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Superior Court of California
County of Tuolumne

by: A. Mettler Clerk

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF TUOLUMNE

10 DORRIYA ANDERSON; CRAIG
11 ANDERSON; JAMES ROBERTS; JOANN
12 ROBERTS; FRANK FERNANDEZ;
13 ANTONIO FERNANDEZ; JIM
14 FERNANDEZ; and PATRICIA REH,
15 Plaintiffs,

16 v.
17 JOHN LAMAR SLATON, an individual;
18 BRUCE SLATON, an individual; ROBERT
19 A. WOODWORTH and DIANE
20 WOODWORTH, individually and as trustees;
21 DJ SLATON EXCAVATION, form
22 unknown; COUNTY OF TUOLUMNE, a
23 political subdivision of the State of California;
24 and DOES 1 through 50, inclusive,
25 Defendants.

Case No. CV 68663

**COMPLAINT FOR DAMAGES,
ABATEMENT, DECLARATORY AND
INJUNCTIVE RELIEF, INVERSE
CONDEMNATION, AND PETITION FOR
WRIT OF MANDATE**

1. Private Nuisance;
2. Public Nuisance;
3. Trespass (Particulate);
4. Trespass (Surface Waters/Sediment);
5. Negligence and Negligence Per Se;
6. Violation of Bus. & Prof. Code § 17200;
7. Declaratory and Injunctive Relief (Easement);
8. Inverse Condemnation;
9. Writ of Mandate (CCP § 1085)

**UNLIMITED CIVIL CASE — DEMAND
FOR JURY TRIAL**

26 Plaintiffs allege:

I. INTRODUCTION

- 27 1. This action arises from the years-long operation of an unpermitted solid waste disposal,
28 processing, and fill facility at 18955 Industry Way, Sonora, California (APN 097-090-010) (the

1 “Site”), immediately adjacent to Plaintiffs’ residential properties. The County of Tuolumne’s own
2 Local Enforcement Agency (“LEA”) has determined in writing that the Site is an “Unpermitted Inert
3 Debris Solid Waste Disposal Site.” The County’s own Air Pollution Control District laboratory
4 testing confirmed in January 2022 that serpentine rock at the Site contains Chrysotile and Tremolite
5 asbestos at concentrations of 1.50% and 2.25%. Notwithstanding that knowledge, crushing, grading,
6 filling, stockpiling, and waste-handling operations continued at the Site for years — shaking
7 Plaintiffs’ homes, blanketing their properties in dust, discharging sediment and contaminants onto
8 neighboring land, and exposing Plaintiffs to airborne asbestos. And in August 2024 — five months
9 after the County’s own code-enforcement arm formally cited the Site in writing as an unlawful waste
10 operation — the County itself became the facility’s customer, arranging for its own road-project
11 demolition waste to be hauled to and dumped at the Site over three consecutive nights.

12 **II. PARTIES**

13 2. Plaintiffs Dorriya Anderson and Craig Anderson are, and at all relevant times were, married to
14 each other and owners and residents of residential real property at 18850 Rugged Trail, Sonora,
15 California, in the immediate vicinity of the Site.

16 3. Plaintiffs James Roberts and JoAnn Roberts are, and at all relevant times were, married to each
17 other and owners of residential real property at 18879 Rugged Trail Road, Sonora, California,
18 including rental dwellings, situated near the northern boundary of the Site. The Roberts’ property
19 lies directly downgradient of the Site and includes a retention pond that receives surface water
20 flowing from and across the Site.

21 4. Plaintiffs Frank Fernandez and Antonio Fernandez are father and son and are, and at all relevant
22 times were, owners and/or residents of residential real property at 18970 Industry Way, Sonora,
23 California, adjacent to the Site. Their property may be burdened by a road easement, granted in
24 1973, that serves as access to the Site (the “Easement”).

25 5. Plaintiff Jim Fernandez is, and at all relevant times was, an owner and/or resident of residential
26 real property at 18971 Industry Way, Sonora, California, in the immediate vicinity of the Site. As a
27 result of the dust, diesel exhaust, and other airborne emissions from the Site and their effect on their
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1 health, Jim Fernandez was compelled to relocate from the property to another residence to protect
2 his health, while continuing to own the parcel.

3 6. Plaintiff Patricia Reh is, and at all relevant times was, the owner of residential real property at
4 18861 Rugged Trail Road, Sonora, California, an approximately three-acre parcel immediately
5 adjacent to the Site.

6 7. Defendant John Lamar Slaton is an individual and, on information and belief, a co-owner of the
7 Site and an operator of the activities alleged herein.

8 8. Defendant Bruce Slaton is an individual, the son of Defendant John Lamar Slaton, and, on
9 information and belief, an operator of the activities alleged herein and the contractor to whom
10 grading permit G2019-00027 was issued.

11 9. Defendants Robert A. Woodworth and Diane Woodworth are individuals and, on information
12 and belief, co-owners of the Site, individually and/or as trustees.

13 10. Defendant DJ Slaton Excavation, form unknown, is, on information and belief, a business
14 entity through which some or all of the operations alleged herein were conducted, and is the operator
15 identified in CalRecycle's Solid Waste Information System for the Site. (Defendants identified in
16 this and the preceding three paragraphs are collectively the "Slaton Defendants.")

17 11. Defendant County of Tuolumne (the "County") is a political subdivision of the State of
18 California.

19 12. Plaintiffs are ignorant of the true names and capacities of Defendants sued as Does 1 through
20 50 and will amend when ascertained. Each fictitiously named Defendant is responsible in some
21 manner for the occurrences alleged.

22 13. At all relevant times, each Slaton Defendant was the agent, employee, partner, joint venturer,
23 or co-conspirator of the remaining Slaton Defendants and of Does 1-50, and acted within the scope
24 of that relationship. No agency, partnership, joint venture, or conspiracy is alleged as between the
25 County of Tuolumne and any other Defendant.

26 **III. GENERAL ALLEGATIONS**
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1 14. The 2.49-acre Site is zoned Business Park and is surrounded by residential properties,
2 including Plaintiffs' homes, several of which lie within 500 feet of the operations alleged herein. The
3 Site sits within a drainage basin through which a seasonal watercourse historically flowed,
4 descending onto the Roberts property to the north. That watercourse is documented in the County's
5 own records: it is described on the County's officially surveyed 1973 parcel map. The Slaton
6 Defendants' own retained geotechnical engineer confirmed in a May 10, 2024 report the existence of
7 "a natural drainage course that crosses through the middle of the planned fill area."

8 15. In October 2019, the County, through Quincy Yaley acting in her capacity as Environmental
9 Coordinator, issued grading permit G2019-00027 to Defendant Bruce Slaton "to allow the grading
10 for a commercial driveway to access an existing commercial building pad." There was no
11 commercial building pad on the Site. On June 13, 2022 (noticed July 27, 2022), County Public
12 Works revoked the permit as issued in error and null and void, because the grading exceeded ten
13 percent of the parcel and no predicate entitlement had been issued as required by Tuolumne County
14 Ordinance Code ("TCC") § 12.20.050(D)(1). The written revocation notice simultaneously stated
15 that the property owner remained free to engage in "permitted uses on the parcel, including, but not
16 limited to general manufacturing, processing and refining, and storage of equipment and materials"
17 — language on which, on information and belief, the Slaton Defendants relied to continue the
18 crushing, processing, and waste-handling operations alleged herein.

19 16. Beginning no later than 2021, the Slaton Defendants developed and operated the Site as a
20 debris disposal, crushing, processing, stockpiling, and fill facility, accepting concrete, asphalt, dirt,
21 rock, and demolition debris from homeowners, contractors, and other sources. Crushing operations
22 generated noise sufficient to shake homes and knock items from shelves, and caused cracking in
23 walls and structures at certain Plaintiffs' residences, together with pervasive dust that migrated onto
24 Plaintiffs' properties.

25 17. In December 2021, the Tuolumne County Air Pollution Control District collected samples of
26 green serpentine rock from the Site. Laboratory analysis (Precision Micro-Analysis, Inc., Report No.
27 220111004, dated January 11, 2022) confirmed Chrysotile and Tremolite asbestos at concentrations
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1 of 1.50% and 2.25% — exceeding the 1.0% federal NESHAP threshold defining asbestos-containing
2 material (40 C.F.R. Part 61, Subpart M) and the 0.25% threshold defining asbestos-containing
3 material under the California Air Resources Board Airborne Toxic Control Measure for
4 Construction, Grading, Quarrying, and Surface Mining Operations, Cal. Code Regs. tit. 17, § 93105
5 (the “ATCM”).

6 18. Plaintiffs are informed and believe, and on that basis allege that at no time did any Slaton
7 Defendant submit, obtain approval of, or implement an Asbestos Dust Mitigation Plan as required by
8 the ATCM for any construction, grading, stockpiling, or related activity disturbing serpentine-
9 bearing material on a parcel exceeding one acre. Crushing and disturbance of serpentine-bearing
10 material nonetheless continued for years after the January 2022 laboratory confirmation.

11 19. In October 2022, Slaton Defendants excavated and graded material to construct a berm or dam
12 diverting surface water flow toward and onto the Roberts property, altering historical drainage and
13 discharging sediment-laden and, on information and belief, contaminant-bearing water
14 downgradient, including into the Roberts retention pond.

15 20. In January 2023, following the revocation of the erroneously issued grading permit, Defendant
16 John Slaton corresponded with then-Community Development Director Quincy Yaley regarding “the
17 right permit to fill this hole,” and thereafter wrote that “hopefully this idea with a single family home
18 will resolve the matter.” County records subsequently produced under the California Public Records
19 Act include a Tuolumne County Resources Agency Plot Plan Referral Form bearing a handwritten
20 annotation reading “Expedite per Quincy. Exempt from SDP due to 17.68.105.E. Ministerial
21 17.37.020.O” — directing, in the Community Development Director’s name, that the matter be
22 expedited, treated as exempt from Site Development Permit review, and processed as ministerial. On
23 July 19, 2023, the County issued ministerial Building Permit B2023-01196 for a “NEW
24 MANUFACTURED HOME”. No manufactured home has ever been constructed or delivered, and
25 the County’s own permit records reflect that no inspection was ever conducted under the permit and
26 that approximately 88 percent of the permit fees charged were never paid. On information and belief,
27 the County thereafter renewed the permit for a full one-year term at its initial expiration in or about
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1 July 2024, and renewed it again for an approximately six-month term in or about July 2025,
2 notwithstanding that no home had been delivered or constructed and no inspection had ever
3 occurred. Plaintiffs are informed and believe and thereon allege the permit expired without any
4 construction in or about January 2026. On information and belief, the residential representation was
5 pretextual and known to be so by County personnel, and the permit was used throughout its extended
6 life as purported authorization for parcel-wide fill and grading far exceeding any residential purpose,
7 contrary to TCC § 12.20.080(C).

8 21. On March 19, 2024, County Code Compliance issued a Notice and Opportunity to Correct
9 pursuant to TCC § 8.05.035, addressing a violation observed on February 22, 2024, and finding the
10 Site was “Operating a construction and demolition/Inert Debris recycling facility” and “Operating a
11 possible engineered fill facility,” with a correction deadline of May 22, 2024. That notice was the
12 County’s first formal written determination that activity at the Site constituted operation of a solid
13 waste facility within the meaning of state law. By that determination the County classified the Site
14 into a regulatory category governed not by discretionary local zoning judgment but by the state
15 minimum standards for solid waste handling and disposal that the County is charged with enforcing
16 in its capacity as Local Enforcement Agency. The correction deadline lapsed without correction,
17 without extension, and without enforcement. On information and belief, no violation was thereafter
18 recorded against the parcel, no penalty was assessed, no abatement was ordered, and no referral was
19 made to the Air Pollution Control District notwithstanding the County’s possession since January
20 2022 of the laboratory results alleged above.

21 22. Plaintiffs are informed and believe, and on that basis allege that three weeks earlier, on or
22 about February 1, 2024, a County official had directed Sierra Railroad, then seeking disposal of
23 asphalt demolition material from a train-accident cleanup in Sonora, to take that material to the Site,
24 and Sierra Railroad hauled the material there. On information and belief, this was not an isolated
25 referral: County personnel treated the Site as an available disposal destination notwithstanding its
26 unpermitted status.

1 23. Five months after issuing the Notice and Opportunity to Correct alleged above, and three
2 months after the correction deadline established by that notice had lapsed without enforcement, the
3 County itself deposited waste at the Site. Beginning on or about August 21, 2024, and continuing
4 over three consecutive nights, the County, through its Public Works Tuolumne Road project,
5 arranged for materials removed from the Tuolumne Road surface to be hauled to and dumped at the
6 Site, overnight, into a mixing pit situated directly behind Plaintiff Reh’s property, without any
7 permit authorizing the disposal and without notice to neighboring residents. On August 22, 2024 —
8 while the nighttime dumping was ongoing — Community Development Director Yaley wrote to a
9 complaining resident acknowledging that “[t]he material that was received by Mr. Slaton was
10 connected to the County road project on Tuolumne Road,” that Public Works had advised the
11 nighttime activities would continue for “3-6 night[s],” and concluding that “no violations are present
12 on the site.” The deposited material remained stockpiled at the Site as documented in the September
13 18, 2024 joint site visit report described below. On information and belief, the road surface material
14 so deposited was manufactured with recycled tire rubber and thereby introduced rubber- and plastic-
15 derived constituents into the fill, and road-derived asphalt of the type deposited may also contain
16 serpentine rock.

17 24. On September 18, 2024, representatives of CalRecycle, the LEA, and the Regional Water
18 Quality Control Board conducted a joint site visit, documented in a Site Observation Report
19 prepared by CalRecycle. During that visit: (a) Defendant Bruce Slaton admitted he has no records
20 documenting the sources, volumes, or tonnages of incoming material, required no testing of
21 incoming material, and possesses no analytical data; (b) Mr. Slaton admitted he has no plan for the
22 final configuration of the fill and is “just building it up to a certain elevation”; (c) the LEA identified
23 organic debris improperly present in the inert fill; (d) LEA Director Larson stated on the record that
24 Mr. Slaton should not be processing asphalt with serpentine rock due to the potential for asbestos
25 and that the operation should cease; and (e) the operator, through counsel, agreed to cease all filling,
26 processing, and stockpiling operations pending agency direction. On information and belief,
27 operations thereafter resumed and continued without documented agency authorization.
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1 25. On May 14, 2025, the LEA determined in writing that the Site “is considered by the local LEA
2 as an Unpermitted Inert Debris Solid Waste Disposal Site,” required completion of state Notification
3 Tier authorization before further debris processing, and imposed operating restrictions including a
4 prohibition on accepting, storing, or crushing asphalt containing serpentine absent testing. The
5 required Notification authorization has never been completed; CalRecycle’s Solid Waste
6 Information System continues to identify the Site as “Unpermitted” and its category as “Solid Waste
7 Landfill — Disposal.”

8 26. On December 19, 2025, the LEA issued a written clarification establishing bright-line
9 operational limits for the Site, including no crushing or grinding, source-separated intake only, a
10 fifteen-cubic-yard storage maximum, and no additional Type A Inert Debris fill.

11 27. On May 11, 2026, the LEA issued a further written directive requiring, among other things:
12 removal of uncrushed serpentine-adhered asphalt with effective dust control pursuant to an approved
13 removal plan; asbestos characterization testing of crushed serpentinite-containing material before
14 disposal or use; and hazardous waste handling for any material testing as hazardous. The May 11,
15 2026 letter further stated that prior communications with County staff cannot override state solid
16 waste regulations, and that operational thresholds are statewide requirements “not discretionary
17 County conditions that may be waived, negotiated, or contractually superseded.” The letter further
18 stated that the serpentinite-adhered material “may pose a respirable asbestos concern” and that
19 serpentinite is “known to potentially contain asbestos.”

20 28. Within approximately two weeks of the May 11, 2026 directive, the Slaton Defendants
21 commenced removal and transfer operations at the Site generating visible dust migrating into the
22 adjacent residential neighborhood, without a submitted removal plan, without completed
23 characterization testing, and without effective dust control. On information and belief, the Site has
24 also received industrial “clinker” debris and other material of unknown origin outside any lawful
25 authorization. On information and belief, the Slaton Defendants carried out the removal before the
26 County-directed characterization sampling could occur, and did so to avoid a determination that the
27 removed material was subject to hazardous waste control law. The County was promptly informed
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1 of the removal, which frustrated the very characterization sampling it had directed, yet on
2 information and belief the County has taken no further action to compel testing, proper disposal, or
3 remediation.

4 29. Throughout the period alleged, the Slaton Defendants failed to obtain permits required by
5 mandatory provisions of the TCC, including erosion control permits required for work between
6 October 15 and May 15 (TCC § 12.20.050(C)) and stockpiling permits required for stockpiles
7 exceeding 100 cubic yards (TCC § 12.20.050(B)).

8 30. As a direct and proximate result of the foregoing, Plaintiffs have suffered physical damage to
9 their properties, diminution in property value, loss of use and enjoyment, exposure to dust and
10 airborne asbestos with attendant increased risk of disease necessitating medical monitoring, and
11 annoyance, discomfort, and emotional distress. Without limitation: Plaintiffs' homes, structures, and
12 improvements have been fouled and damaged by pervasive dust, dirt, and debris migrating from the
13 Site onto their properties; the Roberts have suffered sediment and contaminant discharge into their
14 retention pond and onto their land, destruction of trees due to damaged roots, removal of mature
15 boundary trees and resulting loss of privacy, sustained nighttime illumination from Site lighting into
16 their residence and rental units, elevated summer temperatures from black asphalt piles stockpiled
17 near their homes, an unfenced boundary with an industrial waste operation rendering their property
18 unsafe for visiting family members, and diminished rental value of their rental dwellings; Plaintiff
19 Reh has suffered dumping of serpentine rock in close proximity to her property line, destruction of
20 trees on her property from grading that severed root systems at the boundary, storage of demolition-
21 derived stumps and woody debris near her residence creating a fire hazard, and loss of privacy
22 across a minimally fenced boundary, and cracking in the walls of her residence, which Plaintiff Reh
23 attributes to the vibration from the crushing operations at the Site; Plaintiffs Frank and Antonio
24 Fernandez have suffered loss of use of their parking area, inability to rent office space on their
25 property, and obstruction of access; and Plaintiff Jim Fernandez has suffered loss of business income
26 from Site-related road obstruction and damage to the Industry Way roadway serving his property.
27 Plaintiff Jim Fernandez, having found the dust, diesel exhaust, and airborne emissions from the Site
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injurious to his health, has been compelled to relocate from his home at 18971 Industry Way to another residence while continuing to own the parcel, and has thereby incurred relocation costs and the loss of use of his home. In addition, heavy commercial and industrial vehicle traffic to and from the Site has damaged the surface of Industry Way, the roadway serving the Site and the Fernandez Plaintiffs' properties. Industry Way is a private road serving Plaintiffs' properties and they have suffered and will suffer the cost of its repair.

31. As to Plaintiffs Frank Fernandez and Antonio Fernandez, the Slaton Defendants have engaged in a further course of conduct concerning the claimed Easement. On information and belief, the Slaton Defendants have asserted to those Plaintiffs that the Slaton Defendants hold exclusive rights of access and use over the portion of the Fernandez property subject to the claimed Easement, and that those Plaintiffs may not use, obstruct, landscape, or maintain that area. An easement is a nonpossessory interest, and the owner of a servient estate retains the right to make any use of the burdened land that does not unreasonably interfere with the easement holder's rights. The Slaton Defendants' assertion of exclusivity exceeds any interest conveyed by the claimed Easement and, if credited, would effect a transfer of possession rather than a right of passage.

32. In furtherance of that asserted exclusivity, the Slaton Defendants have subjected Plaintiffs Frank Fernandez and Antonio Fernandez to a course of intimidating and harassing conduct, including confrontations and statements directed at those Plaintiffs concerning their use of their own property within the claimed Easement area, and threats to enter upon the Fernandez property and to remove trees, shrubs, and other vegetation situated outside the bounds of the claimed Easement. On information and belief, no such removal is authorized by the claimed Easement, by any agreement between the parties or their predecessors, or by any provision of law. The threatened removal, if carried out, would cause irreparable injury, as mature trees and established vegetation cannot be restored by an award of money damages. The Slaton Defendants' conduct toward these Plaintiffs is consistent with their conduct toward Plaintiff Reh, whose trees were killed by grading that severed root systems at the shared boundary.

1 33. The nuisance and trespass conditions alleged herein are continuing and abatable, and each new
2 injurious occurrence — including the County’s August 2024 deposit, the post-directive dust-
3 generating operations of May 2026, and the ongoing violation of the LEA’s December 19, 2025
4 operational limits — gives rise to a new accrual of Plaintiffs’ claims. In the alternative, and only to
5 the extent any claim is contended to have accrued earlier: (a) Plaintiffs invoke the doctrine of
6 equitable estoppel, in that the County repeatedly represented to complaining residents, over a period
7 of years, that no violations existed at the Site — including in its January 26, 2022 written denial of a
8 code compliance complaint, in the July 27, 2022 revocation notice’s assurance that Site “activities”
9 remained permitted, and in Director Yaley’s August 22, 2024 written statement that “no violations
10 are present on the site” — representations on which residents reasonably relied and which the
11 County’s own subsequent written determinations have contradicted; and (b) Plaintiffs invoke the
12 delayed-discovery rule as to facts fraudulently concealed from them, including the pretextual nature
13 of Building Permit B2023-01196.

14 34. Plaintiffs presented a claim to the County of Tuolumne pursuant to Government Code §§ 910
15 et seq. concerning the causes of action for money or damages against the County that are subject to
16 the claim-presentation requirement — including causes of action for nuisance participation and
17 negligence through the County’s employees or contractors (Gov. Code §§ 815.2, 815.4) and for
18 breach of mandatory duty (Gov. Code § 815.6). Those causes of action are expressly reserved and
19 will be added to this action by amendment upon rejection or deemed rejection of the claim; because
20 the County is a party to this action from its commencement and the amendment will arise from the
21 same operative facts alleged herein, the amendment will relate back to the filing of this Complaint.
22 The causes of action herein for inverse condemnation and writ of mandate are not subject to the
23 claim-presentation requirement.

24 **FIRST CAUSE OF ACTION — PRIVATE NUISANCE**

25 **(All Plaintiffs v. Slaton Defendants and Does 1-50, inclusive)**

26 35. Plaintiffs reallege all preceding paragraphs.
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1 36. The Slaton Defendants’ operation of the Site — including crushing, grading, filling,
2 stockpiling, waste receipt, dust generation, noise and vibration, and alteration of drainage —
3 constitutes a continuing, abatable nuisance within the meaning of Civil Code §§ 3479 and 3481,
4 substantially and unreasonably interfering with Plaintiffs’ use and enjoyment of their properties.
5 37. The interference is ongoing and abatable: operations can cease, equipment can be removed,
6 unlawfully placed material can be removed or lawfully managed, and drainage can be restored.
7 38. As a proximate result of Defendants’ actions, Plaintiffs have suffered damages within the three
8 years preceding filing, and continue to suffer damages, in amounts to be proven at trial.
9 39. The Slaton Defendants acted with malice and oppression and in conscious disregard of
10 Plaintiffs’ rights and safety within the meaning of Civil Code § 3294 — including by continuing
11 crushing and disturbance of serpentine-bearing material after the January 2022 laboratory
12 confirmation of asbestos, after LEA Director Larson’s September 18, 2024 on-site direction to cease,
13 after agreeing through counsel to cease operations, and after the May 11, 2026 directive — entitling
14 Plaintiffs to punitive damages against the Slaton Defendants.

15 **SECOND CAUSE OF ACTION — PUBLIC NUISANCE**

16 **(All Plaintiffs v. Slaton Defendants and Does 1-50, inclusive)**

17 40. Plaintiffs reallege all preceding paragraphs.
18 41. The conditions alleged constitute a public nuisance within the meaning of Civil Code § 3480,
19 affecting an entire neighborhood and a considerable number of persons, including through airborne
20 asbestos hazard, pervasive dust, noise, and water contamination.
21 42. Plaintiffs have suffered harm different in kind from the general public — including physical
22 damage to their structures, contamination and sediment deposition on their land and (as to the
23 Roberts) in their retention pond, direct exposure in their homes, and (as to Plaintiffs Frank
24 Fernandez, Antonio Fernandez, and Jim Fernandez) loss of parking, inability to rent office space,
25 interference with business operations, and damage to the abutting roadway — conferring standing
26 under Civil Code § 3493.
27 43. Plaintiffs are entitled to damages, abatement, and injunctive relief.
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1 **THIRD CAUSE OF ACTION — TRESPASS (PARTICULATE DEPOSITION)**

2 **(All Plaintiffs v. Slaton Defendants and Does 1-50, inclusive)**

3 44. Plaintiffs reallege all preceding paragraphs.

4 45. The Slaton Defendants intentionally, recklessly, and/or negligently caused dust and particulate
5 matter, including asbestos-containing particulate, to enter and be deposited upon Plaintiffs’
6 properties without consent, constituting a continuing trespass.

7 46. As a proximate result, Plaintiffs have been damaged in amounts to be proven at trial, and are
8 entitled to punitive damages as alleged above.

9 **FOURTH CAUSE OF ACTION — TRESPASS (SURFACE WATERS, SEDIMENT, AND**
10 **CONTAMINANTS)**

11 **(Plaintiffs James and JoAnn Roberts v. Slaton Defendants and Does 1-50, inclusive)**

12 47. Plaintiffs reallege all preceding paragraphs.

13 48. By excavating, grading, filling in the historical drainage course, and constructing a berm or
14 dam, the Slaton Defendants intentionally diverted surface waters and caused sediment-laden and, on
15 information and belief, contaminant-bearing discharges to enter the Roberts property and retention
16 pond without consent, constituting a continuing trespass and unreasonable alteration of drainage.

17 49. As a proximate result, the Roberts have suffered physical injury to their land and pond,
18 remediation and investigation costs, diminution in value, and loss of use, in amounts to be proven at
19 trial, and are entitled to punitive damages as alleged above.

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21 **FIFTH CAUSE OF ACTION — NEGLIGENCE AND NEGLIGENCE PER SE**

22 **(All Plaintiffs v. Slaton Defendants and Does 1-50, inclusive)**

23 50. Plaintiffs reallege all preceding paragraphs.

24 51. The Slaton Defendants owed Plaintiffs a duty to conduct operations with reasonable care,
25 including compliance with statutes and regulations protecting neighboring residents from dust,
26 asbestos, noise, drainage harm, and unlawful waste handling.

1 52. The Slaton Defendants breached that duty, including by violating: the ATCM (Cal. Code Regs.
2 tit. 17, § 93105) (no Asbestos Dust Mitigation Plan); 40 C.F.R. Part 61, Subpart M (disturbance of
3 asbestos-containing material); Title 14 minimum standards governing CDI/inert debris handling,
4 storage time limits, and recordkeeping (14 Cal. Code Regs. §§ 17381 et seq., 17383.4, 17383.7);
5 TCC §§ 12.20.050(B), (C), and (D)(1); and Cal. Code Regs. tit. 14, §§ 17407.4 (dust) and 17408.3
6 (noise). Each such enactment was designed to protect a class of persons including Plaintiffs against
7 the type of harm suffered, and the violations raise a presumption of negligence under Evidence Code
8 § 669.

9 53. As a proximate result, Plaintiffs suffered the injuries and damages alleged, including exposure
10 to asbestos reasonably necessitating medical monitoring, in amounts to be proven at trial.

11 **SIXTH CAUSE OF ACTION —**

12 **UNLAWFUL BUSINESS PRACTICES, BUS. & PROF. CODE § 17200**

13 **(All Plaintiffs v. Slaton Defendants and Does 1-50, inclusive)**

14 54. Plaintiffs reallege all preceding paragraphs.

15 55. The Slaton Defendants' operation of an unpermitted solid waste disposal, processing, and fill
16 business, in violation of the statutes, regulations, and ordinances alleged above, constitutes unlawful
17 business acts and practices within the meaning of Business & Professions Code § 17200.

18 56. Plaintiffs have suffered injury in fact and lost money or property as a result, including
19 diminution in property value and out-of-pocket costs.

20 57. Plaintiffs seek injunctive relief prohibiting continued unlawful operations and restitution as
21 permitted by law.

22 **SEVENTH CAUSE OF ACTION —**

23 **DECLARATORY AND INJUNCTIVE RELIEF RE EASEMENT**

24 **(Plaintiffs Frank and Antonio Fernandez v. Slaton Defendants, and Does 1-50, inclusive)**

25 58. Plaintiffs reallege all preceding paragraphs.

26 59. The Fernandez property may be burdened by a road easement granted in 1973 for access
27 benefiting the Site. At the time of the grant, on information and belief, the dominant parcel and
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1 surrounding area were residential and/or agricultural in character, and the parties to the grant
2 contemplated residential-scale access.

3 60. The Slaton Defendants' use of the Easement for heavy commercial vehicles and industrial
4 waste operations — and their announced plan to erect a gate at or near the servient boundary that
5 will cause heavy commercial vehicles to stop, queue, and idle at the Fernandez residence — exceeds
6 the scope of the grant, materially increases the burden on the servient estate, and constitutes an
7 overburdening and, to the extent effectuated, a nuisance and trespass.

8 61. An actual and present controversy has arisen concerning whether the claimed Easement, if
9 valid and enforceable, confers upon the Slaton Defendants any exclusive right of use or possession
10 over the burdened portion of the Fernandez property. Plaintiffs contend that it does not, and that as
11 owners of the servient estate they retain the right to make any use of the burdened area that does not
12 unreasonably interfere with a lawful right of passage. The Slaton Defendants contend otherwise and
13 have acted upon that contention as alleged above.

14 62. An actual and present controversy has further arisen concerning whether the claimed
15 Easement, if valid and enforceable, authorizes the Slaton Defendants to enter upon the Fernandez
16 property and to remove or damage trees, shrubs, or other vegetation situated outside the bounds of
17 the claimed Easement. Plaintiffs contend that it does not. The Slaton Defendants have threatened to
18 carry out such removal.

19 63. Plaintiffs Frank Fernandez and Antonio Fernandez seek a judicial declaration that the claimed
20 Easement, if valid and enforceable: (a) does not authorize heavy commercial or industrial use,
21 staging, queuing, or idling; (b) confers no exclusive right of use or possession, and does not preclude
22 the servient owners from using, landscaping, or maintaining the burdened area in any manner not
23 unreasonably interfering with lawful passage; (c) does not authorize the erection of gate structures
24 burdening the servient estate; and (d) does not authorize entry upon, or the removal of or damage to,
25 trees, shrubs, or other vegetation situated outside its bounds.

26 64. Plaintiffs Frank Fernandez and Antonio Fernandez further seek preliminary and permanent
27 injunctive relief restraining the Slaton Defendants from removing or damaging trees, shrubs, or other
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1 vegetation on the Fernandez property outside the bounds of the claimed Easement, from asserting or
2 exercising any exclusive right of use or possession over the burdened area, and from confronting,
3 threatening, or harassing these Plaintiffs in connection with the Easement area. Damages would not
4 afford adequate relief as to the threatened destruction of mature trees and established vegetation.

5 **EIGHTH CAUSE OF ACTION — INVERSE CONDEMNATION**

6 **(All Plaintiffs v. County of Tuolumne)**

7 65. Plaintiffs reallege all preceding paragraphs.

8 66. The Tuolumne Road project was a public improvement deliberately designed, constructed, and
9 carried out by the County. The disposal of demolition spoils generated by that project — including
10 the asphalt grindings removed from the road surface — was an integral, planned component of the
11 project's execution, not an incidental or accidental occurrence.

12 67. In executing that public improvement, the County deliberately selected as its disposal location
13 the Site — an unpermitted solid waste facility abutting Plaintiffs' homes, which the County's own
14 code-enforcement division had formally cited in writing five months earlier as an unlawful
15 construction and demolition debris recycling facility subject to state solid waste law, as to which the
16 County's own correction deadline had lapsed three months earlier without enforcement, and to
17 which a County official had steered other waste generators earlier the same year. County personnel
18 arranged for the project's waste to be hauled to and dumped at the Site over three consecutive nights,
19 without permit and without notice to residents, and the County's Community Development Director
20 contemporaneously confirmed the County-project origin of the material in writing while the
21 dumping was ongoing.

22 68. As a direct, substantial, and proximate result of the County's deliberate conduct in the
23 execution of its public improvement as designed and operated, Plaintiffs' private property has been
24 physically damaged — including by nighttime noise and vibration over three consecutive nights,
25 deposition of dust and particulate, and the contribution of road-project waste material (on
26 information and belief containing tire-rubber-derived constituents and potentially serpentine-bearing
27 aggregate) to the contaminated conditions and discharges affecting Plaintiffs' properties, including
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1 the mixing pit directly behind Plaintiff Reh’s property and the drainage reaching the Roberts
2 retention pond — without payment of just compensation, in violation of Article I, section 19 of the
3 California Constitution.

4 69. Plaintiffs are entitled to just compensation, together with costs, disbursements, and reasonable
5 attorney, appraisal, and engineering fees pursuant to Code of Civil Procedure § 1036.

6 **NINTH CAUSE OF ACTION — PETITION FOR WRIT OF MANDATE, CCP § 1085**

7 **(All Plaintiffs v. County of Tuolumne)**

8 70. Plaintiffs reallege all preceding paragraphs.

9 71. The County, through its LEA and other departments, is subject to clear, present, and ministerial
10 duties, including: (a) to refer serpentine-bearing material at the Site to the Air Pollution Control
11 District, as the County’s own regulatory correspondence acknowledges is required; (b) to apply the
12 storage-time-limit provisions of Title 14 under which construction and demolition/inert debris
13 material exceeding the prescribed periods “shall be deemed” unlawfully disposed; (c) to act upon the
14 lapsed compliance deadlines of its own March 19, 2024 Notice and Opportunity to Correct, May 14,
15 2025 determination, and December 19, 2025 operational limits; and (d) to enforce the state minimum
16 standards for solid waste handling at the Site pursuant to Public Resources Code § 43209 and Title
17 14.

18 72. The County has failed to perform these duties despite demand. Plaintiffs have no plain, speedy,
19 and adequate remedy in the ordinary course of law and are beneficially interested.

20 73. Plaintiffs seek a peremptory writ of mandate compelling performance of the foregoing duties,
21 together with attorney’s fees under Code of Civil Procedure § 1021.5.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiffs pray for judgment as follows:

- 24 1. For compensatory, general, and special damages against the Slaton Defendants according to
25 proof;
26 2. For punitive and exemplary damages against the Slaton Defendants pursuant to Civil Code §
27 3294;

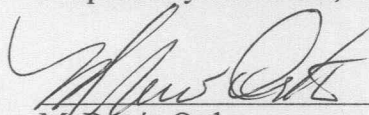
- 1 3. For abatement of the nuisance and preliminary and permanent injunctive relief prohibiting
2 further unpermitted disposal, processing, crushing, filling, stockpiling, and dust-generating
3 operations at the Site, and requiring lawful characterization, management, and remediation of
4 material at the Site;
- 5 4. For establishment of a court-supervised medical monitoring program funded by the Slaton
6 Defendants for Plaintiffs exposed to asbestos-containing dust;
- 7 5. On the Seventh Cause of Action, for a declaration of the scope of the claimed 1973 Easement,
8 including: (a) a delineation of the scope of the easement in terms of geography and use; (b) that it
9 confers no exclusive right of use or possession; (c) that it does not authorize heavy commercial or
10 industrial use, staging, queuing, or idling; (d) that it does not authorize the erection of gate structures
11 burdening the servient estate; and (e) that it does not authorize entry upon or the removal of or
12 damage to trees, shrubs, or other vegetation outside its bounds. And for preliminary and permanent
13 injunctive relief restraining such removal or damage, restraining any assertion or exercise of
14 exclusive use or possession, and restraining harassment of Plaintiffs Frank and Antonio Fernandez in
15 connection with the Easement area;
- 16 6. On the Sixth Cause of Action, for restitution and injunctive relief;
- 17 7. On the Eighth Cause of Action, for just compensation against the County according to proof,
18 with fees and costs under Code of Civil Procedure § 1036;
- 19 8. On the Ninth Cause of Action, for issuance of a peremptory writ of mandate;
- 20 9. For attorney's fees pursuant to Code of Civil Procedure § 1021.5 and as otherwise permitted by
21 law;
- 22 10. For costs of suit, prejudgment interest as permitted by law, and such other relief as the Court
23 deems just.
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2 **DEMAND FOR JURY TRIAL**

3 Plaintiffs demand trial by jury on all causes of action so triable.
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5 Dated: July 31, 2026
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7 Respectfully submitted,

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10 M. Renée Orth
11 Attorney for Plaintiffs
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VERIFICATION

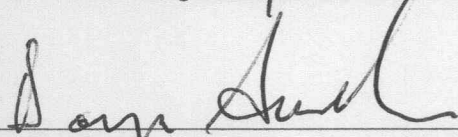
(Code Civ. Proc. §§ 446, 2015.5)

I, Dorriya Anderson, declare:

I am one of the plaintiffs in the above-entitled action. The plaintiffs are united in interest, and I make this verification on my own behalf and on behalf of all plaintiffs pursuant to Code of Civil Procedure section 446.

I have read the foregoing COMPLAINT FOR DAMAGES, ABATEMENT, DECLARATORY AND INJUNCTIVE RELIEF, INVERSE CONDEMNATION, AND PETITION FOR WRIT OF MANDATE and know its contents. The matters stated in it are true of my own knowledge, except as to those matters stated on information and belief, and as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 31, 2026, at Sonora, California.


Dorriya Anderson