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ORIGINAL FILED
Superior Court of California
County of Los Angeles

AUG 22 2018

Sherri R. Carter, Executive Officer/Clerk
By: *M. Soto*, Deputy
Moses Soto

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BY FAX

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

15 ALEXANDRA LAVINSKY, BRENDAN
16 EISAN, and BARBARA TREVINO,
17 individually and on behalf of all others similarly
18 situated,
19
20 Plaintiffs,
21
22 v.
23 CITY OF LOS ANGELES,
24
25 Defendant.

Case No. BC542245
*Assigned for all purposes to the
Honorable Ann I. Jones*
**FIRST AMENDED CLASS ACTION
COMPLAINT FOR:**
1. DECLARATORY RELIEF
2. PERMANENT INJUNCTIVE RELIEF
3. CONSTRUCTIVE TRUST (CIVIL
CODE §§2223, 2224)
4. ACCOUNTING
5. VIOLATION OF LOS ANGELES
MUNICIPAL CODE §21.1.5
6. COMMON COUNT—MONEY HAD
AND RECEIVED
7. MANDAMUS (C.C.P. §1085)

Department 11

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1 Plaintiffs Alexandra Lavinsky (“Lavinsky”), Brendan Eisan (“Eisan”), and Barbara Trevino
2 (“Trevino”) on behalf of themselves and all others similarly situated, complain and allege as follows:

3 **GENERAL ALLEGATIONS**

4 1. Plaintiffs Lavinsky, Eisan, and Trevino (collectively, “Plaintiffs”) are individuals
5 currently and formerly residing in the City of Los Angeles, California.

6 2. The City of Los Angeles (“City” or “Defendant”) is a municipal corporation organized
7 and existing under the laws of the State of California.

8 3. This case arises out of the improper calculation of a tax imposed by the City.

9 **Gas Utility User Tax**

10 4. The tax in question is a gas utility user tax (“Gas UUT”) imposed pursuant to Los
11 Angeles Municipal Code (“LAMC”), Chapter II, Article 1.1 (“UUT Ordinance”), Section 21.1.5,
12 which provides, in relevant part:

13 There is hereby imposed a tax upon every person in the City of Los Angeles using
14 in the City gas which is delivered through mains or pipes. The tax imposed by this
15 section shall be at the rate of 10 percent of *the charges made for such gas* and shall
16 be paid by the person paying for such gas, provided, however, that as to any non-
17 profit educational institution, as defined in subdivision 3 of Subsection (c) of
Section 21.190 of this Code, the tax imposed by this section shall be at the rate of
5 percent of *the charges made for such gas*. [Emphasis added]

18 5. At all times mentioned herein, Southern California Gas Company (“SCGC”/SCGC)
19 was a public utility regulated by the California Public Utilities Commission (“CPUC” or
20 “Commission”).

21 6. At all times mentioned herein, SCGC provided gas service throughout much of
22 Southern California, including Los Angeles.

23 7. At all times mentioned herein, SCGC had gross intrastate revenues of greater than
24 \$750,000.

25 8. At all times mentioned herein, pursuant to the UUT Ordinance, SCGC was
26 required to collect, and did collect, the Gas UUT from persons and entities using gas in Los
27 Angeles (“LA Gas Users”) who were customers of SCGC. Such Gas UUT collected by SCGC
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1 was collected insofar as practicable at the same time as, and along with, the charges made in
2 accordance with the regular billing practice of SCGC.

3 9. Plaintiffs are informed and believe, and based thereon allege, that the City was at
4 all times mentioned herein permitted to collect, and did collect, the Gas UUT directly from certain
5 LA Gas Users under the circumstances described in UUT Ordinance §21.1.10.

6 10. At all times mentioned herein, SCGC was required by the UUT Ordinance to
7 remit, and did remit, to the City the Gas UUT that they collected from LA Gas Users.

8 11. At all times mentioned herein, SCGC provided gas bills to LA Gas Users from
9 whom they collected the Gas UUT.

10 12. At all times mentioned herein, in addition to the Gas UUT, SCGC collected from
11 LA Gas Users the following charges: (1) the charges for gas ("Gas Charge"), (2) the Public
12 Purpose Surcharge ("PPS"), and (3) the State Regulatory Fee ("SRF").

13 13. At all times mentioned herein, the Gas UUT, Gas Charge, PPS, and SRF each
14 appeared as separate line items on the gas bills of such LA Gas Users.

15 **Gas Charges**

16 14. At all times mentioned herein, the Gas Charge was identified on LA Gas Users'
17 gas bills as "Gas Charges."

18 15. At all times mentioned herein, the Gas Charge was the charge paid by LA Gas
19 Users for gas.

20 **Public Purpose Surcharge**

21 16. At all times mentioned herein, the PPS was identified on LA Gas Users' gas bills
22 as "Public Purpose Surcharge."

23 17. At all times mentioned herein, the PPS was imposed pursuant to Public Utilities
24 Code ("PU Code") Section 890 *et seq.*

25 18. At all times mentioned herein, PU Code Section 890(a) provided:

26 On and after January 1, 2001, there shall be imposed a surcharge on all natural
27 gas consumed in this state. The commission shall establish a surcharge *to fund*
28 *low-income assistance programs* required by Sections 739.1, 739.2, and 2790
and cost-effective *energy efficiency and conservation activities and public*

1 article, reimbursements, federal funds, and the unencumbered balance from the
2 preceding year; (2) an appropriate reserve; and (3) any adjustment appropriated
by the Legislature. [Emphasis added]

3 25. At all times mentioned herein, pursuant to PU Code Sections 404 and 433, SCGC
4 was permitted to and did collect the SRF from their customers and remit such amounts to the
5 CPUC on a quarterly basis. Pursuant to PU Code Section 402, the CPUC was required to and did
6 remit such SRF amounts to the State Treasurer, at least quarterly, for deposit into the “Public
7 Utilities Commission Utilities Reimbursement Account.”

8 **Improper Calculation of Gas UUT**

9 26. At all times mentioned herein, the Gas UUT charged and collected from LA Gas
10 Users and remitted to the City was calculated as the sum of: (i) 10 percent of the Gas Charge, (ii)
11 10 percent of the PPS, and (iii) 10 percent of the SRF; except, in the case of Gas UUT collected
12 from an LA Gas User that was a non-profit educational institution, the Gas UUT charge was
13 calculated as the sum of: (i) 5 percent of the Gas Charge, (ii) 5 percent of the PPS, and (iii) 5
14 percent of the SRF.

15 27. At all times mentioned herein, the Gas UUT as thus charged and collected from
16 LA Gas Users and remitted to the City was illegal, erroneous, and in violation of the terms of the
17 UUT Ordinance and applicable law to the extent that the Gas UUT was calculated as a percentage
18 of the PPS or SRF or both.

19 28. The portion of Gas UUT charge that was calculated as a percentage of the PPS or
20 the SRF or both that was collected from LA Gas Users and remitted to the City is hereinafter
21 referred to as the “Illegal Gas UUT.”

22 29. At all times mentioned herein, Section 21.1.5 of the UUT Ordinance authorized
23 the imposition of the Gas UUT on persons or entities “using gas” in Los Angeles at the rate of 10
24 percent (or, in the case of non-profit educational institutions, 5 percent) of “the charges *made for*
25 *such gas.*” [Emphasis added]

26 30. At all times mentioned herein, the PPS was not a “charge made for such gas” as
27 provided in Section 21.1.5 of the UUT Ordinance. Instead, the PPS was a charge made to fund
28

1 low-income programs, energy efficiency and conservation activities, and certain public interest
2 research and development, as mandated by the Legislature in PU Code Section 890 *et seq.*
3 Therefore, the past and continuing collection and remittance to the City of the Gas UUT calculated
4 as a percentage of the PPS was, and is, illegal and not authorized under UUT Ordinance and
5 applicable law.

6 31. At all times mentioned herein, the SRF was not a “charge made for such gas” as
7 provided in Section 21.1.5 of the UUT Ordinance. Instead, the SRF was a charge made to fund
8 the operations of the CPUC, as mandated by the Legislature in PU Code Section 401 *et seq.*
9 Therefore, the past and continuing collection and remittance to the City of the Gas UUT calculated
10 as a percentage of the SRF was, and is, illegal and not authorized under UUT Ordinance and
11 applicable law.

12 32. Plaintiffs do not dispute that the Gas UUT as thus collected and remitted to the
13 City was appropriate, and not objectionable, to the extent that such Gas UUT was calculated as a
14 percentage of only the Gas Charges.

15 **Payment of Illegal Gas UUT**

16 33. Plaintiffs Lavinsky and Eisan were residents of the City at all relevant times.

17 34. Plaintiffs Lavinsky and Eisan were at all relevant times customers of SCGC, and
18 Plaintiffs Lavinsky and Eisan regularly received bills from SCGC.

19 35. Plaintiff Trevino was a customer of SCGC and resident of the City at all relevant
20 times, except that Plaintiff Trevino stopped residing within the City on or about January 2018.

21 36. Attached hereto as **Exhibit 1** is a true and correct copy of a SCGC monthly natural
22 gas bill (the account number has been redacted).

23 37. At all relevant times, including at all times from December 12, 2012 until the date
24 of the filing of this First Amended Complaint, the form of all monthly SCGC gas bills received
25 by Plaintiffs (and members of the proposed Class) were identical in all material respects to the
26 attached **Exhibit 1**; only the dollar amounts, terms, and dates shown on the bills varied from one
27 month to the next. All such monthly gas bills separately identified the charges for the Gas UUT,
28 Gas Charge, PPS, and SRF.

1 38. At all relevant times, Plaintiffs' monthly gas bills included Illegal Gas UUT
2 charges.

3 39. At all relevant times, Plaintiffs paid Illegal Gas UUT charges to SCGC. SCGC
4 remitted such Illegal Gas UUT to the City.

5 40. On information and belief, Plaintiffs allege that on and after December 12, 2012,
6 each and every LA Gas User who paid for such gas received one or more bills from SCGC under
7 the circumstances described in UUT Ordinance Section 21.1.10; and that the form of such gas
8 bills were identical in all material respects to the attached Exhibit A in that such bills included
9 charges for the Gas Charge, Gas UUT, PPS, and SRF; and that such gas bills included Illegal Gas
10 UUT charges that were improperly calculated and imposed as a percentage of the PPS or SRF or
11 both; and that such LA Gas Users paid such Illegal Gas UUT charges to SCGC; and that SCGC
12 remitted such Illegal Gas UUT to the City.

13 41. Plaintiffs are informed and believe that, as of the present time, the City continues
14 to impose the Illegal Gas UUT on LA Gas Users.

15 **CLASS ACTION ALLEGATIONS**

16 42. Plaintiffs bring this action on their own behalf and on behalf of all persons
17 similarly situated as class representatives under Code of Civil Procedure section 382.

18 43. The class which Plaintiffs seek to represent is defined as follows:

19 Any person or entity to whom a natural gas invoice from Southern California
20 Gas Company was addressed and who was charged the City of Los Angeles'
21 natural gas utility user tax (described as the line item "Los Angeles City Users
22 Tax" on the Southern California Gas Company's natural gas invoice) during a
23 billing period that includes at least one day that falls on or after December 12,
24 2012 through the date of judgment. Specifically excluded from the Class are the
City of Los Angeles, any entity in which the City of Los Angeles has a
controlling interest, and any Judge, Justice or judicial officer presiding over this
matter and the members of their immediate families.

25 44. The exact number of Class members is unknown to Plaintiffs at this time, but
26 Plaintiffs are informed and believe that there are more than one million such Class members. The
27 exact number and identity of the vast majority of Class members is readily ascertainable from the
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1 billing records of SCGC, and the exact number and identity of the remainder of Class members
2 is readily ascertainable from the billing records and/or from the City's records of collections it
3 made directly from LA Gas Users under the circumstances described in UUT Ordinance §21.1.10.

4 45. The persons in this Class are so numerous that the joinder of all these persons is
5 impracticable and disposition of their claims in a class action is a benefit to the parties and the
6 court.

7 46. There is a well-defined community of interest in the questions of law and fact
8 involved affecting the parties to be represented in that the Defendant's past and continuing
9 practice of improper conduct regarding the Illegal Gas UUT, as hereinbefore described, affects
10 all members of the Class. Proof of a common or single state of facts will establish the right of
11 each member of the Class to judgment in that the UUT Ordinance and applicable law grant the
12 same rights with respect to the conduct by Defendant herein complained of to all members of the
13 above-mentioned Class and proof that Defendant's ongoing practice as stated herein violates
14 these rights will be applicable to all members of the Class. Moreover, the injunction proscribing
15 Defendant's practice will benefit all members equally.

16 47. Upon application by Plaintiffs' counsel for certification of the class, as and where
17 necessary as to the following causes of action, the Court may be requested to also incorporate
18 subclasses in the interests of justice and judicial economy.

19 48. The Plaintiffs' claims are typical of the claims of the Class because Plaintiffs and
20 all Class members have paid the Illegal Gas UUT which arises out of the Defendant's wrongful
21 conduct in violation of the UUT Ordinance and applicable law as complained of herein.

22 49. Plaintiffs are representative parties who will fully and adequately protect the
23 interests of the Class members and have retained experienced and competent class counsel.
24 Plaintiffs have no interest which is contrary to or conflicts with that of the Class they seek to
25 represent.

26 50. The number and identity of the members of the Class, and the precise amount of
27 Illegal Gas UUT paid by each of them, are unknown at the present time, but is readily
28 determinable from the billing records of SCGC and/or the City. Such records will permit Class

1 members to be easily identified and, if appropriate, notified of the pendency of this action through
2 mail (including notifications on or with the regular monthly gas bills sent by SCGC), and/or
3 through internet and print publications.

4 51. Case law, the Los Angeles City Charter, and/or the UUT Ordinance empower the
5 City and its Director of Finance to direct SCGC to produce such records, to provide notification
6 to Class members and, if the City is ordered by the Court, to pay refunds of the Illegal Gas UUT
7 that was remitted to the City, to transmit such refund payments from the City to Class members
8 (including refund payments by the issuance of bill credits on the regular monthly gas bills sent by
9 SCGC). Pursuant to UUT Ordinance §21.1.9(a), the City's Director of Finance is granted the
10 general power "to enforce all of the provisions of" the UUT Ordinance. Pursuant to UUT
11 Ordinance §21.1.9(c), the City's Director of Finance, in administering and enforcing the UUT
12 Ordinance, is granted the specific powers set forth in §21.15 of Article 1 of Chapter 2 of the
13 LAMC, including the power to audit and examine the books and records of SCGC for the purpose
14 of ascertaining the amount of Gas UUT required to be collected and remitted by them. Pursuant
15 to UUT Ordinance §21.1.11, SCGC are obligated to retain for three years all records as may be
16 necessary to establish the amount of the Gas UUT they were required to collect and remit to the
17 City, and the City's Director of Finance is authorized to inspect such records at all reasonable
18 times.

19 52. As hereinbefore alleged, there is a well-defined community of interest in the
20 questions of law and fact involved affecting the parties to be represented. Questions of law and
21 fact common to the members of the aforesaid Class predominate over any questions which may
22 affect only individual members. Among the questions of law and fact common to the Class are:

- 23 (a) Whether the members of the Class paid the Gas UUT;
- 24 (b) Whether the Gas UUT paid by members of the Class was calculated in
25 the manner described herein;
- 26 (c) Whether the Gas UUT that was calculated in the manner described
27 herein and paid by members of the Class was in excess of the Gas UUT that such Class
28 members were required to pay, and in excess of the amounts the Defendant was permitted to

1 receive, under the UUT Ordinance and applicable law;

2 (d) Whether the members of the Class are entitled to recover the Gas UUT
3 they paid in excess of the amounts that were required to be paid, and in excess of the amounts
4 the Defendant was permitted to receive, under the UUT Ordinance and applicable law;

5 (e) Whether the Defendant should be enjoined from continuing to charge
6 and receive payment of the Gas UUT calculated in the manner described herein, and if so, the
7 nature, type and extent of such enjoinder; and

8 (f) The appropriate nature of and procedure for providing class-wide relief.

9 53. A class action is superior to other available means for the fair and efficient
10 adjudication of this controversy since individual joinder of all members of the class is clearly
11 impractical. Class action treatment will permit a large number of similarly situated persons to
12 prosecute their common claims in a single forum simultaneously, efficiently, and without the
13 necessary duplication of effort and expense that numerous individuals claim filings and actions
14 would engender. Furthermore, given that the damages and/or restitution amount suffered and/or
15 demanded by each individual member of the class may be relatively small, the expenses and
16 burden of individual litigation would make it difficult or impossible for individual members of
17 the class to redress the wrongs done to them. The cost of government claims administration and
18 to the court system of adjudication of such individualized claims would be substantial. And,
19 individualized claims and litigation would present the potential for inconsistent or contradictory
20 outcomes.

21 54. Plaintiffs know of no difficulty to be encountered in the management of this action
22 which would preclude its maintenance as a class action. Relief concerning Plaintiffs' rights under
23 the laws alleged herein and with respect to the Class as a whole would be appropriate.

24 **SATISFACTION OF GOVERNMENT CLAIM REQUIREMENT**

25 55. On or around December 12, 2013, Plaintiff Lavinsky mailed a government claim
26 to the City seeking refund, to the full extent permitted by law, of all Illegal Gas UUT. Such
27 government claim was presented on Plaintiff Lavinsky's behalf and on behalf of all others
28 similarly situated. The claim asserted that the imposition and calculation of the Gas UUT in the

1 manner described herein was illegal for the reasons set forth herein, and demanded a refund of
2 such Gas UUT to Plaintiff Lavinsky and all others similarly situated.

3 56. As of the date hereof, City has failed to give notice of the insufficiency of the
4 claim, pursuant to Government Code §910.8; and has failed to provide written notice of its action
5 on the claim, pursuant to Government Code §913; and has failed to act on the claim in the manner
6 provided in Government Code §912.6.

7 57. Pursuant to Government Code §912.4, the claim is deemed rejected because the
8 City has failed to act on the claim in the manner provided in Government Code §912.6 within 45
9 days after the date the claim was mailed to City.

10 58. Plaintiff Lavinsky, on behalf of herself and all others similarly situated, has
11 complied with the claims filing requirements of the Government Claims Act (Government Code
12 §910 *et seq*).

13 59. Plaintiffs Trevino and Eisan similarly complied with the administrative
14 requirements for filing suit against the City set forth in California Government Code §910, *et seq*.

15 **FIRST CAUSE OF ACTION**

16 **(DECLARATORY RELIEF)**

17 60. Plaintiffs incorporate by reference and reallege paragraphs 1-59, above, as though
18 fully set forth herein.

19 61. Plaintiffs have for many years been charged, and paid, the Illegal Gas UUT.
20 Plaintiffs Lavinsky and Eisan expect to continue to receive gas service in the City and to be
21 charged the Illegal Gas UUT in the future.

22 62. An actual controversy exists between Plaintiffs and Defendant in that Plaintiffs
23 contend that the Defendant's continued imposition of the Illegal Gas UUT is illegal, invalid, and
24 unlawful. Plaintiffs are informed and believe, and based thereon allege, that the City disputes
25 these contentions and contends that the continued imposition of the Illegal Gas UUT is valid and
26 lawful.

27 63. Plaintiffs desire a declaration as to the invalidity and unlawfulness of the
28 Defendant's actions (i.e., whether in light of the UUT Ordinance and other applicable law, the

1 Defendant may validly and lawfully impose the Illegal Gas UUT.) A judicial declaration is
2 necessary and appropriate at this time so Plaintiff the Class may ascertain, in advance of the actual
3 imposition of the Illegal Gas UUT, whether they will be required to pay the Illegal Gas UUT.

4 64. Wherefore, Plaintiffs pray for the relief as hereinafter set forth.

5 **SECOND CAUSE OF ACTION**

6 **(PERMANENT INJUNCTIVE RELIEF)**

7 65. Plaintiffs incorporate by reference and reallege paragraphs 1-64, above, as though
8 fully set forth herein.

9 66. Defendant is and at all times alleged herein was charged with the duty of imposing
10 the Gas UUT as set forth in the UUT Ordinance.

11 67. In violation of that duty, Defendant has imposed, and continue to impose, the
12 Illegal Gas UUT.

13 68. As a result, the Defendant has received and retained payment of such Illegal Gas
14 UUT in violation of the UUT Ordinance and applicable law, and it is Defendant's ongoing
15 practice and policy to continue to do the same.

16 69. The Defendant's wrongful conduct, unless and until enjoined and restrained by
17 order of this Court, will cause great and irreparable injury to Plaintiffs and the members of the
18 Class in that the Defendant will be continuing to act in violation of law to the detriment of
19 Plaintiffs and the Class.

20 70. Wherefore, Plaintiffs pray for the relief as hereinafter set forth.

21 **THIRD CAUSE OF ACTION**

22 **(CONSTRUCTIVE TRUST [CIV. CODE §§2223, 2224])**

23 71. Plaintiffs incorporate by reference and reallege paragraphs 1-70, above, as though
24 fully set forth herein.

25 72. At all times relevant herein, Defendant imposed Illegal Gas UUT upon Plaintiffs
26 and the Class members, and Plaintiffs and the Class members paid such Illegal Gas UUT.

27 73. Defendant has wrongfully obtained and retained such Illegal Gas UUT funds.

28

1 **SIXTH CAUSE OF ACTION**

2 **(COMMON COUNT, MONEY HAD AND RECEIVED)**

3 84. Plaintiffs incorporate by reference and reallege paragraphs 1-83, above, as though
4 fully set forth herein.

5 85. Plaintiffs and the Class members mistakenly paid the Illegal Gas UUT, as
6 described above.

7 86. Defendant thereby became indebted to Plaintiffs and the Class for the repayment
8 of such amount.

9 87. Plaintiffs demanded that Defendant repay such amount to Plaintiffs and the Class,
10 but Defendant has failed to do so.

11 88. Wherefore, Plaintiffs pray for the relief as hereinafter set forth.

12 **SEVENTH CAUSE OF ACTION**

13 **(MANDAMUS [C.C.P. §1085])**

14 89. Plaintiffs incorporate by reference and reallege paragraphs 1-88, above, as though
15 fully set forth herein.

16 90. By reason of Defendant's office, station, or trust, Defendant had, and continues to
17 have, a clear and present ministerial duty to Plaintiffs and the Class to impose the Gas UUT in
18 accordance with the terms of the UUT Ordinance Section 21.1.5 and to pay a refund to Plaintiffs
19 and the Class for any Illegal Gas UUT collected.

20 91. Plaintiffs and the Class have, and had, a clear and present beneficial right to the
21 performance of these duties by Defendant.

22 92. Wherefore, Plaintiffs pray for the relief as hereinafter set forth.

23 **PRAYER FOR RELIEF**

24 93. Plaintiffs herein pray for the following relief against Defendant:

25 a. For a declaration of the Court that the Defendant's past and continuing
26 imposition of the Illegal Gas UUT was and is illegal, invalid, and unlawful and in contravention
27 of the UUT Ordinance and applicable law;

1 b. For an order prohibiting Defendant from imposing the Illegal Gas UUT
2 and requiring them to calculate and impose the Gas UUT in accordance with the terms of the
3 UUT Ordinance and applicable law;

4 c. For an accounting of all Illegal Gas UUT received by Defendant on or after
5 December 12, 2012;

6 d. For payment of a refund by Defendant to Plaintiffs and the Class in the
7 amount of \$30 million, or such other amount as is determined at trial to be equal to the Illegal
8 Gas UUT paid by Plaintiff and the Class on or after December 12, 2012;

9 e. For prejudgment interest on such refunds;

10 f. For an award of attorneys' fees, in an amount the Court determines to be
11 reasonable;

12 g. For costs of suit; and

13 h. For such other and further relief as the Court deems appropriate.

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AHDOOT & WOLFSON, PC

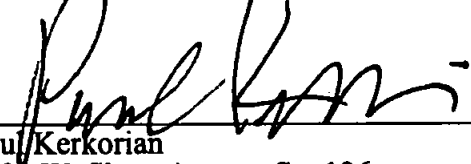


Date: August 15, 2018

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LAW OFFICES OF PAUL G. KERKORIAN



Date: August 15, 2018

By:

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Attorneys for Plaintiffs and Class

EXHIBIT 1



ACCOUNT NUMBER [REDACTED]
 SERVICE FOR [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

DATE MAILED [REDACTED]
 24 Hour Service
 1-800-427-2200 English
 1-800-342-4545 Español
 1-800-252-0259 TTY
 www.socalgas.com



H H

Account Summary

Amount of Last Bill [REDACTED]
 Payment Received [REDACTED] **THANK YOU** [REDACTED]
 Current Charges + 19.53
 Total Amount Due \$19.53

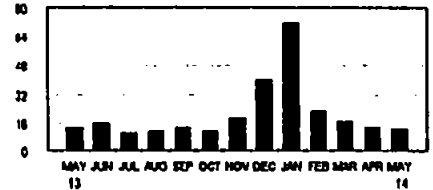
DATE DUE [REDACTED]
 AMOUNT DUE \$19.53

Current Charges

Rate: GR - Residential Climate Zone: 1 Baseline Allowance: 41 Therms
 Meter Number: [REDACTED] Cycle: 4

Billing Period	Days	Current Reading	Previous Reading	Difference	Billing Factor	Total Therms
04/08/14 - 05/07/14	29	1981	1968	13	1.028	13

Gas Usage History (Total Therms used)



	May 13	Apr 14	May 14
Total Therms used	14	14	13
Daily average Therms	.5	.5	.5
Days in billing cycle	29	29	29

GAS CHARGES Amount(\$)
 Customer Charge 29 Days x \$.16438 4.77

Gas Service (Details below) 13 Therms

	Baseline	
Therms used	13	
Rate/Therm	\$.91231	
Charge	\$11.86	11.86

Total Gas Charges \$16.63

TAXES & FEES ON GAS CHARGES	Amount(\$)
State Regulatory Fee 13 Therms x \$.00068	.01
Public Purpose Surcharge 13 Therms x \$.08504	1.11
Los Angeles City Users Tax \$17.75 x 10.00%	1.78

Total Taxes and Fees on Gas Charges \$2.90

Total Current Charges \$19.53

CARE ***Special Discount*** You may be eligible for the California Alternate Rates for Energy (CARE) program. For more information or to apply online, go to socalgas.com (search "CARE"). Or call 1-800-427-2200 to request an application.

CARE ***Descuento Especial*** Usted podría ser elegible para el programa de Tarifas Alternativas para Energía en California (CARE). Para más información o para aplicar, visite socalgas.com/español (busque la palabra clave "CARE") o llame al 1-800-427-2200.

The Gas Company's gas commodity cost per therm for your billing period:
 May \$.52800 Apr \$.49262

PLEASE KEEP THIS PORTION FOR YOUR RECORDS. (FAVOR DE GUARDAR ESTA PARTE PARA SUS REGISTROS.)
 PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. (FAVOR DE DEVOLVER ESTA PARTE CON SU PAGO.)



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www.socalgas.com

ACCOUNT NUMBER [REDACTED]

DATE DUE May 30, 2014
 AMOUNT DUE \$19.53

CT 04 155 2899

Please enter amount enclosed.

\$ [REDACTED]

Write account number on check and make payable to The Gas Company.

[REDACTED ADDRESS]

THE GAS COMPANY
 PO BOX C
 MONTEREY PARK CA 91756-5111

[REDACTED]

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA

3 COUNTY OF LOS ANGELES

4
5 I am employed in the County of Los Angeles, State of California; I am over the age of 18
6 years and not a party to the within action; my business address is AHDOOT & WOLFSON, P.C.
7 10728 Lindbrook Drive, Los Angeles, California 90024.

8 On August 22, 2018, I transmitted via electronic transmission using the on-line Case
9 Anywhere system the document(s) listed below to the person(s) at the e-mail address(es) set forth
10 below:

11 **FIRST AMENDED COMPLAINT**

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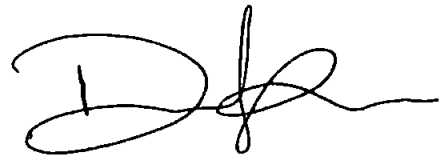
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27 Los Angeles, CA 90012

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19 I declare under penalty of perjury under the laws of the State of California that the above is
20 true and correct. Executed on August 22, 2018, at Los Angeles, California.

21
22
23
24
25
26
27
28


Diana Kiem

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA

3 COUNTY OF LOS ANGELES

4
5 I am employed in the County of Los Angeles, State of California; I am over the age of 18
6 years and not a party to the within action; my business address is AHDOOT & WOLFSON, P.C.
7 10728 Lindbrook Drive, Los Angeles, California 90024.

8 On August 22, 2018, I transmitted via electronic transmission using the on-line Case
9 Anywhere system the document(s) listed below to the person(s) at the e-mail address(es) set forth
10 below:

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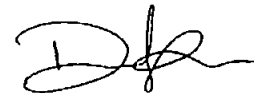
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24 I declare under penalty of perjury under the laws of the State of California that the above is
25 true and correct. Executed on August 22, 2018, at Los Angeles, California.

26 

27 Diana Kiem