed by the County of Santa Barbara.



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Sincerely,

A handwritten signature in blue ink that reads "Bruce W. Beach". The signature is written in a cursive, flowing style.

Bruce W. Beach
of BEST BEST & KRIEGER LLP

DECLARATION OF SERVICE

I, the undersigned, declare as follows:

I am a citizen of the United States and employed in the County of San Diego. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Best Best & Krieger LLP, 655 West Broadway, 15th Floor, San Diego, California 92101.

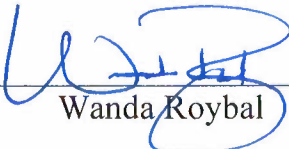
On March 10, 2020, I served true copies of the following document described as **AMICUS LETTER IN SUPPORT OF CROSS-DEFENDANT'S PETITION FOR REVIEW** on the interested parties in this action as follows:

BY ELECTRONIC SERVICE: I served the documents on the persons listed in the Service List by submitting an electronic version of the document to TrueFiling through the user interface at www.tf3.truefiling.com.

BY FEDEX: I enclosed said document in an envelope or package provided by FedEx and addressed to the persons or entities at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or regularly utilized drop box of FedEx or delivered such document to a courier or driver authorized by FedEx to receive documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 10th day of March, 2020, at San Diego, California.



Wanda Roybal

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