

## **PARTIES/ATTORNEYS**

### **24CV05549**

Plaintiff	Gloria Scozzari	Colin Jones Marcelis Morris Nicholas Rowley
Defendant	City of Santa Maria  John D. Perry Laverne Theresa Perry Southern California Gas Company	Steven Dippell Thomas Watson Lisa Collinson  Scott Freedman

### **24CV07094**

Plaintiff	Lisa Frederick	Brian Yorke
Defendant	Aclara Technologies LLC Laverne Theresa Perry John D. Perry Southern California Gas Company	Liam Felsen  Scott Freedman

## **PROPOSED TENTATIVE**

On October 7, 2024, plaintiff Gloria Scozzari, represented by Wilshire Law Firm (Scozzari), filed a complaint against City of Santa Maria (Santa Maria), Southern California Gas Co. (Gas Co.), Sempra, Aclara Technologies, LLC (Aclara), and Laverne Theresa Perry, as Trustee for the Perry Revocable Trust 9-13-95 (Perry), for negligence (against Santa Maria only); premises liability (against Perry only); negligence (Gas Co. and Sempra only); strict liability (Aclara, Gas Co. and Sempra only); and negligence – products liability (Aclara, Gas Co., and Sempra only). All causes of action stem from a kitchen stove fire located at 1219 Jackie Lane, owned by Laverne Perry. After the fire was extinguished, according to plaintiff, Santa Maria firefighters dismantled and disconnected the stove, including the “natural gas supply line from the stove, and moving the stove outside.” The firefighters “left the valve of the natural gas supply line completely open,” creating an “active gas leak,” and three weeks later, on August 23, 2023, a “massive natural explosion occurred at” Perry’s residence, damaging plaintiff’s premises located at 1223 Jackie Lane. Aclara was the entity that manufactured the 3000 Series Aclara Smart Meter at Perry’s residence, which regulated the flow of natural gas at the time of the explosion. Plaintiff contends Santa Maria is liable based on the acts of its firefighters; Perry is liable because it violated a duty of reasonable care with regard to the stove and the gas supply outlet; and Gas Co. is liable for failing to maintain the gas supply at the residence, which is a wholly owned subsidiary of Sempra. Santa Maria, Aclara, Gas Co., and Perry have answered. On April 9, 2025, Sempra and Gas Co. were dismissed as parties. Plaintiff substituted John D Perry for the Perry Family Revocable Trust 9-13-95 for Does 21. John Perry joined the answer filed by Laverne Perry (hereafter, collectively, the Perrys).

On December 16, 2024, plaintiff Lisa Frederick, represented by Law Office of Ball & Yorke (Frederick), filed a complaint against Aclara, Gas Co., Semptra, and Perry, stemming from the same fire and explosion at issue in the Scozzari complaint. Fredericks substituted John D. Perry for the Family Revocable Trust 9-13-95 for Doe 1. Santa Maria is not a defendant. Semptra has been dismissed. Fredericks alleges 1) in the first cause of action for negligence that Gas Co. breached its duty of care when it failed to monitor, inspect or act upon the gas leak; 2) in the second cause of action alleges that Aclara and Gas Co. are strictly liable for the 3000 Series Aclara Smart Meter that was installed at Perry's residence; 3) in the third cause of action Aclara and Gas Co. were negligent in manufacturing, assembling, and inspecting the 3000 Series Aclara Smart Meter; and 4) in the fourth cause of action for premises liability the Perrys were negligent in the management of her premises, including the condition of the stove and nature of the gas supply outlet. Gas Co. and Aclara have answered.

A notice of related case (relating Scozzari and Frederick complaints) was filed on June 4, 2025. This court ordered the matters transferred and related on June 26, 2025.

There are four motions on calendar – two (2) motions to consolidate Case Nos. 24CV05549 and 24CV07094, and two (2) motions for judgment on the pleadings (two (2) motions in each case), all filed by Gas Co. Scozzari is the only plaintiff that has filed opposition to the motion to consolidate (and in that regard it is only a partial objection). Both plaintiffs have filed separate oppositions to the motions for judgments on the pleadings.

Gas Co. originally asked the court to continue the original hearing date because of service problems. This was done. Nevertheless, problems remain (at least regarding the motions to consolidate). Gas Co. contends in its motion to consolidate filed on September 18, 2025 (the operative motion) that Laverne Theresa Perry has not appeared in Case No. 24CV07094, and it insists that it has “endeavored to serve this motion on all named parties who have not been dismissed: Plaintiff Gloria Scozzari, Plaintiff Lisa Frederick, Aclara Technologies [who was dismissed from the Scozzari matter but not the Frederick matter] and City of Santa Maria [a party to the Scozzari matter but not a party to the Frederick matter].” Overlooked by Gas Co, however, is the fact **that both Perrys have made a general appearance in Case No. 24CV05549.** On April 29, 2025, Lavern Theresa Perry and John D. Perry filed **a joint answer**, and counsel for both signed the amended stipulated protective order filed on June 9, 2025. Plaintiffs have not dismissed them. Further, there is no indication that the September 18, 2025 motion to consolidate was served on the Perrys (i.e., they are not listed as being served in proof of service). The uncertainty is compounded because when this court continued the motion to consolidate from its date of October 29, 2025, to today, the email address where the notice was sent (to Perrys' counsel at [lisa.collings@cdiglaw.com](mailto:lisa.collings@cdiglaw.com)) differs from the email address on Perry's answer ([lisa.collins@collinsongreco.com](mailto:lisa.collins@collinsongreco.com)). The confusion continues following Gas Co.'s reply to the

motions to consolidate, filed on December 9, 2025. The proof of service accompanying the reply, which consists of two pages, indicates Perrys' attorneys were served. A comparison with the proof of service accompanying the September 18, 2025 motion to consolidate itself, which consists of one page, indicates the Perrys were not served, as noted above.

The court is not comfortable in concluding, under these circumstances, that all parties have been served with both motions. The parties are directed to appear at the hearing either in person or by Zoom to discuss this matter. The court will continue the hearing on both motions to a date in late January or mid-February so that the motion to consolidate can properly be served on all parties (the Perrys), with all motions to be resolved concurrently, the obvious intent of the moving party. The parties should come prepared to discuss a date for the new hearing.