

EXHIBIT 1

- The City of Fresno's Original Complaint (Oct. 22, 2003)

Exempt from Filing Fee
[Govt. Code, § 6103]

OCT 22 2003

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO**

9
10
11 CITY OF FRESNO
12 Plaintiff,

CASE NO. **GGC -03-425649**

**COMPLAINT FOR DAMAGES AND
OTHER RELIEF FOR:**

13 vs.

- (1) STRICT LIABILITY
- (2) NEGLIGENCE
- (3) TRESPASS
- (4) NUISANCE

14 CHEVRON U.S.A. INC.; CHEVRON
ENVIRONMENTAL SERVICES
15 COMPANY/SHELL OIL COMPANY;
EXXON CORPORATION; TOSCO
16 CORPORATION; UNOCAL
CORPORATION; UNION OIL COMPANY
17 OF CALIFORNIA; KERN OIL &
REFINING COMPANY; VALERO
18 REFINING COMPANY- CALIFORNIA;
TEXACO REFINING AND MARKETING
19 INC.; ULTRAMAR, INC.; ARCO
CHEMICAL COMPANY; LYONDELL
20 CHEMICAL COMPANY; EXXON MOBIL
CORPORATION; CONOCOPHILLIPS
21 CORPORATION; ATLANTIC
RICHFIELD COMPANY; EQUIVA
22 SERVICES LLC; TEXACO, INC.;
EQUILON ENTERPRISES LLC;
23 CHEVRONTEXACO CORPORATION;
NEW WEST PETROLEUM; DUKE
24 ENERGY MERCHANTS, LLC; DUKE
ENERGY TRADING AND MARKETING,
25 LLC; PACIFIC SOUTHWEST TRADING;
NORTHRIDGE PETROLEUM
26 MARKETING U.S., INC.; DUKE
ENERGY MERCHANTS CALIFORNIA,
27 INC.; NEW WEST PETROLEUM, LLC;
WESTPORT PETROLEUM INC.; NELLA
28 OIL COMPANY LLC; AND DOES 1

CASE MANAGEMENT CONFERENCE SET
PLAN I MAR 26 2004 9:00AM
DEPARTMENT 212

1 THROUGH 200, 201 THROUGH 400, and)
2 401 THROUGH 600, inclusive,)

3 Defendants.)

4 Plaintiff City of Fresno hereby alleges as follows:

5 **I. SUMMARY OF THE CASE**

6 1. The City of Fresno is responsible for purveying clean, safe drinking water to
7 approximately 450,000 people in the County of Fresno, California. Expanding plumes of methyl
8 tertiary butyl ether ("MTBE") and tertiary butyl alcohol ("TBA") contaminate and threaten the
9 water system and drinking water on which Fresno's schools, hospitals, businesses, residents and
10 visitors depend.

11 2. The defendants in this action are the refiners who manufacture gasoline containing
12 MTBE and TBA, manufacturers of MTBE, and the designers, promoters, marketers, formulators,
13 distributors, suppliers, and retailers of gasoline containing MTBE and TBA, which contaminate
14 and threaten Fresno's water system and public water supply. Among other things, the defendants
15 knowingly and willfully promoted and marketed MTBE and TBA and/or gasoline containing
16 MTBE and/or TBA, when they knew or reasonably should have known that these compounds
17 would reach groundwater, pollute public water supplies, render drinking water unusable and
18 unsafe, and threaten the public health and welfare, as they have in Fresno.

19 3. Fresno filed this lawsuit to recover compensatory and all other damages, including all
20 necessary funds to remove MTBE and TBA pollution from public drinking water supplies, to
21 restore the reliability of Fresno's water system and drinking water supply, to abate MTBE and
22 TBA plumes, and to assure that the responsible parties -- and not the City of Fresno nor the public
23 -- bear the expense.

24 **II. PLAINTIFF**

25 4. Plaintiff City of Fresno ("Fresno") provides water to the residents of Fresno. The City
26 of Fresno bears the responsibility of owning and operating a water system which serves the
27 public, including drinking water wells with related and ancillary equipment, pumps, pipes, water
28 treatment equipment, delivery systems and infrastructure which will be referred to collectively in