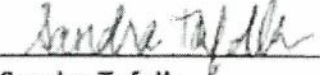


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9 **SUPERIOR COURT OF CALIFORNIA**  
10 **COUNTY OF KINGS, CENTRAL DIVISION**

11 \* \* \*

12 J & D WILSON AND SONS DAIRY, LP, a  
13 California limited partnership;  
14 DYLAN WILSON, an individual;  
15 JAMES WILSON, JR., an individual;  
16 SANDRIDGE PARTNERS LP, a California  
17 limited partnership,

18 Plaintiffs,

19 v.

20 J.G. BOSWELL COMPANY, a California  
21 Corporation;  
22 MARK UNRUH, an individual; and  
23 DOES 1 through 25, inclusive,

24 Defendants.

22C-0067

Case No. \_\_\_\_\_

**COMPLAINT FOR:**

- (1) TRESSPASS
- (2) PUBLIC NUISANCE
- (3) PRIVATE NUISANCE

25 Plaintiffs J & D Wilson and Sons Dairy, LP, Dylan Wilson, James Wilson, Jr. and Sandridge  
26 Partners, LP, joint ventures of Wilson and Sandridge Cattle Feed, bring this action against Defendants,  
27 J.G. Boswell Company and Mark Unruh and DOES 1-25 inclusive.

28 **I.**

**JURISDICTION AND VENUE**

1. Plaintiff, J & D Wilson and Sons Dairy, is, and at all times mentioned herein was, a  
California Limited Partnership. Its primary place of business is located in Kings County.

2. Plaintiff, Dylan Wilson, is, and at all times mentioned herein was, a resident of the County of Kings, State of California.

3. Plaintiff, James Wilson, Jr. is, and at all times mentioned herein was, a resident of the County of Kings, State of California.

4. Plaintiff, Sandridge Partners, LP, is, and at all times mentioned herein was, a California Limited Partnership and is the owner of the properties described more fully below in paragraph 6. Its primary place of business is located in the County of Santa Clara, State of California but owns and farms several locates in Kings County.

5. Plaintiffs J & D Wilson and Sons Dairy, LP, Dylan Wilson, James Wilson and Sandridge Partners, LP, (collectively "Plaintiffs") are joint ventures of Wilson and Sandridge Cattle Feed, the purpose of which is to raise feeder cattle (the feeding of cattle and profiting off the weight gain).

6. Plaintiffs lease certain agricultural property located in Kings County from Sandridge Partners, LP, for the purposes of grazing their feeder cattle. Said real property is described as APNs 026-130-066, 067, 044; 024-130-065; 026-090-034; LC5S:026-050-018; LC5SE: 026-050-010, 011, 013, 014, 015, 016; HM12: 022-130-007; 022-100-005; 022-150-001; 022-090-001; HM17:024-040-006; SID18NE: 026-110-007, 026-110-017; SID17SW: 026-131-038, 026-131-028, 026-131-029; SID32: 026-340-026, 026-340-027; SID16SW: 026-190-027, 028, 029, 030, 023, 009 (hereinafter the "Subject Property"). The Subject Property is private property.

7. On information and belief, Defendant, J.G. Boswell Company ("Boswell"), is and at all times mentioned herein was, a California Corporation. On information and belief, Boswell's primary place of business is located in Kings County.

8. On information and belief, Defendant Mark Unruh ("Unruh"), is, and at all times mentioned herein was, a resident of the County of Kings, State of California, and an agent and/or employee of Defendant Boswell.

9. On or about January 25, 2022, a separate but related action entitled *Tulare Lake Canal vs. Sandridge Partners, etc., et al.*, Kings County Superior Court, Case No. 22C-0019, was commenced by an affiliate of Defendant Boswell against Sandridge Partners, LP, and others, to enjoin them from constructing a pipeline to run water for agricultural and commercial uses for the Subject Property.

10. Plaintiffs are ignorant of the true names and capacities of Defendant sued herein as DOES 1 through 25, inclusive, and, therefore, sue said Defendants by such fictitious names. Plaintiffs will amend this complaint to allege their true names and capacities when ascertained. Plaintiffs are informed and believe, and based thereon allege, that each of the fictitiously named defendants is negligently responsible in some manner for the occurrences alleged herein. And that Plaintiffs' injuries as herein alleged were further proximately caused by that negligence.

11. Plaintiffs are informed and believe, and thereon allege, that all times herein relevant, each of the Defendants were acting as the agent, servant, employee, partner and/or joint venture of each of the remaining Defendant, and was acting in concert with each remaining Defendant in doing the things herein alleged, while at all times acting within the scope of such agency, employment, partnership and/or concert of action.

## II.

### GENERAL ALLEGATIONS

12. At all material times alleged herein material, Plaintiffs, pursuant to their joint venture, were leasing the Subject Property for the grazing of their cattle. At all material times alleged herein, Plaintiffs grazed cattle on the Subject Property.

13. Plaintiffs are informed and believe, and thereon allege, that all times herein relevant, Defendant Boswell was the owner and operator of a helicopter (the "Boswell Helicopter"). Plaintiffs are informed and believe, and thereon allege, that all times herein relevant, Defendant Unruh was the operator or a passenger of the Boswell Helicopter.

14. Beginning in early January 2022, and continuing to present date, Defendants Boswell and Unruh intentionally, recklessly and improperly operated the Boswell Helicopter over the Subject Property at altitudes below those prescribed by law and so conducted their flights as to be imminently dangerous to persons and property, including Plaintiffs' cattle. Plaintiffs are informed and believe, and thereon allege, that all times herein relevant, Defendants dangerously operated their flights, in an effort to interfere with Plaintiffs' grazing cattle business and in retaliation against Sandridge Partners, LP, for its commencement of a construction project located on a portion of the Subject Property in which Defendant Boswell has sued to enjoin as set forth in paragraph 9. Defendants' reckless and dangerous

operation of the Boswell Helicopter over the Subject Property endangers the health and welfare of Plaintiffs' cattle, other property and the public.

15. As a direct result of Defendants' intentional, reckless and improper operation of the Boswell Helicopter over the Subject Property (at times a mere thirty to fifty feet above the cattle herds) the cattle are spoked by the loud noise and wind of the Boswell Helicopter, causing the herds to stampede, charge and run into, and over each other, and at times through the barbed wire and/or electric fencing containing them. As a direct result of Defendants' dangerous operation of the Boswell Helicopter over the Subject Property and herds, the cattle break through the fencing, run through neighboring parcels, causing danger to persons and property, and at times run into California Highway 41 in an effort to escape the Boswell Helicopter.

16. Plaintiffs have been damaged, and continue to suffer damages as a result of Defendants' conduct, including but not limited to, injury to their cattle. Defendants' trespass and/or nuisance continues as Defendants continue to recklessly operate their flights over the Subject Property thereby interfering with Plaintiffs' grazing cattle business. Such conduct prevents Plaintiffs from being able to use and enjoy the Subject Property pursuant to its lease, a right which Plaintiffs inarguably hold.

17. Further, as a result of Defendants' conduct the public is put at risk as the cattle, in an effort to escape the Boswell Helicopter, are breaking through the electric fencing and running on to California Highway 41 which creates a dangerous condition and/or nuisance for which there is no adequate remedy at law.

### **FIRST CAUSE OF ACTION**

#### **(Trespass – By Defendants Boswell and Unruh)**

18. Plaintiffs hereby incorporate Paragraphs 1 through 17, inclusive as if each was laid out in detail herein.

19. Plaintiffs lease the Subject Property for the gazing of their cattle and in fact graze their cattle on the Subject Property.

20. As tenants, Plaintiffs have the right to exclude persons from trespassing on the Subject Property.

///

1           21. Beginning in early January 2022, and continuing to present date, Defendants Boswell  
2 and Unruh intentionally, recklessly and improperly operated the Boswell Helicopter over the Subject  
3 Property at altitudes below those prescribed by law and so conducted their flights as to be imminently  
4 dangerous to persons and property, including Plaintiffs' cattle. Plaintiffs are informed and believe, and  
5 thereon allege, that all times herein relevant, Defendants dangerously operated their flights, in an effort  
6 to interfere with Plaintiffs' grazing cattle business and in retaliation against Sandridge Partners, LP, for  
7 its commencement of a construction project located on a portion of the Subject Property in which  
8 Defendant Boswell has sued to enjoin as set forth in paragraph 9.

9           22. Defendants' reckless and dangerous operation of the Boswell Helicopter over the Subject  
10 Property endangers the health and welfare of Plaintiffs' cattle, other property and the public.

11           23. As a direct result of Defendants' intentional, reckless and improper operation of the  
12 Boswell Helicopter over the Subject Property (at times a mere thirty to fifty feet above the cattle herds)  
13 the cattle are spooked by the loud noise and wind of the Boswell Helicopter, causing the herds to  
14 stampede, charge and run into, and over each other, and at times through the barbed wire and/or electric  
15 fencing containing them. As a direct result of Defendants' dangerous operation of the Boswell  
16 Helicopter over the Subject Property and the cattle herds, the cattle break through the fencing, run  
17 through neighboring parcels, causing danger to persons and property, and at times run on to California  
18 Highway 41 in an effort to escape the Boswell Helicopter.

19           24. Plaintiffs did not give Defendants permission to recklessly and improperly operate the  
20 Boswell Helicopter over the Subject Property at altitudes below those prescribed by law. Plaintiffs did  
21 not give Defendants permission to conducted their flights over the Subject Property in such a manner so  
22 as to be imminently dangerous to persons and property, including Plaintiffs' cattle.

23           25. Plaintiffs have been damaged, and continue to suffer damages as a result of Defendants'  
24 intentional conduct, including but not limited to, injury to their cattle. Defendants' trespass continues as  
25 Defendants continue to recklessly operate their flights over the Subject Property thereby interfering with  
26 Plaintiffs' grazing cattle business. Such conduct prevents Plaintiffs from being able to use and enjoy the  
27 Subject Property pursuant to its lease, a right which Plaintiffs inarguably hold.

28 ///

27. Defendants are aware of the wrongfulness of their conduct described above and collectively agreed to trespass on the Subject Property with the intent interfere with Plaintiffs' grazing cattle business and in retaliation against Sandridge Partners, LP, for its commencement of a construction project located on a portion of the Subject Property.

28. In addition to the recovery of damages and attorney's fees based upon the unlawful trespass pursuant to Civil Code of Procedure section 1021.9, Plaintiffs are also entitled to punitive damages as the aforementioned acts of Defendants were willful, oppressive and in knowing disregard for the rights afforded to Plaintiffs in that they have accessed the Subject Property belonging to Plaintiffs for the sole purpose of willingly vexing and harassing Plaintiffs to cause them disruption in an unlawful manner. This conduct is despicable and in conscious disregard for Plaintiffs' rights to use and enjoy their property, entitling them to punitive damages.

29. In addition to the monetary damages suffered, Defendants' wrongful conduct, as alleged above, unless and until enjoined and restrained by order of this Court will cause great and irreparable injury through the ongoing injury to the Subject Property, Plaintiffs' cattle, and the public, and deprive Plaintiff of its rightful use and enjoyment of its property. In this regard, Plaintiffs' have no adequate remedy at law in that Defendants continue to engage in this unlawful conduct.

## SECOND CAUSE OF ACTION

**(Public Nuisance – By Defendants Boswell and Unruh)**

30. Plaintiffs hereby incorporate Paragraphs 1 through 17, inclusive as if each was laid out in detail herein.

31. Plaintiffs lease the Subject Property for the grazing of their cattle and in fact graze their cattle on the Subject Property.

32. Beginning in early January 2022, and continuing to present date, Defendants Boswell and Unruh intentionally, recklessly and improperly operated the Boswell Helicopter over the Subject Property at altitudes below those prescribed by law and so conducted their flights as to be imminently

1 dangerous to persons and property, including Plaintiffs' cattle. Plaintiffs are informed and believe, and  
2 thereon allege, that all times herein relevant, Defendants dangerously operated their flights, in an effort  
3 to interfere with Plaintiffs' grazing cattle business and in retaliation against Sandridge Partners, LP, for  
4 its commencement of a construction project located on a portion of the Subject Property in which  
5 Defendant Boswell has sued to enjoin as set forth in paragraph 9.

6 33. Defendants' reckless and dangerous operation of the Boswell Helicopter over the Subject  
7 Property endangers the health and welfare of Plaintiffs' cattle, other property and the public.

8 34. As a direct result of Defendants' intentional, reckless and improper operation of the  
9 Boswell Helicopter over the Subject Property (at times a mere thirty to fifty feet above the cattle herds)  
10 the cattle are spooked by the loud noise and wind of the Boswell Helicopter, causing the herds to  
11 stampede, charge and run into, and over each other, and at times through the barbed wire and/or electric  
12 fencing containing them. As a direct result of Defendants' dangerous operation of the Boswell  
13 Helicopter over the Subject Property and the cattle herds, the cattle break through the fencing, run  
14 through neighboring parcels, causing danger to persons and property, and at times run on to California  
15 Highway 41 in an effort to escape the Boswell Helicopter.

16 35. No doubt cattle running on to a busy highway affects a substantial number of people,  
17 indeed all of the individuals traveling on that portion of the highway at that same time are affected. An  
18 ordinary person would be reasonably disturbed by this condition.

19 36. The seriousness of the harm outweighs the social utility, if any, of Defendants' conduct.

20 37. Plaintiffs did not give Defendants permission to recklessly and improperly operate the  
21 Boswell Helicopter over the Subject Property at altitudes below those prescribed by law. Plaintiffs did  
22 not give Defendants permission to conducted their flights over the Subject Property in such a manner so  
23 as to be imminently dangerous to persons and property, including Plaintiffs' cattle.

24 38. Plaintiffs have been damaged, and continue to suffer damages as a result of Defendants'  
25 intentional conduct, including but not limited to, injury to their cattle. Defendants' trespass continues as  
26 Defendants continue to recklessly operate their flights over the Subject Property thereby interfering with  
27 Plaintiffs' grazing cattle business. Such conduct prevents Plaintiffs from being able to use and enjoy the  
28 Subject Property pursuant to its lease, a right which Plaintiffs inarguably hold.

40. In addition to the recovery of damages based upon the unlawful trespass, Plaintiffs are also entitled to punitive damages as the aforementioned acts of Defendants were willful, oppressive and in knowing disregard for the rights afforded to Plaintiffs in that they have accessed the Subject Property belonging to Plaintiffs for the sole purpose of willingly vexing and harassing Plaintiffs to cause them disruption in an unlawful manner. This conduct is despicable and in conscious disregard for Plaintiffs' rights to use and enjoy their property, entitling them to punitive damages. Additionally, because of the separate public interest and harm, Plaintiffs are entitled to attorney's fees pursuant to California Code of Civil Procedure section 1021.5.

41. In addition to the monetary damages suffered, Defendants' wrongful conduct, as alleged above, unless and until enjoined and restrained by order of this Court will cause great and irreparable injury through the ongoing injury to the Subject Property, Plaintiffs' cattle, and the public, and deprive Plaintiff of its rightful use and enjoyment of its property. In this regard, Plaintiffs' have no adequate remedy at law in that Defendants continue to engage in this unlawful conduct.

### THIRD CAUSE OF ACTION

**(Private Nuisance – By Defendants Boswell and Unruh)**

42. Plaintiffs hereby incorporate Paragraphs 1 through 17, inclusive as if each was laid out in detail herein.

43. Plaintiffs lease the Subject Property for the grazing of their cattle and in fact graze their cattle on the Subject Property.

44. Beginning in early January 2022, and continuing to present date, Defendants Boswell and Unruh intentionally, recklessly and improperly operated the Boswell Helicopter over the Subject Property at altitudes below those prescribed by law and so conducted their flights as to be imminently dangerous to persons and property, including Plaintiffs' cattle. Plaintiffs are informed and believe, and thereon allege, that all times herein relevant, Defendants dangerously operated their flights, in an effort

1 to interfere with Plaintiffs' grazing cattle business and in retaliation against Sandridge Partners, LP, for  
 2 its commencement of a construction project located on a portion of the Subject Property in which  
 3 Defendant Boswell has sued to enjoin as set forth in paragraph 9.

4 45. Defendants' reckless and dangerous operation of the Boswell Helicopter over the Subject  
 5 Property endangers the health and welfare of Plaintiffs' cattle, other property and the public.

6 46. As a direct result of Defendants' intentional, reckless and improper operation of the  
 7 Boswell Helicopter over the Subject Property (at times a mere thirty to fifty feet above the cattle herds)  
 8 the cattle are spooked by the loud noise and wind of the Boswell Helicopter, causing the herds to  
 9 stampede, charge and run into, and over each other, and at times run through the barbed wire and/or  
 10 electric fencing containing them. As a direct result of Defendants' dangerous operation of the Boswell  
 11 Helicopter over the Subject Property and the cattle herds, the cattle break through the fencing, run  
 12 through neighboring parcels, causing danger to persons and property, and at times run on to California  
 13 Highway 41 in an effort to escape the Boswell Helicopter. An ordinary person would be reasonably  
 14 disturbed by this dangerous condition.

15 47. The seriousness of the harm outweighs the social utility, if any, of Defendants' conduct.

16 48. Plaintiffs did not give Defendants permission to recklessly and improperly operate the  
 17 Boswell Helicopter over the Subject Property at altitudes below those prescribed by law. Plaintiffs did  
 18 not give Defendants permission to conducted their flights over the Subject Property in such a manner so  
 19 as to be imminently dangerous to persons and property, including Plaintiffs' cattle.

20 49. Plaintiffs have been damaged, and continue to suffer damages as a result of Defendants'  
 21 intentional conduct, including but not limited to, injury to their cattle. Defendants' trespass continues as  
 22 Defendants continue to recklessly operate their flights over the Subject Property thereby interfering with  
 23 Plaintiffs' grazing cattle business. Such conduct prevents Plaintiffs from being able to use and enjoy the  
 24 Subject Property pursuant to its lease, a right which Plaintiffs inarguably hold.

25 50. Defendants are aware of the wrongfulness of their conduct described above and  
 26 collectively agreed to trespass on the Subject Property with the intent interfere with Plaintiffs' grazing  
 27 cattle business and in retaliation against Sandridge Partners, LP, for its commencement of a construction  
 28 project located on a portion of the Subject Property.

51. In addition to the recovery of damages based upon the unlawful trespass, Plaintiffs are also entitled to punitive damages as the aforementioned acts of Defendants were willful, oppressive and in knowing disregard for the rights afforded to Plaintiffs in that they have accessed the Subject Property belonging to Plaintiffs for the sole purpose of willingly vexing and harassing Plaintiffs to cause them disruption in an unlawful manner. This conduct is despicable and in conscious disregard for Plaintiffs' rights to use and enjoy their property, entitling them to punitive damages. Additionally, because of the separate public interest and harm, Plaintiffs are entitled to attorney's fees pursuant to California Code of Civil Procedure section 1021.5.

52. In addition to the monetary damages suffered, Defendants' wrongful conduct, as alleged above, unless and until enjoined and restrained by order of this Court will cause great and irreparable injury through the ongoing injury to the Subject Property, Plaintiffs' cattle, and the public, and deprive Plaintiff of its rightful use and enjoyment of its property. In this regard, Plaintiffs' have no adequate remedy at law in that Defendants continue to engage in this unlawful conduct.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs pray judgment against Defendants, and each of them, as follows:

1. For judgment on each and every cause of action in the Complaint in Plaintiffs' favor and against Defendants under each cause of action asserted against them;
2. For injunction requiring Defendants to immediately cease and desist from operating the Boswell Helicopter, or any other aircraft, over the Subject Property;
3. For compensatory damages in an amount according to proof and prejudgment/post-judgment interest thereon;
4. For punitive damages;
5. For costs of suit incurred and attorney's fees, as allowed by law, and pursuant to Civil Code of Procedure section 1021.9 as to the First Cause of Action and section 1021.5 as to the Second and Third Causes of Action; and

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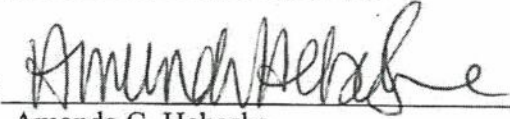
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1           6.       For such other relief as the Court may deem just and proper.

2       Dated: March 4, 2022.

WANGER JONES HELSLEY PC

3  
4       By:



Amanda G. Hebesha

Marisa L. Balch

Attorneys for Plaintiffs

RECEIVED

**3/11/2022**

GRISWOLD, LASALLE,  
COBB, DOWD & GIN