

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

CHRISTINA ACKERMAN; SUSAN BAKOS;  
PHYLLIS BERGMAN; CHARLES BLAKE;  
SUSIE BUSH; GLENN CALLENDER;  
JACQUELINE CALLENDER; JUSTIN  
CALLENDER; JERRI CARVER; BARBARA  
COLLINS; BRUCE CORBETT; CHRISTY  
CORBETT; CHARLES DAVIS; TERESA  
DAVIS; JULIE DIBBLE; CHAD EVANS;  
KRISTIN EVANS; JOHN EYRE; VINCENT  
FIATTARONE; CHERYL FRENCH; STEVEN  
FRENCH; ASHLEY GENZEL; COURTNI  
GILLETTE; MICAH GILLETTE; PAISLEY  
GILLETTE; HELENE HATCH; BRITTANY  
HENSELY; JORDAN HENSLEY; LIAM  
HENSLEY; BILL HIGGINS; HUNTER  
HOECHE; JAKEN HOECHE; LOGAN  
HOECHE; MILLWEE HOLLER-KANAGA;  
DENNIS HUNLEY; HEATHER HUNLEY;  
JOANNE HUNLEY; PAETYN HUNLEY;  
SHAUN HUNLEY; TYLOR HUNLEY; ANITA  
JARUIS; JENNIFER JOHNSON; LENNOX  
JOHNSON; QUINTON JOHNSON; SEAN  
JOHNSON; DIANA KNEFF; STEVEN

Case No.:

CLASS ACTION  
COMPLAINT WITH  
INDIVIDUAL CLAIMS AND  
DEMAND FOR JURY TRIAL

CLASS ACTION  
CERTIFICATION PENDING

1 KANAGA; GINESSA LINK; RICHARD LINK;  
2 TERRI LINK; JOSEPH MARTINEZ; AMY  
3 MCDONALD; JOHN MITSCHKE; YANG  
4 MITSCHKE; DONNA O'BRIEN; JEREMY  
5 OWNBY; ALEXIA PASSINETTI; AMBER  
6 PASSINETTI; CORY PASSINETTI; EMMA  
7 PASSINETTI; ETHAN PASSINETTI; JANA  
8 PASSINETTI; JARED PASSINETTI; JASON  
9 PASSINETTI; KEARSTEN PASSINETTI;  
10 MCKENZIE PASSINETTI; STEVEN  
11 PASSINETTI; TRISTAN PASSINETTI;  
12 DONNA PETERSON; ALEXANDRIA REIBER;  
13 CHARLOTTE REIBER; DELBERT REIBER;  
14 MARSHALL REIBER; SARRA REIBER;  
15 KARLIE ROSE; CODY RUPERT; GARRET  
16 RUPERT; HEATHER RUPERT; JARRETT  
17 RUPERT; KARLIE RUPERT; KATELYNN  
18 RUPERT; LEWIS SCHWINN; BRADLY  
19 SHRUM; CORY SHRUM; JAN SHARDELL  
20 SHRUM; JULIE SHRUM; WYAT SHRUM;  
21 JALEY SIMMONS; CHRIS TAYLOR;  
22 KEATON TAYLOR, KRISSALI TAYLOR, and  
23 PAMELA WILLIAMS individually and on behalf  
of all others similarly situated,

Plaintiffs,

vs.

17 THE 3M COMPANY, f/k/a Minnesota Mining  
18 and Manufacturing, Co.; TYCO FIRE  
19 PRODUCTS L.P., successor in interest to THE  
20 ANSUL COMPANY; BUCKEYE FIRE  
21 EQUIPMENT COMPANY; CHEMGUARD  
22 INC.; and NATIONAL FOAM, INC.,

Defendants.

1 Plaintiffs, CHRISTINA ACKERMAN; SUSAN BAKOS; PHYLLIS BERGMAN;  
2 CHARLES BLAKE; SUSIE BUSH; GLENN CALLENDER; JACQUELINE  
3 CALLENDER; JUSTIN CALLENDER; JERRI CARVER; BARBARA COLLINS;  
4 BRUCE CORBETT; CHRISTY CORBETT; CHARLES DAVIS; TERESA  
5 DAVIS; COREY DENNIS; JULIE DIBBLE; CHAD EVANS; KRISTIN EVANS;  
6 JOHN EYRE; VINCENT FIATTARONE; CHERYL FRENCH; STEVEN  
7 FRENCH; ASHLEY GENZEL; ASHLEY GILLETTE; COURTNIIE GILLETTE;  
8 MICAH GILLETTE; PAISLEY GILLETTE; HELENE HATCH; BRITTANY  
9 HENSELY; JORDAN HENSLEY; LIAM HENSLEY; BILL HIGGINS;  
10 MILLWEE HOLLER-KANAGA; HUNTER HOECHE; JAKEN HOECHE;  
11 LOGAN HOECHE; DENNIS HUNLEY; HEATHER HUNLEY; JOANNE  
12 HUNLEY; PAETYN; SHAUN HUNLEY; TYLOR HUNLEY; ANITA JARUIS;  
13 JENNIFER JOHNSON; LENNOX JOHNSON; QUINTON JOHNSON; SEAN  
14 JOHNSON; DIANA KNEFF; STEVEN KANAGA; GINESSA LINK; RICHARD  
15 LINK; TERRI LINK; JOSEPH MARTINEZ; AMY MCDONALD; JOHN  
16 MITSCHKE; YANG MITSCHKE; DONNA O'BRIEN; JEREMY OWNBY;  
17 ALEXIA PASSINETTI; AMBER PASSINETTI; CORY PASSINETTI; EMMA  
18 PASSINETTI; ETHAN PASSINETTI; JANAE PASSINETTI; JARED  
19 PASSINETTI; JASON PASSINETTI; KEARSTEN PASSINETTI; MCKENZIE  
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PASSINETTI; STEVEN PASSINETTI; TRISTAN PASSINETTI; DONNA PETERSON; ALEXANDRIA REIBER; CHARLOTTE REIBER; DELBERT REIBER; MARSHALL REIBER; SARRA REIBER; KARLIE ROSE; CODY RUPERT; GARRET RUPERT; HEATHER RUPERT; JARRETT RUPERT; KARLIE RUPERT; KATELYNN RUPERT; LEWIS SCHWINN; BRADLY SHRUM; CORY SHRUM; JAN SHARDELL SHRUM; JULIE SHRUM; WYAT SHRUM; JALEY SIMMONS; CHRIS TAYLOR; KEATON TAYLOR, KRISSALI TAYLOR, and PAMELA WILLIAMS individually and on behalf of all others similarly situated, by and through their undersigned counsel, hereby file this Class Action Complaint, individually, and on behalf of all others similarly situated, with individual claims and make these allegations based on information and belief against Defendants, THE 3M COMPANY (f/k/a Minnesota Mining and Manufacturing, Co), TYCO FIRE PRODUCTS L.P., successor in interest to THE ANSUL COMPANY, BUCKEYE FIRE EQUIPMENT CO., CHEMGUARD INC., and NATIONAL FOAM, INC. (collectively “ Defendants”):

## **I. INTRODUCTION**

### **A. The Contamination of Airway Heights and Medical Lake**

1.1 Fairchild Airforce Base (“Fairchild AFB”) is located approximately 12 miles west of Spokane, Washington. It contains a fire training site, as well as several

1 historical firefighting training sites.

2 1.2 The United States Air Force (“USAF”) has conducted firefighting  
3 training exercises on Fairchild AFB from the 1970’s to date.

4 1.3 As part of firefighting training exercises, Fairchild AFB, like many  
5 other U.S. military bases, has used Aqueous Film Forming Foam (“AFFF”) and  
6 other materials containing perfluorooctanesulfonic acid (“PFOS”) and related  
7 fluorochemicals that can degrade to perfluorooctanoic acid (“PFOA”) or PFOS.  
8

9 1.4 AFFF has been linked to the contamination of surface and groundwater  
10 with PFOA, PFOS and other perfluorinated chemicals (“PFC’s”) throughout the  
11 country.

12 1.5 The communities of Airway Heights and Medical Lake, Washington,  
13 (“Communities”) are nearby and downgradient of Fairchild AFB and have  
14 widespread contamination in their water supply as the result of AFFF used at  
15 Fairchild AFB.  
16

17 1.6 Residents of the Communities receive their potable water either from  
18 private wells or from their municipal water provider.

19 1.7 PFOA and PFOS that originated and were released from Fairchild AFB  
20 have contaminated numerous private and public wells relied upon by the  
21 Communities.  
22

1.8 PFOA and PFOS has been detected in levels exceeding the current EPA Health Advisory Limit of 70 parts per trillion (ppt) in both municipal and private wells that provide water to the Communities.

1.9 Investigations have concluded that the basis for this widespread contamination of the Communities' ground water is decades of use, storage, and disposal of AFFF at Fairchild AFB that contained PFOA and PFOS.

1.10 In or around April 2017, Plaintiffs and the Putative Class were first made aware that their drinking water was contaminated with PFC's, including PFOA and PFOS, at hazardous levels and to seek alternate drinking water supplies.

1.11 Several studies and assessments conducted by HydroGeoLogic, Inc. ("HGL"), CH2M Hill ("CH2M"), the United States Air Force, the Environmental Protection Agency's Office of Water ("EPAOW"), Amec Foster Wheeler ("AFW"), and the Washington State Department of Ecology ("WSDE") all confirmed the existence of widespread PFC contamination of the groundwater resources for the Communities ("Areas of Investigation").<sup>1</sup>

1.12 Prior investigations by the USAF and WSDE also concluded that

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<sup>1</sup> U.S. Air Force Engineering Center, Fairchild Air Force Base, Washington. *Action Memorandum for a Time-Critical Removal Action Treatment of PFOS- and PFOA-Contaminated Water In Residential Wells Near Fairchild Air Force Base, Washington*. Oct 2017.

1 decades of use, storage, and disposal of AFFF at Fairchild AFB caused the PFOA  
2 and PFOS contamination of groundwater in the surrounding communities, including  
3 contaminating the municipal water system and private wells serving Airway Heights  
4 and Medical Lake.<sup>2</sup>

5 1.13 Defendants manufactured and distributed the AFFF to Fairchild AFB,  
6 knowing that AFFF containing PFOA and/or PFOS presented an unreasonable risk  
7 to human health and the environment and was inherently dangerous.  
8

9 1.14 Defendants also knew that PFOA and PFOS were highly soluble and  
10 mobile in water, highly likely to contaminate water supplies and other sensitive  
11 receptors, were persistent in the environment, and would bio-accumulate in humans  
12 causing serious health effects.

13 1.15 Defendants marketed and sold their products with knowledge that large  
14 quantities of AFFF, containing toxic PFC's, would be used in training exercises and  
15 in emergency situations at military bases, including Fairchild AFB, in such a manner  
16 that PFOA and PFOS would contaminate the air, soil, and groundwater.  
17

18 1.16 The Defendants marketed and sold their products with knowledge that  
19 large quantities of AFFF, containing toxic PFC's, would be stored in fire suppressant  
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22 <sup>2</sup> Fairchild Air Force Base Washington. *Fairchild AFB Washington Administrative Record File*  
23 *Number 219*. Sep. 1989.

1 systems and tanks on USAF Bases, including Fairchild AFB, and that such systems  
2 and storage were used and maintained in such a manner that dangerous chemicals  
3 would be released into the air, soil, and groundwater.

4 1.17 The Defendants failed in their duty to warn users, bystanders, and  
5 sensitive receptors of the inherently dangerous properties of their AFFF.

6 1.18 The Putative Class represents over 11,600 residents of Airway Heights  
7 and Medical Lake who were exposed to drinking water contaminated with PFOA  
8 and/or PFOS from the Areas of Investigation, had their properties and soil  
9 contaminated with PFOA and PFOS, and who suffered bioaccumulation of PFOA  
10 and PFOS in their bodies.

11  
12 **B. Health Effects of PFOS and PFOA Exposure**

13 1.19 Many parties have studied PFOA, also known as C8, including a  
14 Science Panel formed out of a class action settlement arising from contamination  
15 from DuPont's Washington Works located in Wood County, West Virginia.

16  
17 1.20 The C8 panel consisted of three epidemiologists specifically tasked  
18 with determining whether there was a probable link between PFOA exposure and  
19 human diseases. In 2012, the panel found probable links between PFOA and kidney  
20 cancer, testicular cancer, ulcerative colitis, thyroid disease, pregnancy induced  
21 hypertension (including preeclampsia), and hypercholesterolemia.



1.21 Health effects of PFOS are the same as PFOA.

1.22 In the May 2015 “Madrid Statement on Poly- and Perfluoroalkyl Substances (PFAS’s),” scientists and other professionals from a variety of disciplines, concerned about the production and release into the environment of PFOA, called for greater regulation, restrictions, limits on the manufacture and handling of any PFOA containing product, and to develop safe non-fluorinated alternatives to these products to avoid long-term harm to human health and the environment.<sup>3</sup>

1.23 The USEPA’s Lifetime Health Advisory and Health Effects of 70 ppt, set in May 2016, was an attempt to identify the concentration of PFOA and/or PFOS in drinking water at or below which health effects are not anticipated to occur over a lifetime of exposure.<sup>4</sup>

1.24 Many states, however, have issued lower regulatory limits. For example, Vermont has set a combined level of 20 ppt for PFOA and PFOS and New Jersey has set a maximum contaminant level (MCL) of 14 ppt for PFOA.

1.25 California has listed PFOA and PFOS to its Proposition 65 list as a

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<sup>3</sup> Blum A, Balan SA, Scheringer M, Trier X, Goldenman G, Cousins IT, Diamond M, Fletcher T, Higgins C, Lindeman AE, Peaslee G, de Voogt P, Wang Z, Weber R. 2015. The Madrid statement on poly- and perfluoroalkyl substances (PFASs). Environ Health Perspect 123:A107–A111; <http://dx.doi.org/10.1289/ehp.1509934>.

<sup>4</sup> Lifetime Health Advisories and Health Effects Support Documents for Perfluorooctanoic Acid and Perfluorooctane Sulfonate, 81 Fed. Reg. 101 (May 25, 2016).

1 chemical known to cause reproductive toxicity under the Safe Drinking Water and  
2 Toxic Enforcement Act of 1986.

3 1.26 The United States Senate and House of Representatives passed the  
4 National Defense Authorization Act in November, 2017, which included \$42  
5 Million to remediate PFC contamination from military bases, as well as devoting \$7  
6 Million toward the Investing in Testing Act, which authorizes the Center for Disease  
7 Control and Prevention (“CDC”) to conduct a study into the long-term health effects  
8 of PFOA and PFOS exposure.  
9

10 1.27 Washington currently follows the USEPA level of 70 ppt for combined  
11 PFOA and PFOS levels.

12  
13 **C. The Putative Class and Plaintiffs’ Exposure and Damages**

14 1.28 Plaintiffs and the Putative Class have been injured as a result of  
15 receiving water with elevated levels of PFC’s, including PFOA and PFOS.

16 1.29 Plaintiffs and the Putative Class have suffered exposure, personal  
17 injury, bioaccumulation of PFC’s in their blood which causes known cancers and  
18 diseases, property damage, and the diminution of property value as a result of the  
19 PFC contamination caused by AFFF, of their water supplies.  
20

21 1.30 As a result of years of consuming contaminated water, the Plaintiffs and  
22 the Putative Class, as residents in the communities of Airway Heights and Medical  
23

1 Lake, have been unknowingly exposed for many years to PFC's at concentrations  
2 hazardous to their health through the ingestion and dermal absorption of PFOA and  
3 PFOS.

4 1.31 The properties of the Plaintiffs and the Putative Class have been  
5 damaged as a result of the presence of PFC's in their homes, their soil, surrounding  
6 property, and potable water supply.

7 1.32 Plaintiffs and the Putative Class seek recovery from all Defendants for  
8 injuries, damages, and losses suffered by the Plaintiffs, each of whom suffered  
9 injuries as a direct and proximate result of exposure to and consumption of PFC-  
10 contaminated water from their drinking water supplies, in an amount to be  
11 determined at trial, exclusive of interest, costs, and attorneys' fees.  
12

## 13 **II. JURISDICTION AND VENUE**

14 2.1 This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332  
15 (a)(1) and (d)(2) in that this action seeks monetary relief in excess of \$5,000,000.00,  
16 exclusive of interest, costs and attorney's fees and is between citizens of different  
17 States.  
18

19 2.2 This Court has jurisdiction over Defendants pursuant to RCW §  
20 4.12.025.  
21

22 2.3 Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because the  
23

1 events or omissions by Defendants giving rise to the claims asserted herein occurred  
2 in the Eastern District of Washington and caused harm to Plaintiffs and the Class  
3 Members, the vast majority of whom reside in this District.

### 4 **III. THE PARTIES**

#### 5 **A. Plaintiffs and Class Representatives**

6  
7 3.1 Plaintiff Christina Ackerman is a former resident of Medical Lake,  
8 Washington, who currently resides at 405 North Megan Street, Post Falls, Idaho  
9 83854. From 1997 to 2005 she resided at 4808 South Craig Road, Medical Lake,  
10 Washington 99022. The property received its water from a private well. PFC's  
11 entered the property, including but not limited to through the accumulation of PFC's  
12 in the pipes, faucets, showerheads, and appliances, as well as through watering the  
13 lawn.  
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15 3.2 Plaintiff Christina Ackerman has been exposed to elevated levels of  
16 PFC's. As a result of her exposure to PFC's in the contaminated water supply, she  
17 has been diagnosed with pregnancy issues and stomach issues and has experienced  
18 bioaccumulation of PFOS and PFOA in her blood which carries a heightened risk of  
19 developing several health conditions, including but not limited to effects on the liver  
20 and immune system, high cholesterol levels, changes in thyroid hormone,  
21 hypertension, ulcerative colitis, fertility issues, and kidney cancer.  
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1           3.3     Plaintiff Susan Bakos is a resident of Medical Lake, Washington, who  
2     currently resides at 17911 W. 12th Ave, Medical Lake, Washington 99022. She has  
3     been at that address since 2006. The property receives water from a private well.  
4     PFC's have entered the property, including but not limited to through the  
5     accumulation of PFC's in the pipes, faucets, showerheads, and appliances, as well  
6     as through watering the lawn.

7           3.4     Plaintiff Susan Bakos has been exposed to elevated levels of PFC's. As  
8     a result of her exposure to PFC's in the contaminated water supply, she has  
9     experienced bioaccumulation of PFOS and PFOA in her blood which carries a  
10    heightened risk of developing several health conditions, including but not limited to  
11    effects on the liver and immune system, high cholesterol levels, changes in thyroid  
12    hormone, hypertension, ulcerative colitis, fertility issues, and kidney cancer.

13           3.5     Plaintiff Phyllis Bergman is a resident of Medical Lake, Washington,  
14    who currently resides at 14315 West Thorpe Road, Medical Lake, Washington  
15    99022. The property receives water from a private well. PFC's have entered the  
16    property, including but not limited to through the accumulation of PFC's in the  
17    pipes, faucets, showerheads, and appliances, as well as through watering the lawn.

18           3.6     Plaintiff Phyllis Bergman has been exposed to elevated levels of PFC's.  
19    As a result of her exposure to PFC's in the contaminated water supply, she has been  
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1 diagnosed with pregnancy problems, high blood pressure, ulcerative colitis, high  
2 cholesterol, thyroid disease, and is at an increased risk of developing several health  
3 conditions, including but not limited to effects on the liver and immune system and  
4 kidney cancer.

5 3.7 Plaintiff Charles Blake is a resident of Airway Heights, Washington,  
6 who currently resides at 1428 S. Lundstrum St. Apt. 7 Airway Heights, WA 99001.  
7 He moved about a year ago from an address at 12823 West 13th #3, Airway Heights,  
8 Washington 99001. He was at his previous address roughly six years. His current  
9 and prior address are on city water. PFC's have entered the property, including but  
10 not limited to through the accumulation of PFC's in the pipes, faucets, showerheads,  
11 and appliances, as well as through watering the lawn.

12 3.8 Plaintiff Charles Blake has been exposed to elevated levels of PFC's.  
13 As a result of his exposure to PFC's in the contaminated water supply, he has  
14 experienced bioaccumulation of PFOS and PFOA in his blood which carries a  
15 heightened risk of developing several health conditions, including but not limited to  
16 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
17 hormone, hypertension, ulcerative colitis, fertility issues, testicular cancer, and  
18 kidney cancer.

19 3.9 Plaintiff Susie Bush is a former resident of Airway Heights,  
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22

1 Washington, who currently resides at 10204 E. Valleyway, Spokane Valley, WA  
2 99206. Her prior address was 12515 W. Frank St., Airway Heights, WA 99001. Her  
3 prior address received water from the City of Airway Heights. PFC's have entered  
4 the property, including but not limited to through the accumulation of PFC's in the  
5 pipes, faucets, showerheads, and appliances, as well as through watering the lawn.

6 3.10 Plaintiff Susie Bush has been exposed to elevated levels of PFC's. As  
7 a result of her exposure to PFC's in the contaminated water supply, she has been  
8 diagnosed with learning disabilities, social anxiety disorders, hypothyroidism,  
9 premature ventricular contractions, asthma, and is at an increased risk of developing  
10 several health conditions, including but not limited to effects on the liver and  
11 immune system, high cholesterol levels, changes in thyroid hormone, hypertension,  
12 ulcerative colitis, fertility issues, and kidney cancer.

13 3.11 Plaintiffs Glenn Callender and Jacqueline Callender are residents of  
14 Medical Lake, Washington, who currently reside at 14725 West Thorpe Road,  
15 Washington 99022. They own the property, which receives water from a private  
16 well. PFC's have entered the property, including but not limited to through the  
17 accumulation of PFC's in the pipes, faucets, showerheads, and appliances, as well  
18 as through watering the lawn.

19 3.12 Plaintiff Glenn Callender has been exposed to elevated levels of PFC's.  
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1 As a result of his exposure to PFC's in the contaminated water supply, he has been  
2 diagnosed with high cholesterol, and is at an increased risk of developing several  
3 health conditions, including but not limited to effects on the liver and immune  
4 system, changes in thyroid hormone, testicular disease, and kidney cancer.

5 3.13 Plaintiff Jacqueline Callender has been exposed to elevated levels of  
6 PFC's. As a result of her exposure to PFC's in the contaminated water supply,  
7 Jacqueline Callender has been diagnosed with high cholesterol, high blood pressure,  
8 and is at an increased risk of developing several health conditions, including but not  
9 limited to pregnancy problems, miscarriages, and reproductive problems, effects on  
10 the liver and immune system, changes in thyroid hormone, and kidney cancer.

11 3.14 As a result of exposure to PFC's, Plaintiffs Jacqueline and Glenn  
12 Callender's property has declined in value.

13 3.15 Plaintiff Justin Callender currently resides at 5015 S. Regal St. Apt H  
14 1061, Spokane WA 99223. He has been a frequent visitor to the Medical Lake and  
15 Airway Heights area and consumed the water at 14725 West Thorpe Road,  
16 Washington 99022, owned by Jacqueline and Glenn Callender, which receives water  
17 from a private well. PFC's have entered the property, including but not limited to  
18 through the accumulation of PFC's in the pipes, faucets, showerheads, and  
19 appliances, as well as through watering the lawn.  
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1           3.16 Plaintiff Justin Callender has been exposed to elevated levels of PFC's.  
2 As a result of his exposure to PFC's in the contaminated water supply, he is at an  
3 increased risk for high cholesterol, high blood pressure, developing several health  
4 conditions, including but not limited to effects on the liver and immune system,  
5 changes in thyroid hormone, testicular disease, and kidney cancer.

6           3.17 Plaintiff Jerri Carver is a resident of Medical Lake, Washington, who  
7 currently resides at 13811 West Thorpe Road, Medical Lake, Washington 99022.  
8 She owns the property, which receives water from a private well. PFC's have entered  
9 the property, including but not limited to through the accumulation of PFC's in the  
10 pipes, faucets, showerheads, and appliances, as well as through watering the lawn.

11           3.18 Plaintiff Jerri Carver has been exposed to elevated levels of PFC's. As  
12 a result of her exposure to PFC's in the contaminated water supply, Jerri Carver has  
13 been diagnosed with high cholesterol, high blood pressure, and is at an increased  
14 risk of developing several health conditions, including but not limited to effects on  
15 the liver and immune system, changes in thyroid hormone, and kidney cancer. As a  
16 result of exposure to PFC's, Plaintiff Jerri Carver's property has declined in value.

17           3.19 Plaintiff Barbara Collins is a resident of Medical Lake, Washington,  
18 who currently resides at 13811 West Thorpe Road, Medical Lake, Washington  
19 99022. She owns the property, which receives water from a private well. PFC's have  
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1 entered the property, including but not limited to through the accumulation of PFC's  
2 in the pipes, faucets, showerheads, and appliances, as well as through watering the  
3 lawn.

4 3.20 Plaintiff Barbara Collins has been exposed to elevated levels of PFC's.  
5 As a result of her exposure to PFC's in the contaminated water supply, Barbara  
6 Collins has been diagnosed with high blood pressure, and is at an increased risk of  
7 developing several health conditions, including but not limited to effects on the liver  
8 and immune system, high cholesterol levels, changes in thyroid hormone, and kidney  
9 cancer. As a result of exposure to PFC's, Plaintiff Barbara Collins' property has  
10 declined in value.  
11

12 3.21 Plaintiffs Bruce and Christy Corbett are residents of Medical Lake,  
13 Washington, who currently reside at 17912 West 12th Ave., Medical Lake,  
14 Washington 99022. They have lived at that address since 1993. The property  
15 receives water from a private well. PFC's have entered the property, including but  
16 not limited to through the accumulation of PFC's in the pipes, faucets, showerheads,  
17 and appliances, as well as through watering the lawn.  
18

19 3.22 Plaintiff Bruce Corbett has been exposed to elevated levels of PFC's.  
20 As a result of his exposure to PFC's in the contaminated water supply, he has been  
21 diagnosed with blood clots and has experienced bioaccumulation of PFOS and  
22

1 PFOA in his blood which carries a heightened risk of developing several health  
2 conditions, including but not limited to effects on the liver and immune system, high  
3 cholesterol levels, changes in thyroid hormone, hypertension, ulcerative colitis,  
4 fertility issues, testicular cancer, and kidney cancer.

5 3.23 Plaintiff Christy Corbett has been exposed to elevated levels of PFC's.  
6 As a result of her exposure to PFC's in the contaminated water supply, she has  
7 experienced bioaccumulation of PFOS and PFOA in her blood which carries a  
8 heightened risk of developing several health conditions, including but not limited to  
9 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
10 hormone, hypertension, ulcerative colitis, fertility issues, and kidney cancer.

12 3.24 As a result of exposure to PFC's, Plaintiffs Bruce and Christy's  
13 property has declined in value.

14 3.25 Plaintiffs Charles and Teresa Davis are residents of Airway Heights,  
15 Washington, who currently reside at 1701 S. Lawson #45 Airway Heights,  
16 Washington 99001. They have lived at that location for the last eight years. The  
17 property receives water from the City of Airway Heights. PFC's have entered the  
18 property, including but not limited to through the accumulation of PFC's in the  
19 pipes, faucets, showerheads, and appliances, as well as through watering the lawn.

21 3.26 Plaintiff Charles Davis has been exposed to elevated levels of PFC's.  
22

1 As a result of his exposure to PFC's in the contaminated water supply, he has  
2 experienced additional complication with diabetes and high blood pressure and is at  
3 an increased risk of developing several health conditions, including but not limited  
4 to effects on the liver and immune system, high cholesterol levels, changes in thyroid  
5 hormone, hypertension, ulcerative colitis, fertility issues, and kidney cancer.

6 3.27 Plaintiff Teresa Davis has been exposed to elevated levels of PFC's. As  
7 a result of her exposure to PFC's in the contaminated water supply, she has been  
8 diagnosed with a variety of thyroid issues and is at an increased risk of developing  
9 several health conditions, including but not limited to effects on the liver and  
10 immune system, high cholesterol levels, changes in thyroid hormone, hypertension,  
11 ulcerative colitis, fertility issues, testicular cancer, and kidney cancer.

12 3.28 Plaintiff Julie Dibble is a resident of Medical Lake, Washington, who  
13 currently resides at 14315 West Thorpe Road, Medical Lake, Washington 99022.  
14 She owns the property, which receives water from a private well. PFC's have entered  
15 the property, including but not limited to through the accumulation of PFC's in the  
16 pipes, faucets, showerheads, and appliances, as well as through watering the lawn.

17 3.29 Plaintiff Julie Dibble has been exposed to elevated levels of PFC's. As  
18 a result of her exposure to PFC's in the contaminated water supply, Julie Dibble has  
19 been diagnosed with pregnancy problems, miscarriages, and reproductive problems,  
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1 high blood pressure, ulcerative colitis, high cholesterol, thyroid disease, liver  
2 disease, and is at an increased risk of developing several health conditions, including  
3 but not limited to effects on the immune system and kidney cancer. As a result of  
4 exposure to PFC's, Plaintiff Julie Dibble's property has declined in value.

5 3.30 Plaintiff Chad and Kristin Evans are residents of Airway Heights,  
6 Washington, who currently reside at 811 S. Campbell St. Airway Heights,  
7 Washington 99001. They have lived at this address since January 2015. The property  
8 receives water from a private well. Their prior address was 1038 S. Campbell,  
9 Airway Heights, WA 99001. They lived at that address from May 2014 until they  
10 moved into their current location. Their previous address received water from the  
11 City of Airway Heights. PFC's have entered the property, including but not limited  
12 to through the accumulation of PFC's in the pipes, faucets, showerheads, and  
13 appliances, as well as through watering the lawn.  
14

15 3.31 Plaintiff Chad Evans has been exposed to elevated levels of PFC's. As  
16 a result of his exposure to PFC's in the contaminated water supply, he has  
17 experienced bioaccumulation of PFOS and PFOA in his blood which carries a  
18 heightened risk of developing several health conditions, including but not limited to  
19 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
20 hormone, hypertension, ulcerative colitis, fertility issues, testicular cancer, and  
21  
22

1 kidney cancer.

2 3.32 Plaintiff Kristin Evans has been exposed to elevated levels of PFC's.  
3 As a result of her exposure to PFC's in the contaminated water supply, she has been  
4 diagnosed with fibromyalgia, experienced a potentially fatal pregnancy, and has  
5 experienced bioaccumulation of PFOS and PFOA in his blood which carries a  
6 heightened risk of developing several health conditions, including but not limited to  
7 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
8 hormone, hypertension, ulcerative colitis, fertility issues, and kidney cancer.  
9

10 3.33 Plaintiff John Eyre is former resident of Airway Heights, Washington,  
11 who currently resides at 25802 W. State Route 2 Reardan WA 99029. His prior  
12 address was 1810 S. Lyons Airway Heights, WA 99001. His prior address received  
13 water from a private well. PFC's have entered the property, including but not limited  
14 to through the accumulation of PFC's in the pipes, faucets, showerheads, and  
15 appliances, as well as through watering the lawn.  
16

17 3.34 Plaintiff John Eyre has been exposed to elevated levels of PFC's. As a  
18 result of his exposure to PFC's in the contaminated water supply, he has experienced  
19 bioaccumulation of PFOS and PFOA in his blood which carries a heightened risk of  
20 developing several health conditions, including but not limited to effects on the liver  
21 and immune system, high cholesterol levels, changes in thyroid hormone,  
22

1 hypertension, ulcerative colitis, fertility issues, testicular cancer, and kidney cancer.

2 3.35 Plaintiff Vincent Fiattarone is former resident of Medical Lake,  
3 Washington, who currently resides at 3303 N. Lee St., Spokane, WA 99207. His  
4 prior address was 17911 W. 12th Ave, Medical Lake, WA 99022. He lived at his  
5 prior address from 2006 to 2015. He also worked in Airway heights during the entire  
6 timeframe. His prior address received water from a private well and his workplace  
7 receives water from the City of Airway Heights. PFC's have entered the property,  
8 including but not limited to through the accumulation of PFC's in the pipes, faucets,  
9 showerheads, and appliances, as well as through watering the lawn.  
10

11 3.36 Plaintiff Vincent Fiattarone has been exposed to elevated levels of  
12 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he has  
13 stomach issues and has experienced bioaccumulation of PFOS and PFOA in his  
14 blood which carries a heightened risk of developing several health conditions,  
15 including but not limited to effects on the liver and immune system, high cholesterol  
16 levels, changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues,  
17 testicular cancer, and kidney cancer.  
18

19 3.37 As a result of exposure to PFC's, Plaintiff Vincent Fiattarone's property  
20 has declined in value and demand. His property was being leased by a tenant. After  
21 the discovery of the contamination, the tenant refused to honor the lease agreement  
22

1 and did not exercise the option to purchase. Mr. Fiattarone had difficulty finding  
2 another renter or buyer. After several failed attempts, he was forced to sell his  
3 property for roughly \$30,000 less than the tax assessed value.

4 3.38 Plaintiffs Cheryl French and Steven French are residents of Medical  
5 Lake, Washington, who currently reside at 4708 South Craig Road. They own the  
6 property, which receives water from a private well. PFC's have entered the property,  
7 including but not limited to through the accumulation of PFC's in the pipes, faucets,  
8 showerheads, and appliances, as well as through watering the lawn.

9 3.39 Plaintiff Cheryl French has been exposed to elevated levels of PFC's.  
10 As a result of her exposure to PFC's in the contaminated water supply, Cheryl French  
11 has been diagnosed with high cholesterol and kidney disease, and is at an increased  
12 risk of developing several health conditions, including but not limited to effects on  
13 the liver and immune system, high cholesterol levels, changes in thyroid hormone,  
14 and kidney cancer.

15 3.40 Plaintiff Steven French has been exposed to elevated levels of PFC's.  
16 As a result of his exposure to PFC's in the contaminated water supply, Steven French  
17 has been diagnosed with kidney disease, high cholesterol, high blood pressure, and  
18 is at an increased risk of developing several health conditions, including but not  
19 limited to effects on the liver and immune system, changes in thyroid hormone, and  
20  
21  
22



1 kidney cancer.

2 3.41 As a result of exposure to PFC's, Plaintiffs Cheryl and Steven French's  
3 property has declined in value.

4 3.42 Plaintiff Ashley Genzel is former resident of Airway Heights,  
5 Washington, who currently resides at 1303 SE Dalton Dr. Lee's Summit, MO 64081.  
6 Her prior addresses were 715 S. Hayford Rd. Apt S304, Spokane, WA 99221 and  
7 1810 S. Lyons Airway Heights, WA 99001. She spent five years between the two  
8 addresses(2009-2014). Both addresses received water from the City of Airway  
9 Heights. PFC's have entered the property, including but not limited to through the  
10 accumulation of PFC's in the pipes, faucets, showerheads, and appliances, as well  
11 as through watering the lawn.  
12

13 3.43 Plaintiff Ashley Genzel has been exposed to elevated levels of PFC's.  
14 As a result of her exposure to PFC's in the contaminated water supply, she was  
15 diagnosed with thyroid cancer (which required thyroidectomy in 2015), migraines,  
16 infertility and has experienced bioaccumulation of PFOS and PFOA in her blood  
17 which carries a heightened risk of developing several health conditions, including  
18 but not limited to effects on the liver and immune system, high cholesterol levels,  
19 changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues, and  
20 kidney cancer.  
21  
22

1           3.44   Plaintiffs Courtnie and Micah Gillette and their minor child Paisley,  
2   are previous residents of Airway Heights, Washington, who currently reside at 2108  
3   High Ave. Panama City, FL 32405. They have lived at their current address since  
4   November 2016. Their prior address was 12618 W. 2nd Ave., Airway Heights, WA  
5   99001. They lived at the previous address for roughly three years. Their prior  
6   residence received water from the City of Airway Heights. PFC's have entered the  
7   property, including but not limited to through the accumulation of PFC's in the  
8   pipes, faucets, showerheads, and appliances, as well as through watering the lawn.

9           3.45   Plaintiff Courtnie Gillette has been exposed to elevated levels of PFC's.  
10   As a result of her exposure to PFC's in the contaminated water supply, she has been  
11   diagnosed with chronic sinusitis, cystic acne, periodontal disease, gastro-intestinal  
12   issues, chronic fatigue and adrenal failure and has experienced bioaccumulation of  
13   PFOS and PFOA in her blood which carries a heightened risk of developing several  
14   health conditions, including but not limited to effects on the liver and immune  
15   system, high cholesterol levels, changes in thyroid hormone, hypertension,  
16   ulcerative colitis, fertility issues, and kidney cancer.

17           3.46   Plaintiff Micah Gillette has been exposed to elevated levels of PFC's.  
18   As a result of his exposure to PFC's in the contaminated water supply, he has been  
19   diagnosed with gastro-intestinal issues and is at an increased risk of developing  
20     
21     
22

1 several health conditions, including but not limited to effects on the liver and  
2 immune system, high cholesterol levels, changes in thyroid hormone, hypertension,  
3 ulcerative colitis, fertility issues, testicular cancer, and kidney cancer.

4 3.47 Plaintiff Paisley Gillette has been exposed to elevated levels of PFC's.  
5 As a result of her exposure to PFC's in the contaminated water supply, she has been  
6 diagnosed with early age tooth decay and difficulty gaining weight and has  
7 experienced bioaccumulation of PFOS and PFOA in her blood which carries a  
8 heightened risk of developing several health conditions, including but not limited to  
9 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
10 hormone, hypertension, ulcerative colitis, fertility issues, and kidney cancer.

12 3.48 Plaintiff Helene Hatch is a resident of Airway Heights, Washington,  
13 who currently resides at 12510 W. 9th Ave. Airway Heights, WA 99001. She has  
14 lived at that address for over a year. The property is on city water. PFC's have  
15 entered the property, including but not limited to through the accumulation of PFC's  
16 in the pipes, faucets, showerheads, and appliances, as well as through watering the  
17 lawn.

19 3.49 Plaintiff Helene Hatch has been exposed to elevated levels of PFC's.  
20 As a result of her exposure to PFC's in the contaminated water supply, she has  
21 experienced irritable bowel syndrome and stomach issues that resolved as soon as  
22

1 she stopped drinking the water. As a result of her exposure to PFC's in the  
2 contaminated water supply, she has experienced bioaccumulation of PFOS and  
3 PFOA in her blood which carries a heightened risk of developing several health  
4 conditions, including but not limited to effects on the liver and immune system, high  
5 cholesterol levels, changes in thyroid hormone, hypertension, ulcerative colitis,  
6 fertility issues, and kidney cancer.

7  
8 3.50 As a result of exposure to PFC's, Plaintiff Helene Hatch's property has  
9 declined in value.

10 3.51 Plaintiffs Brittany and Jordan Hensley and their son Liam Hensley are  
11 former residents of Medical Lake and Airway Heights, who currently reside at 1009  
12 East 10th Avenue, Spokane, Washington 99202. At all times relevant herein, they  
13 lived at 14725 West Thorpe Road, Medical Lake, Washington 99022 and 209 S.  
14 Molly Mitchell Dr., Airway Heights, Washington 99001. PFC's have entered the  
15 properties, including but not limited to through the accumulation of PFC's in the  
16 pipes, faucets, showerheads, and appliances, as well as through watering the lawn.

17  
18 3.52 Plaintiff Brittany Hensley has been exposed to elevated levels of  
19 PFC's. As a result of her exposure to PFC's in the contaminated water supply, she  
20 has been diagnosed with pregnancy problems, miscarriages, and reproductive  
21 problems, thyroid disease, high cholesterol, and is at an increased risk of developing  
22

1 several health conditions, including but not limited to effects on the liver and  
2 immune system, changes in thyroid hormone, and kidney cancer.

3 3.53 Plaintiff Jordan Hensley has been exposed to elevated levels of PFC's.  
4 As a result of his exposure to PFC's in the contaminated water supply, he is at an  
5 increased risk of kidney disease, high cholesterol, high blood pressure, and of  
6 developing several health conditions, including but not limited to effects on the liver  
7 and immune system, testicular disease, changes in thyroid hormone, and kidney  
8 cancer.

9  
10 3.54 Plaintiff Liam Hensley has been exposed to elevated levels of PFC's.  
11 As a result of his exposure to PFC's in the contaminated water supply, he is at an  
12 increased risk of kidney disease, high cholesterol, high blood pressure, and of  
13 developing several health conditions, including but not limited to effects on the liver  
14 and immune system, testicular disease, changes in thyroid hormone, and kidney  
15 cancer.

16  
17 3.55 Plaintiffs Bill Higgins is a resident of Medical Lake, Washington, who  
18 currently resides at 19804 W. Steinmetz Lane, Medical Lake, WA 99022. He has  
19 lived at that address for seven years and worked for the local casino for 12 years.  
20 The home and casino are on city water. PFC's have entered the property, including  
21 but not limited to through the accumulation of PFC's in the pipes, faucets,  
22

1 showerheads, and appliances, as well as through watering the lawn.

2 3.56 Plaintiff Bill Higgins has been exposed to elevated levels of PFC's. As  
3 a result of his exposure to PFC's in the contaminated water supply, he has been  
4 diagnosed with ulcerative colitis, skin cancer, and type two diabetes and has  
5 experienced bioaccumulation of PFOS and PFOA in his blood which carries a  
6 heightened risk of developing several health conditions, including but not limited to  
7 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
8 hormone, hypertension, ulcerative colitis, fertility issues, testicular cancer, and  
9 kidney cancer.  
10

11 3.57 Plaintiffs Jaken Hoeche and his sons Hunter Hoeche and Logan  
12 Hoeche are residents of Medical Lake, Washington, who currently reside at 14315  
13 West Thorpe Road, Medical Lake, Washington 99022. The property receives water  
14 from a private well. PFC's have entered the property, including but not limited to  
15 through the accumulation of PFC's in the pipes, faucets, showerheads, and  
16 appliances, as well as through watering the lawn.  
17

18 3.58 Plaintiff Jaken Hoeche has been exposed to elevated levels of PFC's  
19 and has a bioaccumulation of PFC's. As a result of his exposure to PFC's in the  
20 contaminated water supply, he has been diagnosed with high cholesterol, prostate  
21 issues, digestive issues, high blood pressure, ulcerative colitis, and is at an increased  
22

1 risk of developing several health conditions, including but not limited to effects on  
2 the liver and immune system, changes in thyroid hormone, testicular disease, and  
3 kidney cancer.

4 3.59 Plaintiffs Hunter Hoeche and Logan Hoeche have been exposed to  
5 elevated levels of PFC's. As a result of their exposure to PFC's in the contaminated  
6 water supply, they are at an increased risk of kidney disease, high cholesterol, high  
7 blood pressure, and of developing several health conditions, including but not  
8 limited to effects on the liver and immune system, testicular disease, changes in  
9 thyroid hormone, and kidney cancer.  
10

11 3.60 Plaintiffs Millwee Holler-Kanaga and Steven Kanaga are residents of  
12 Medical Lake, Washington, who currently reside at 14808 W. Thorpe Rd., Medical  
13 Lake, WA 99022. They have lived at the address since 1994. The property receives  
14 water from a private well. Ms. Holler-Kanaga's prior address was at 14525 W.  
15 Thorpe Rd. Medical lake, WA 9022. She lived at her previous address from 1960 to  
16 1974 and 1980 to 1994. Her prior residence receives water from a private well.  
17 PFC's have entered both properties, including but not limited to through the  
18 accumulation of PFC's in the pipes, faucets, showerheads, and appliances, as well  
19 as through watering the lawn.  
20

21 3.61 Plaintiff Millwee Holler-Kanaga has been exposed to elevated levels of  
22

1 PFC's. As a result of his exposure to PFC's in the contaminated water supply, she  
2 has experienced bioaccumulation of PFOS and PFOA in her blood which carries a  
3 heightened risk of developing several health conditions, including but not limited to  
4 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
5 hormone, hypertension, ulcerative colitis, fertility issues, testicular cancer, and  
6 kidney cancer.

7  
8 3.62 Plaintiff Steven Kanaga has been exposed to elevated levels of PFC's.  
9 As a result of his exposure to PFC's in the contaminated water supply, he has  
10 experienced bioaccumulation of PFOS and PFOA in his blood which carries a  
11 heightened risk of developing several health conditions, including but not limited to  
12 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
13 hormone, hypertension, ulcerative colitis, testicular cancer, fertility issues, and  
14 kidney cancer.

15  
16 3.63 As a result of exposure to PFC's, Plaintiffs Millwee Holler-Kanaga and  
17 Steven Kanaga's property has declined in value.

18 3.64 Plaintiffs Dennis and Joanne Hunley are residents of Airway Heights,  
19 Washington, who currently reside at 1807 S. Lions Rd. Airway Heights, WA 99001.  
20 They have lived at the address since 1984. The property receives water from a private  
21 well. PFC's have entered the property, including but not limited to through the  
22



1 accumulation of PFC's in the pipes, faucets, showerheads, and appliances, as well  
2 as through watering the lawn.

3 3.65 Plaintiff Dennis Hunley has been exposed to elevated levels of PFC's.  
4 As a result of his exposure to PFC's in the contaminated water supply, he has been  
5 diagnosed with thyroid issues and has experienced bioaccumulation of PFOS and  
6 PFOA in his blood which carries a heightened risk of developing several health  
7 conditions, including but not limited to effects on the liver and immune system, high  
8 cholesterol levels, changes in thyroid hormone, hypertension, ulcerative colitis,  
9 fertility issues, testicular cancer, and kidney cancer.  
10

11 3.66 Plaintiff Joanne Hunley has been exposed to elevated levels of PFC's.  
12 As a result of her exposure to PFC's in the contaminated water supply, she has  
13 experienced bioaccumulation of PFOS and PFOA in her blood which carries a  
14 heightened risk of developing several health conditions, including but not limited to  
15 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
16 hormone, hypertension, ulcerative colitis, fertility issues, and kidney cancer.  
17

18 3.67 Plaintiffs Heather and Shaun Hunley and their minor children Paetyn  
19 and Tylor, are residents of Airway Heights, Washington, who currently reside at  
20 1813 S. Lyons Airway Heights, WA 99001. Mr. Hunley has lived on the property  
21 since 1991. Ms. Hunley has lived on the property since 2007. The property receives  
22

1 water from a private well located on Plaintiff Dennis Hunley's property. PFC's have  
2 entered the property, including but not limited to through the accumulation of PFC's  
3 in the pipes, faucets, showerheads, and appliances, as well as through watering the  
4 lawn.

5 3.68 Plaintiff Heather Hunley has been exposed to elevated levels of PFC's.  
6 As a result of her exposure to PFC's in the contaminated water supply, she has been  
7 diagnosed with hypothyroidism and has experienced bioaccumulation of PFOS and  
8 PFOA in her blood which carries a heightened risk of developing several health  
9 conditions, including but not limited to effects on the liver and immune system, high  
10 cholesterol levels, changes in thyroid hormone, hypertension, ulcerative colitis,  
11 fertility issues, and kidney cancer.

12 3.69 Plaintiff Shaun Hunley has been exposed to elevated levels of PFC's.  
13 As a result of his exposure to PFC's in the contaminated water supply, he has  
14 experienced bioaccumulation of PFOS and PFOA in his blood which carries a  
15 heightened risk of developing several health conditions, including but not limited to  
16 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
17 hormone, hypertension, ulcerative colitis, fertility issues, testicular cancer, and  
18 kidney cancer.

19 3.70 Plaintiff Paetyn Hunley has been exposed to elevated levels of PFC's.  
20  
21  
22

1 As a result of her exposure to PFC's in the contaminated water supply, she has  
2 experienced bioaccumulation of PFOS and PFOA in her blood which carries a  
3 heightened risk of developing several health conditions, including but not limited to  
4 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
5 hormone, hypertension, ulcerative colitis, fertility issues, and kidney cancer.

6 3.71 Plaintiff Tylor Hunley has been exposed to elevated levels of PFC's.  
7 As a result of his exposure to PFC's in the contaminated water supply, he has  
8 experienced bioaccumulation of PFOS and PFOA in his blood which carries a  
9 heightened risk of developing several health conditions, including but not limited to  
10 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
11 hormone, hypertension, ulcerative colitis, fertility issues, testicular cancer, and  
12 kidney cancer.  
13

14 3.72 Plaintiff Anita Jaruis is a resident of Medical Lake, Washington, who  
15 currently resides at 14315 West Thorpe Road, Medical Lake, Washington 99022.  
16 She owns the property, which receives water from a private well. PFC's have entered  
17 the property, including but not limited to through the accumulation of PFC's in the  
18 pipes, faucets, showerheads, and appliances, as well as through watering the lawn.  
19

20 3.73 Plaintiff Anita Jaruis has been exposed to elevated levels of PFC's. As  
21 a result of her exposure to PFC's in the contaminated water supply, she has been  
22

1 diagnosed with pregnancy problems, high blood pressure, high cholesterol, thyroid  
2 disease, ulcerative colitis and is at an increased risk of developing several health  
3 conditions, including but not limited to effects on the liver and immune system, and  
4 kidney cancer. As a result of exposure to PFC's, Plaintiff Anita Jarius' property has  
5 declined in value.

6 3.74 Plaintiffs Jennifer and Sean Johnson and their minor children Lennox  
7 Johnson and Quinton Johnson currently reside at 2832 E. 35th Ave., Spokane, WA  
8 99223. At all times relevant herein, they regularly spent substantial time at 14725  
9 West Thorpe Road, Medical Lake, Washington 99022. The property received its  
10 water from a private well. PFC's have entered the Medical Lake property, including  
11 but not limited to through the accumulation of PFC's in the pipes, faucets,  
12 showerheads, and appliances, as well as through watering the lawn.

13 3.75 Plaintiff Jennifer Johnson has been exposed to elevated levels of  
14 PFC's. As a result of her exposure to PFC's in the contaminated water supply, she  
15 is at an increased risk of pregnancy problems, high blood pressure, high cholesterol,  
16 thyroid disease, ulcerative colitis and of developing several health conditions,  
17 including but not limited to effects on the liver and immune system, and kidney  
18 cancer.

19 3.76 Plaintiff Sean Johnson has been exposed to elevated levels of PFC's.  
20  
21  
22

1 As a result of his exposure to PFC's in the contaminated water supply, he is at an  
2 increased risk of high blood pressure, high cholesterol, thyroid disease, ulcerative  
3 colitis and of developing several health conditions, including but not limited to  
4 testicular disease, effects on the liver and immune system, and kidney cancer.

5 3.77 Plaintiff Lennox Johnson has been exposed to elevated levels of PFC's.  
6 As a result of his exposure to PFC's in the contaminated water supply he suffers  
7 from expressive speech disorder, sensory processing disorder, neurological disorder,  
8 developmental disorder and is at an increased risk of high blood pressure, high  
9 cholesterol, thyroid disease, ulcerative colitis and of developing several health  
10 conditions, including but not limited to testicular disease, effects on the liver and  
11 immune system, and kidney cancer.

12 3.78 Plaintiff Quinton Johnson has been exposed to elevated levels of  
13 PFC's. As a result of his exposure to PFC's in the contaminated water supply, he is  
14 at an increased risk of high blood pressure, high cholesterol, thyroid disease,  
15 ulcerative colitis and of developing several health conditions, including but not  
16 limited to testicular disease, effects on the liver and immune system, and kidney  
17 cancer.

18 3.79 Plaintiff Diana Kneff is a resident of Airway Heights, Washington, who  
19 currently resides at 12502 W. 21st St., Airway Heights, WA 99001. She has lived  
20  
21  
22

1 there for ten years and has lived in Airway Heights since the 1980's. The property  
2 receives water from a private well. PFC's have entered the property, including but  
3 not limited to through the accumulation of PFC's in the pipes, faucets, showerheads,  
4 and appliances, as well as through watering the lawn.

5 3.80 Plaintiff Diana Kneff has been exposed to elevated levels of PFC's. As  
6 a result of her exposure to PFC's in the contaminated water supply, she has been  
7 diagnosed with multiple urinary tract infections (UTI), high cholesterol, anxiety,  
8 nausea, and vomiting and has experienced bioaccumulation of PFOS and PFOA in  
9 her blood which carries a heightened risk of developing several health conditions,  
10 including but not limited to effects on the liver and immune system, high cholesterol  
11 levels, changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues,  
12 and kidney cancer.

13  
14 3.81 Plaintiffs Richard and Terri Link and their minor child Ginessa Link  
15 are residents of Airway Heights, Washington, who currently reside at 1701 S.  
16 Lawson St. Lot #2 Airway Heights, WA 99001. They have lived at this address for  
17 ten years. The property receives water from the City of Airway Heights. PFC's have  
18 entered the property, including but not limited to through the accumulation of PFC's  
19 in the pipes, faucets, showerheads, and appliances, as well as through watering the  
20 lawn.  
21  
22

1           3.82 Plaintiff Richard Link has been exposed to elevated levels of PFC's. As  
2 a result of his exposure to PFC's in the contaminated water supply, he has been  
3 diagnosed with weight problems, flu-like symptoms, fatigue, diarrhea, and has  
4 experienced bioaccumulation of PFOS and PFOA in his blood which carries a  
5 heightened risk of developing several health conditions, including but not limited to  
6 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
7 hormone, hypertension, ulcerative colitis, fertility issues, testicular cancer, and  
8 kidney cancer.  
9

10           3.83 Plaintiff Terri Link has been exposed to elevated levels of PFC's. As a  
11 result of her exposure to PFC's in the contaminated water supply, she has been  
12 diagnosed with seizures, nodules on her thyroid, hyperglycemia, Crohn's disease  
13 and hormone imbalances and has experienced bioaccumulation of PFOS and PFOA  
14 in her blood which carries a heightened risk of developing several health conditions,  
15 including but not limited to effects on the liver and immune system, high cholesterol  
16 levels, changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues,  
17 and kidney cancer.  
18

19           3.84 Plaintiff Ginessa Link has been exposed to elevated levels of PFC's.  
20 As a result of her exposure to PFC's in the contaminated water supply, she has  
21 experienced bioaccumulation of PFOS and PFOA in her blood which carries a  
22

1 heightened risk of developing several health conditions, including but not limited to  
2 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
3 hormone, hypertension, ulcerative colitis, fertility issues, and kidney cancer.

4 3.85 Plaintiff Joseph Martinez is a former resident of Airway Heights,  
5 Washington, who currently resides at 2816 W. Everett Ave. Spokane, WA 99205.  
6 His prior address was 1020 S. Easy Street Airway Heights, WA 99001. He lived at  
7 his prior address for roughly eight years. His prior address received water from the  
8 City of Airway Heights. PFC's have entered the property, including but not limited  
9 to through the accumulation of PFC's in the pipes, faucets, showerheads, and  
10 appliances, as well as through watering the lawn.

12 3.86 Plaintiff Joseph Martinez has been exposed to elevated levels of PFC's.  
13 As a result of her exposure to PFC's in the contaminated water supply, she has been  
14 diagnosed with high blood pressure, high cholesterol, stroke at age 32, stomach  
15 issues, and thyroid issues and has experienced bioaccumulation of PFOS and PFOA  
16 in his blood which carries a heightened risk of developing several health conditions,  
17 including but not limited to effects on the liver and immune system, high cholesterol  
18 levels, changes in thyroid hormone, hypertension, ulcerative colitis, fertility issues,  
19 testicular cancer, and kidney cancer.

21 3.87 Plaintiffs John and Yang Mitschke are residents of Medical Lake,  
22



1 Washington, who currently reside at 16412 W. Boone Lane Medical Lake, WA  
2 99022. They also own a business located at 13220 W. Sunset Hwy Airway Heights,  
3 WA 99001. They own multiple parcels in the Medical Lake area. The residence  
4 receives water from a private well and their business receives water from the City of  
5 Airway Heights. PFC's have entered the property, including but not limited to  
6 through the accumulation of PFC's in the pipes, faucets, showerheads, and  
7 appliances, as well as through watering the lawn.  
8

9 3.88 Plaintiff John Mitschke has been exposed to elevated levels of PFC's.  
10 As a result of her exposure to PFC's in the contaminated water supply, he has been  
11 diagnosed with multiple sclerosis and high cholesterol and has experienced  
12 bioaccumulation of PFOS and PFOA in his blood which carries a heightened risk of  
13 developing several health conditions, including but not limited to effects on the liver  
14 and immune system, high cholesterol levels, changes in thyroid hormone,  
15 hypertension, ulcerative colitis, fertility issues, testicular cancer, and kidney cancer.  
16

17 3.89 Plaintiff Yang Mitschke has been exposed to elevated levels of PFC's.  
18 As a result of her exposure to PFC's in the contaminated water supply, she has been  
19 diagnosed with thyroid issues and has experienced bioaccumulation of PFOS and  
20 PFOA in her blood which carries a heightened risk of developing several health  
21 conditions, including but not limited to effects on the liver and immune system, high  
22

1 cholesterol levels, changes in thyroid hormone, hypertension, ulcerative colitis,  
2 fertility issues, and kidney cancer.

3 3.90 As a result of exposure to PFC's, Plaintiffs John and Yang Mitschke's  
4 properties have declined in value.

5 3.91 Plaintiff Donna O'Brien is former resident of Airway Heights,  
6 Washington, who currently resides at 10204 E. Valleyway Spokane, WA 99206. Her  
7 prior address was 12528 W. Frank Airway Heights, WA 99001. She lived at the prior  
8 address from 1985 to 2011. The prior address receives water from the city of Airway  
9 Heights. PFC's have entered the property, including but not limited to through the  
10 accumulation of PFC's in the pipes, faucets, showerheads, and appliances, as well  
11 as through watering the lawn.  
12

13 3.92 Plaintiff Donna O'Brien has been exposed to elevated levels of PFC's.  
14 As a result of her exposure to PFC's in the contaminated water supply, she has been  
15 diagnosed with, severe hyperthyroidism and kidney cancer and has experienced  
16 bioaccumulation of PFOS and PFOA in her blood which carries a heightened risk of  
17 developing several health conditions, including but not limited to effects on the liver  
18 and immune system, high cholesterol levels, changes in thyroid hormone,  
19 hypertension, ulcerative colitis, fertility issues, and kidney cancer.  
20

21 3.93 Plaintiff Jeremy Ownby is a former resident of Airway Heights,  
22

1 Washington, who currently resides at 212 N. Main St., Latah, WA 99018. His prior  
2 address was 12508 W. 21st Ave Airway Heights, WA 99001. He lived at his prior  
3 address for 20 years. His prior address receives water from a private well. He also  
4 worked in Airway Heights and drank the water from the City of Airway Heights.  
5 PFC's have entered the property, including but not limited to through the  
6 accumulation of PFC's in the pipes, faucets, showerheads, and appliances, as well  
7 as through watering the lawn.

8  
9 3.94 Plaintiff Jeremy Ownby has been exposed to elevated levels of PFC's.  
10 As a result of her exposure to PFC's in the contaminated water supply, she has been  
11 diagnosed with childhood ulcer issues, several hip surgeries due to osteoarthritis and  
12 has experienced bioaccumulation of PFOS and PFOA in his blood which carries a  
13 heightened risk of developing several health conditions, including but not limited to  
14 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
15 hormone, hypertension, ulcerative colitis, fertility issues, testicular cancer, and  
16 kidney cancer.

17  
18 3.95 Plaintiff Jason Passinetti, is a resident of Medical Lake, Washington,  
19 who currently resides at 736 East Joshua Drive, Medical Lake, Washington 99022.  
20 Plaintiff Jason Passinetti has lived in other residences in Spokane County: 4920  
21 South Craig Road (1986-1989); 4708 South Craig Road (1989-2004); 8821 North  
22

1 Dale Street (2004-2005); 12202 East Maxwell Avenue (2005-2006); 1515 South  
2 Pulpwood Road (2006); 3104 East Jackson Avenue (2006-2008); 808 East Terrace  
3 Avenue (2008-2009); 2820 East Cherry Street (2009-2010); 6811 South Fanazick  
4 Drive (2010-2016). Plaintiff Jason Passinetti owns the property at 736 East Joshua  
5 Drive, and that property receives water from a private well. PFC's have entered the  
6 property, including but not limited to through the accumulation of PFC's in the  
7 pipes, faucets, showerheads, and appliances, as well as through watering the lawn.  
8

9 3.96 Plaintiff Jason Passinetti has been exposed to elevated levels of PFC's.  
10 As a result of his exposure to PFC's in the contaminated water supply, he has been  
11 diagnosed with high blood pressure, and is at an increased risk of developing several  
12 health conditions, including but not limited to effects on the liver and immune  
13 system, high cholesterol levels, changes in thyroid hormone, testicular disease, and  
14 kidney cancer.  
15

16 3.97 Plaintiffs Emma Passinetti and Alexia Passinetti, her minor daughter,  
17 are residents of Medical Lake, Washington, who currently reside at 4708 S. Craig  
18 Rd., Medical Lake, Washington 99022. At all times relevant herein, they have lived  
19 at 4708 S. Craig Rd., Medical Lake, Washington 99022. The property receives water  
20 from a private well. PFC's have entered the property, including but not limited to  
21 through the accumulation of PFC's in the pipes, faucets, showerheads, and  
22

1 appliances, as well as through watering the lawn.

2 3.98 Plaintiff Alexia Passinetti has been exposed to elevated levels of PFC's.  
3 As a result of her exposure to PFC's in the contaminated water supply, she is at an  
4 increased risk of high cholesterol, high blood pressure, pregnancy problems,  
5 miscarriages, and developing several health conditions, including but not limited to  
6 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
7 hormone, and kidney cancer.

8 3.99 Plaintiff Cory Passinetti currently resides at 210 W. 19th Unit A,  
9 Postfalls, Idaho 83854 and is married to Emma Passinetti. At all times relevant  
10 herein, Plaintiff Cory Passinetti resided at 4920 S. Craig Rd., Medical Lake,  
11 Washington 99022 and 4708 S. Craig Rd., Medical Lake, Washington 99022. These  
12 properties receive water from a private well. PFC's have entered the property,  
13 including but not limited to through the accumulation of PFC's in the pipes, faucets,  
14 showerheads, and appliances, as well as through watering the lawn.

15 3.100 Plaintiff Cory Passinetti has been exposed to elevated levels of PFC's.  
16 As a result of his exposure to PFC's in the contaminated water supply, he is at an  
17 increased risk of developing high blood pressure, and of developing several health  
18 conditions, including but not limited to effects on the liver and immune system, high  
19 cholesterol levels, changes in thyroid hormone, testicular disease, and kidney cancer.  
20  
21  
22

1           3.101 Plaintiffs Janae Passinetti and her minor children Makenzye Passinetti,  
2 Ethan Passinetti, and Kearstyn Passinetti currently reside at 736 E. Joshua, Medical  
3 Lake, Washington 99022 and previously resided at 4708 S. Craig Rd., Medical Lake,  
4 Washington 99022. These properties receive water from a private well. PFC's have  
5 entered the property, including but not limited to through the accumulation of PFC's  
6 in the pipes, faucets, showerheads, and appliances, as well as through watering the  
7 lawn.

8           3.102 Plaintiff Janae Passinetti, and the minor Plaintiffs Kearstyn Passinetti,  
9 Makenzye Passinetti, Tristan Passinetti, Jared Passinetti, and Ethan Passinetti have  
10 been exposed to elevated levels of PFC's. As a result of her exposure to PFC's in  
11 the contaminated water supply, they are at an increased risk of high cholesterol, high  
12 blood pressure, and developing several health conditions, including but not limited  
13 to effects on the liver and immune system, high cholesterol levels, changes in thyroid  
14 hormone, and kidney cancer. Jared Passinetti, Ethan Passinetti and Tristan Passinetti  
15 are at an increased risk of developing testicular disease. Janae Passinetti, Makenzye  
16 Passinetti, and Kearstyn Passinetti are at an increased risk of pregnancy problems,  
17 including miscarriages.

18           3.103 Plaintiff Donna Peterson is a resident of Medical Lake, Washington,  
19 who currently resides at 329 S. Brower Street, Medical Lake, Washington 99022. At  
20  
21  
22

1 all times relevant herein, she lived at 14315 West Thorpe Road, another address in  
2 Medical Lake, Washington 99022. The West Thorpe Road property receives water  
3 from a private well. PFC's have entered the property, including but not limited to  
4 through the accumulation of PFC's in the pipes, faucets, showerheads, and  
5 appliances, as well as through watering the lawn.

6 3.104 Plaintiff Donna Peterson has been exposed to elevated levels of PFC's.  
7 As a result of her exposure to PFC's in the contaminated water supply, Donna  
8 Peterson has been diagnosed with pregnancy problems, miscarriages, and is at an  
9 increased risk of developing several health conditions, including but not limited to  
10 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
11 hormone, and kidney cancer.

12  
13 3.105 Plaintiff Delbert and Sarra Reiber and their minor children Alexandria  
14 and Charlotte are residents of Medical Lake, Washington, who currently reside at  
15 631 S. Evergreen, Medical Lake, WA 99022. Their current address receives water  
16 from the City of Airway Heights. Their prior address was 16910 State 902, Medical  
17 Lake 99022. In 2014, the 16910 State 902 address was changed to 7205 S.  
18 Summerlane, Medical Lake WA 99002. They lived at the prior address from 1997  
19 to 2015. Their prior address received water from a private well. PFC's have entered  
20 the property, including but not limited to through the accumulation of PFC's in the  
21  
22

1 pipes, faucets, showerheads, and appliances, as well as through watering the lawn.

2 3.106 Plaintiff Delbert Reiber has been exposed to elevated levels of PFC's.  
3 As a result of his exposure to PFC's in the contaminated water supply, he has been  
4 diagnosed with an auto-immune disease and has experienced bioaccumulation of  
5 PFOS and PFOA in his blood which carries a heightened risk of developing several  
6 health conditions, including but not limited to effects on the liver and immune  
7 system, high cholesterol levels, changes in thyroid hormone, hypertension,  
8 ulcerative colitis, fertility issues, testicular cancer, and kidney cancer.  
9

10 3.107 Plaintiff Delbert Reiber also owns 28 acres at 6505 S. Bartholomew  
11 Rd, Medical Lake, WA 99022. That land has depreciated in value due to the PFC's  
12 contamination.

13 3.108 Plaintiff Sarra Reiber has been exposed to elevated levels of PFC's. As  
14 a result of his exposure to PFC's in the contaminated water supply, she has been  
15 diagnosed with three miscarriages and gastric issues and has experienced  
16 bioaccumulation of PFOS and PFOA in his blood which carries a heightened risk of  
17 developing several health conditions, including but not limited to effects on the liver  
18 and immune system, high cholesterol levels, changes in thyroid hormone,  
19 hypertension, ulcerative colitis, fertility issues, testicular cancer, and kidney cancer.  
20

21 3.109 Plaintiff Alexandria Reiber has been exposed to elevated levels of  
22



1 PFC's. As a result of her exposure to PFC's in the contaminated water supply, she  
2 has been diagnosed with an auto-immune disease and has experienced  
3 bioaccumulation of PFOS and PFOA in his blood which carries a heightened risk of  
4 developing several health conditions, including but not limited to effects on the liver  
5 and immune system, high cholesterol levels, changes in thyroid hormone,  
6 hypertension, ulcerative colitis, fertility issues, testicular cancer, and kidney cancer.  
7

8 3.110 Plaintiff Charlotte Reiber has been exposed to elevated levels of  
9 PFC's. As a result of her exposure to PFC's in the contaminated water supply, she  
10 has been diagnosed with an auto-immune disease and has experienced  
11 bioaccumulation of PFOS and PFOA in his blood which carries a heightened risk of  
12 developing several health conditions, including but not limited to effects on the liver  
13 and immune system, high cholesterol levels, changes in thyroid hormone,  
14 hypertension, ulcerative colitis, fertility issues, testicular cancer, and kidney cancer.  
15

16 3.111 Plaintiffs Garret Rupert, Heather Rupert, and their minor children Cody  
17 Rupert, Katelyn Rupert, and Karlie Rupert are former residents of Medical Lake,  
18 Washington, who currently reside at 10913 West 6th Avenue E110, Airway Heights,  
19 Washington 99001. At all times relevant herein, they lived in Spokane County at  
20 4708 South Craig Road, Medical Lake, Washington 99022. She owns the property  
21 on South Craig Road, which receives water from a private well. PFC's have entered  
22

1 the property, including but not limited to through the accumulation of PFC's in the  
2 pipes, faucets, showerheads, and appliances, as well as through watering the lawn.

3 3.112 Plaintiffs Garret Rupert, Heather Rupert, and their minor children Cody  
4 Rupert, Katelyn Rupert, and Karlie Rupert have been exposed to elevated levels of  
5 PFC's.

6 3.113 As a result of his exposure to PFC's in the contaminated water supply,  
7 Garret Rupert has been diagnosed with high blood pressure, and is at an increased  
8 risk of developing several health conditions, including but not limited to effects on  
9 the liver and immune system, high cholesterol levels, changes in thyroid hormone,  
10 testicular disease and kidney cancer.

11 3.114 As a result of her exposure to PFC's in the contaminated water supply,  
12 Heather Rupert is at an increased risk of pregnancy problems, miscarriages, and  
13 reproductive problems, liver disease, thyroid disease, high cholesterol, high blood  
14 pressure, ulcerative colitis, and several health conditions, including but not limited  
15 to effects on the immune system, changes in thyroid hormone, and kidney cancer.

16 3.115 As a result of his exposure to PFC's in the contaminated water supply,  
17 Cody Rupert is at an increased risk of developing high blood pressure, and several  
18 health conditions, including but not limited to effects on the liver and immune  
19 system, high cholesterol levels, changes in thyroid hormone, testicular disease and  
20  
21  
22

1 kidney cancer.

2 3.116 As a result of her exposure to PFC's in the contaminated water supply,  
3 Ketely Rupert is at an increased risk of pregnancy problems, miscarriages, and  
4 reproductive problems, liver disease, thyroid disease, high cholesterol, high blood  
5 pressure, ulcerative colitis, and several health conditions, including but not limited  
6 to effects on the immune system, changes in thyroid hormone, and kidney cancer.

7 3.117 As a result of her exposure to PFC's in the contaminated water supply,  
8 Karlie Rupert is at an increased risk of pregnancy problems, miscarriages, and  
9 reproductive problems, liver disease, thyroid disease, high cholesterol, high blood  
10 pressure, ulcerative colitis, and several health conditions, including but not limited  
11 to effects on the immune system, changes in thyroid hormone, and kidney cancer.

12 3.118 Plaintiff Lewis Schwinn is a resident of Airway Heights, Washington,  
13 who currently resides at 13309 W. 12th Ave. Airway Heights, WA 99001. His prior  
14 address was in Airway Heights, WA 99001. He has lived in Airway Heights for the  
15 last 15 years. The property receives water from a private well. PFC's have entered  
16 the property, including but not limited to through the accumulation of PFC's in the  
17 pipes, faucets, showerheads, and appliances, as well as through watering the lawn.

18 3.119 Plaintiff Lewis Schwinn has been exposed to elevated levels of PFC's.  
19 As a result of her exposure to PFC's in the contaminated water supply, he has been  
20  
21  
22

1 diagnosed with kidney stones and stomach problems and has experienced  
2 bioaccumulation of PFOS and PFOA in his blood which carries a heightened risk of  
3 developing several health conditions, including but not limited to effects on the liver  
4 and immune system, high cholesterol levels, changes in thyroid hormone,  
5 hypertension, ulcerative colitis, fertility issues, testicular cancer, and kidney cancer.

6 3.120 Plaintiffs Cory and Julie Shrum and their son Wyatt are residents of  
7 Airway Heights, Washington, who currently reside at 2024 S. Hayden Rd. Cory has  
8 lived at the address since 2007. Julie has lived at the address since 2009. PFC's have  
9 entered the property, including but not limited to through the accumulation of PFC's  
10 in the pipes, faucets, showerheads, and appliances, as well as through watering the  
11 lawn.  
12

13 3.121 Plaintiff Cory Shrum has been exposed to elevated levels of PFC's. As  
14 a result of his exposure to PFC's in the contaminated water supply, he has  
15 experienced bioaccumulation of PFOS and PFOA in his blood which carries a  
16 heightened risk of developing several health conditions, including but not limited to  
17 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
18 hormone, hypertension, ulcerative colitis, fertility issues, testicular cancer, and  
19 kidney cancer.  
20

21 3.122 Plaintiff Julie Shrum has been exposed to elevated levels of PFC's. As  
22

1 a result of her exposure to PFC's in the contaminated water supply, she has  
2 experienced bioaccumulation of PFOS and PFOA in her blood which carries a  
3 heightened risk of developing several health conditions, including but not limited to  
4 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
5 hormone, hypertension, ulcerative colitis, fertility issues, and kidney cancer.

6 3.123 Plaintiff Wyat Shrum has been exposed to elevated levels of PFC's. As  
7 a result of his exposure to PFC's in the contaminated water supply, he has  
8 experienced bioaccumulation of PFOS and PFOA in his blood which carries a  
9 heightened risk of developing several health conditions, including but not limited to  
10 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
11 hormone, hypertension, ulcerative colitis, fertility issues, testicular cancer, and  
12 kidney cancer.  
13

14 3.124 Plaintiffs Bradly and Jan Shardell Shrum are former residents of  
15 Medical Lake, Washington, who currently reside at 12711 W. Medical Lake Rd.  
16 Spokane, WA 99224. They own the above-mentioned property at 2024 S. Hayden  
17 Rd. Airway Heights. The Shrum family owns and operates a farming business using  
18 the 2024 S. Hayden (parcels 15251.0117 and 15251.0114). They irrigate water from  
19 a private well. PFC's have entered the property, including but not limited to through  
20 the accumulation of PFC's in the pipes, faucets, showerheads, and appliances, as  
21  
22

1 well as through watering the lawn.

2 3.125 Plaintiff Bradly Shrum has been exposed to elevated levels of PFC's.  
3 As a result of his exposure to PFC's in the contaminated water supply, he has  
4 experienced bioaccumulation of PFOS and PFOA in his blood which carries a  
5 heightened risk of developing several health conditions, including but not limited to  
6 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
7 hormone, hypertension, ulcerative colitis, fertility issues, testicular cancer, and  
8 kidney cancer.  
9

10 3.126 Plaintiff Shardell Shrum has been exposed to elevated levels of  
11 PFC's. As a result of her exposure to PFC's in the contaminated water supply, she has  
12 experienced bioaccumulation of PFOS and PFOA in her blood which carries a  
13 heightened risk of developing several health conditions, including but not limited to  
14 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
15 hormone, hypertension, ulcerative colitis, fertility issues, and kidney cancer.  
16

17 3.127 The Shrums are no longer able to farm their land because their  
18 insurance carrier will not insure the land because PFC's are present in the soil and  
19 irrigation water. The EPA has told them that the PFC's will "uptake" into the crops.  
20 Their seed vendor and crop distributors will not buy their crops if they contain  
21 PFC's. Their land has depreciated in value and they cannot generate revenue  
22

1 because of the PFC contamination.

2 3.128 Plaintiffs Jaley Simmons, Chris Taylor, and their minor children  
3 Keaton Taylor and Krissali Taylor are residents of Medical Lake, Washington, who  
4 currently reside at 1110 San Salvador Street, Medical Lake, Washington 99022. At  
5 all times relevant herein, Plaintiff Jaley Simmons lived at 14315 West Thorpe Road,  
6 Medical Lake, Washington 99022. The property received water from a private well.  
7 PFC's have entered the property, including but not limited to through the  
8 accumulation of PFC's in the pipes, faucets, showerheads, and appliances, as well  
9 as through watering the lawn.  
10

11 3.129 Plaintiff Jaley Simmons has been exposed to elevated levels of PFC's.  
12 As a result of her exposure to PFC's in the contaminated water supply, Jaley  
13 Simmons has been diagnosed with pregnancy problems, miscarriages, and  
14 reproductive problems, liver disease, thyroid disease, high cholesterol, high blood  
15 pressure, ulcerative colitis, and is at an increased risk of developing several health  
16 conditions, including but not limited to effects on the immune system, changes in  
17 thyroid hormone, and kidney cancer.  
18

19 3.130 Plaintiff Chris Taylor as a result of his exposure to PFC's in the  
20 contaminated water supply is at an increased risk of developing high blood pressure,  
21 and several health conditions, including but not limited to effects on the liver and  
22

1 immune system, high cholesterol levels, changes in thyroid hormone, testicular  
2 disease and kidney cancer.

3 3.131 Plaintiff Keaton Taylor as a result of his exposure to PFC's in the  
4 contaminated water supply is at an increased risk of developing high blood pressure,  
5 and several health conditions, including but not limited to effects on the liver and  
6 immune system, high cholesterol levels, changes in thyroid hormone, testicular  
7 disease and kidney cancer.

8  
9 3.132 Plaintiff Krissali Taylor as a result of her exposure to PFC's in the  
10 contaminated water supply is at an increased risk of pregnancy problems,  
11 miscarriages, and reproductive problems, liver disease, thyroid disease, high  
12 cholesterol, high blood pressure, ulcerative colitis, and several health conditions,  
13 including but not limited to effects on the immune system, changes in thyroid  
14 hormone, and kidney cancer.

15  
16 3.133 Plaintiff Pamela Williams is a resident of Airway Heights, WA who  
17 currently resides at 1702 S. Mintle St. Space #21 Airway Heights, WA 99001. She  
18 has lived at that address for twelve years. The property receives water from the City  
19 of Airway Heights. Her prior address was at 1649 S. Campbell St. #8b Airway  
20 Heights, WA 99001. She was at her prior address for eight years. Her prior address  
21 also received water from Airway Heights. PFC's have entered the property,  
22



1 including but not limited to through the accumulation of PFC's in the pipes, faucets,  
2 showerheads, and appliances, as well as through watering the lawn.

3 3.134 Plaintiff Pamela Williams has been exposed to elevated levels of PFC's.  
4 As a result of her exposure to PFC's in the contaminated water supply, she has  
5 experienced bioaccumulation of PFOS and PFOA in her blood which carries a  
6 heightened risk of developing several health conditions, including but not limited to  
7 effects on the liver and immune system, high cholesterol levels, changes in thyroid  
8 hormone, hypertension, ulcerative colitis, fertility issues, and kidney cancer.  
9

10 3.135 Plaintiff Pamela Williams son died at age 29. He lived at the same  
11 address as his mother and was also exposed to PFC's in the water supply. He died  
12 from myeloid leukemia. The family has no history of this type of cancer.

13 **B. Defendants**

14 3.136 When reference is made in this Complaint to any act or omission of any  
15 of the Defendants, it shall be deemed that the officers, directors, agents, employees,  
16 or representatives of the Defendants committed or authorized such act or omission,  
17 or failed to adequately supervise or properly control or direct their employees while  
18 engaged in the management, direction, operation, or control of the affairs of  
19 Defendants, and did so while acting within the scope of their duties, employment or  
20 agency.  
21  
22

1           3.137 The term “Defendant” or “Defendants” refers to all Defendants named  
2 herein jointly and severally.

3           3.138 Upon information and belief, each of the Defendants are responsible,  
4 negligently, intentionally and/or in some actionable manner, for the events and  
5 happenings referred to herein, and caused and continue to cause injuries and  
6 damages legally thereby to Plaintiffs, as alleged, either through each Defendant’s  
7 own conduct or through the conduct of their agents, servants or employees, or due  
8 to the ownership, maintenance or control of the instrumentality causing them injury,  
9 or in some other actionable manner.  
10

11           3.139 Defendant THE 3M COMPANY (“3M”) is, upon information and  
12 belief, a Delaware corporation and does business throughout the United States,  
13 including conducting business in Washington. 3M designed, manufactured and sold  
14 AFFF used for training and to fight fires at numerous military bases and other  
15 locations throughout the country, including Fairchild Air Force Base.  
16

17           3.140 Defendant 3M is an American multinational corporation based in  
18 Maplewood, Minnesota. 3M was founded in 1902 as the Minnesota Mining and  
19 Manufacturing Company. With approximately \$30 billion in annual net sales, 3M  
20 employs approximately 90,000 people, operates in approximately 70 countries, and  
21 produces more than 55,000 products.  
22

1 3.141 3M is engaged in substantial and not isolated activity in this state; all  
2 as more fully alleged herein.

3 3.142 Defendant TYCO FIRE PRODUCTS L.P., successor in interest to  
4 THE ANSUL COMPANY (hereinafter “Tyco”) is a Delaware corporation having a  
5 principal place of business at One Stanton Street, Marinette, Wisconsin 54143. Tyco  
6 manufactured and manufactures the Ansul brand of products, including Ansul brand  
7 AFFF.  
8

9 3.143 Upon information and belief, Defendant Tyco is the successor in  
10 interest to the corporation formerly known as the Ansul Company (“Ansul”).  
11 Hereinafter, Ansul and/or Tyco as the successor in interest to Ansul will be referred  
12 to collectively as “Tyco/Ansul.” At all times relevant, Tyco/Ansul designed,  
13 manufactured and sold AFFF used for training and to fight fires at numerous military  
14 bases and other locations throughout the country, including Fairchild Air Force  
15 Base.  
16

17 3.144 Defendant Buckeye Fire Equipment Company (“Buckeye”) is a North  
18 Carolina corporation with its principal place of business at 110 Kings Road,  
19 Mountain, North Carolina 28086.

20 3.145 At all times relevant to the present litigation, Buckeye designed,  
21 manufactured and sold AFFF used for training and to fight fires at numerous military  
22

1 bases and other locations throughout the country, including Fairchild Air Force  
2 Base.

3 3.146 Defendant Chemguard Inc. is a Wisconsin corporation having its  
4 principal place of business at One Stanton Street, Marinette, Wisconsin 54143.

5 3.147 At all times relevant to the present litigation, Chemguard designed,  
6 manufactured and sold AFFF used for training and to fight fires at numerous military  
7 bases and other locations throughout the country, including Fairchild Air Force  
8 Base.

9  
10 3.148 NATIONAL FOAM, INC. is a Delaware corporation, having a  
11 principal place of business at 350 East Union Street, West Chester, Pennsylvania  
12 19382. At all times relevant, National Foam designed, manufactured and sold AFFF  
13 used for training and to fight fires at numerous military bases and other locations  
14 throughout the country, including Fairchild Air Force Base.

15  
16 3.149 At all times relevant to the present litigation, NATIONAL FOAM  
17 designed, manufactured and sold AFFF used for training and to fight fires at  
18 numerous military bases and other locations throughout the country, including  
19 Fairchild Air Force Base.

20  
21 **IV. FACTUAL ALLEGATIONS AS TO ALL COUNTS**

22 4.1 AFFF formulations are chemical mixtures used to extinguish

hydrocarbon fuel-based fires.

4.2 AFFF containing fluorinated surfactants have a better firefighting capability than plain water due to their surface-tension lowering properties- essentially smothering the fire and starving it of its oxygen.

4.3 However, some fluorinated surfactants have unique properties that cause some of the compounds to not biodegrade and to bioaccumulate, and are toxic to animals and humans.

4.4 AFFF is a Class-B firefighting foam. It is mixed with water and used to extinguish fires that are difficult to fight, particularly those that involve petroleum or other flammable liquids.

4.5 AFFF was introduced commercially in the mid-1960s and rapidly became the primary firefighting foam in the U.S. and in many parts of the world.

4.6 AFFF is synthetically formed by combining fluorine free hydrocarbon foaming agents with surfactants. When mixed with water, the resulting solution produces an aqueous film that spreads across the surface of hydrocarbon fuel. This film provides fire extinguishment and is the source of the designation aqueous film forming foam.

4.7 Defendants 3M, Tyco/Ansul, National Foam, Chemguard and Buckeye designed, manufactured, and sold AFFF that was used at Fairchild Air Force Base.

1 4.8 Fluorosurfactants used in 3M's AFFF were produced by a unique and  
2 patented process known as electrochemical fluorination ("ECF"). The ECF process  
3 resulted in a product that contains PFOS, some of which degrades into PFOA.

4 4.9 3M was the only company to manufacture PFOS-containing AFFF.

5 4.10 In an attempt to limit liability, 3M opted to stop producing PFOS 2002  
6 because it was aware of the looming chemical exposure and health effects on the  
7 public.

8 4.11 Similarly, PFOA is a man-made, manufactured chemical not found in  
9 nature. PFOA was used to make household and commercial products that resist heat  
10 and chemical reactions, and has many uses, including repelling oil, stains, grease,  
11 and water.

12 4.12 In 1947, 3M began producing PFOA via ECF.

13 4.13 In 1951, 3M began selling its PFOA to other chemical companies,  
14 including DuPont.

15 4.14 Other companies, such as Defendants Tyco/Ansul, Buckeye, National  
16 Foam, and Chemguard began manufacturing AFFF using PFOA that they produced  
17 themselves or purchased from other companies. Defendants' AFFF was then sold to  
18 the USAF for use at fire departments and industrial facilities across the nation,  
19 including Fairchild AFB.

1           4.15 The chemical structure of PFOA and PFOS makes them resistant to  
2 breakdown or environmental degradation. As a result, they are persistent when  
3 released into the environment. Some PFC's, such as PFOS and PFOA, have been  
4 found to bioaccumulate in humans and animals. In 2005, the U.S. Department of  
5 Health and Human Services found that "human exposure to PFOA and PFOS lead  
6 to the buildup of these chemicals in the body."

7           4.16 As early as the 1960s, 3M knew that PFOS and PFOA were stable,  
8 persistent in the environment, and do not degrade.

9           4.17 Early studies showed that PFC's accumulated in the human body and  
10 were "toxic." 3M studies from the 1970s concluded that PFC's were "even more  
11 toxic" than previously believed.

12           4.18 Upon information and belief, by the 1970's, 3M knew that its PFC's  
13 (PFOA and PFOS) were widely present in the blood of the general U.S. population.  
14 Upon information and belief, 3M concealed this knowledge from the public and  
15 government regulators.  
16

17           4.19 In or about 1977, Tyco/Ansul was also aware of the environmental and  
18 toxic concerns of its AFFF and undertook a study and investigation on more  
19 environmentally improved AFFF.  
20

21           4.20 FOA is readily absorbed after consumption or inhalation, and it  
22

1 accumulates primarily in the blood stream, kidney, and liver.

2 4.21 Because of its toxicity, eight major PFOA manufacturers agreed in  
3 2006 to participate in the U.S. Environmental Protection Agency's ("EPA") PFOA  
4 Stewardship Program. The participating companies made voluntary commitments to  
5 reduce product content and facility emissions of PFOA and related chemicals by  
6 95%, no later than 2010.

7 4.22 PFOA can remain in the environment, particularly in water, for many  
8 years and can move through air, soil, and into groundwater.

9 4.23 Human studies show associations between increased PFOA levels in  
10 blood and an increased risk of several health conditions, including high cholesterol  
11 levels, changes in thyroid hormone, ulcerative colitis (autoimmune disease), pre-  
12 eclampsia (a complication of pregnancy that includes high blood pressure), and  
13 kidney and testicular cancer.  
14

15 4.24 These injuries can arise months or years after exposure to PFOA.

16 4.25 PFOA's extreme persistence in the environment, along with its  
17 toxicity, mobility, and bioaccumulation potential, pose probable adverse effects to  
18 human health and the environment.  
19

## 20 **AFFF USAGE AT FAIRCHILD AIR FORCE BASE**

21 4.26 Upon information and belief, Defendants each manufactured AFFF  
22



1 containing PFC's for sale to the Department of Defense or the US Air Force with  
2 knowledge that it would be used in training and emergency fire-fighting situations.

3 4.27 Upon information and belief, Defendants sold their AFFF products and  
4 they were used at the Fairchild Air Force Base.

5 4.28 At any given time, Fairchild AFB stored and used thousands of gallons  
6 of AFFF concentrate, designed, manufactured and sold by each of the Defendants.

7 4.29 The AFFF was expected to, and did, reach Fairchild AFB without  
8 substantial change in the condition in which it was sold to the USAF.

9 4.30 For decades, USAF personnel conducted training exercises at Fairchild  
10 AFB including firefighting training that used AFFF designed, manufactured and sold  
11 by each of the Defendants.

12 4.31 AFFF was released into the environment, air, soil and groundwater at  
13 locations including but not limited to the Fire Training Area ("FT-1").<sup>5</sup>

14 4.32 AFFF was additionally introduced into the environmental and  
15 groundwater via aircraft hangers containing fire suppressions systems utilizing  
16 AFFF. During function testing or false alarms, AFFF was permitted to enter the air,  
17 soil, and groundwater and further contaminate Plaintiffs' drinking water.

21 \_\_\_\_\_  
22 <sup>5</sup> Fairchild Air Force Base Washington. *Fairchild AFB Washington Administrative Record File Number 1307*. Jan. 1996.

1 4.33 FT-1 conducted fire-extinguishing exercises from 1970 to 1991 using  
2 foam that contained and released AFFF into the soil, air, and groundwater.<sup>6</sup>

3 4.34 As a direct and proximate result of the failure to warn the USAF, or  
4 local sensitive receptors, the AFFF and its constituents were permitted to enter the  
5 air, soil, and groundwater, and ultimately enter Plaintiffs' and the Putative Classes'  
6 bodies and properties.  
7

8 4.35 Upon information and belief, instructions, warning labels and material  
9 safety data sheets that were provided with the AFFF by the Defendants, did not  
10 reasonably nor adequately describe the health and environmental hazards of AFFF,  
11 which Defendants knew or should have known.  
12

13 4.36 An October 2017 USAF "Action Memorandum for a Time-Critical  
14 Removal Action Treatment of PFOS- and PFOA- Contaminated Water In  
15 Residential Wells Near Fairchild Air Force Base, Washington," confirmed the use  
16 of AFFF at Fairchild AFB and that the fire training area on the base was the source  
17 of PFC contamination of the groundwater supply.<sup>7</sup>  
18  
19

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20 <sup>6</sup> *Id.*

21 <sup>7</sup> U.S.A.F Air Force Engineering Center, Fairchild Air Force Base, Washington. *Action*  
22 *Memorandum for a Time-Critical Removal Action Treatment of PFOS- and PFOA-*  
23 *Contaminated Water In Residential Wells Near Fairchild Air Force Base, Washington.* Oct  
2017.

## V. CLASS ACTION ALLEGATIONS

5.1 Plaintiffs incorporate the forgoing paragraphs as though the same were set forth at length herein.

5.2 Plaintiffs bring this action as a class action on their own behalf and on behalf of all other persons similarly situated as members of the proposed subclasses and seek to certify and maintain it as a class action under Rules 23(a); (b)(1) and/or (b)(2); and (b)(3) of the Federal Rules of Civil Procedure, subject to amendment and additional discovery as follows:

a. **Medical Monitoring Class:** Individuals who consumed water from their municipal water supplier, smaller water systems, or domestic water supply wells in the Areas of Investigation. (“Medical Monitoring Class”). This Class is composed of the following subclasses:

1) All individuals within the Areas of Investigation who have consumed water provided by the Airway Heights Water and Sanitation District (the “Airway Heights Water Sub-Class”); and

2) All individuals within the Areas of Investigation who have consumed water from smaller water systems or domestic water supply wells (the “Private Water Sub-Class”).

b. **Property Damage Class:** Individuals who own real property in

1 the Areas of Investigation serviced by the Airway Heights Water and Sanitation  
2 District, or those who have private water wells in the investigative areas (“Property  
3 Damage Class”). This class can be readily ascertained by Census data, property  
4 records, and county records.

5 5.3 Plaintiffs are members of the proposed Sub-Classes they seek to  
6 represent. This action satisfies the numerosity, commonality, typicality, adequacy,  
7 predominance, and superiority requirements of those provisions.

8 5.4 Excluded from the Class are:

9  
10 a. Defendants, including any entity or division in which Defendants  
11 have a controlling interest, along with their legal representative, employees, officers,  
12 directors, assigns, heirs, successors, and wholly or partly owned subsidiaries or  
13 affiliates;

14 b. The Judge to whom this case is assigned, the Judge’s staff, and  
15 the Judge’s immediate family;

16 c. Any class counsel or their immediate family members; and

17 d. All governmental entities.

18  
19 5.5 Plaintiffs reserve the right to amend the Class definition if discovery  
20 and further investigation reveal that any Class should be expanded, divided into  
21 additional subclasses, or modified in any other way.  
22

**Numerosity and Ascertainability**

5.6 This action meets the numerosity requirement of Fed. R. Civ. P. 23(a)(1), given that the number of impacted individuals in the Areas of Investigation and property owners, upon information and belief, has reached the thousands, making individual joinder of class members' respective claims impracticable. While the exact number of class members is not yet known, a precise number can be ascertained from U.S. Federal Census records, the State of Washington, and the public records of the municipal entities, and through other appropriate discovery. The resolution of the claims of the class members in a single action will provide substantial benefits to all parties and the Court. It is expected that the class members will number in the tens of thousands.

5.7 Finally, Class members can be notified of the pendency of this action by Court-approved notice methods.

**Typicality**

5.8 Pursuant to Federal Rules of Civil Procedure 23(a)(3), Plaintiffs' claims are typical of the claims of class members and arise from the same course of conduct by Defendants. Plaintiffs' persons and real property, like all Class Members, have been damaged by Defendants' misconduct in that they have incurred damages and losses related to the introduction of PFOA, PFOS, and other PFC's into the water

1 supplies in the Areas of Investigation, causing personal injury and property damages.

2 5.9 Furthermore, the factual bases of Defendants' actions and misconduct  
3 are common to all Class Members and represent a common thread of misconduct  
4 resulting in common injury to all Class Members. The relief Plaintiffs seek is typical  
5 of the relief sought for absent Class Members.

6 **Adequacy of Representation**

7 5.10 Plaintiffs will serve as fair and adequate class representatives as their  
8 interests, as well as the interests of their counsel, do not conflict with the interest of  
9 other members of the class they seek to represent.  
10

11 5.11 Further, Plaintiffs have retained counsel competent and well  
12 experienced in class action and environmental tort litigation.

13 5.12 Plaintiffs and their counsel are committed to vigorously prosecuting  
14 this action on behalf of the Class and have the financial resources to do so. Neither  
15 the Plaintiffs nor their counsel have interests adverse to the Class.  
16

17 **Predominance of Common Issues**

18 5.13 There are numerous questions of law and fact common to Plaintiffs and  
19 Class Members that predominate over any question affecting only individual Class  
20 Members, making it appropriate to bring this action under Rule 23(b)(3). The  
21 answers to these common questions will advance resolution of the litigation as to all  
22

1 Class Members. Common legal and factual issues include:

- 2 a. Whether Defendants engaged in the conduct alleged herein.
- 3 b. Whether Defendants knew or should have known that exposure
- 4 to PFOA and PFOS could increase health risks.
- 5 c. Whether Manufacturing Defendants knew or should have known
- 6 that their manufacture of AFFF containing PFOA and PFOS was unreasonably
- 7 dangerous.
- 8 d. Whether Manufacturing Defendants knew or should have known
- 9 that their AFFF contained persistent, stable, and mobile chemicals that were likely
- 10 to contaminate groundwater water supplies.
- 11 e. Whether Manufacturing Defendants failed to sufficiently warn
- 12 of the potential for harm that resulted from use of their products.
- 13 f. Whether Defendants became aware of health and environmental
- 14 harm caused by PFOA and PFOS and failed to warn users and Plaintiffs and the
- 15 Class of same.
- 16 g. The extent to which Defendants knew about the PFOA and PFOS
- 17 contamination in the water in the Areas of Investigation.
- 18 h. The extent to which Defendants knew about the PFOA and PFOS
- 19 contamination in the water supply systems in the Areas of Investigation.
- 20
- 21
- 22

1           i.       The extent to which Defendants knew about the PFOA and PFOS  
2 contamination in the water supplied to private wells of residents in the Areas of  
3 Investigation.

4           j.       Whether the Defendants owed a duty to the Plaintiffs and the  
5 Class to refrain from the actions that caused the contamination of the drinking water  
6 with PFOA and PFOS.

7           k.       Whether Defendants made unlawful and misleading  
8 representations or material omissions with respect to the health impacts of PFOA  
9 and PFOS.  
10

11           l.       For the Medical Monitoring Class, whether Plaintiffs and Class  
12 Members were exposed to water containing elevated levels of PFOA and PFOS  
13 while living in Airway Heights and Medical Lake.

14           m.       For the Property Damage Class, whether the PFOA and PFOS  
15 contamination caused and continues to cause:  
16

17                   (1)   A continuous invasion of the property rights of the  
18 Plaintiffs and Class such that the property values within the Areas of Investigation  
19 have and/or continue to decline in value following the disclosure of the PFOA  
20 contamination; and

21                   (2)   Have substantially interfered with Plaintiffs' and the  
22 Class' use and enjoyment of their property.



p. Whether Manufacturing Defendants are strictly liable to Plaintiffs and the Class for their actions.

## Superiority

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**AFFF CONTAINING PFOA AND PFOS IS FUNGIBLE  
AND COMMINGLED IN THE GROUNDWATER**

5.15 AFFF containing PFOA and/or PFOS, once it has been released to the environment, lacks characteristics that would enable identification of the company that manufactured that particular batch of AFFF.

5.16 The process of manufacture and distribution of AFFF, including that which contains PFOA and/or PFOS, includes complex arrangements whereby Defendants sell product for delivery through the Department of Defense, the USAF, specific installations, and/or third-party logistic intermediaries throughout the country, including to Fairchild AFB.

5.17 A subsurface plume, even if it comes from a single location, such as a retention pond or fire training area, originates from mixed batches of AFFF coming from different manufacturers.

5.18 The case here at Fairchild AFB is typical: even though several areas were located at the base where the AFFF was used and entered the groundwater, neither the federal or state investigators could determine the identity of the manufacturers whose AFFF containing PFOA and PFOS contributed to the resulting groundwater contamination plume.

5.19 Because precise identification of the specific manufacture of any given AFFF that was the source of PFOA and PFOS found in a Class members' blood, a

1 water well, or the groundwater, is impossible, Plaintiffs must pursue all Defendants,  
2 jointly and severally, for those indivisible injuries which Defendants have  
3 collectively visited upon Plaintiffs and the Class.

4 5.20 Defendants are also jointly and severally liable because they conspired  
5 to conceal the true toxic nature of PFOS and PFOA, to profit from the use of AFFF  
6 containing PFOA and PFOS, at Plaintiffs' and the Classes' expense, to contaminate  
7 Plaintiffs' and the Classes' water supply, and to attempt to avoid liability for such  
8 contamination of the groundwater and poisoning of the Plaintiffs and the Class.  
9

10 **MARKET SHARE LIABILITY, ALTERNATIVE LIABILITY,**  
11 **CONCERT OF ACTION, ENTERPRISE LIABILITY**

12 5.21 Defendants in this action are manufacturers that control a substantial  
13 share of the market for AFFF-containing PFOA and/or PFOS in the United States  
14 and are jointly responsible for the contamination of the groundwater in the  
15 Communities and for causing the damages and injuries complained of in this  
16 Complaint. Market share liability attaches to all Defendants and the liability of each  
17 should be assigned according to its percentage of the market for AFFF-containing  
18 PFOA and/or PFOS at issue in this Complaint. PFOA and PFOS is fungible; it is  
19 impossible to identify the exact Defendant who manufactured any given batch of  
20 AFFF containing PFOA and/or PFOS found free in the air, soil or groundwater, and  
21  
22

1 each of these Defendants participated in a state-wide and national market for AFFF  
2 containing PFOA and/or PFOS during the relevant time.

3 5.22 Concert of action liability attaches to all Defendants, each of which  
4 participated in a common plan to commit the torts alleged herein and each of which  
5 acted tortuously in pursuance of the common plan to knowingly manufacture and  
6 sell inherently dangerous AFFF-containing PFOA and/or PFOS.

7 5.23 Enterprise liability attaches to all of the named Defendants for casting  
8 defective products into the stream of commerce.  
9

## 10 CONSPIRACY

11 5.24 Defendants actually knew of the health and environmental hazards  
12 which PFOA and PFOS posed to Plaintiffs and the Class.

13 5.25 Beginning in the 1970's and continuing through the date of this  
14 Complaint, Defendants formed joint task forces and committees and otherwise  
15 colluded for the avowed purpose of providing information about AFFF-containing  
16 PFOA and/or PFOS to the public and to government agencies, but with the true,  
17 unlawful purpose of:  
18

19 a. Creating a market for AFFF-containing PFOA and/or PFOS  
20 despite knowledge of the hazards which PFOA and PFOS posed to the groundwater  
21 in Washington and the residents who depend on such water;  
22

1           b.     Concealing the environmental properties and toxic nature of  
2 PFOA and PFOS, and its impact on Plaintiffs, the Class, and the environment; and

3           c.     Maximizing profits in a way Defendants knew would require  
4 them to contaminate Plaintiffs' drinking water and poison their bodies.

5           5.26 Defendants carried out their conspiracy by one or more of the following  
6 overt acts or omissions:

7           a.     Intentionally representing to the public that AFFF-containing  
8 PFOA and/or PFOS was safe and did not pose an environmental or human health  
9 risk;  
10

11           b.     Concealing the dangers of PFOA and PFOS (including  
12 toxicological information on the dangers of the chemicals to living organisms,  
13 adverse fate and transport characteristics and the propensity of PFOA and PFOS to  
14 contaminate groundwater) from the government and the public by, among other  
15 means, repeatedly requesting that information about the dangers and health effects  
16 of PFOA and PFOS be suppressed and not otherwise published and by downplaying  
17 any adverse findings relating to PFOA and PFOS;  
18

19           c.     Concealing the dangers of AFFF-containing PFOA and/or PFOS  
20 from end users, sensitive receptors, public water suppliers, and the users and  
21 consumers of groundwater;  
22

1 d. Using their consideration resources to fight PFOA and PFOS  
2 regulation; and

3 e. Collectively deciding to use PFOA and/or PFOS rather than  
4 other, safer surfactants because AFFF-containing PFOA and/or PFOS was the most  
5 profitable surfactant for Defendants to use.

6 5.27 As a direct and proximate result of the Defendants' above described  
7 conspiracy, PFOA and PFOS, at all times relevant to this litigation has:  
8

9 a. Posed and continues to pose a health threat to Plaintiffs and the  
10 Class because it has bioaccumulated in their bodies;

11 b. Will require testing and monitoring of Plaintiffs' health for  
12 known adverse health effects of PFOA and PFOS;

13 c. Contaminated Plaintiffs' property, soil and groundwater, for  
14 those with private water wells;

15 d. Will require remediation of PFOA and PFOS contaminated  
16 groundwater for those property owners who utilize a private water wells, or, where  
17 remediation of the groundwater is impractical, installation of a system to filter out  
18 PFOA and PFOS or procurement of water from alternative sources; and  
19

20 e. Diminished, and will continue to diminish the values of Plaintiffs  
21 and the Class' properties due to past, actual, impending or threatened contamination.  
22

**VI. CAUSES OF ACTION FOR CLASS ACTION  
AND INDIVIDUAL CLAIMS**

**A. First Cause of Action: Negligence**

6.1 Plaintiffs hereby repeat, reallege, and reiterate each and every allegation in the preceding paragraphs as if fully restated herein.

6.2 This cause of action is brought pursuant to Washington State statutory and common law, to include but not limited to Chapter 4.22 RCW.

6.3 Defendants knew or should have known that exposure to PFOA and PFOS was hazardous to the environment and to human health.

6.4 Defendants knew or should have known that the manner in which they were manufacturing, marketing, and selling AFFF, containing PFC's, was hazardous to human health, bioaccumulated in the blood, and caused serious health effects, including cancer.

6.5 Defendants also knew or should have known that PFC's are highly soluble in water, highly mobile, extremely persistent in the environment, and highly likely to contaminate water supplies if released into the environment.

6.6 Defendants knew or should have known that the manner in which they were manufacturing, marketing, and selling AFFF containing PFC's would result in the contamination of the municipal and private well drinking supplies of Airway

1 Heights and Medical Lake, as a result of these communities' proximity to Fairchild  
2 AFB.

3 6.7 Defendants owed a duty to Plaintiffs to act reasonably and not place  
4 inherently dangerous AFFF into the marketplace when its release into the drinking  
5 water supplies was imminent and certain.

6 6.8 Defendants marketed and sold their products with knowledge that  
7 AFFF containing large quantities of toxic PFC's would be used in training exercises  
8 and in emergency situations at military bases, including Fairchild AFB, in such a  
9 manner that dangerous chemicals would be released into the environment.  
10

11 6.9 Further, Defendants marketed and sold their products with knowledge  
12 that AFFF containing large quantities of toxic PFC's would be stored in fire  
13 suppressant systems and tanks on USAF Bases and that such systems and storage  
14 were used and maintained in such a manner that dangerous chemicals would be  
15 released into the environment.  
16

17 6.10 Knowing of the dangerous and hazardous properties of AFFF, and the  
18 manner in which AFFF would be used, stored, and maintained at Fairchild AFB, it  
19 was foreseeable that AFFF would contaminate the surrounding environment,  
20 groundwater, and drinking water supplies of Airway Heights and Medical Lake, as  
21 a result of these communities' proximity to Fairchild AFB.  
22



1           6.11 Defendants therefore knew or should have known that safety  
2 precautions would be required to prevent the release of PFOA and PFOS into the  
3 surrounding environment, groundwater, and drinking water supplies.

4           6.12 The magnitude of the burden on the Defendants to guard against this  
5 foreseeable harm to Plaintiffs and the Class was minimal, as the practical  
6 consequences of placing this burden on the Defendants amounted to a burden to  
7 provide adequate instructions, proper labeling, and sufficient warnings about their  
8 AFFF products.  
9

10          6.13 As manufacturers, Defendants were in the best position to provide  
11 adequate instructions, proper labeling, and sufficient warnings about their AFFF  
12 products.

13          6.14 Considering the above factors related to risk, foreseeability, social  
14 utility, burden of guarding against the harm, and the practical consequences of  
15 placing that burden on the Defendants, the Defendants therefore owed a cognizable  
16 duty to Plaintiffs and the Class not to contaminate their municipal and private well  
17 drinking water supplies and the surrounding environment and groundwater with  
18 AFFF, containing dangerous levels of PFC's.  
19

20          6.15 Defendants had a duty to warn of the hazards associated with AFFF,  
21 containing PFC's, entering and poisoning the environment and groundwater.  
22

1           6.16 Defendants, as manufacturers, marketers, and sellers of AFFF owed  
2 Plaintiffs and the Class a cognizable duty to exercise reasonable care to ensure that  
3 AFFF was manufactured, marketed, and sold in such a way as to ensure that the end  
4 users of AFFF were aware of the potential harm PFOA and PFOS can cause to  
5 human health and the environment.

6           6.17 Upon learning of the release of the contaminants, all Defendants owed  
7 Plaintiffs and the Class a duty to warn and notify Plaintiffs and the Class of the  
8 release of the contamination before it injured Plaintiffs and the Class and their  
9 property and/or to act reasonably to minimize the damage to Plaintiffs and their  
10 property.

11           6.18 Defendants breached their duty by allowing PFOA and PFOS to be  
12 released into the municipal and private well drinking water supplies of Airway  
13 Heights and Medical Lake, and through their failure to warn and notify the end users  
14 of AFFF of the danger that PFOA and PFOS would enter into the environment and  
15 groundwater.

16           6.19 As such, the Defendants, negligently, grossly negligently, recklessly,  
17 willfully, wantonly, and/or intentionally breached their legal duties to the Plaintiffs  
18 and the Class, causing the contamination of the municipal and private well drinking  
19 water supplies in and around the residences of Plaintiffs and the Class.  
20  
21  
22

1           6.20 Defendants further breached the duties owed to the Plaintiffs and the  
2 Class by failing to take reasonable, adequate, and sufficient steps or actions to  
3 eliminate, correct, or remedy any contamination after it occurred.

4           6.21 Defendants' failure to notify the Plaintiffs and the Class in a timely  
5 manner of the contamination of the municipal and private well drinking water  
6 supplies, and, consequently, the presence of PFOA and PFOS in the real properties  
7 of Plaintiffs constitutes another breach of the duties that Defendants owed Plaintiffs  
8 and the Class.

9  
10          6.22 Defendants' breaches of their duties were direct and proximate causes  
11 of Plaintiffs' and the Class' injuries, damages, and the imminent, substantial, and  
12 impending harm to their health and property.

13          6.23 Defendants' breaches of their duties caused the drinking water in both  
14 the municipal and private well supplies to become contaminated with unsafe and  
15 dangerous levels of PFOA and PFOS.

16  
17          6.24 Further, Defendants' breach of their duty to timely notify the  
18 community and act reasonably in warning of the presence of PFOA and PFOS in  
19 AFFF, Plaintiffs and the Class were forestalled from undertaking effective and  
20 immediate remedial measures, and Plaintiffs and the Class have expended and/or  
21 will be forced to expend significant resources to test, monitor, and remediate the  
22

1 effects of Defendants' negligence for many years.

2 6.25 Plaintiffs and the Class suffered foreseeable injuries and damages as a  
3 proximate result of said Defendants' negligent breach of their duties as set forth  
4 above. At the time Defendants breached their duties to Plaintiffs and the Class,  
5 Defendants' acts and/or failures to act posed recognizable and foreseeable  
6 possibilities of danger to Plaintiffs and the Class so apparent as to entitle them to be  
7 protected against such actions or inactions.  
8

9 6.26 Accordingly, Plaintiffs and the Classes seek damages from Defendants,  
10 in an amount to be determined at trial, directly resulting from their injuries to their  
11 persons and property, in a sufficient amount to compensate them for the injuries and  
12 losses sustained and to restore Plaintiffs and the Class to their original position,  
13 including but not limited to the difference between the current value of their  
14 properties and such value if the harm had not been done, the cost of repair or  
15 restoration, the value of the use of the continuous trespass, injuries to persons,  
16 including the need for medical monitoring as an element of damages, and actual,  
17 consequential, and nominal damages, flowing from the negligence which are the  
18 natural and proximate result of Defendants conduct in an amount to be proved at  
19 trial.  
20  
21  
22

**B. Second Cause of Action: Medical Monitoring**

6.27 Plaintiffs hereby repeat, reallege, and reiterate each and every allegation in the preceding paragraphs as if fully restated herein.

6.28 This cause of action is brought pursuant to federal and Washington State statutory and common law.

6.29 Medical monitoring is available to Plaintiffs and Class Members who have yet to sustain a present injury as a stand-alone cause of action as the increased risk of developing the diseases and conditions discussed supra constitute an injury-in-fact and also as an element of damages associated with Plaintiffs and Class Members other claims for those Plaintiffs and Class Members who have sustained a present injury.

6.30 A claim for medical monitoring requires (1) significant exposure to a proven hazardous substance through the negligent actions of defendant; (2) an increased risk of contracting a serious latent disease as a proximate result of exposure; (3) increased risk makes periodic diagnostic medical examinations reasonably necessary; and (4) monitoring and testing procedures exist which make the early detection and treatment of the disease possible and beneficial. See *Durfey v. E.I. DuPont De Nemours & Co.*, 59 F.3d 121, 123 (9th Cir. 1995) citing *In re Paoli R.R. Yard PCB Litig.*, 916 F.2d 829, 852 (3rd Cir. 1990); see also, *Krottner v.*

Starbucks Corp., 628 F.3d 1139, 1142 (9th Cir. 2010).

6.31 Defendants knew or should have known that the manner in which they were manufacturing, marketing, and selling AFFF containing PFC's would result in the contamination of the municipal and private well drinking water supplies of Airway Heights and Medical Lake, as a result of these communities' proximity to the Fairchild Air Force Base.

6.32 Defendants knew or should have known that exposing humans to PFC-contaminated water would be hazardous to human health and the environment.

6.33 The Plaintiffs and the Classes have been exposed to PFOA, PFOS, and potentially other toxic substances that resulted from the use, storage, and discharge of AFFF at Fairchild AFB.

6.34 As described more fully above in this Complaint, PFOA and PFOS exposure leads to the bioaccumulation of PFOA and PFOS in the blood, seriously increasing the risk of contracting numerous diseases. Medical tests currently exist that can determine the level of PFOA and PFOS in the blood.

6.35 Given that exposure to and bioaccumulation of PFOA and PFOS significantly increases the risk of contracting a serious medical condition, periodic medical examinations to detect latent diseases are both reasonable and necessary. A thorough medical monitoring plan, following common and accepted medical

1 practices, can and should be developed for the Plaintiffs and the Classes to assist in  
2 the early detection and beneficial treatment of the diseases that can develop as a  
3 result of exposure to PFOA and PFOS.

4 **C. Third Cause of Action:**  
5 **Products Liability – Failure to Warn**

6 6.36 Plaintiffs hereby repeat, reallege, and reiterate each and every  
7 allegation in the preceding paragraphs as if fully restated herein.

8 6.37 This cause of action is brought pursuant to Washington State statutory  
9 and common law, to include but not limited to Chapter 7.72 RCW.

10 6.38 Defendants knew or should have known that exposure to PFOA and  
11 PFOS was hazardous to the environment and to human health.

12 6.39 Defendants knew or should have known that the manner in which they  
13 were manufacturing, marketing, and selling AFFF, containing PFC's, was hazardous  
14 to human health and the environment.

15 6.40 Defendants knew or should have known that the manner in which they  
16 were manufacturing, marketing, and selling AFFF containing PFC's would result in  
17 the contamination of the municipal and private water supply as a result of its  
18 proximity to Fairchild AFB.

19 6.41 Defendants had the duty to warn of the hazards associated with AFFF  
20  
21  
22

1 entering and poisoning the environment and groundwater because they knew of the  
2 dangerous, hazardous and toxic properties of the AFFF.

3 6.42 Defendants failed to provide sufficient warning that the use and storage  
4 of Defendants' product would cause the product to be released into the environment  
5 and cause the contamination of the environment, groundwater, and drinking water,  
6 with PFOA and PFOS.

7 6.43 Further, this contamination led to the exposure and bioaccumulation of  
8 PFOA and PFOS of the Plaintiffs and the Class and increased their risk of developing  
9 numerous diseases as more fully set forth above.  
10

11 6.44 Adequate instructions and warnings on the AFFF products could have  
12 reduced or avoided these foreseeable risks of harm to Plaintiffs and the Class and  
13 their properties.

14 6.45 Had Defendants provided adequate warnings, Plaintiffs and the Class  
15 could have taken measures to avoid or lessen their exposure.  
16

17 6.46 Had Defendants provided adequate warnings to the end users, steps  
18 could have been taken to reduce or prevent the release of PFOA and PFOS into the  
19 environment, groundwater, and drinking water.

20 6.47 Defendants' failure to warn was a direct and proximate cause of the  
21 environmental and health impacts from PFOA and PFOS that came from the use,  
22



1 storage and disposal of AFFF at Fairchild AFB.

2 6.48 As such, Defendants' failure to provide adequate and sufficient  
3 warnings for the AFFF that they manufactured, marketed, and sold renders the AFFF  
4 a defective product.

5 6.49 As a result of Defendants' conduct and the resulting contamination, the  
6 value and marketability of the property of the Plaintiffs' and Property Damage Class  
7 has been and will continue to be diminished. Plaintiffs and the Class have suffered  
8 the need for and the cost of remediation of their properties and or mitigation systems  
9 for those properties, and the cost of alterative water.  
10

11 6.50 As a result of the contamination, Plaintiffs and the Class have lost use  
12 and enjoyment of their properties and have suffered annoyance and discomfort,  
13 inconvenience and annoyance as a consequence of the contamination of their  
14 properties by Defendants.

15 6.51 As a result of Defendants' conduct and the resulting contamination, the  
16 Plaintiffs and the Classes have been injured in that their exposure to PFOS, PFOA,  
17 and potentially other toxic substances has caused them to develop illnesses  
18 associated with this exposure as more fully described and/or significantly increased  
19 their risk of developing those illnesses.  
20

21 6.52 As a result of Defendants' manufacture, sale or distribution of a  
22

1 defective product, Defendants are strictly liable in damages to the Plaintiffs and  
2 Class Members.

3 6.53 Defendants' acts were willful, wanton, reckless and/or conducted with  
4 a reckless indifference to the rights of Plaintiffs and Class Members.

5  
6 **D. Fourth Cause of Action:**  
**Products Liability – Defective Design**

7 6.54 Plaintiffs hereby repeat, reallege, and reiterate each and every  
8 allegation in the preceding paragraphs as if fully restated herein.

9  
10 6.55 This cause of action is brought pursuant to Washington State statutory  
11 and common law, to include but not limited to Chapter 7.72 RCW.

12 6.56 Defendants knew or should have known that exposure to PFOA and/or  
13 PFOS was hazardous to the environment and to human health.

14 6.57 Defendants knew or should have known that the manner in which they  
15 were manufacturing, marketing, and selling AFFF, containing PFOA and/or PFOS,  
16 was hazardous to human health and the environment.

17  
18 6.58 Defendants knew or should have known that the manner in which they  
19 were manufacturing, marketing, and selling AFFF containing PFOA and/or PFOS  
20 would result in the contamination of the municipal and private water supply as a  
21 result of its proximity to Fairchild AFB.

1           6.59 Knowing of the dangerous and hazardous properties of the AFFF,  
2 Defendants could have manufactured, marketed, and sold alternative designs or  
3 formulations of AFFF that did not contain PFOA or PFOS.

4           6.60 These alternative designs and/or formulations were already available,  
5 practical, and technologically feasible.

6           6.61 The use of these alternative designs would have reduced or prevented  
7 the reasonably foreseeable harm to persons and property caused by the Defendants'  
8 manufacture, marketing, and sale of AFFF that contained PFOA or PFOS.

9           6.62 Additionally, the AFFF that was manufactured, marketed, and sold by  
10 the Defendants contained PFOA and/or PFOS chemicals that were so toxic and  
11 dangerous to human health and the environment, mobile, and persistent, that the act  
12 of designing, formulating, manufacturing, marketing, and selling this product was  
13 unreasonably dangerous under the circumstances.  
14

15           6.63 Further, this contamination then led to the exposure and  
16 bioaccumulation of PFOA and PFOS to the residents in the Communities and  
17 increased their risk of numerous diseases.  
18

19           6.64 The AFFF manufactured, marketed, and sold by the Defendants was  
20 defectively designed as the foreseeable risk of harm could have been reduced or  
21 eliminated by the adoption of a reasonable, alternative design that was not  
22

unreasonably dangerous.

6.65 Defendants' defective design and formulation of AFFF was a direct and proximate cause of the environmental and health impacts from PFOA and PFOS, that came from the use and storage of AFFF at Fairchild AFB.

6.66 As a result of Defendants' defective design and formulation of AFFF, the resulting contamination, the value and marketability of the property of the Plaintiffs' and Property Damage Class has been and will continue to be diminished. Plaintiffs and the Class Members have suffered the need for and the cost of remediation of their properties and or mitigation systems for those properties, and the cost of alternative water.

6.67 As a direct result of the contamination Plaintiffs and the Plaintiff Class have lost use and enjoyment of their properties and have suffered annoyance and discomfort, inconvenience and annoyance as a consequence of the contamination of their properties by Defendants.

6.68 As a direct result of Defendants' defective design and formulation of AFFF, the resulting contamination, the Plaintiffs and the Classes have been injured in that their exposure to PFOS, PFOA, and potentially other toxic substances has caused them to develop illnesses associated with this exposure as more fully described and/or significantly increased their risk of developing those illnesses.

1           6.69 As a result of Defendants' design and formulation of a defective  
2 product, Defendants are strictly liable in damages to the Plaintiffs and Class  
3 Members.

4           6.70 Defendants' acts were willful, wanton, reckless and/or conducted with  
5 a reckless indifference to the rights of Plaintiffs and Class Members.

6                                   **E. Fifth Cause of Action:**  
7                                   **Private Nuisance**

8           6.71 Plaintiffs and the Class hereby repeat, reallege, and reiterate each and  
9 every allegation in the preceding paragraphs as if fully restated herein.

10           6.72 This cause of action is brought pursuant to the laws of Washington State  
11 statutory and common law, to include but not limited to Chapter 7.48 RCW.

12           6.73 Plaintiffs and the Property Damage Class, as described above, are  
13 owners of real property with the right of possession.

14           6.74 To be actionable a nuisance "must either injure the property or  
15 unreasonably interfere with enjoyment of the property" or as otherwise specifically  
16 provided for by statute. *Tiegs v. Watts*, 135 Wash. 2d 1, 13, 954 P.2d 877, 883–84  
17 (1998)  
18

19           6.75 At all times relevant to the present cause of action, Defendants  
20 manufactured, marketed, and sold the AFFF that was used at Fairchild AFB that  
21 resulted in the contamination of the water supply relied upon by Plaintiffs and  
22

1 Property Damage Class at all relevant times.

2 6.76 At the time the above-described, affirmative, voluntary, and intentional  
3 acts were performed by Defendants, Defendants had good reason to know or expect  
4 that large quantities of PFOA and PFOS would and/or could be introduced into the  
5 properties of Plaintiffs and the Property Damage Class.

6 6.77 The above-described affirmative, voluntary, and intentional acts were  
7 performed with the reckless disregard of the potential for PFOA and PFOS to be  
8 disbursed through the water and onto the land and property of Plaintiffs and the  
9 Property Damage Class.  
10

11 6.78 Defendants' negligent, reckless, willful, and/or wanton actions and/or  
12 intentional failures to act caused an unknown quantity of PFOA and PFOS to be  
13 released into the drinking water for residential areas near Fairchild Air Force Base.

14 6.79 The introduction of unknown quantities of PFOA and PFOS onto the  
15 property of the Plaintiffs and Property Damage Class unreasonably interfered with  
16 the use and enjoyment of their property.  
17

18 6.80 The potential danger from the drinking water at their residences has  
19 caused the Plaintiffs and the Class significant and unreasonable inconvenience and  
20 expense.

21 6.81 This constitutes a substantial interference with the use of the properties  
22

1 such that it is offensive and has caused significant inconvenience or annoyance.

2 6.82 Accordingly, Plaintiffs and the Class seek damages from Defendants,  
3 in an amount to be determined at trial, directly resulting from their injuries to their  
4 persons and property, in a sufficient amount to compensate them for the injuries and  
5 losses sustained and to restore Plaintiffs and the Class to their original position,  
6 including but not limited to the difference between the current value of their  
7 properties and such value if the harm had not been done, the cost of repair or  
8 restoration, the value of the use of the continuous nuisance, injuries to persons,  
9 including the need for medical monitoring as an element of damages, and actual,  
10 consequential, and nominal damages, flowing from the nuisance which are the  
11 natural and proximate result of Defendants' conduct in an amount to be proved at  
12 trial.  
13

## 14 **VII. CLAIM FOR PUNITIVE DAMAGES**

15 7.1 Plaintiffs and the Class hereby repeat, reallege, and reiterate each and  
16 every allegation in the preceding as if fully restated herein.  
17

18 7.2 Upon information and belief, Defendants engaged in willful, wanton,  
19 malicious, and or/reckless conduct that caused the foregoing property damage,  
20 nuisances, and injuries upon the persons and properties of Plaintiffs and the Class,  
21 disregarding their protected rights.  
22

1           7.3 Defendants' willful, wanton, malicious, and/or reckless conduct  
2 includes but is not limited to Defendants' failure to take all reasonable measures to  
3 ensure PFOA and PFOS, which they knew to be carcinogenic, was not ingested by  
4 Plaintiffs and the Class.

5           7.4 Defendants have caused great harm to the property and water supplies  
6 of Plaintiffs and the Class and demonstrated an outrageous conscious disregard for  
7 their safety with implied malice, warranting the imposition of punitive damages.  
8

### 9                                   **VIII. PRAYER FOR RELIEF**

10           WHEREFORE, the Plaintiffs and the Class demand judgment against  
11 Defendants, and each of them, jointly and severally, and request the following relief  
12 from the Court:

13           8.1 Certification of the proposed Sub-Classes;

14           8.2 A declaration that Defendants acted with negligence, gross negligence,  
15 and/or willful, wanton, and careless disregard for the health, safety, and property of  
16 Plaintiffs and members of the Class;

17           8.3 An order requiring that Defendants pay for a testing and monitoring  
18 protocol to test each property and its drinking water for the properties belonging to  
19 the members of the Property Damage Class;

20           8.4 An order establishing a medical monitoring protocol for Plaintiffs and  
21 the Class;  
22



8.5 An award to Plaintiffs and the Class of general, compensatory, exemplary, consequential, nominal, and punitive damages;

8.6 An order for an award of attorney fees and costs, as provided by law;

8.7 Pre-judgment and post-judgment interest as provided by law; and

8.8 An order for all such other relief the Court deems just and proper.

### IX. JURY DEMAND

Plaintiffs demand a trial by jury of any and all issues in this matter so triable.

DATED this 5th day of April, 2018.

#### PAUKERT & TROPPMANN, PLLC

522 West Riverside Avenue, Suite 560,

Spokane, Washington 99201

Tel: 509-232-7760 Fax: 509-232-7762

s/ Breean L. Beggs, WSBA #20795  
BREEAN L. BEGGS, WSBA #20795

s/ Andrew Biviano, WSBA #38086  
ANDREW S. BIVIANO, WSBA #38086

s/ Mary Elizabeth Dillon, WSBA #50727  
MARY ELIZABETH DILLON, WSBA #50727

s/ Daniel R. Hayward, WSBA # 51293  
DANIEL R. HAYWARD, WSBA #51283

Attorneys for Plaintiffs and Proposed Classes

#### NAPOLI SHKOLNIK PLLC

360 Lexington Avenue, 11th Floor, New York, New York 10017

Tel: (212) 397-1000

s/ Tate J. Kunkle, Esq.  
TATE J. KUNKLE, ESQ.  
PHV Motion Forthcoming

s/ Patrick Lanciotti, Esq  
PATRICK LANCIOTTI, ESQ  
PHV Motion Forthcoming

s/ Paul J. Napoli, Esq  
PAUL J. NAPOLI, ESQ  
PHV Motion Forthcoming

Attorneys for Plaintiffs and Proposed Classes

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

ACKERMAN, CHRISTINA et al (see attached list)

**(b)** County of Residence of First Listed Plaintiff Spokane (where action occurred)  
(EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorneys (Firm Name, Address, and Telephone Number)

Paukert & Troppmann, PLLC: Andrew S. Biviano, Breean L. Beggs, Mary Elizabeth Dillon, and Daniel R. Hayward. Address: 522 West Riverside Avenue, Suite 560, Spokane WA 99201. Tel: 509-232-7760 See Attached page for full Plaintiff attorney list.

**DEFENDANTS**

THE 3M COMPANY, f/k/a Minnesota Mining and Manufacturing, Co.; TYCO FIRE PRODUCTS L.P., successor in interest to THE ANSUL COMPANY; BUCKEYE FIRE EQUIPMENT COMPANY; CHEMGUARD INC.; and NATIONAL FOAM, INC.,

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
			<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation - Transfer  
☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. § 132 (a)(1) and (d)(2),

Brief description of cause:

Plaintiffs seek personal injury and property damages caused by harmful chemicals manufactured and sold by Defendants.

**VII. REQUESTED IN COMPLAINT:**

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$  
in excess of 5,000,000.00

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

April 4, 2018

SIGNATURE OF ATTORNEY OF RECORD

*Andrew Biviano* WSBA # 38086

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

CHRISTINA ACKERMAN, ET AL

V

3M COMPANY, ET AL

**PLAINTIFF'S ATTORNEY LIST**

Civil Cover Sheet attachment for 1.(c)

<b>PAUKERT &amp; TROPPMANN, PLLC</b> 522 W. Riverside Avenue, Suite 560 Spokane, WA 99201 509-232-7760		
<b>Name</b>	<b>WSBA #</b>	<b>email</b>
Andrew S. Biviano	38086	<a href="mailto:abiviano@pt-law.com">abiviano@pt-law.com</a>
Breean L. Beggs	20795	<a href="mailto:bbeggs@pt-law.com">bbeggs@pt-law.com</a>
Mary Elizabeth Dillon	50727	<a href="mailto:bdillon@pt-law.com">bdillon@pt-law.com</a>
Daniel R. Hayward	51293	dhayward@pt-law.com

<b>NAPOLI SHKOLNIK PLLC</b> 360 Lexington Avenue, 11th Floor New York, New York 10017 Tel: (212) 397-1000		
<b>Name</b>	<b>WSBA #</b>	<b>email</b>
Tate J. Kunkle	PHV Motion Forthcoming	TKunkle@NapoliLaw.com
Paul J. Napoli	PHV Motion Forthcoming	
Patrick Lanciotti	PHV Motion Forthcoming	

**SEAN F. McAVOY, Clerk**

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

\_\_\_\_\_  
 Date

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

Print

Save As...

Reset

**SEAN F. McAVOY, Clerk**

Civil Action No. \_\_\_\_\_

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## Eastern District of Washington

Defendant(s)

Civil Action No.

**SEAN F. McAVOY, Clerk**



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

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 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

\_\_\_\_\_  
 Date

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

Print

Save As...

Reset

## Eastern District of Washington

Defendant(s)

Civil Action No.

**SEAN F. McAVOY, Clerk**

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

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☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

\_\_\_\_\_  
 Date

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

Print

Save As...

Reset

**SEAN F. McAVOY, Clerk**

Civil Action No. \_\_\_\_\_

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 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

\_\_\_\_\_  
 Date

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

Print

Save As...

Reset

## Eastern District of Washington

CHRISTINA ACKERMAN, et al

Plaintiff(s)

V.

THE 3M COMPANY, f/k/a Minnesota Mining and Manufacturing, Co, et al

Defendant(s)

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* NATIONAL FOAM, INC.  
Corporation Trust Center  
1209 Orange Street  
Wilmington, Delaware 19801

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Andrew S. Biviano  
Breean L. Beggs  
Paukert & Troppmann, PLLC  
522 W. Riverside Avenue, Suite 560  
Spokane, WA 99201  
509-232-7760

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date

**SEAN F. McAVOY, Clerk**

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_ , a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
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**SEAN F. McAVOY, Clerk**



Civil Action No. \_\_\_\_\_

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\_\_\_\_\_  
*Server's address*

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## Eastern District of Washington

Defendant(s)

Civil Action No.

**SEAN F. McAVOY, Clerk**

Civil Action No. \_\_\_\_\_

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*Printed name and title*

\_\_\_\_\_  
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## Eastern District of Washington

**SEAN F. McAVOY, Clerk**

Civil Action No. \_\_\_\_\_

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# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [91 Plaintiffs Sue 3M, Fire Safety Cos. Over Alleged Water Contamination Near Fairchild Air Force Base](#)

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