

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

<p>Hanah Bates; Michael S. Bridges; Ann Marie Kuter; Kelley Liott; Lynda Mills, as parent and natural guardian of S. M., a minor; Jennifer Rock; Carolyn Sippel; and J. Davey Yockey and Josephine Yockey, husband and wife; individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>3M Company; Tyco Fire Products LP, successor-in-interest to The Ansul Company; Buckeye Fire Protection Company; Chemguard; and National Foam, Inc.,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Case No. 16-cv-04961-PBT</p> <p style="text-align: center;">CONSOLIDATED CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL</p>
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Plaintiffs Hanah Bates, Michael S. Bridges, Ann Marie Kuter, Kelley Liott, Lynda Mills, as parent and natural guardian of S. M., a minor, Jennifer Rock, Carolyn Sippel, and J. Davey Yockey and Josephine Yockey, husband and wife (collectively, “Plaintiffs”), individually and on behalf of all others similarly situated, by and through their attorneys, as and for their complaint against defendants 3M Company, Tyco Fire Products LP, successor-in-interest to The Ansul Company, Buckeye Fire Protection Company, Chemguard, and National Foam (collectively, “Defendants”), allege as follows:

INTRODUCTION

1. Plaintiffs bring this action against Defendants for medical monitoring, monetary damages and property damage as a result of the contamination of the area’s drinking water by chemicals and toxic compounds, namely PFOS and PFOA, that arose from products that Defendants manufactured and sold without warning users of the toxic effects these chemicals

and compounds would cause when introduced into the environment. Nor did the Defendants provide purchasers and users of their products with proper and adequate instructions on how to store, use and dispose of their products to prevent the foreseeable harm to the environment and human health.

2. For years—even decades—the Defendants manufactured and sold Aqueous Film Forming Foam (“AFFF”), a firefighting suppressant agent, to the U.S. Navy for use on ships and at military bases, including the former Willow Grove Naval Air Station Joint Reserve Base in Horsham Township, Pennsylvania (the “Willow Grove Base”), and the former Naval Air Warfare Center in Warminster Township, Pennsylvania (the “Warminster Base”). (The Willow Grove Base and the Warminster Base are collectively referred to as the “Bases.”)

3. The AFFF manufactured and sold by Defendants contained perfluorinated compounds (“PFCs”), such as perfluorooctane sulfonate (“PFOS”) and perfluorooctanoic acid (“PFOA”), and/or other PFCs that degrade into PFOS and/or PFOA.

4. Plaintiffs and other residents in the area near the Bases obtain their drinking water predominantly from groundwater pumped by either municipal or private wells. For decades, residents near the Bases, and employees on the Bases, have been drinking water laced with PFOS and PFOA. When consumed, PFOS and PFOA can cause numerous and serious health issues. Additionally, the presence of PFOS and PFOA in drinking water can result in devaluation of property. Further, the disclosure that the drinking water is contaminated with chemicals significantly reduces the value of properties in the area.

5. The Defendants manufactured AFFF that contained “fluorocarbon surfactants,” believed to include PFOS, PFOA, and/or certain other PFCs that degrade into PFOS or PFOA.

(PFOS, PFOA and the PFCs that degrade into PFOS or PFOA are hereinafter referred to as “Toxic Surfactants.”)

6. As the manufacturers of AFFF, the Defendants knew or should have known that the inclusion of Toxic Surfactants in AFFF presented an unreasonable risk to human health and the environment.

7. Nonetheless, Defendants marketed and sold their products with the full knowledge that large quantities of Toxic Surfactant-laden AFFF would be used in training exercises and in emergency situations in such a manner that the dangerous chemicals would be introduced, in large quantities, into the environment.

8. The residents in the communities that surround the Bases, as well as many civilians and military personnel who spent significant time on the Bases, have been exposed for years, if not decades, to PFOS and PFOA at concentrations well above a safe drinking level. These innocent bystanders had no way to know that they were consuming water contaminated with PFOS and PFOA until the contamination was disclosed to them by state and federal officials.

9. Plaintiffs bring this suit on behalf of themselves and all those similarly situated to recover damages for property damage, loss of the use and enjoyment of property, costs and expenses incurred and to be incurred, and other damages, and to seek monitoring for potential health risks that they face as a result of their exposure to PFOS and PFOA from Defendants’ AFFF.

PARTIES

Plaintiffs

10. Plaintiff Hanah Bates is a citizen of the Commonwealth of Pennsylvania, with an address at 41 Shannon Road, North Wales, PA 19454. From 2005 to 2011, Ms. Bates resided at 1700 Street Road, Warrington, PA 18976 and obtained her drinking water from the Warrington Township Water and Sewer Department. Ms. Bates also worked at the Willow Grove Base as a civilian employee and drank water that was supplied from wells on the Base.

11. Plaintiff Michael S. Bridges is a citizen of the Commonwealth of Pennsylvania, who, from 2009 to the present, has resided at 329 Hawthorne Street, Warminster, PA 18974. Mr. Bridges obtains his drinking water from a private well located on his property. From 2006 to 2009, Mr. Bridges resided at 577 Skyhawk Drive, Warminster, PA 18974, where he obtained his water from the Warminster Municipal Authority. From 1997 to 2000, Mr. Bridges was stationed at the Willow Grove Base as a member of the military and drank water that was supplied from wells on the Base.

12. Plaintiff Ann Marie Kuter is a citizen of the Commonwealth of Pennsylvania, who, from 2007 to the present, has resided at 562 Taylor Avenue, Warrington, PA 18976. Ms. Kuter obtains her drinking water from the Warrington Township Water and Sewer Department.

13. Plaintiff Kelley Liott is a citizen of the Commonwealth of Pennsylvania, who, from 2008 to the present, has resided at 315 Evergreen Road, Horsham, PA 19044. Ms. Liott obtains her drinking water from a private well located on her property.

14. Plaintiff Lynda Mills, as parent and natural guardian of S. M., a minor, is a citizen of the Commonwealth of Pennsylvania. S. M. has resided at 103 Sourwood Drive, Hatboro, PA

19040 from 2008 to the present. S. M. obtains his drinking water from the Horsham Water and Sewer Authority.

15. Plaintiff Jennifer Rock is a citizen of the Commonwealth of Pennsylvania, who, from 2001 to the present, has resided at 303 Edgely Avenue, Horsham, PA 19044. Ms. Rock obtains her drinking water from the Horsham Water and Sewer Authority.

16. Plaintiff Carolyn Sippel is a citizen of the Commonwealth of Pennsylvania, who, from 2003 to the present, has resided at 514 Overlook Drive, Warminster, PA 18974. Ms. Sippel obtains her drinking water from the Warminster Municipal Authority.

17. Plaintiffs J. Davey Yockey and Josephine Yockey, husband and wife, are citizens of the Commonwealth of Pennsylvania, who, from 2015 to the present, have resided at 1158 McKean Road, Ambler, Horsham Township, PA 19002. Mr. and Mrs. Yockey obtain their drinking water from a private well located on their property.

Defendants

18. Defendant 3M Company (“3M”) is a corporation organized and existing under the laws of the state of Delaware, having its principal place of business at 3M Center, St. Paul, MN 55133.

19. Through at least 2002, 3M manufactured PFOS for AFFF and it manufactured and sold AFFF that contained Toxic Surfactants.

20. Defendant Tyco Fire Products LP (hereinafter “Tyco”) is a Delaware corporation, having a principal place of business at One Stanton Street, Marinette, WI 54143.

21. Tyco manufactures the Ansul brand of products and AFFF, and upon information and belief, is the successor-in-interest of the corporation formerly known as The Ansul Company

(hereinafter “Ansul”). (Hereinafter, Ansul and/or Tyco as the successor in interest to Ansul will be referred to collectively as “Tyco/Ansul.”)

22. At all times relevant, Tyco/Ansul manufactured fire suppression products, including AFFF that contained Toxic Surfactants.

23. Defendant Buckeye Fire Equipment Company (“Buckeye”) is an Ohio corporation, with its principal place of business at 110 Kings Road, Kings Mountain, NC 28086.

24. At all times relevant, Buckeye manufactured fire suppression products, including AFFF that contained Toxic Surfactants.

25. Chemguard is a Texas corporation, having a principal place of business at One Stanton Street, Marinette, WI 54143.

26. At all times relevant, Chemguard manufactured fire suppression products, including AFFF that contained Toxic Surfactants.

27. National Foam, Inc. (“National Foam”) is a Delaware corporation, having a principal place of business at 350 East Union Street, West Chester, PA19382.

28. At all times relevant, National Foam manufactured fire suppression products, including AFFF that contained Toxic Surfactants.

JURISDICTION AND VENUE

29. Jurisdiction is proper in this Court pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332(d), because members of the proposed Plaintiff classes are citizens of states different from at least some of Defendants’ home states, and the aggregate amount in controversy exceeds \$5,000,000, exclusive of interest and costs.

30. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because the events or omissions by Defendants giving rise to the claims asserted herein occurred in this District, have

caused harm to Class Members residing in this District, and Plaintiffs Hanah Bates, Michael S. Bridges, Ann Marie Kuter, Kelley Liott, Lynda Mills, as parent and natural guardian of S. M., a minor, Jennifer Rock, Carolyn Sippel, and J. Davey Yockey and Josephine Yockey, husband and wife, reside in this District.

GENERAL FACTUAL ALLEGATIONS

Background Regarding PFOS and PFOA

31. PFCs are manmade chemicals that do not exist in nature.
32. There are numerous chemicals in the PFC family, but the two most recognized PFCs are PFOS and PFOA, which have been addressed the most in the scientific and medical literature.
33. PFCs, including PFOS and PFOA, have been widely used in industry and in commercial products due to their quality to resist heat and chemical reactions, and to repel water, dirt, oil, and grease.
34. Companies used PFOS and PFOA to make, among other things, carpets, clothing, stain-resistant fabrics for furniture, paper packaging for food and other materials such as cookware that are resistant to water, grease or stains.
35. Companies also used PFOS and other Toxic Surfactants specifically to make AFFF.
36. PFOS and PFOA have unique properties that cause them to be classified as persistent, bioaccumulative, and toxic.
37. First, PFOS and PFOA are persistent. Due to the strength of multiple carbon-fluorine bonds, PFOS and PFOA break down very slowly in the environment.

38. PFOS and PFOA are thermally, chemically, and biologically stable and resistant to biodegradation, atmospheric photooxidation, direct photolysis, and hydrolysis.

39. PFOS and PFOA can persist in the environment for decades.

40. PFOS and PFOA are also water soluble, making them mobile in groundwater and the environment, and because they repel organic materials, they readily leach through soils impacting groundwater.

41. Typical municipal water treatment plants do not filter PFOS and PFOA from contaminated water due to the chemicals' physical and chemical properties.

42. Similarly, neither boiling nor using chlorine and other disinfectants that are typically added to municipal drinking water systems will remove PFOS or PFOA from contaminated water.

43. The only treatment technology known to be effective in removing PFOS and PFOA is carbon absorption; however, systems must be designed, tested and proven on a site by site basis, making the technology uncertain and costly.

44. Second, PFOS and PFOA are bioaccumulative.

45. Bioaccumulation refers to the accumulation of substances, such as chemicals, in an organism. Bioaccumulation occurs when an organism absorbs a substance at a rate faster than that at which the substance is lost by catabolism and excretion.

46. Toxicology studies show that PFOS and PFOA are readily absorbed after oral exposure and accumulate primarily in the serum, kidney, and liver.

47. PFOS and PFOA have a half-life within the human body of 2 to 9 years.

48. PFOS and PFOA can bioaccumulate up the food chain; can cross the placenta from mother to fetus; and can be passed to infants through breast milk.

49. Third, PFOS and PFOA are toxic.

50. There are a number of health risks associated with exposure to PFOS and PFOA, and these risks are present even when PFOS and PFOA are ingested at seemingly low levels (less than 1 part per billion).

51. PFOS and PFOA exposure is associated with increased risk in humans of testicular cancer and kidney cancer, disorders such as thyroid disease, high cholesterol, ulcerative colitis, and pregnancy-induced hypertension, as well as other conditions.

52. Epidemiological studies are ongoing and the full harm of PFOS and PFOA exposure is not yet fully understood.

53. For example, epidemiological studies of PFOS and PFOA exposure in animals have shown the ability to cause other cancers. Studies in lab animals have found that exposure to PFOS and PFOA also increases the risk of tumors in the liver, bladder, thyroid, and mammary glands.

54. EPA has also advised that exposure to PFOS and PFOA may result in developmental effects to fetuses during pregnancy or to breastfed infants.

55. Injuries, however, are not sudden; rather, they can arise months, years, or even decades after exposure to PFOS and/or PFOA.

56. According to the EPA, “The toxicity, mobility and bioaccumulation potential of PFOS and PFOA pose potential adverse effects to the environment and human health.” (EPA, *Emerging Contaminants – Perfluorooctane Sulfonate (PFOS) and Perfluorooctanoic Acid (PFOA)* (March 2014)). Such adverse effects include, but are not limited to, kidney cancer, testicular cancer, thyroid disease, ulcerative colitis, pregnancy-induced hypertension, and high cholesterol.

57. The International Agency for Research on Cancer (“IARC”) has classified PFOA as “possibly carcinogenic to humans” (Group 2B).

PFCs in AFFF

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

59. AFFF that contained PFCs was developed in the 1960s as an alternative to existing firefighting foams.

60. Beginning in or about 1964, 3M provided AFFF to the Navy on an urgent requirements basis.

61. A Military Specification is a document that describes the physical and/or operational characteristics that a product must meet before purchase by the United States military, and the Qualified Products List (“QPL”) is a list of products that have met the Military Specification.

62. In 1969, the Department of the Navy issued Military Specification MIL-F-24385 for AFFF.

63. Thereafter, in order for an AFFF manufacturer to sell its AFFF to the Navy, it was required to meet MIL-F-24385.

64. MIL-F-24385 covered “the requirements for aqueous film-forming foam (AFFF) liquid concentrate fire extinguishing agents consisting of fluorocarbon surfactants and other compounds” as required to meet certain performance standards that were also set forth in MIL-F-24385.

65. If the Navy found that a manufacturer's product satisfied MIL-F-24385 performance expectations, the Navy placed the product on the Department of Defense QPL.

66. 3M, Tyco/Ansul, Buckeye, Chemguard, and National Foam each manufactured AFFF that was included on the Department of Defense QPL for MIL-F-24385.

67. MIL-F-24385 required the use of a "fluorocarbon surfactant," but it did not specify a particular chemical, such as PFOS or another Toxic Surfactant.

68. Upon information and belief, 3M, Tyco/Ansul, Buckeye, Chemguard, and National Foam each chose a Toxic Surfactant to manufacture their MIL-F-24385-compliant AFFF.

69. At all times relevant hereto, Defendants, despite knowing the dangers and hazardous effects of PFCs, including PFOS and PFOA, chose to use Toxic Surfactants in the manufacture of their respective AFFF, which was purchased by the Navy and used at the Bases.

70. MIL-F-24385 further required that: "The material shall have no adverse effect on the health of personnel when used for its intended purpose."

71. Nonetheless, Defendants manufactured and sold AFFF containing Toxic Surfactants to the military for use at the Bases when they knew or should have known that their products would have an adverse effect on the health of persons when used for its intended purposes.

72. Further, the Defendants failed to warn of the adverse health effects of AFFF to personnel who used it for its intended purposes and of the adverse health effects to others when the product was used for its intended purposes.

AFFF Use at the Willow Grove and Warminster Bases

73. At any given time during their operation, the Bases housed thousands of gallons of AFFF concentrate manufactured by Defendants, stored in buckets, drums, tankers, tanks and sprinkler systems.

74. U.S. Navy, Air National Guard, Marines, and Air Force (collectively referred to as “Military”) personnel, as well as civilian firefighters, conducted training exercises at the Bases.

75. In part, the Military and civilian firefighters engaged in firefighting and explosion training that required the use of AFFF.

76. For decades, firefighting training activities took place at the Bases.

77. Each site also possessed and maintained aircraft hangars protected by ceiling units holding hundreds of gallons of AFFF.

78. The use of AFFF for training purposes included suppressing fires and explosions on the ground, as well as coating runways in anticipation of difficult landings, all of which resulted in acres of foam-covered soil and blanketed wreckages.

79. Upon information and belief, accidental discharges occasionally occurred within the aircraft hangars, which resulted in the discharge of hundreds of gallons of AFFF. The personnel at the Bases cleaned the hangars by washing the foam down drains.

80. As a result of the activities at the Bases, groundwater and surface water became contaminated with PFOS and PFOA.

81. Further, the PFOS and PFOA contaminated the aquifer that supplied drinking water for the Bases as well as for the surrounding communities.

82. The Military and civilian personnel on the Bases, as well as the residents in the surrounding communities, were thereby exposed to drinking water contaminated with PFOS and PFOA.

83. Upon information and belief, instructions and warning labels affixed to AFFF by the Defendants did not adequately describe the scope of danger associated with the use of AFFF. Nor did they provide appropriate and adequate instructions and warnings regarding the storage, use and disposal of AFFF.

84. Upon information and belief, at no time prior to May 2000 did the Defendants warn the users of the AFFF of the health risks associated with use, disposal and bioaccumulation of AFFF components.

85. Upon information and belief, at no time prior to May 2000 did the Defendants warn the users of the AFFF of the health risks of introducing AFFF into the environment.

86. Upon information and belief, at no time during the relevant period did the Defendants warn users of the AFFF that ingredients in the AFFF were persistent, bioaccumulative and toxic, or that, once introduced into the environment, AFFF's chemical components would readily mix with ground and surface water and migrate off the Bases, contaminating the surrounding communities.

87. In 2002, 3M ceased production of AFFF manufactured with PFOS due to health and environmental concerns.

88. Upon information and belief, 3M and the other Defendants had known of these dangers for years, if not decades.

89. Even though 3M, who was the predominant manufacturer of PFOS-based AFFF, ceased production of PFOS-based AFFF in 2002, neither 3M nor any other Defendant that used a Toxic Surfactant recalled its dangerous products.

90. According to one study, as of 2011, there were still 1,972,000 gallons of PFOS-based AFFF stockpiled in the United States.

91. Consequently, upon information and belief, Military personnel and civilians at the Willow Grove Base continued to use PFOS-laden AFFF for trainings and emergencies until the base closed in 2011.

92. Further, upon information and belief, the Military continues to store PFOS-based AFFF on the Bases.

Regulatory Action for Safe Drinking Water

93. The EPA has a process to monitor and, in some cases, regulate emerging contaminants of concern. These processes include, among others, Contaminant Candidate Lists, the Unregulated Contaminant Monitoring Rule, and Health Advisories.

94. A “Contaminant Candidate List” is a list of contaminants that are currently not subject to any proposed or promulgated national primary drinking water regulations, are known or anticipated to occur in public water systems, and may require regulation under the Safe Drinking Water Act. The Safe Drinking Water Act requires the EPA to publish the Contaminant Candidate List every five years.

95. In 2009, the EPA’s Third Contaminant Candidate List included PFOS and PFOA.

96. In 2009, the EPA also established a Provisional Health Advisory (“PHA”) for PFOS and for PFOA.

97. The EPA develops PHAs to provide information in response to an urgent or rapidly developing situation. PHAs reflect reasonable, health-based hazard concentrations above which action should be taken to reduce exposure to the identified drinking water contaminants.

98. The 2009 PHA for PFOS was 200 ppt and the PHA for PFOA was 400 ppt. The PHAs state that the discovery of PFOA and/or PFOS in water above the advisory levels should result in the discontinued use of the water for drinking and cooking.

99. The Unregulated Contaminant Monitoring Rule (“UCMR”) is used by the EPA as a monitoring vehicle for chemicals listed on the contaminant candidate list. The UCMR is authorized pursuant to the Safe Drinking Water Act, and requires certain public water systems to add and monitor UCMR-identified chemicals in connection with routine water safety testing.

100. EPA’s selection of contaminants for a particular UCMR cycle is largely based on a review of the Contaminant Candidate List.

101. In 2012, the EPA included PFOS and PFOA in its Third Unregulated Contaminant Monitoring Rule (“UCMR3”). By placing PFOS and PFOA on this list, the EPA required certain water providers across the country, including those in Horsham, Warminster and Warrington, to test their water for the presence of PFOS and PFOA.

102. In 2014, the Horsham Water and Sewer Authority tested its municipal wells in accordance with UCMR3. The testing showed that two of its wells were contaminated with PFOS above the PHA of 200 ppt. The Horsham Water and Sewer Authority immediately shut off those wells.

103. Subsequently, the Horsham Water and Sewer Authority re-tested all of its active wells using a more sensitive test. When the Horsham Water and Sewer Authority re-tested its

wells, each of its wells showed contamination from PFOS and/or PFOA. Horsham eventually shut down five of its wells due to PFOS and/or PFOA contamination.

104. Between November 2013 and June 2014, the Warminster Municipal Authority also tested its wells in compliance with UCMR3. The testing showed PFOS levels of 40 ppt to 1090 ppt and PFOA levels of 20 ppt to 890 ppt. The Warminster Municipal Authority closed six of its wells due to PFOS and/or PFOA contamination.

105. Warrington Township also participated in UCMR3 during 2014 and 2015. The testing showed PFOS levels as high as 1600 ppt and PFOA levels up to 270 ppt. Warrington Township initially closed three of its wells, and eventually closed five of its wells due to PFOS and/or PFOA contamination.

106. Neither the public water systems in Horsham, Warminster, and Warrington, nor the water systems in the nearby towns of Hatboro, Ivyland, and Southampton were equipped to filter PFOS and PFOA from the contaminated water.

107. The residents and former residents near the Bases, as well as the military and civilian workers on the Bases, have only recently begun to learn the nature, extent, and import of the PFOS and PFOA contamination at the Bases and in the surrounding communities.

108. The widespread discovery of contaminated municipal drinking water wells led the EPA to call for testing of private drinking water wells within the area.

109. Beginning in 2014, the EPA tested scores of wells in the vicinity of the Bases. The EPA began reporting the results of the tests in October 2014, at which point the PHA remained at 200 ppt for PFOS and 400 ppt for PFOA. Even at that time, several private wells tested above the PHAs.

110. Upon information and belief, numerous private wells have been shut down to date and those homes have been provided with bottled water for drinking.

111. The area that contains the impacted wells consists of the geographic area of Horsham, Hatboro, Warrington, Ivy Land, and Warminster, PA, together with such other contiguous areas as are set forth on the map attached hereto as Exhibit A, including, without limitation, the area east of Warminster bounded on the east by Bustleton Pike, from the northern boundary of Warminster south to its intersection with Bristol Road, and then west southwest to the intersection of Davisville Road and Countyline Road (hereinafter, the “Affected Area”).

112. In May 2016, the EPA revised its PHAs when it issued its Health Advisory for Lifetime Exposure for PFOS and PFOA.

113. The Health Advisory for Lifetime Exposure for PFOS is 70 ppt; it is also 70 ppt for PFOA. In addition, where both PFOS and PFOA are present, the combined Health Advisory for Lifetime Exposure limit is also 70 ppt.

114. Other agencies have suggested limiting exposure to even lower levels of PFOS and/or PFOA. A panel of scientists studying the health impacts from PFOA-contaminated drinking water in and around Parkersburg, West Virginia found negative health outcomes associated with exposure to drinking water containing PFOA at 50 ppt. Certain states have also promulgated advisory exposure levels lower than the EPA’s advisory level, including the State of Vermont, which set its enforcement standard at 20 ppt for PFOA and 30 ppt for PFOS and the State of New Jersey, which currently has a PFOA guidance level of 40 PPT and has proposed a regulatory level for PFOA of 14 ppt.

115. As a result of the EPA's issuing its final Health Advisories for PFOS and PFOA, numerous residents, including the named Plaintiffs with private wells, learned that their water was contaminated with dangerous levels of PFOS and/or PFOA.

116. The Navy and Air National Guard have offered assistance to several impacted residents, but their efforts are too little, too late.

117. The high concentration levels of PFOS and PFOA found in the water near the Bases has been determined to be from the use of AFFF and, therefore, is directly linked to Defendants' manufacture of AFFF.

118. As set forth herein, Defendants knowingly manufactured, sold, and distributed a dangerous and defective product, failed to provide proper warnings to protect bystanders, such as the Plaintiffs, and failed to recall their products when they took them off the market.

119. Since 2014, many drinking water wells tested within the Affected Area have shown concentrations of PFOS and PFOA.

120. Multiple studies suggest that even small concentrations of PFOS and PFOA are harmful to humans.

121. All personnel at the Bases, as well as all residents in the areas surrounding the Bases, should have access to water free of PFOS and PFOA.

122. The discharge of contaminants and hazardous substances from the Bases continues to this very day. For example, high levels of PFCs are migrating from discharge points at the Willow Grove Base to Park Creek, Little Neshaminy Creek and various other tributaries.

123. There is no indication of when the groundwater and aquifer in and around the Affected Areas will be free of PFOS and PFOA contamination.

124. Indeed, upon information and belief, following the removal of several large-drawing municipal wells from the aquifer, recent tests on some private wells have shown increased levels of PFOS and PFOA.

125. Further, there is no promise or plan to monitor the health of former and current residents or former base employees who obtained their drinking water from municipal wells in Warminster, Horsham and Warrington, Pennsylvania or wells on the Bases.

126. There is no promise or plan to monitor the health of former and current residents or former base employees who obtain or obtained their drinking water from private wells in the Affected Area.

127. Finally, as a consequence of the contaminated water within the municipal water systems and private wells, many residents have suffered a loss of use and enjoyment of their properties, and their contaminated properties are less attractive to prospective buyers.

CLASS ACTION ALLEGATIONS

128. Plaintiffs incorporate the foregoing paragraphs as though the same were set forth at length herein.

129. Plaintiffs bring this action as a class action pursuant to Federal Rule of Civil Procedure 23(a) and 23(b) on behalf of a Class consisting of all other persons similarly situated as members of the proposed Subclasses:

Municipal Water Subclass

Current property owners who have resided in their current residence for at least one year since 1970 and who obtain their drinking water from either: Horsham Water and Sewer Authority, Warminster Municipal Authority, or Warrington Township Water and Sewer Department.

Private Well Subclass

Current property owners who have resided within the Affected Area for at least one year since 1970 and who obtain their drinking water from a private well.

Non-Property Owner Resident Subclass

Non-property owners who reside or resided in the Affected Area and obtained their drinking water for at least a one-year period from 1970 to the present from the Horsham Water and Sewer Authority, Warminster Municipal Authority, or Warrington Township Water and Sewer Department; from a well located on the Bases; or from a private well within the Affected Area.

The Base Water Subclass

Military and civilian workers at the Bases, who are not members of any other Subclass, who consumed drinking water for at least a one-year period from 1970 to the present from wells located on the Willow Grove Base, the Warminster Base, and/or the Affected Area.

130. Excluded from the classes set forth above are: (a) Defendants, any entity or division in which Defendants have a controlling interest, and their legal representatives, officers, directors, assigns, and successors; (b) the Judge to whom this case is assigned and the Judge's staff; (c) any class counsel or their immediate family members; (d) any State or any of its agencies; (e) the municipalities of Warminster, Horsham and Warrington, Pennsylvania; and (f) any individual who otherwise would be included under one or more of the class descriptions above, but who is a party in a lawsuit for personal injury for a PFOS/PFOA-related illness related to exposure to contaminated municipal, Base, or private well water.

131. Collectively, the Municipal Water Subclass, the Private Well Subclass, the Non-Property Owner Resident Subclass, and the Base Water Subclass are referred to as the "Subclasses."

132. The Subclasses and this action satisfy the numerosity, commonality, typicality, adequacy, predominance, and superiority requirements of Rule 23.

Numerosity

133. The members of the Subclasses are so numerous that joinder of all members is impracticable. The population in the Affected Area is estimated to include 70,000 current residents. Plaintiffs believe that there are tens of thousands of members of the Subclasses that

have been exposed to PFOS and PFOA from Defendants' AFFF as described herein. Subclass members can be easily identified from public records, such as: property tax records, municipal water records, and employment records. All such Subclass members may be notified of the pendency of this action by mail or via other public forums.

Typicality

134. Plaintiffs' claims are typical of the claims of the members of the Subclasses inasmuch as all members of the Subclasses are similarly affected by Defendants' misconduct resulting in injury to all members of the Subclasses.

Adequate Representation

135. Plaintiffs will fairly and adequately protect the interests of members of the Subclasses and have retained counsel competent and experienced in class action and environmental litigation.

136. Plaintiffs and their counsel are committed to vigorously prosecuting this action on behalf of the Subclasses and have the financial resources to do so.

137. Neither Plaintiffs nor their counsel have interests adverse to any of the Subclasses.

138. Plaintiffs fully appreciate their role of representing thousands of class members who have been impacted by the contamination.

Predominance of Common Questions

139. Plaintiffs bring this action under Rule 23(b)(3) because numerous questions of law and fact common to class members predominate over any question affecting only individual members. The answers to these common questions will advance resolution of the litigation as to all class members. These common legal and factual issues include:

- a. Whether Defendants owed a duty to Plaintiffs and members of the Subclasses;
- b. Whether Defendants' AFFF products contained Toxic Surfactants.
- c. Whether Defendants knew or should have known that their manufacture of AFFF containing Toxic Surfactants was unreasonably dangerous;
- d. Whether Defendants knew or should have known that their AFFF contained persistent, non-biodegradable chemicals that were likely to contaminate drinking water supplies;
- e. Whether Defendants knew or should have known that their AFFF contained toxic chemicals that were unreasonably dangerous;
- f. Whether Defendants failed to provide warnings and instructions regarding the proper storage, use, and disposal of their AFFF products so as to prevent groundwater contamination and contamination of the public and private water supplies;
- g. Whether Defendants failed to warn users of the potential for harm that followed use of their products;
- h. Whether Defendants failed to warn users of the proper methods for containment and cleanup of their AFFF;
- i. Whether the Toxic Surfactants from Defendants' AFFF used at the Bases entered the groundwater and contaminated the aquifer and water supplies in the Affected Area.
- j. Whether, and when, Defendants became aware of health and environmental harm caused by their AFFF products and failed to inform users of these harmful and

toxic effects and precautions they should take with the storage, use and disposal of AFFF to prevent these harmful effects from occurring; and

- k. Whether the members of the Subclasses have sustained damages and the proper measure of damages.

Superiority

140. A class action is superior to other available methods for the fair and efficient adjudication of this controversy because joinder of all members is impracticable.

141. Defendants have acted on grounds generally applicable to the Subclasses, thereby making appropriate final legal and equitable relief with respect to the class as a whole.

142. Furthermore, as the damages suffered by individual Subclass members may be relatively small, the expense and burden of individual litigation make it impossible for members of the Subclasses to individually redress the wrongs done to them.

143. Meanwhile, the damages to the class in the aggregate are large enough to justify the significant expense for research, investigation, discovery, hiring of experts and trial preparation.

144. The prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudications that would establish incompatible standards of conduct for the Defendants.

145. Class treatment of common questions of law and fact will conserve the resources of the courts and the litigants, and will promote consistency and efficiency of adjudication.

146. This action is manageable as a class action.

Rule 23(b)(2) Injunctive Relief

147. In addition to the above, Plaintiffs bring this class action under Rule 23(b)(2) because Defendants have acted or refused to act on grounds that apply generally to the Subclasses as a whole, such that final injunctive relief is appropriate with respect to each of the Subclasses as a whole.

148. Such injunctive relief includes, but is not limited to, an injunction to require the implementation and funding of a blood serum testing program for the Plaintiffs and the Subclasses to test for the presence of PFOS and/or PFOA in their blood serum; and the implementation and funding of a medical monitoring program for the Plaintiffs and the Subclasses sufficient to monitor the Plaintiffs' and Subclasses' health to ensure they are adequately protected from the deleterious effects of PFOS and PFOA on the human body.

Rule 23(c)(4) Certification of Particular Issues

149. In the alternative to certification under Rule 23(b), Plaintiffs and the Subclasses seek to maintain a class action with respect to particular issues under Rule 23(c)(4).

150. The adjudication of each Defendant's liability (jointly and severally) involves issues and questions common to the entire class, such that certification pursuant to Rule 23(c)(4) is appropriate.

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF

Medical Monitoring

151. Plaintiffs hereby incorporate by reference the allegations contained in the preceding paragraphs of this Complaint as if they were set forth at length herein.

152. As a result of the Defendants' negligence, the Plaintiffs and Subclasses have been subjected to exposure to greater than normal background levels of PFOS and PFOA.

153. As a proximate result of their exposure, the Plaintiffs and the Subclasses have a significantly increased risk of contracting a serious latent disease.

154. A monitoring procedure exists that makes the early detection of such latent diseases possible.

155. The prescribed monitoring regime for the early detection of latent diseases caused by exposure to PFOS and PFOA is different from that normally recommended in the absence of the exposure.

156. The prescribed monitoring regime is reasonably necessary according to contemporary scientific principles.

157. Defendants' acts were willful, wanton or reckless and conducted with a reckless indifference to the rights of Plaintiffs and members of the Subclasses.

SECOND CLAIM FOR RELIEF

Negligence

158. Plaintiffs hereby incorporate by reference the allegations contained in the preceding paragraphs of this Complaint as if they were set forth at length herein.

159. At all relevant times, Defendants acted through their respective officers, employees and agents, who, in turn, were acting within the scope of authority and in furtherance of the business of Defendants.

160. The Defendants had a duty to manufacture, market, and sell their AFFF in a manner that avoided harm to those who foreseeably would come into contact with, or be exposed to, their AFFF and/or its toxic and hazardous chemicals.

161. Defendants' had a further duty to provide instructions and warnings to purchasers and users of their AFFF about the hazards of the product and the risks of injury posed by the dangerous and unsafe chemicals in the products.

162. Defendants knew or should have known that the manufacture of AFFF containing Toxic Surfactants was hazardous to human health and the environment.

163. Defendants further knew or should have known that it was unsafe and/or unreasonably dangerous to manufacture and sell AFFF containing Toxic Surfactants to end users, such as the Navy, because it was inevitable that the toxic and dangerous chemicals would migrate off of the Bases and contaminate the ground water, the aquifer and the public and private drinking water supplies.

164. Defendants knew or should have known that the foreseeable storage, use and disposal of the AFFF that they manufactured and sold had the propensity to migrate from the Bases to the groundwater and contaminate the public and private drinking water supplies, all of which would result in harm to the environment and the public's health and wellbeing.

165. Defendants further knew or should have known that the Toxic Surfactants used in the manufacture of their AFFF do not degrade, remain in the environment for decades, and bioaccumulate, thereby creating a potential health risk that could last for many years.

166. The aforementioned risks associated with the storage, use and disposal of AFFF were not disclosed by Defendants to purchasers or users of Defendants' AFFF, nor were these risks known or obvious to purchasers and users of AFFF.

167. The Plaintiffs and the Subclasses were foreseeable victims of the harm caused by Defendants' AFFF.

168. As a result of Defendants' breach of their legal duties, the drinking water in and around the Bases, including the municipal water supplies distributed by Warminster, Horsham, and Warrington, Pennsylvania, the water supply on the Bases, and the private wells in the Affected Area, is contaminated with unsafe levels of PFOS and PFOA.

169. As a result of Defendants' negligent, reckless and/or intentional acts and omissions alleged herein, both the public and private drinking water supplies in the Affected Area are contaminated with PFOS and PFOA.

170. Defendants' negligent manufacture, sale, or distribution of AFFF caused and continues to cause unknowing Plaintiffs and Subclass members an increased risk of associated illnesses due to the presence of PFOS and PFOA in their drinking water.

171. The contamination of Plaintiffs' and the Subclasses' properties and drinking water is ongoing.

172. Contamination of Plaintiffs' and the Subclasses' drinking water has resulted in the diminution of the value of properties in and around the Affected Area.

173. Defendants' acts were willful, wanton or reckless and conducted with a reckless indifference to the rights and safety of Plaintiffs and members of the Subclasses.

174. As a direct and proximate result of Defendants' actions and omissions, Plaintiffs and the Subclasses have suffered and continue to suffer damages, including, but not limited to, medical monitoring damages; monetary damages associated with the investigation, treatment, remediation, and monitoring of their drinking water; increased costs to obtain drinking water; and property damages, including, without limitation, loss of beneficial use, enjoyment and exclusive possession of their property, loss of value, annoyance, disturbance, intrusion,

harassment and inconvenience; all for which Plaintiffs and the Subclasses are entitled to recover damages.

THIRD CLAIM FOR RELIEF

Defective Product - Failure to Warn

175. Plaintiffs hereby incorporate by reference the allegations contained in the preceding paragraphs of this Complaint as if they were set forth at length herein.

176. At all times relevant, Defendants were in the business of, among other things, manufacturing, selling, or otherwise distributing AFFF.

177. As manufacturers, sellers, or distributors of a commercial product, the Defendants had a duty to provide to the users reasonable instructions and warnings about the risks of injury posed by their products.

178. Defendants knew or should have known that the foreseeable storage, use and disposal of the AFFF that they manufactured, sold, and distributed had the capacity to enter the water supply, to persist there for decades, and to cause harm to human health and the environment.

179. These risks were not obvious to users of the AFFF.

180. Upon information and belief, the Defendants failed to provide warnings to the users that use of Defendants' AFFF could result in the contamination of groundwater and drinking water supplies in the Affected Area.

181. Upon information and belief, the Defendants failed to provide warnings to the users of the dangers to human health, property, and the environment if their AFFF was permitted to contaminate the groundwater or drinking water supply.

182. Adequate instructions and warnings would have reduced or avoided the foreseeable risks of harm posed by the AFFF. For example, Defendants could have instructed users to conduct fire drills only in areas that have impervious linings and to collect all remnants of the product for proper disposal; to never flush their product to open drains and sewers; and in the event their products were used in emergencies, to collect residues after the incident, prevent runoff, test for contamination, and perform any necessary remediation.

183. Had Defendants provided adequate warnings, the users of their AFFF would have taken adequate measures to store, use, and dispose of AFFF so as to reduce or eliminate groundwater and drinking water contamination from AFFF.

184. As a result of Defendants' failure to warn against the likelihood of contamination from their AFFF, the groundwater and drinking water became contaminated with PFOS and PFOA.

185. As a direct and proximate result of Defendants' failure to warn of the environmental and health impacts caused by their AFFF, both the public and private drinking water supplies in and around the Affected Area became contaminated with PFOS and PFOA and have caused health risks and property damage to Plaintiffs and the Subclasses.

186. Defendants' failure to provide adequate warnings or instructions renders Defendants' AFFF a defective product.

187. As a direct and proximate result of Defendants' manufacture, sale, or distribution of a defective product, Plaintiffs and the Subclasses have suffered and continue to suffer damages, including, but not limited to, medical monitoring damages; monetary damages associated with the investigation, treatment, remediation, and monitoring of their drinking water; increased costs of drinking water; and property damages, including, without limitation, loss of

beneficial use, enjoyment and exclusive possession of their property, loss of value, annoyance, disturbance, intrusion, harassment and inconvenience; all for which Plaintiffs and the Subclasses are entitled to recover damages.

188. As a result of Defendants' manufacture, sale, or distribution of a defective product, Defendants are strictly liable in damages to the Plaintiffs and the Subclasses.

189. Defendants' acts were willful, wanton or reckless and conducted with a reckless indifference to the rights of Plaintiffs and members of the Subclasses.

FOURTH CLAIM FOR RELIEF

Defective Product - Design Defect

190. Plaintiffs hereby incorporate by reference the allegations contained in the preceding paragraphs of this Complaint as if they were set forth at length herein.

191. At all times relevant, Defendants were in the business of, among other things, manufacturing, selling, or otherwise distributing AFFF.

192. It was foreseeable that toxic chemicals from the AFFF that Defendants manufactured, sold and distributed would enter the water supply of the Plaintiffs and the Subclasses and cause harm to their persons and property.

193. Alternative designs of AFFF were available, technologically feasible and practical, and would have reduced or prevented the harm to Plaintiffs and the Subclasses.

194. A reasonable alternative design would, at a reasonable cost, have reduced or eliminated the foreseeable risks of harm posed by AFFF.

195. The AFFF manufactured, sold, or distributed by the Defendants was defective in design because the foreseeable risk of harm posed by the AFFF could have been reduced or eliminated by the adoption of a reasonable alternative design.

196. Defendants' products were defective at the time of manufacture, thusly, at the time they left Defendants' control.

197. As a result of Defendants' manufacture, sale or distribution of a defectively designed product, both the public and private drinking water supplies in and around the Affected Area became contaminated with dangerous and toxic chemicals and damaged the Plaintiffs and the Subclasses.

198. As a direct and proximate result of Defendants' manufacture, sale and distribution of a defective product, Plaintiffs and the Subclasses have suffered and continue to suffer damages, including, but not limited to, medical monitoring damages; monetary damages associated with the investigation, treatment, remediation, and monitoring of their drinking water; increased costs of drinking water; and property damages, including, without limitation, loss of beneficial use, enjoyment and exclusive possession of their property, loss of value, annoyance, disturbance, intrusion, harassment and inconvenience; all for which Plaintiffs and the Subclasses are entitled to recover damages.

199. As a result of Defendants' manufacture, sale and distribution of a defective product, Defendants are strictly liable in damages to the Plaintiffs and the Subclasses.

200. Defendants' acts were willful, wanton or reckless and conducted with a reckless indifference to the rights of Plaintiffs and members of the Subclasses.

FIFTH CLAIM FOR RELIEF

Private Nuisance

201. Plaintiffs hereby incorporate by reference the allegations contained in the preceding paragraphs of this Complaint as if they were set forth at length herein.

202. The Defendants have impaired the Plaintiffs' and the Subclasses' rights of use and enjoyment of their land, and caused significant harm to their persons and properties.

203. As a result of Defendants' wrongful conduct, PFOS and PFOA invaded Plaintiffs' and the Subclasses' homes, properties, and/or wells.

204. The chemical invasion that the Defendants caused interfered with the Plaintiffs' and the Subclasses' rights to the exclusive use and enjoyment of their properties, homes and/or wells.

205. The Defendants' chemical invasion was intentional and unreasonable inasmuch as the Defendants knew or should have known that their use of Toxic Surfactants, which are hydrophilic, mobile in groundwater, extremely persistent in the atmosphere, and toxic, was substantially certain to result in groundwater contamination, contamination of the aquifer, and contamination of the drinking water supplies of persons, such as Plaintiffs and the Subclasses, who reside or work near where Defendants' AFFF was used in its intended manner for its intended purpose.

206. In the alternative, to the extent that Defendants' chemical invasion may have been unintentional, it is nonetheless actionable because it was negligent, reckless and/or abnormally dangerous.

207. The Defendants' invasion caused significant harm to the Plaintiffs' and Subclasses' persons and property.

208. Any reasonable person in Plaintiffs' and the Subclasses' position and community would regard Defendants' invasion as definitely offensive, seriously annoying, and/or intolerable.

209. The Defendants' conduct set in motion a series of events that led directly to the groundwater contamination, contamination of the aquifer, and contamination of Plaintiffs' and the Subclasses' properties, and the Plaintiffs' and Subclasses' drinking water supplies.

210. Defendants' conduct was a substantial factor in causing the harm to the Plaintiffs and the Subclasses.

211. Defendants' conduct was the legal cause of the harm to the Plaintiffs and Subclasses.

212. Defendants' conduct constitutes a nuisance and has damaged the Plaintiffs and the Subclasses.

213. As a direct and proximate result of Defendants' nuisance, Plaintiffs and the Subclasses have suffered and continue to suffer damages, including, but not limited to, medical monitoring damages; monetary damages associated with the investigation, treatment, remediation, and monitoring of their drinking water; increased costs of drinking water; and property damages, including, without limitation, loss of beneficial use, enjoyment and exclusive possession of their property, loss of value, annoyance, disturbance, intrusion, harassment and inconvenience; all for which Plaintiffs and the Subclasses are entitled to recover damages.

214. Defendants' acts were willful, wanton or reckless and conducted with a reckless indifference to the rights of Plaintiffs and members of the Subclasses.

SIXTH CLAIM FOR RELIEF

Unjust Enrichment

215. Plaintiffs hereby incorporate by reference the allegations contained in the preceding paragraphs of this Complaint as if they were set forth at length herein.

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

217. Defendants knew or should have known that their use of Toxic Surfactants in the manufacture of their AFFF, as well as the manner in which they marketed and sold their AFFF, was hazardous to human health and the environment.

218. Defendants received a benefit from the manufacture and sale of AFFF containing Toxic Surfactants in the form of profits from the sale of AFFF, expenditures avoided when they did not promptly develop or invest in AFFF that did not contain Toxic Surfactants, costs avoided when they did not recall their toxic and dangerous products, and costs avoided by their failure to remediate the impacts of their toxic chemicals.

219. The Plaintiffs and the Subclasses have suffered damages to their persons and property as a result of Defendants' manufacture and sale of AFFF that contained Toxic Surfactants.

220. The Plaintiffs and the Subclasses have therefore conferred a benefit upon the Defendants by virtue of the Defendants' profits and cost avoidance at the expense of Plaintiffs and the Subclasses.

221. Defendants have appreciated the benefits that they received at Plaintiffs' and the Subclasses' expense.

222. Under the circumstances, the Defendants' acceptance and retention of the benefits that they received, without paying for the value of the benefit, would be unjust and inequitable.

223. The Defendants wrongfully secured profits and avoided expenses related to the AFFF they sold for use at the Bases and it would be unconscionable for the Defendants to retain them.

224. The Defendants have been unjustly enriched and have damaged the Plaintiffs and the Subclasses.

DAMAGES SOUGHT BY THE CLASS

225. Plaintiffs hereby incorporate by reference the allegations contained in the preceding paragraphs of this Complaint as if they were set forth at length herein.

226. Plaintiffs and the Subclasses seek damages sufficient to fund a medical monitoring program that is reasonably tailored to the exposure risks posed by PFOS and PFOA described above.

227. Plaintiffs also seek damages sufficient to fund a blood test program to pay for the costs of an initial blood test, and such follow-up blood tests that are deemed necessary, to determine the levels of PFOS and PFOA in the blood serum of the Plaintiffs and the Subclasses.

228. Plaintiffs and the Subclasses seek monetary damages for each violation of the First through Sixth Claims for Relief. In particular, Plaintiffs and the Subclasses seek monetary damages:

- (i) sufficient to remediate Plaintiffs' and the Subclasses' property from the contamination caused by Defendants' conduct or, in the alternative, to compensate Plaintiffs and the Subclasses for the diminution in value of their property caused by Defendants' conduct;
- (ii) to compensate Plaintiffs and the Subclasses for the loss of use and enjoyment of their properties caused by Defendants' conduct;
- (iii) for the Private Well Subclass, for the increased costs to obtain drinking water, including the costs of alternative drinking water sources or the installation and maintenance of an adequate filtration system;

(iv) for the Municipal Water Subclass, for the increased costs of water that they have and will bear as rate-payers as a result of Defendants' conduct; and

(v) for such other monetary damages as are required to fully compensate Plaintiffs and the Subclasses for the loss of value of their properties caused by Defendants' conduct.

229. Plaintiffs and the Subclasses seek punitive damages in an amount sufficient to deter Defendants' similar wrongful conduct in the future.

230. In addition to the above, Plaintiffs and the Subclasses seek injunctive relief including, but not limited to, implementation of a mandatory testing protocol requiring Defendants to expeditiously test the wells of all Private Well Subclass members for the presence of PFOS and PFOA and to continue that testing until it is determined that the risk of PFOS and PFOA contamination in private wells has ended; to install permanent filtration devices on any private well testing positive for the presence of PFOS and/or PFOA, and to maintain those filtration devices pursuant to industry best practices; to establish and fund a blood testing program for Plaintiffs and members of the Subclasses; to establish and fund a medical monitoring program for Plaintiffs and members of the Subclasses; and to take all steps necessary to remediate the Affected Area such that all municipal and private water supplies of the Municipal Water and Private Well Plaintiffs and Subclasses are free from the presence of PFOS and PFOA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, on behalf of themselves and all others similarly situated, request the Court to enter judgment against the Defendants, as follows:

A. An order certifying the proposed Municipal Water Subclass, the Private Well Subclass, the Non-Property Owner Resident Subclass, and the Base Water Subclass, designating Plaintiffs as the named representatives of the respective Subclasses, and appointing Class Counsel;

B. An order requiring Defendants (i) to implement a testing protocol to test the wells belonging to each member of the Private Well Subclass; (ii) to install permanent filtration devices on any private well testing positive for the presence of PFOS and PFOA, or to facilitate the transition for the Private Well Subclass to connect to a municipal water supply; (iii) to establish a blood testing program for Plaintiffs and the Subclasses; (iv) to establish a medical monitoring protocol for Plaintiffs and the Subclasses to monitor individuals' health and diagnose at an early stage any ailments associated with exposure to PFOS and PFOA; and (v) to take all necessary steps to remediate the property and/or residences of Plaintiffs and the Subclasses to eliminate the presence of PFOS and PFOA;

C. An award to Plaintiffs and Subclass members of compensatory, exemplary, and consequential damages, including interest, in an amount to be proven at trial;

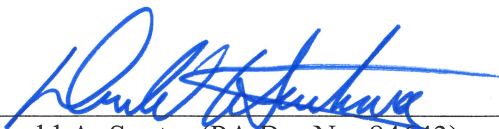
D. An award of attorneys' fees and costs;

E. An award of pre-judgment and post-judgment interest, as provided by law; and

F. Such other and further relief as the Court deems just and proper.

WEITZ & LUXENBERG, PC
Plaintiffs' Interim Class Counsel

Dated: March 22, 2017


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JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs demand a trial by jury of any and all issues in this action so triable of right.

WEITZ & LUXENBERG, PC
Plaintiffs' Interim Class Counsel



Dated: March 22, 2017

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