

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Malan v. Martinez Refining Company LLC

Case No. 23-cv-04184-HSG (N.D. Cal. Sept. 30, 2025) · No. 23-cv-04184-HSG · Decided September 30, 2025

SUMMARY

The United States District Court for the Northern District of California denied Plaintiff David Malan’s motion for class certification in a suit concerning particulate emissions, odors, and alleged property damage from an oil refinery. The court held that individualized issues concerning harm, causation, and injury would predominate over common issues under Federal Rule of Civil Procedure 23(b)(3). The order also begins addressing motions to seal, applying the compelling-reasons standard.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	September 30, 2025
DOCKET	23-cv-04184-HSG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for certification of a class asserting California public nuisance, private nuisance, negligence, and trespass claims arising from particulate and odor emissions from Defendant's refinery. Plaintiff also filed administrative motions concerning the sealing of class-certification materials.
STANDARD OF REVIEW	The plaintiff seeking certification bears the burden of affirmatively proving, by a preponderance of the evidence, compliance with Federal Rule of Civil Procedure 23. The court must conduct a rigorous predominance inquiry and may not rely solely on the pleadings.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	David Malan, et al. v. Martinez Refining Company LLC

TOPICS

- class actions
- civil procedure
- nuisance
- negligence
- trespass

PRACTICE AREAS

class actions

civil procedure

environmental law

torts

QUESTIONS PRESENTED

1. Whether Plaintiff satisfied Federal Rule of Civil Procedure 23(b)(3)'s predominance requirement for a proposed class asserting nuisance, negligence, and trespass claims based on refinery emissions.
2. Whether the evidence showed that harm or injury could be established with common, class-wide proof rather than individualized evidence for each property or class member.
3. Whether specified class-certification materials should remain under seal under the compelling-reasons standard.

HOLDINGS

1. Class certification was improper because Plaintiff did not prove by a preponderance of the evidence that common issues predominated over individualized issues concerning whether the refinery's emissions caused harm to individual class members and properties.
2. For purposes of predominance, Plaintiff had to demonstrate a method of proving class-wide harm caused by Defendant's emissions; individualized damages calculations alone would not defeat certification, but individualized proof of whether any class member suffered harm could do so.
3. The motions to seal were granted in part and denied in part: confidential settlement agreements and personally identifying information in a resident-communications spreadsheet could remain sealed or redacted, while other requested sealing was denied.

KEY QUOTATIONS

“Plaintiff, as the party seeking certification, “must affirmatively confirm” his compliance with Rule 23 by a preponderance of the evidence.” (II)

“Plaintiff has not proved that he can show on a class-wide basis that these emissions—alone or collectively—caused harm.” (III.A)

“The public’s interest in disclosure and justify sealing court records exist when such ‘court files might have become a vehicle for improper purposes,’” (IV.A)

FACTUAL BACKGROUND

Martinez Refining Company LLC operates an oil refinery in Martinez, California, near residential properties. Plaintiff alleged that the refinery emitted particulate matter, petroleum coke, spent catalyst, and noxious odors, including a substantial spent-catalyst release in November 2022, and that these emissions caused property damage and interfered with residents' use and enjoyment of their homes. Plaintiff proposed a class of approximately 3,761 residential households within one mile of the refinery.

PROCEDURAL HISTORY

The action was pending in the Northern District of California. Plaintiff sought to represent owner-occupants and renters of residential property within one mile of Defendant's refinery from August 16, 2020, onward. After a hearing, the Court denied class certification, granted in part and denied in part the motions to seal, and directed Plaintiff to file unredacted versions of specified materials.

DISPOSITION

other

CASES CITED

- Mazza v. Am. Honda Motor Co., Inc., 666 F.3d 581, 588 (9th Cir. 2012)
- Olean Wholesale Grocery Coop., Inc. v. Bumble Bee Foods LLC, 31 F.4th 651, 665 (9th Cir. 2022)
- Comcast Corp. v. Behrend, 569 U.S. 27, 33-34 (2013)
- White v. Symetra Assigned Benefits Serv. Co., 104 F.4th 1182, 1192 (9th Cir. 2024)
- Tyson Foods, Inc. v. Bouaphakeo, 577 U.S. 442, 453 (2016)
- Amchem Prods., Inc. v. Windsor, 521 U.S. 591, 623-24 (1997)
- Abdullah v. U.S. Sec. Assocs., Inc., 731 F.3d 952, 957 (9th Cir. 2013)
- Wolin v. Jaguar Land Rover N. Am., LLC, 617 F.3d 1168, 1172 (9th Cir. 2010)
- Birke v. Oakwood Worldwide, 169 Cal. App. 4th 1540, 1548 (2009)
- Mendez v. Rancho Valencia Resort Partners, LLC, 3 Cal. App. 5th 248, 262-63 (2016)
- Romero v. Los Angeles Rams, 91 Cal. App. 5th 562, 567 (2023)
- Aas v. Superior Ct., 24 Cal. 4th 627, 646 (2000)
- Ralphs Grocery Co. v. Victory Consultants, Inc., 17 Cal. App. 5th 245, 262 (2017)
- In re Burbank Env't Litig., 42 F. Supp. 2d 976, 983 (C.D. Cal. 1998)
- Costerisan v. Tejon Ranch Co., 255 Cal. App. 2d 57, 60 (1967)
- Sefton v. Prentice, 103 Cal. 670, 674 (1894)
- Yokoyama v. Midland Nat. Life Ins. Co., 594 F.3d 1087, 1094 (9th Cir. 2010)
- Lara v. First Nat'l Ins. Co. of Am., 25 F.4th 1134, 1139-40 (9th Cir. 2022)
- Pintos v. Pac. Creditors Ass'n, 605 F.3d 665, 678-80 (9th Cir. 2010)
- Kamakana v. City & County of Honolulu, 447 F.3d 1172, 1178-80 (9th Cir. 2006)
- Nixon v. Warner Communications, Inc., 435 U.S. 589, 598 (1978)
- Celgard, LLC v. Targray Tech. Int'l Inc., No. 19-CV-02401-VKD, 2019 WL 3841997, at *2-3 (N.D. Cal. Aug. 15, 2019)