

Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Daniel Crowley

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7

8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**

10 VICTOR AGUIRRE, CLAUDIA AGUIRRE

Case No.: **21STCV34010**

11 Plaintiffs,

Complaint for Damages

12 vs.

- 1. **Civil Code § 1714.9**
- 2. **Strict Liability (Ultrahazardous Activity)**
- 3. **Negligence**
- 4. **Premises Liability**
- 5. **Loss of Consortium**
- 6. **Punitive Damages**

13 STEVE SUNGHO LEE, an individual; STELEE
INDUSTRIES, INC., SL PROPERTY
14 MANAGEMENT I LLC, a California limited
liability company, SL PROPERTY
15 MANAGEMENT II LLC, a California limited
liability company; L & H LIMITED
16 PARTNERSHIP, a California limited
partnership; BIO HAZARD INC, a California
17 corporation; MINH V. VO, an individual;
GREEN BUDDAH LLC, a California limited
18 liability company; RAHEELA LAKHANY, an
individual; SMOKE TOKES LLC, a California
19 limited liability company; SHAFaq ASLAM
SATTAR, an individual;, and DOES 1 through
20 100, inclusive;

Demand for Jury Trial

21 Defendants
22

23 Plaintiffs VICTOR AGUIRRE, an individual, and CLAUDIA AGUIRRE, an individual,
24 allege the following against STEVE SUNGHO LEE, an individual; STELEE INDUSTRIES,
25 INC., SL PROPERTY MANAGEMENT I LLC, a California limited liability company; SL
26 PROPERTY MANAGEMENT II LLC, a California limited liability company; L & H LIMITED
27 PARTNERSHIP, a California limited partnership; BIO HAZARD INC, a California corporation;
28 MINH V. VO, an individual; GREEN BUDDAH LLC, a California limited liability company;



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1 RAHEELA LAKHANY, an individual; SMOKE TOKES LLC, a California limited liability
2 company; SHAFaq ASLAM SATTAR, an individual; and DOES 1 through 100, inclusive:

3 **GENERAL ALLEGATIONS**

4 1. On May 16, 2020, Plaintiff Victor Aguirre and 11 other firefighters were injured in
5 a massive explosion that occurred at 327 Boyd Street and adjacent properties in downtown Los
6 Angeles in the notorious “Bong Row” area.

7 2. The explosion responsible for Plaintiff Victor Aguirre’s injuries was caused by the
8 Defendants’ (1) violations of law, (2) illegal, unsafe storage of large quantities of hazardous,
9 explosive materials including nitrous oxide and butane (3) maintenance of an ultrahazardous
10 condition in storing those materials, and (4) negligence independent of that which summoned the
11 firefighters including Aguirre to the scene. Their conduct was despicable and in conscious
12 disregard of the rights and safety of others, and warrant imposition of punitive damages.

13 3. Victor Aguirre is a husband, father of two, and a Captain in the Los Angeles Fire
14 Department who has devoted more than 20 years of his life to serving and safeguarding the public.
15 He suffered catastrophic injuries in this explosion.



25
26 4. He sustained severe burns over much of his body, including devastating third-
27 degree burns covering his hands.

28

1 5. These burns to his hands were so severe that due to the extent of the damage to
2 tissue and bone each of his fingers had to undergo partial amputation, and Captain Aguirre has
3 undergone a total of 25 surgeries to date to try to repair the burn damage.



1 10. Defendant STELEE INDUSTRIES, INC. (hereafter “STELEE”) was at all relevant
2 times a corporation doing business within the County of Los Angeles with its principal place of
3 business at 333 S. Central Ave., 2nd Fl, Los Angeles, CA, 90013.

4 11. Defendant SL PROPERTY MANAGEMENT I LLC (hereafter “SL 1”) was at all
5 relevant times a California limited liability company doing business within the County of Los
6 Angeles with its principal place of business at 333 S. Central Ave., 2nd Fl, Los Angeles, CA,
7 90013.

8 12. Defendant SL PROPERTY MANAGEMENT II LLC (hereafter “SL 2”) was at all
9 relevant times a California limited liability company doing business within the County of Los
10 Angeles with its principal place of business at 333 S. Central Ave., 2nd Fl, Los Angeles, CA,
11 90013.

12 13. Defendant L & H LIMITED PARTNERSHIP (hereafter “L&H”) was at all relevant
13 times a California limited partnership doing business within the County of Los Angeles with its
14 principal place of business at 333 S. Central Ave., 2nd Fl, Los Angeles, CA, 90013.

15 14. Defendants LEE, STELEE, SL 1, SL 2, L&H, and DOES 1 through 50 are
16 collectively referred to throughout the Complaint as the “LEE Defendants”

17 15. Defendant BIO HAZARD, INC. (hereafter BIO HAZARD) was a California
18 corporation at all relevant times doing business in Los Angeles County, with its principal place of
19 business of business at 6247 Randolph St. Commerce, CA 90040. Defendant MINH V. VO was
20 at all relevant times the CEO and Director of BIO HAZARD, INC. and doing business within Los
21 Angeles County. Collectively BIO HAZARD, VO, and DOES 51-60 will be referred to
22 throughout the Complaint as the “BIO HAZARD Defendants.”

23 16. Defendant GREEN BUDDHA, LLC (hereafter GREEN BUDDHA) was a
24 California limited liability company at all relevant times doing business in Los Angeles County,
25 with its principal place of business at 325 Boyd St, Los Angeles, CA 90013. Defendant
26 RAHEELA LAKHANY was at all relevant times the member and manager of GREEN BUDDHA
27 and doing business within Los Angeles County. Collectively these defendants, and DOES 61-70,
28 are referred to as “GREEN BUDDHA Defendants” throughout the Complaint.

1 17. Defendant SMOKE TOKES, LLC, (hereafter SMOKE TOKES) was a California
 2 limited liability company at all relevant times doing business in Los Angeles County with its
 3 principal place of business at 330 E. 3rd St, Los Angeles, CA 90013. Defendant SMOKE TOKES
 4 also had a place of business at 327 Boyd St (also known as 311 Boyd St), Los Angeles, CA 90013.
 5 Defendant SHAFaq ASLAM SATTAR was at all relevant times a member and/or manager of
 6 SMOKE TOKES and doing business within Los Angeles County. Defendant LAKHANY was
 7 CEO and a member of SMOKE TOKES as well. Collectively these Defendants, and DOES 71-
 8 80, are referred to as the “SMOKE TOKES Defendants.”

9 18. The true names and capacities, whether individual, plural, corporate, partnership,
 10 associate, or otherwise, of DOES 1 through 100, inclusive, are unknown to Plaintiffs who
 11 therefore sue said Defendants by such fictitious names. The full extent of the facts linking such
 12 fictitiously sued Defendants is unknown to Plaintiffs. Plaintiffs are informed and believe, and
 13 thereon allege, that each of the Defendants designated herein as DOES 1 through 100 was, and is,
 14 negligent, or in some other actionable manner, responsible for the events and happenings
 15 hereinafter referred to, and thereby negligently, or in some other actionable manner, legally and
 16 proximately caused the hereinafter described injuries and damages to Plaintiffs. Plaintiffs will
 17 hereafter amend this Complaint to show the Defendants’ true names and capacities after the same
 18 have been ascertained.

19 19. Plaintiffs are informed and believe and thereon allege that at all times mentioned
 20 herein, Defendants, and each of them, including DOES 1 through 100, inclusive, were and are
 21 individuals, corporations, governmental agencies, or other business entities acting as agents,
 22 associates, employees, and/or joint venturers of their co-Defendants, and were, as such, acting
 23 within the course, scope, and authority of said agency, employment, and/or venture, and that each
 24 and every Defendant, as aforesaid, when acting as a principal, was negligent in the selection and
 25 hiring of each and every other Defendant as an agent, servant, employee, successor in interest
 26 and/or joint venture.

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FACTUAL ALLEGATIONS

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20. On Saturday, May 16, 2020, at approximately 6:27 p.m. the Los Angeles City Fire Department (LAFD) including Plaintiff VICTOR AGUIRRE, responded to a structure fire at 327 East Boyd Street in downtown Los Angeles. Plaintiff AGUIRRE’s fire engine arrived on scene at approximately 6:30-6:31 p.m.

21. The 327 East Boyd Street premises was also known as 311 Boyd Street.

22. The structure fire began at the 327 East Boyd Street premises, but quickly spread to the 325 East Boyd Street premises (collectively “the PREMISES”).

23. The 327 East Boyd Street premises are owned, operated, leased, managed, monitored, maintained, inspected, and controlled by the LEE Defendants, and were a business location leased, operated, managed, maintained, inspected, and controlled by the BIO HAZARD Defendants, the SMOKE TOKES Defendants, and the GREEN BUDDHA Defendants.

24. The 325 East Boyd Street premises are also owned, operated, leased, managed, monitored, maintained, inspected, and controlled by the LEE Defendants, and were business location leased, operated, managed, maintained, inspected, and controlled by the GREEN BUDDHA Defendants and BIO HAZARD Defendants.

25. This structure fire which resulted in the summoning of firefighters, including Plaintiff VICTOR AGUIRRE, originated in “ordinary combustibles.” It was initially classified as “a routine ventilation limited structure fire” when the firefighters arrived and assessed the situation.

26. Unbeknownst to the firefighters when they were summoned, the PREMISES contained hundreds of illegally and improperly stored butane canisters and thousands of illegally and improperly stored nitrous oxide cylinders (collectively the EXPLOSIVE MATERIALS), within storage that was unsafe. In addition, the manner of storage negligently or intentionally concealed these contents from firefighters by omitting required hazardous materials identification including signs.

1 27. At approximate 6:34 p.m. firefighters began to enter the PREMISES. During their
 2 entry, firefighters encountered (among other obstacles) floor-to-ceiling storage.

3 28. At approximately 6:38 p.m. firefighters heard sounds coming from inside the
 4 structure. Initially, they described hearing loud, “popping-like” or “popcorn-like” noises that
 5 escalated rapidly in volume and frequency. In a matter of seconds, the “popping” noises were
 6 accompanied by a “jet-like” rumble that began to crescendo louder within the PREMISES. The
 7 firefighters, recognizing the new hazard, immediately rushed to exit the structure.

8 29. Plaintiff VICTOR AGUIRRE, part of the fire attack team on the roof of the
 9 PREMISES, was the last person off of the building and on to the adjacent aerial ladder after
 10 working to help his colleagues attempt to make it to safety.

11 30. Just seconds after the “jet-like” rumble began, flames disappeared momentarily,
 12 and the smoke appeared to temporarily diminish. Then without warning, an enormous explosion
 13 occurred, and a fireball blowtorched out of the PREMISES. Fire was seen reaching the buildings
 14 across the street and rising into the atmosphere approximately 60’ high above the roof line. The
 15 explosion and fire ball scorched everything in its path, including the Truck and the rear portion of
 16 the Engine. 12 firefighters including Plaintiff VICTOR AGUIRRE were injured. The events set
 17 forth above are hereinafter referred to as the “subject incident.”
 18



28 (Plaintiff VICTOR AGUIRRE, identified as CII above, engulfed by the fireball and explosion)

1 31. The cause of this explosion event was separate and distinct from the “routine
2 ventilation limited structure fire” which originated in “ordinary combustibles” which was the
3 event that precipitated either the response or presence of the firefighters including VICTOR
4 AGUIRRE.

5 32. The cause of this explosion event was illegally and improperly stored, and
6 negligently and/or intentionally concealed EXPLOSIVE MATERIALS, including butane canisters
7 and nitrous oxide cylinders.

8 33. Although nitrous oxide (N2O) is a non-combustible gas, when heated, it will
9 decompose creating an exothermic (heat-producing) reaction. During the decomposition phase, its
10 compounds split releasing oxygen (O2), and nitrogen (N2). If nitrous oxide is mixed with a fuel
11 source it will also create a rapidly expanding pressure wave of carbon dioxide (CO2) and water
12 vapor (H2O).

13 34. The nitrous oxide cylinders found in the PREMISES incident have been known to
14 release their contents in temperatures as low as 106 degrees Fahrenheit. As pre-heating increased,
15 the release of the nitrous oxide increased.

16 35. The release of the oxidizer (N2O) into the fuel rich atmosphere created a volatile
17 chain of events that caused the spontaneous release of N2O from their containers, supplying the
18 necessary amount of oxygen to support the fireball and explosion event at the PREMISES. The
19 incredibly large, violent release of energy was the result of rapidly expanding water vapor, carbon
20 dioxide and extreme heat.

21 36. When large quantities of the product contained in the nitrous oxide cylinders are
22 stacked in quantity and exposed to heat, they can release or explode from the outer edges of the
23 storage configuration, working inward until a critical temperature is reached. This can cause a
24 simultaneous release of a large portion of the product to occur with violent results.

25 37. The rapidly occurring chain reaction of the heated, fuel rich environment and
26 rapidly increasing supply of N2O were more likely than not the source of the “popping-like”
27 noises and rumbling energy that many firefighters on scene of the incident reported hearing, deep
28 within the structure, just prior to the fireball and explosion event.

1 injury occasioned to that person by the want of ordinary care or skill in the management of the
2 person's property or person... [w]here the conduct causing injury violates a statute, ordinance, or
3 regulation, and the conduct causing injury was itself not the event that precipitated either the
4 response or presence of the...firefighter....”

5 44. Defendants, and each of them, willfully and negligently violated statutes,
6 ordinances, and/or regulations in their ownership, construction, maintenance, inspection, and
7 control of the PREMISES, including relating to the storage of the EXPLOSIVE MATERIALS,
8 that were a substantial factor in causing Plaintiff VICTOR AGUIRRE’S injuries.

9 45. These violations by the LEE Defendants, the BIO HAZARD Defendants, the
10 GREEN BUDDHA Defendants, and the SMOKE TOKES Defendants, include but are not limited
11 to, the following:

12 a. In violation of subdivision (a)(5) of Section 182 of the California Penal
13 Code, Defendants each did willfully and unlawfully conspire together or with another person or
14 persons to commit an act injurious to the public health, public morals, or to pervert and obstruct
15 justice or the due administration of the laws, to wit, to endanger the public health, and that
16 pursuant to and for the purpose of carrying out the objects and purposes of the aforesaid
17 conspiracy, the Defendants each committed the following overt acts: hazmat storage without
18 proper permits, failure to have hazmat signs, failure to classify hazardous commodities, failure to
19 identify aerosols, illegal storage height, over-height storage, failure to maintain aisles, improper
20 shelf storage, and failure to maintain a safe building.

21 b. In violation of Los Angeles Municipal Code Section 57.110 adopting
22 California Fire Code section 110.1.1, Defendants each did unlawfully maintained a structure or
23 existing equipment that are or hereafter become unsafe or deficient because of inadequate means
24 of egress or which constituted a fire hazard, or was otherwise dangerous to human life or the
25 public welfare, or which involve illegal or improper occupancy or inadequate maintenance.

26 c. In violation of Los Angeles Municipal Code Section 57.105.6.14,
27 Defendants each did unlawfully store, process, or use materials above ground of the type and in
28 the amounts exceeding those set forth in Table 57.105.6.14 of this chapter or exceeding the permit

1 amounts for hazardous materials in Chapter 50, without a permit, including the EXPLOSIVE
2 MATERIALS.

3 d. In violation of Los Angeles Municipal Code Section 57.120.3, Defendants
4 each committed the operation or maintenance of a new or existing Unified Program Facility
5 without having an annually renewable Unified Program Facility Permit with the appropriate
6 authorization for each applicable unified program element pursuant to this Chapter, or other
7 authorized Permit. Such a permit would have been required for the Defendants' storage and/or
8 maintenance of the EXPLOSIVE MATERIALS.

9 e. In violation of Los Angeles Municipal Code Section 57.5104 adopting
10 California Fire Code section 57.5104.1, Defendants each unlawfully failed to comply with
11 Sections 5104.2 through 5104.7 and NFPA 30B. Level 1 aerosol products and those aerosol
12 products covered by Section 5104.1.1 shall be considered equivalent to a Class III commodity and
13 shall comply with the requirements for palletized or rack storage in NFPA 13 for inside storage of
14 Level 2 and 3 of aerosol products, including the EXPLOSIVE MATERIALS.

15 f. In violation of Los Angeles Municipal Code Section 57.5104 adopting
16 California Fire Code section 57.5104.3 unlawfully failed to comply with Section 5104.3.1 or
17 5104.3.2 for aerosol storage in general purpose warehouses utilized only for warehousing-type
18 operations involving mixed commodities, including storage of the EXPLOSIVE MATERIALS.

19 g. In violation of Los Angeles Municipal Code Section 57.5704 adopting
20 California Fire Code section 5704.3.3, Defendants each did unlawfully fail to store flammable and
21 combustible liquids, including the EXPLOSIVE MATERIALS, inside building in container and
22 portable tanks as required by the Code.

23 h. In violation of Los Angeles Municipal Code Section 57.121.2.1 Defendants
24 did unlawfully fail to file an application for, and obtain a Section 57.120 Unified Program Facility
25 Permit with the proper authorization listed for the Hazardous Materials Release Response Plan
26 (HMRRP) and inventory program element as required by this section.

27 i. In violation of Los Angeles Municipal Code Section 57.3203 adopting
28 California Fire Code section 57.3203.1 Defendants did unlawfully fail to classify commodities

1 that were classified as Class I, II, III, IV or high hazard in accordance with this section, including
2 the EXPLOSIVE MATERIALS.

3 j. In violation of Los Angeles Municipal Code Section 57.5303 adopting
4 California Fire Code section 57.5303.1.1 Defendants unlawfully failed to keep combustible waste,
5 vegetation, and similar materials 10 feet from compressed gas including the EXPLOSIVE
6 MATERIALS as required by the Fire Code.

7 k. In violation of Code Section 57.5003 adopting California Fire Code section
8 57.5003.5 Defendants unlawfully failed to provide visible hazard identification signs as specified
9 in NFP A 704 for the specific material contained shall be placed on stationary containers and
10 aboveground tanks and at entrances to locations where hazardous materials are stored, dispensed,
11 used or handled in quantities requiring a permit and at specific entrances and locations designated
12 by the fire code official.

13 l. In violation of Los Angeles Municipal Code Section 57.3206 adopting
14 California Fire Code section 57.3206.9 Defendants unlawfully failed to provide aisles that provide
15 access to exits and fire department access doors in high-piled storage areas exceeding 500 square
16 feet, in accordance with Sections 3206.9.1 through 3206.9.3. Aisles separating storage piles or
17 racks failed to comply with NFPA 13 or with Chapter 10 as required by the regulation.

18 m. In violation of Los Angeles Municipal Code Section 315 adopting
19 California Fire Code Section 315.3.1 Defendants did unlawfully fail to maintain storage 2 feet or
20 more below the ceiling in non-sprinklered areas of buildings.

21 n. In violation of Los Angeles Municipal Code Section 57.315.3.11 subsection
22 (1) Defendants did unlawfully fail to maintain aisles and entrances free from storage and
23 equipment not being used.

24 o. In violation of Los Angeles Municipal Code Section 57.3205 adopting
25 California Fire Code section 57.3205.4 Defendants unlawfully, when not restocking, failed to keep
26 aisles clear of storage, waste material and debris and failed to ensure fire department access doors,
27 aisles and exit doors shall not be obstructed.

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1 65. The LEE Defendants, BIO HAZARD Defendants, GREEN BUDDHA Defendants,
 2 and SMOKE TOKES Defendants had a duty to all reasonably foreseeable persons, including
 3 Plaintiff VICTOR AGUIRRE, to use reasonable care to keep the PREMISES in a reasonably safe
 4 condition, and to use reasonable care to discover any unsafe conditions and to repair, replace, or
 5 give adequate warning of anything that could be reasonably expected to harm others. This
 6 included a duty to use reasonable care to protect foreseeable persons, including Plaintiff VICTOR
 7 AGUIRRE, from another person’s criminal conduct on the PREMISES if they can reasonably
 8 anticipate that conduct.

9 66. The LEE Defendants, BIO HAZARD Defendants, GREEN BUDDHA Defendants,
 10 and SMOKE TOKES Defendants had actual and/or constructive notice of the dangerous
 11 conditions that existed on the PREMISES, including in the illegal and unsafe storage of the
 12 EXPLOSIVE MATERIALS, and the illegal and unsafe storage conditions including floor-to-
 13 ceiling storage and unsafe aisles.

14 67. The LEE Defendants, BIO HAZARD Defendants, GREEN BUDDHA Defendants,
 15 and SMOKE TOKES Defendants had actual and/or constructive notice of the criminal conduct
 16 that was occurring on the PREMISES, including the violations of laws and regulations set forth
 17 above.

18 68. The LEE Defendants, BIO HAZARD Defendants, GREEN BUDDHA Defendants,
 19 and SMOKE TOKES Defendants negligently and unlawfully failed to discovery, remedy, repair,
 20 or adequately warn of the dangerous conditions and criminal conduct that existed on the
 21 PREMISES.

22 69. The aforementioned negligence of the Defendants, including in the illegal and
 23 unsafe storage of the EXPLOSIVE MATERIALS, the illegal and unsafe storage conditions
 24 including floor-to-ceiling storage and unsafe aisles that channeled the fireball and explosion event
 25 at Plaintiff VICTOR AGUIRRE, were each independent of the event which summoned Plaintiff
 26 VICTOR AGUIRRE to the scene as a firefighter.

27 70. The aforementioned negligence and unlawful conduct of the Defendants was a
 28 substantial factor in causing Plaintiff VICTOR AGUIRRE’s severe injuries.

1 78. The issue of the illegal and unsafe storage of explosive materials in “Bong Row”
 2 smoke shops and wholesale supply warehouses, and the owners of buildings in continuous use for
 3 those purposes, is one of increasing public safety concern.

4 79. On September 12, 2016, a location of the SMOKE TOKES Defendants’ business
 5 operating just blocks away from the PREMISES in this incident caught fire. Firefighters
 6 encountered pressurized gas cylinders of explosive materials, including butane, in this location
 7 that also exploded. Fortunately, the LAFD was able to extinguish that fire without injury. A two-
 8 story commercial building was destroyed and had to be red-tagged. Plaintiffs are informed and
 9 believe, and thereon allege, that the premises where this incident occurred were owned, operated,
 10 controlled managed, leased, maintained, and/or inspected by the LEE and SMOKE TOKES
 11 Defendants, among others, prior to and/or following that incident.

12 80. Prior to the SUBJECT INCIDENT, Plaintiffs are informed and believe, and thereon
 13 allege that there existed video surveillance equipment in place on the PREMISES that clearly
 14 showed and documented the illegal and unsafe storage conditions on the PREMISES, the illegal
 15 and unsafe storage of the EXPLOSIVE MATERIALS, and the active and ongoing violations of
 16 law occurring on the PREMISES. Despite having access to such video surveillance evidence,
 17 each of the Defendants took no action to remedy the dangerous and illegal conditions.

18 81. In the subject incident, the storage of the EXPLOSIVE MATERIALS was related
 19 to the illicit drug industry. The butane canisters unsafely stored on the PREMISES and involved
 20 in causing the fire ball and explosion event are utilized for, among other things, the illicit
 21 extraction of a form of hash oil called butane honey oil, often for use in counterfeit or unlicensed
 22 marijuana vape products. The nitrous oxide canisters stored on the PREMISES unsafely in mass
 23 quantities and involved in causing the fire ball and explosion event are utilized as a recreational
 24 drug and known as, among other things, “whippits.”

25 82. On August 21, 2020, Los Angeles City Attorney Mike Feuer announced filing over
 26 300 criminal charges against the owners and operators of four downtown buildings and three
 27 businesses (the Defendants in this action) for alleged fire code and safety violations following the
 28 subject incident. “The fire and explosion that ripped through the Boyd Street property caused our

1 firefighters great suffering—and came perilously close to costing their lives. We’ll do everything
 2 we can to hold the owners and operators of buildings and businesses responsible for complying
 3 with our fire and safety codes,” said Feuer. “The public is counting on us to protect them from a
 4 potential catastrophe.”

5 83. The LEE Defendants were charged with 36 counts for violations at 327 Boyd Street
 6 and 50 counts for violations at 325 Boyd Street, with maximum penalties for Steve Sungho Lee
 7 are up to 68 years in jail and thousands of dollars in fines. Charges against the LEE Defendants
 8 are still pending as of the date of filing of this complaint.

9 84. Two additional buildings, also owned by the LEE Defendants, are 309 South San
 10 Pedro Street – where Smoke Tokes also allegedly operated – and 5719 South Avalon Boulevard.
 11 Lee has been charged with 46 additional counts for violations at 309 South San Pedro and 3 more
 12 counts for violations at 5719 South Avalon.

13 85. All four of the properties owned and operated by the LEE Defendants were found
 14 to have illegal storage of hazardous materials.

15 86. Smoke Tokes, as one of the operators of the properties, was charged with 36 counts
 16 for violations found at 327 Boyd Street and 46 counts for violations found at 309 South San Pedro.
 17 Green Buddha, which is owned by Smoke Tokes, and Bio Hazard – two additional operators –
 18 were charged with 36 counts for violations at 327 Boyd Street and 50 counts for violations found
 19 at 325 Boyd Street.

20 87. On November 19, 2020, the SMOKE TOKES Defendants and the GREEN
 21 BUDDHA Defendants reached a plea agreement with the City of Los Angeles. It resulted in
 22 payment of more than \$127,000 in fines and sentences to one year of probation, as well as
 23 agreement by the owners of said businesses to cease operation at those locations.

24 88. As part of this plea agreement, the SMOKE TOKES and GREEN BUDDHA
 25 Defendants were convicted of the following violations:

26 a. § 57.110.1.1 - unlawfully maintained a structure or existing equipment that
 27 are or hereafter become unsafe or deficient because of inadequate means of egress or which
 28

1 constituted a fire hazard, or was otherwise dangerous to human life or the public welfare, or which
 2 involve illegal or improper occupancy or inadequate maintenance.

3 b. § 57.120.3 - operation or maintenance of a new or existing Unified Program
 4 Facility without having an annually renewable Unified Program Facility Permit with the
 5 appropriate authorization for each applicable unified program element pursuant to this Chapter, or
 6 other authorized Permit [relating to the storage of the EXPLOSIVE MATERIALS].

7 c. § 57.5704.3.3 - unlawfully fail to store flammable and combustible liquids
 8 inside building in container and portable tanks as required by the Code [relating to the storage of
 9 the EXPLOSIVE MATERIALS].

10 d. § 57.5104.1 - unlawfully failed to comply with Sections 5104.2 through
 11 5104.7 and NFPA 30B. Level 1 aerosol products and those aerosol products covered by Section
 12 5104.1.1 shall be considered equivalent to a Class III commodity and shall comply with the
 13 requirements for palletized or rack storage in NFPA 13 for inside storage of Level 2 and 3 of
 14 aerosol products [relating to the storage of the EXPLOSIVE MATERIALS].

15 89. The conduct of the LEE Defendants, the BIO HAZARD Defendants, the GREEN
 16 BUDDHA Defendants, and the SMOKE TOKES Defendants conduct rose to the level of malice.
 17 It was done willfully or with a conscious disregard of the rights or safety of another – meaning
 18 Defendants were each aware of the probable dangerous consequences of their conduct and
 19 deliberately failed to avoid those consequences.

20 90. The conduct of the corporate entities identified among the LEE Defendants, the
 21 BIO HAZARD Defendants, the GREEN BUDDHA Defendants, and the SMOKE TOKES
 22 Defendants was committed, authorized, and/or ratified by managing agents of their respective
 23 companies. Those managing agents include those identified above for each entity, as well as
 24 managing agents that are as yet unknown to Plaintiffs. Those individuals exercised substantial
 25 independent authority and judgment in corporate decision making such that their decisions
 26 ultimately determine corporate policy.

27 91. Such conduct was despicable - conduct that is so vile, base, or contemptible that it
 28 would be looked down on and despised by reasonable people. Courts have described despicable

1 conduct as “having the character of outrage frequently associated with crime.” The Defendants’
2 conduct did not just have the character of outrage frequently associated with crime, such conduct
3 was actually criminal in nature.

4 92. Further showing that this conduct needs deterrence in the community, on June 8,
5 2021, a 100-year-old building in the 200 block of East 3rd Street (mere blocks away from the
6 location of the subject incident) that housed at least five businesses on the ground level was
7 consumed by a fire. At least two of the businesses contained smoking supplies, including
8 pressurized gas canisters, which caused explosions. Deterrence of property and business owners
9 from contributing to this pattern of unsafely and illegally stored explosive materials relating to the
10 illicit drug trade, which places the life and property of fellow citizens in extreme danger, is exactly
11 the type of purpose for which punitive damages is authorized.

12 93. As a result, Plaintiffs VICTOR AGUIRRE and CLAUDIA AGUIRRE request the
13 imposition of punitive damages against each and every Defendant, in an amount reasonable and
14 necessary to deter such conduct and make an example.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiffs VICTOR AGUIRRE and CLAUDIA AGUIRRE pray for
17 judgment against Defendants, and each of them, as follows:

- 18 1. For past and future general damages in an amount to be determined at trial for Plaintiff
- 19 VICTOR AGUIRRE;
- 20 2. For past and future special damages and economic loss, such as medical expenses,
- 21 earnings, earning capacity, household services, and related expenses, in an amount to
- 22 be determined at trial for Plaintiff VICTOR AGUIRRE;
- 23 3. Loss of consortium damages to Plaintiff CLAUDIA AGUIRRE;
- 24 4. Punitive damages;
- 25 5. For costs of suit herein incurred;
- 26 6. Prejudgment interest; and

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7. For any other or further relief as the Court may deem just and proper.

DATED: September 15, 2021

CHANG | KLEIN LLP

BY:  _____

PATRICK GUNNING, ESQ.

Attorney for Plaintiffs

DEMAND FOR JURY TRIAL

PLAINTIFFS HEREBY DEMAND A TRIAL BY JURY as to all causes of action and forms of relief.

DATED: September 15, 2021

CHANG | KLEIN LLP

BY:  _____

PATRICK GUNNING, ESQ.

Attorney for Plaintiffs