

Assigned for All Purposes

Judge David A. Hoffer

CX-103

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE – COMPLEX

JOHN DOE, an individual, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

GKN AEROSPACE, INC., a Delaware
Corporation; GKN AEROSPACE US
HOLDINGS LLC, a Delaware Limited
Liability Company; GKN AEROSPACE
TRANSPARENCY SYSTEMS INC., a
California Corporation; and DOES 1
through 100, inclusive,

Defendants.

Case No. 30-2026-01572335-CU-TT-CXC

CLASS ACTION COMPLAINT FOR:

1. NEGLIGENCE;
2. NEGLIGENCE PER SE;
3. PRIVATE NUISANCE;
4. PUBLIC NUISANCE;
5. TRESPASS;
6. STRICT LIABILITY FOR
ULTRAHAZARDOUS / ABNORMALLY
DANGEROUS ACTIVITY;
7. BATTERY;
8. NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS;
9. MEDICAL MONITORING;
10. VIOLATION OF UNFAIR
COMPETITION LAW (BUS. & PROF.
CODE § 17200 ET SEQ.);
11. PREMISES LIABILITY; AND
12. LOSS OF CONSORTIUM

DEMAND OVER \$25,000

[DEMAND FOR JURY TRIAL]

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PASADENA, CALIFORNIA 91105

COMPLAINT

1. Plaintiff JOHN DOE (“Plaintiff”), both as an individual and on behalf of all other persons similarly situated (collectively, the “Class”), files this Class Action Complaint against Defendants GKN AEROSPACE, INC., a Delaware Corporation; GKN AEROSPACE US HOLDINGS LLC, a Delaware limited liability company; GKN AEROSPACE TRANSPARENCY SYSTEMS INC., a California Corporation; and DOES 1 through 100, inclusive (collectively, “Defendants”), and in support thereof alleges as follows:

SUMMARY OF COMPLAINT

2. This action arises out of the catastrophic loss of control of a bulk storage tank containing approximately 34,000 gallons of methyl methacrylate (“MMA”), a volatile, flammable, and toxic industrial chemical, at the aerospace manufacturing facility owned, operated, and controlled by Defendants and located at 12122 Western Avenue, Garden Grove, California (the “Facility”).

3. Beginning on or about May 21, 2026, the MMA tank at the Facility overheated and began venting toxic chemical vapors into the surrounding residential community. The overheating tank created an imminent and publicly announced threat of a Boiling Liquid Expanding Vapor Explosion (“BLEVE”); a catastrophic blast capable of devastating the densely populated neighborhoods that surround the Facility.

4. As a direct result, public safety agencies, including the Orange County Fire Authority (“OCFA”), ordered the mandatory evacuation of tens of thousands of residents across Garden Grove and neighboring communities. The Governor of California proclaimed a state of emergency, and a federal emergency declaration followed. Plaintiff and the Class were forced from their homes, displaced for days, exposed to toxic vapors, and subjected to severe emotional distress arising from the threat that their homes, their neighborhoods, and their lives could be destroyed at any moment.

5. The disaster was foreseeable and preventable. Defendants stored an enormous volume of a hazardous, flammable chemical in close proximity to homes, schools, and businesses, while, as alleged herein, failing to maintain, inspect, cool, and safely contain that chemical, and failing to implement the safety, mechanical-integrity, and emergency-response programs that the law requires. Defendants did so despite a documented history of regulatory violations and enforcement at the Facility. Plaintiff brings this action on behalf of himself and all others similarly situated to recover

1 the damages caused by Defendants' misconduct and to compel Defendants to operate the Facility
2 safely.

3 **JURISDICTION AND VENUE**

4 6. **Jurisdiction.** This Court has jurisdiction over this action pursuant to Code of Civil
5 Procedure section 410.10. This action is brought as a class action pursuant to Code of Civil Procedure
6 section 382. The amount in controversy exceeds the jurisdictional minimum of this Court. The
7 injuries, acts, and omissions complained of occurred at and emanated from the Facility, which is
8 owned and operated by Defendants within the County of Orange, State of California. This Court has
9 personal jurisdiction over Defendants because they own, operate, maintain, and/or control the Facility
10 within the State of California, transact and conduct business within the State of California, and have
11 purposefully availed themselves of the rights, benefits, and privileges of conducting business and
12 storing hazardous materials within the State of California.

13 7. **Venue.** Venue is proper in the Superior Court of California, County of Orange,
14 pursuant to Code of Civil Procedure sections 395 and 395.5, because the Facility that is the subject
15 of this action is located in the County of Orange; because the injuries to person and property
16 complained of herein occurred in the County of Orange; because the liability and obligations of
17 Defendants arose in the County of Orange; and because Defendants maintain and operate the Facility,
18 transact business, and are otherwise found within the County of Orange. Plaintiff and the members
19 of the Class reside in, own or occupy property in, and/or were evacuated from the County of Orange.

20 **THE PARTIES**

21 **PLAINTIFF**

22 8. Plaintiff JOHN DOE ("Plaintiff" or "Mr. Doe") is, and at all times relevant hereto
23 was, a resident of the County of Orange, State of California. At the time of the incident alleged herein,
24 Mr. Doe resided within the area surrounding the Facility in Garden Grove, California, and was forced
25 to evacuate his home pursuant to the mandatory evacuation orders issued in response to Defendants'
26 conduct. Mr. Doe sues under the fictitious name John Doe to protect his privacy and personal safety;
27 his true identity is known to his counsel and will be disclosed to the Court and the parties subject to
28 an appropriate protective order. Mr. Doe brings this action individually and as a representative of all
similarly situated persons pursuant to Code of Civil Procedure section 382.

DEFENDANTS

9. Plaintiff is informed and believes, and based thereon alleges, that at all times relevant hereto, Defendant GKN AEROSPACE, INC. (“GKN Aerospace”) was and is a corporation organized and existing under the laws of the State of Delaware, doing business in the State of California, and operating the Facility located at 12122 Western Avenue, Garden Grove, 92841, in the County of Orange, State of California.

10. Plaintiff is informed and believes, and based thereon alleges, that at all times relevant hereto, Defendant GKN AEROSPACE US HOLDINGS LLC (“GKN US Holdings”) was and is a limited liability company organized and existing under the laws of the State of Delaware, with a registered office located at 251 Little Falls Drive, Wilmington, 19808, in the County of New Castle, State of Delaware, and doing business in the State of California. Plaintiff is informed and believes that GKN US Holdings is a direct or indirect parent of, and exercises ownership and control over, GKN Aerospace and the operation of the Facility.

11. Plaintiff is informed and believes, and based thereon alleges, that at all times relevant hereto, Defendant GKN AEROSPACE TRANSPARENCY SYSTEMS INC. (“GKN Transparency”) was and is a corporation organized and existing under the laws of the State of California, doing business at, and operating, the Facility located at 12122 Western Avenue, Garden Grove, California 92841, in the County of Orange, State of California. GKN Aerospace, GKN US Holdings, and GKN Transparency are collectively referred to herein as “Defendants” or the “GKN Entities.”

12. The true names and capacities, whether individual, corporate, associate, or otherwise, of the Defendants named herein as DOES 1 through 100, inclusive, are unknown to Plaintiff at this time, and therefore said Defendants are sued by such fictitious names. Plaintiff will seek leave to amend this Complaint to allege their true names and capacities when the same have been ascertained. Plaintiff is informed and believes, and based thereon alleges, that each of the fictitiously named Defendants, which may include, without limitation, parent, subsidiary, and affiliated entities, and individual officers, directors, managers, and employees responsible for the maintenance, inspection, and safety of the Facility and the Tank, and for the design and implementation of the Facility’s process safety, hazardous-materials, and accidental-release-prevention programs, is responsible in some manner for the occurrences, injuries, and damages alleged herein.

13. Plaintiff is informed and believes, and based thereon alleges, that at all times relevant hereto, each of the Defendants, including the DOE Defendants, was the agent, employee, representative, partner, joint venturer, parent, subsidiary, affiliate, alter ego, successor, and/or co-conspirator of each of the other Defendants, and in doing the things alleged herein was acting within the course and scope of such agency, employment, partnership, joint venture, alter ego status, successor status, and/or conspiracy, and with the knowledge, permission, consent, and/or subsequent ratification of each of the other Defendants.

14. Whenever and wherever reference is made in this Complaint to any act or failure to act by a Defendant or co-Defendant, such allegations and references shall also be deemed to mean the acts and/or failures to act by each Defendant acting individually, jointly, and severally.

ALTER EGO, AGENCY, AND SINGLE ENTERPRISE

15. Plaintiff is informed and believes, and based thereon alleges, that there exists, and at all relevant times existed, such a unity of interest and ownership among GKN Aerospace, GKN US Holdings, GKN Transparency, and DOES 1 through 100 that the individuality and separateness of each such Defendant has ceased to exist, and that each is the alter ego of the others.

16. Plaintiff is informed and believes, and based thereon alleges, that despite the formation of their purported separate corporate existence, the GKN Entities and DOES 1 through 100 are, in reality, a single integrated enterprise, including, but not limited to, because:

17. The GKN Entities share common ownership, officers, directors, and/or managing agents, and GKN US Holdings dominate and control the business, operations, finances, and safety policies of GKN Aerospace and GKN Transparency, including the operation of the Facility;

18. The GKN Entities hold themselves out to the public, to regulators, to vendors, and to the community as a single, integrated “GKN Aerospace” enterprise, using common branding, signage, trademarks, and corporate identity at and in connection with the Facility;

19. The GKN Entities commingle funds, assets, personnel, management, administrative functions, insurance, and safety and environmental compliance functions, and use one another’s resources interchangeably;

20. GKN US Holdings treat the assets and revenues of GKN Aerospace and GKN Transparency as their own, and the parent entities derive actual and significant monetary benefit from the operation of the Facility;

21. The GKN Entities and DOES 1 through 100 fail to observe the corporate formalities necessary to maintain separate corporate existences, and/or are inadequately capitalized to respond to the foreseeable liabilities arising from the storage of bulk hazardous chemicals adjacent to a densely populated community; and

22. The business affairs of the GKN Entities and DOES 1 through 100 are so intermingled that they cannot reasonably be segregated, and the recognition of their separate corporate existence would promote injustice and sanction a fraud by permitting the entities that own, control, and profit from the Facility to insulate themselves from liability for the harms caused by its unsafe operation.

23. Accordingly, the GKN Entities and DOES 1 through 100 constitute the alter egos of one another and a single integrated enterprise, and adherence to the fiction of their separate corporate existence would, under the circumstances, sanction a fraud and promote injustice. The corporate distinctions among them should be disregarded, and each should be held jointly and severally liable for the conduct and damages alleged herein.

24. Plaintiff is further informed and believes, and based thereon alleges, that at all relevant times each of the GKN Entities and DOES 1 through 100 acted as the agent of the others with respect to the ownership, operation, control, maintenance, inspection, and safety of the Facility and the Tank, and that each acted within the course and scope of that agency and with the knowledge, consent, and ratification of the others.

FACTUAL ALLEGATIONS

A. The Facility and Its Hazardous Operations

25. Defendants own, operate, control, lease, manage, supervise, and/or maintain an industrial aerospace manufacturing facility located at 12122 Western Avenue, Garden Grove, California 92841 (the "Facility"). At the Facility, Defendants manufacture aerospace components, including aircraft canopies, windows, and transparencies engineered to withstand extreme heat and cold.

1 26. The manufacture of such components requires the routine use, handling, processing,
2 and bulk storage of substantial quantities of toxic, volatile, flammable, and otherwise hazardous
3 industrial chemicals. Among the chemicals stored and used at the Facility is methyl methacrylate
4 (“MMA”), a volatile, flammable, and toxic industrial chemical used in the production of acrylic
5 plastics.

6 27. At the Facility, Defendants stored MMA in bulk, including in a single storage tank
7 containing approximately 34,000 gallons of MMA (the “Tank”). MMA is a hazardous substance: it
8 is highly flammable, its vapors are heavier than air and can travel along the ground to ignition sources,
9 and inhalation of and exposure to MMA vapors can cause acute injury to the respiratory tract, eyes,
10 skin, and mucous membranes, as well as neurological and other symptoms.

11 28. The Facility is located in a densely populated area of Orange County, surrounded by
12 residential neighborhoods, homes, apartments, schools, businesses, and other places where members
13 of the public live, work, and gather. Because of the Facility’s location and the nature and volume of
14 the chemicals stored there, the safe storage, handling, monitoring, maintenance, cooling, and
15 containment of those chemicals was a matter of grave importance to the surrounding community, and
16 the consequences of a loss of control were foreseeably catastrophic.

17 29. Defendants were at all times aware of the nature, volume, and hazards of the chemicals
18 they stored at the Facility. Defendants were required to, and did, report their use, storage, and
19 transportation of hazardous materials, including MMA, to state and federal regulatory agencies. The
20 dangerous characteristics of the chemicals at the Facility were therefore well known to Defendants
21 and to the public safety agencies charged with protecting the community.

22 **B. Defendants’ Prior Notice and History of Regulatory Violations**

23 30. Long before the incident alleged herein, Defendants were on notice of safety,
24 mechanical-integrity, and regulatory deficiencies at the Facility, yet failed to remediate them.

25 31. On information and belief, prior to the incident alleged herein, Defendants had been
26 the subject of regulatory enforcement concerning safety and environmental conditions at the Facility,
27 and were thereby on notice of deficiencies in their handling and storage of hazardous materials at the
28 Facility. Plaintiff is informed and believes that further particulars of such prior notice and
enforcement will be established through investigation and discovery. Defendants’ history of

1 environmental and regulatory non-compliance at the Facility also includes enforcement by the South
2 Coast Air Quality Management District (“SCAQMD”). Following an inspection, SCAQMD
3 determined that the Facility had violated environmental regulations, including by using or emitting
4 chemicals beyond the limits authorized by its permits, allowing chemical emissions in excess of legal
5 limits, failing to maintain complete and accurate records, and operating equipment or conducting
6 procedures without required permits. To resolve those violations, Defendants agreed to pay a civil
7 penalty in an amount exceeding \$900,000.

8 32. Notwithstanding this documented history of safety and environmental violations and
9 enforcement, Defendants continued to store tens of thousands of gallons of volatile, flammable MMA
10 and other hazardous chemicals at the Facility, immediately adjacent to densely populated residential
11 neighborhoods, without implementing the maintenance, inspection, mechanical-integrity, process-
12 safety, and emergency-response measures necessary to prevent the foreseeable loss of control that
13 occurred.

14 **C. The May 21, 2026 Release, Explosion Threat, and Mass Evacuation**

15 33. On or about May 21, 2026, the approximately 34,000-gallon Tank of MMA at the
16 Facility overheated and began venting toxic chemical vapors into the surrounding air and community.

17 34. As the temperature and pressure inside the Tank rose, the Tank’s contents created an
18 imminent and escalating risk of a Boiling Liquid Expanding Vapor Explosion (“BLEVE”), a
19 catastrophic explosion that occurs when a vessel containing a pressurized, superheated liquid fails,
20 releasing a massive and potentially deadly blast and fireball. Public safety officials publicly identified
21 a potential blast radius surrounding the Facility within which a BLEVE could cause death, serious
22 bodily injury, and the destruction of homes and property.

23 35. In response to the threat posed by the overheating Tank, public safety agencies,
24 including the Orange County Fire Authority, the Garden Grove Police Department, and other local,
25 state, and federal agencies, ordered the mandatory evacuation of the area surrounding the Facility.
26 Tens of thousands of residents of Garden Grove and surrounding communities were ordered to leave
27 their homes.

28 36. On or about May 23, 2026, the Governor of California proclaimed a state of
emergency in Orange County in response to the ongoing chemical incident at the Facility, directing

1 state agencies, including the California Governor's Office of Emergency Services, to support the
2 response and making additional shelter sites available for evacuated residents. A federal emergency
3 declaration followed.

4 37. The emergency persisted for days. Hazmat crews worked around the clock to cool the
5 Tank, neutralize adjacent tanks, and monitor the temperature and pressure of the involved Tank.
6 Although the threat of a catastrophic BLEVE was ultimately reduced after a crack in the Tank relieved
7 pressure and allowed cooling, the danger did not immediately end, and a continued risk of a smaller
8 explosion or further chemical release remained. Thousands of residents, including Plaintiff and
9 members of the Class, remained displaced from their homes.

10 38. Plaintiff JOHN DOE resided within the area surrounding the Facility at the time of the
11 incident. As a direct result of Defendants' conduct and the mandatory evacuation orders, Plaintiff
12 was forced to abruptly evacuate his home, was displaced for an extended period, incurred out-of-
13 pocket expenses, was exposed to the released chemical vapors, and suffered severe emotional distress,
14 including fear and anxiety arising from the imminent threat of explosion within the blast radius, the
15 fear of exposure to a toxic chemical, fear for the safety of himself and his family, the loss of the use
16 and enjoyment of his home, and uncertainty about whether and when he could safely return.

17 39. The loss of control of the Tank, the release of MMA, the threatened explosion, and
18 the resulting mass evacuation were the direct and foreseeable result of Defendants' failure to safely
19 store, maintain, inspect, cool, monitor, and contain the bulk MMA at the Facility, and of Defendants'
20 failure to implement the safety and emergency-response programs required by law. The incident
21 would not have occurred had Defendants exercised reasonable care.

22 40. As a direct and proximate result of Defendants' conduct, Plaintiff and the members of
23 the Class have suffered damages, including, without limitation: evacuation, relocation, lodging, food,
24 transportation, and child- and pet-care expenses; lost wages and lost business income; past and future
25 medical expenses and the need for ongoing medical monitoring; physical injuries, including
26 respiratory, ocular, dermal, and neurological symptoms; loss of the use and enjoyment of their homes
27 and property; property damage, contamination, and diminution in value; and severe emotional
28 distress, fear, anxiety, and inconvenience.

CLASS ALLEGATIONS

1 **A. Definition of the Class**

2 41. Plaintiff brings this action on behalf of himself and all others similarly situated,
3 pursuant to Code of Civil Procedure section 382, as a class action on behalf of the following Class
4 (the “Class”):

5 42. All persons who, as a result of the May 21, 2026 chemical release and explosion threat
6 at the Facility located at 12122 Western Avenue, Garden Grove, California, were ordered to evacuate
7 from, and did evacuate from, the evacuation zone(s) established by the Orange County Fire Authority
8 and/or other public safety agencies in response to the incident.

9 43. Excluded from the Class are Defendants; their officers, directors, employees, and legal
10 representatives; the judge and court personnel assigned to this case and their immediate family
11 members; and any persons who timely and validly request exclusion from the Class. Plaintiff reserves
12 the right to amend, modify, or refine the Class definition, and to propose subclasses (including,
13 without limitation, a subclass of persons physically exposed to MMA vapors (the “Exposure
14 Plaintiffs”) and a subclass of spouses and registered domestic partners of injured Class members),
15 based on information developed through discovery and as appropriate under the circumstances.

15 **B. Class Action Requisites**

16 44. **Numerosity and Ascertainability.** The members of the Class are so numerous that
17 joinder of all members is impracticable. While the exact number is presently unknown to Plaintiff,
18 the evacuation orders issued in response to the incident displaced tens of thousands of residents. The
19 members of the Class are readily ascertainable by objective criteria, including the geographic
20 boundaries of the evacuation zone(s) established by public safety agencies and Defendants’ own
21 records, public agency records, and other records identifying persons who resided, owned property,
22 or were present within the evacuation zone(s).

23 45. **Commonality and Predominance.** There is a well-defined community of interest in
24 the common questions of law and fact affecting the Class, and those common questions predominate
25 over any questions affecting only individual members. Common questions include, without
26 limitation:

- 27 a. Whether Defendants owned, operated, controlled, and were responsible for
28 the Facility and the Tank;

- b. Whether Defendants owed a duty of care to Plaintiff and the Class with respect to the storage, handling, maintenance, inspection, cooling, monitoring, and containment of the MMA and other hazardous chemicals at the Facility;
- c. Whether Defendants breached that duty of care;
- d. Whether Defendants violated statutes, ordinances, and regulations governing the storage of hazardous materials, such that they are negligent as a matter of law;
- e. Whether Defendants' storage and handling of bulk volatile, flammable, and toxic chemicals adjacent to a densely populated community constituted an ultrahazardous or abnormally dangerous activity giving rise to strict liability;
- f. Whether Defendants' conduct created a public and/or private nuisance and/or a trespass;
- g. Whether Defendants' conduct constituted an unlawful or unfair business practice within the meaning of Business and Professions Code section 17200 et seq.;
- h. Whether Defendants' conduct was a substantial factor in causing the release, the evacuation, and the resulting harm; and
- i. Whether Defendants' conduct was malicious, oppressive, or in conscious disregard of the rights and safety of Plaintiff and the Class so as to support an award of punitive damages.

46. **Typicality.** Plaintiff's claims are typical of the claims of the Class. Plaintiff, like all members of the Class, resided within and was ordered to evacuate from the evacuation zone(s) established in response to the incident, and sustained injury as a result of the same course of conduct by Defendants. Plaintiff's claims arise from the same event, practices, and conduct that give rise to the claims of the other Class members and are based on the same legal theories.

47. **Adequacy of Representation.** Plaintiff will fairly and adequately protect the interests of the Class. Plaintiff has no interests that are antagonistic to or in conflict with the interests of the Class, and has retained counsel competent and experienced in complex and class action litigation. Plaintiff and his counsel are committed to vigorously prosecuting this action on behalf of the Class.

1 48. **Superiority.** A class action is superior to other available means for the fair and
2 efficient adjudication of this controversy. Individual joinder of all Class members is impracticable,
3 and the prosecution of separate actions by individual members would create the risk of inconsistent
4 or varying adjudications and would be unduly burdensome to the courts and the parties. The damages
5 suffered by many individual Class members may be relatively modest compared to the burden and
6 expense of individual litigation against well-funded corporate defendants. A class action presents far
7 fewer management difficulties and provides the benefits of a single adjudication, economies of scale,
8 and comprehensive supervision by a single court.

9 49. **Manageability.** This action is manageable as a class action. The Class is defined by
10 objective criteria; the central liability questions are common and predominate; and any individualized
11 issues, including the amount of certain categories of damages, can be addressed through established
12 class-action procedures, including the use of subclasses, claims procedures, and phased proceedings.

13 **FIRST CAUSE OF ACTION**
14 **NEGLIGENCE**
15 **BY PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS AND ALL DOE**
16 **DEFENDNTS**

17 50. Plaintiff and the Class reallege and incorporate by reference each and every allegation
18 contained in the preceding paragraphs of this Complaint as though fully set forth herein, except those
19 allegations that are inconsistent with this cause of action.

20 51. At all relevant times, Defendants owned, operated, controlled, leased, managed,
21 supervised, maintained, designed, inspected, and/or were otherwise responsible for the Facility and
22 for the Tank containing approximately 34,000 gallons of MMA.

23 52. Defendants owed Plaintiff and all members of the Class a duty to exercise reasonable
24 care in the storage, handling, monitoring, maintenance, inspection, cooling, and containment of large
25 volumes of volatile, flammable, and toxic industrial chemicals, including MMA. Because the Facility
26 is located in a densely populated residential, commercial, and school area, the duty of care owed by
27 Defendants was heightened.

28 53. Defendants' duties included, but were not limited to: (a) properly maintaining the
Tank and its associated valves, sensors, cooling systems, and safety equipment; (b) regularly
inspecting the Tank for corrosion, structural integrity, temperature, pressure, and venting; (c)

1 ensuring that personnel were adequately trained in the safe storage and emergency handling of MMA;
2 (d) maintaining and testing functional emergency cooling, suppression, and containment systems; (e)
3 implementing and following written process safety management procedures; (f) complying with all
4 applicable federal, state, and local statutes and regulations governing the storage of hazardous
5 materials; and (g) timely warning surrounding residents, businesses, and public agencies of any
6 conditions creating a foreseeable risk of release or explosion.

7 54. Defendants breached their duties of care to Plaintiff and the Class by, among other
8 things: (a) failing to maintain and inspect the Tank and associated machinery; (b) improperly cooling
9 and covering bulk storage tanks at the Facility; (c) failing to maintain proper records of volatile
10 organic compound emissions and operating equipment without required permits, as found by the
11 South Coast Air Quality Management District; (d) failing to implement an adequate Process Safety
12 Management program; (e) failing to prepare, maintain, and exercise a Hazardous Materials Business
13 Plan; (f) failing to prepare, maintain, and exercise a California Accidental Release Prevention
14 Program plan; (g) failing to provide timely and accurate warnings to surrounding residents and public
15 agencies; and (h) such other acts and omissions as may be revealed through discovery.

16 55. It was reasonably foreseeable to Defendants that their failures would cause precisely
17 the harm that occurred: the loss of control of a bulk tank of volatile chemicals, the mandatory mass
18 evacuation of tens of thousands of residents, chemical exposure injuries, displacement, property
19 damage, and severe emotional distress arising from the imminent threat of explosion.

20 56. As a direct, legal, and proximate result of Defendants' negligence, Plaintiff and the
21 Class have suffered general and special damages including, but not limited to: (a) evacuation,
22 relocation, and temporary housing expenses; (b) lost wages and lost business income; (c) past and
23 future medical expenses; (d) the need for ongoing medical monitoring; (e) physical injuries including
24 respiratory, ocular, dermal, and neurological symptoms; (f) loss of use and enjoyment of their homes
25 and property; (g) property damage, contamination, and diminution in value; and (h) severe emotional
26 distress, fear, anxiety, and inconvenience, all in amounts to be proven at trial.

27 57. Defendants' conduct as alleged herein was malicious, oppressive, and/or in conscious
28 disregard of the rights and safety of Plaintiff and the surrounding community, justifying an award of
punitive and exemplary damages pursuant to Civil Code section 3294.

SECOND CAUSE OF ACTION
NEGLIGENCE PER SE
CAL. EVID. CODE § 669
BY PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS AND ALL DOE
DEFENDANTS

58. Plaintiff and the Class reallege and incorporate by reference each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein, except those allegations that are inconsistent with this cause of action.

59. At all relevant times, Defendants were subject to numerous statutes, ordinances, and regulations enacted to protect persons and property in the vicinity of facilities storing large quantities of hazardous, volatile, and flammable industrial chemicals.

60. Defendants violated, among others, the following statutory and regulatory predicates, each of which gives rise to a presumption of negligence under Evidence Code section 669:

- a. California Accidental Release Prevention Program (“CalARP”) Health & Safety Code sections 25531–25543.3 and implementing regulations at Title 19 of the California Code of Regulations, sections 2735.1 et seq., requiring stationary sources that handle regulated substances above threshold quantities to prepare and implement a risk management plan, conduct hazard assessments, implement process safety management elements, maintain mechanical-integrity programs, and prevent accidental releases of regulated substances.
- b. Hazardous Materials Business Plan (“HMBP”) Health & Safety Code sections 25500–25520, requiring handlers of hazardous materials above threshold quantities to prepare, submit, and implement a business plan addressing emergency response, employee training, and immediate reporting of releases and threatened releases.
- c. Process Safety Management of Acutely Hazardous Materials (“PSM”) Title 8 of the California Code of Regulations, section 5189, requiring employers operating processes involving listed hazardous chemicals or flammable liquids above threshold quantities to implement written process safety information, process hazard analysis, operating procedures, training, mechanical integrity, management

1 of change, incident investigation, emergency planning, compliance audits, and
2 contractor safety programs.

3 d. Federal Process Safety Management Standard Title 29 of the Code of Federal
4 Regulations, section 1910.119, the federal counterpart to Title 8, section 5189, to
5 the extent applicable.

6 e. Federal Risk Management Program Title 40 of the Code of Federal Regulations,
7 Part 68 (Clean Air Act section 112(r) regulations), requiring covered stationary
8 sources to prepare and submit risk management plans, conduct hazard
9 assessments, and implement accident prevention programs.

10 f. South Coast Air Quality Management District Rules including, without limitation,
11 SCAQMD Rule 1401 (New Source Review of Toxic Air Contaminants), Rule
12 1402 (Control of Toxic Air Contaminants from Existing Sources), and Rule 203
13 (Permit to Operate), governing the control of toxic air contaminants and the
14 permitting and emission record-keeping of volatile organic compounds.

15 g. California Hazardous Waste Control Law Health & Safety Code sections 25100 et
16 seq. and Title 22 of the California Code of Regulations, sections 66262.10 et seq.,
17 governing the storage, labeling, and containment of hazardous waste and
18 hazardous materials.

19 h. California Fire Code as adopted in Title 24, Part 9 of the California Code of
20 Regulations and as locally amended, governing the storage, dispensing, and use of
21 flammable and combustible liquids, including the requirements governing
22 hazardous materials and flammable and combustible liquids.

23 i. Cal/OSHA General Duty Clause and General Industry Safety Orders Labor Code
24 section 6400 and Title 8 of the California Code of Regulations, sections 3200 et
25 seq., requiring employers to furnish a place of employment that is safe and
26 healthful and to maintain machinery in safe operating condition.

27 61. Each of the statutes, ordinances, and regulations identified above was enacted to
28 protect persons such as Plaintiff and the Class, residents and occupants of properties in proximity to
facilities storing volatile, flammable, and toxic industrial chemicals, from the precise type of harm

1 that occurred: the uncontrolled release and threatened explosion of a bulk container of hazardous
2 material, mass evacuation, chemical exposure, and physical and emotional injury.

3 62. Plaintiff and the Class are within the class of persons the foregoing statutes and
4 regulations were enacted to protect, and the harms they suffered are precisely the type of harms those
5 statutes and regulations were enacted to prevent.

6 63. Defendants' violations of the foregoing statutes and regulations directly, legally, and
7 proximately caused the injuries and damages to Plaintiff and the Class alleged herein. Defendants'
8 conduct therefore constitutes negligence as a matter of law pursuant to Evidence Code section 669.

9 64. Defendants' conduct as alleged herein was malicious, oppressive, and/or in conscious
10 disregard of the rights and safety of Plaintiff and the surrounding community, justifying an award of
11 punitive and exemplary damages pursuant to Civil Code section 3294.

12 **THIRD CAUSE OF ACTION**
13 **PRIVATE NUISANCE**
14 **CAL. CIV. CODE §§ 3479, 3501**
15 **BY PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS AND ALL DOE**
16 **DEFENDANTS**

17 65. Plaintiff and the Class reallege and incorporate by reference each and every allegation
18 contained in the preceding paragraphs of this Complaint as though fully set forth herein, except those
19 allegations that are inconsistent with this cause of action.

20 66. At all relevant times, Plaintiff and the Class owned, occupied, leased, possessed,
21 and/or had legally protected interests in real property located within the area affected by the May 21,
22 2026 release of MMA from the Facility, including the areas placed under mandatory evacuation by
23 the Orange County Fire Authority and other public agencies.

24 67. Defendants, by their acts and omissions described herein, created, maintained, and/or
25 permitted a condition that obstructed the free use and enjoyment of the property of Plaintiff and the
26 Class and constituted a nuisance within the meaning of Civil Code section 3479, including: (a) the
27 release into the surrounding air of toxic, flammable, and noxious MMA vapors; (b) the creation of an
28 ongoing threat of explosion and catastrophic chemical release; (c) the imposition of mandatory
evacuation orders that displaced Plaintiff and the Class from their homes for an extended period; (d)
the creation of objectionable odors detectable on their property; and (e) the deposition or threatened
deposition of hazardous chemical residue onto their property.

1 68. The condition created and maintained by Defendants was harmful to health, was
2 offensive to the senses, and substantially and unreasonably interfered with the comfortable use and
3 enjoyment of the property of Plaintiff and the Class.

4 69. A reasonable person residing in or near the affected area would have been seriously
5 annoyed, disturbed, and harmed by the condition created and maintained by Defendants. Plaintiff and
6 the Class did not consent to Defendants' conduct.

7 70. The gravity of the harm caused to Plaintiff and the Class by Defendants' conduct
8 substantially outweighs any social utility of Defendants' conduct, particularly in light of Defendants'
9 documented history of safety and environmental violations.

10 71. As a direct, legal, and proximate result of Defendants' nuisance, Plaintiff and the Class
11 have suffered the damages described herein, in amounts to be proven at trial.

12 72. Defendants' conduct as alleged herein was malicious, oppressive, and/or in conscious
13 disregard of the rights and safety of Plaintiff and the surrounding community, justifying an award of
14 punitive and exemplary damages pursuant to Civil Code section 3294.

15 73. Plaintiff and the Class are entitled to abatement of the nuisance and to injunctive relief
16 preventing the recurrence of the conditions complained of herein, in addition to compensatory
17 damages.

18 **FOURTH CAUSE OF ACTION**
19 **PUBLIC NUISANCE**
20 **CAL. CIV. CODE §§ 3479, 3480, 3493**
21 **BY PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS AND ALL DOE**
22 **DEFENDANTS**

23 74. Plaintiff and the Class reallege and incorporate by reference each and every allegation
24 contained in the preceding paragraphs of this Complaint as though fully set forth herein, except those
25 allegations that are inconsistent with this cause of action.

26 75. Defendants, by their acts and omissions described herein, created, maintained, and/or
27 permitted a condition that affected at one and the same time an entire community and neighborhood,
28 including residents of Garden Grove, Stanton, and surrounding communities, and a considerable
number of persons numbering in the tens of thousands, constituting a public nuisance within the
meaning of Civil Code sections 3479 and 3480.

1 76. The condition created and maintained by Defendants was harmful to public health,
2 was offensive to the senses, and substantially and unreasonably interfered with the comfortable
3 enjoyment of life and property by an entire community.

4 77. Plaintiff and the Class suffered harm that was different in kind, and not merely in
5 degree, from the harm suffered by the general public, including, without limitation: physical
6 displacement from their homes pursuant to mandatory evacuation orders; out-of-pocket evacuation,
7 lodging, food, transportation, and child- and pet-care expenses; lost wages and lost business income;
8 physical exposure to and inhalation of MMA vapors and resulting bodily injury; the need for medical
9 evaluation, treatment, and ongoing monitoring; loss of use and enjoyment of their homes, vehicles,
10 and personal property; property contamination and diminution in value; and severe emotional distress
11 arising from the imminent threat of explosion within the blast radius. Plaintiff and the Class are
12 therefore entitled to maintain this action for public nuisance pursuant to Civil Code section 3493.

13 78. As a direct, legal, and proximate result of Defendants' public nuisance, Plaintiff and
14 the Class have suffered the damages described herein, in amounts to be proven at trial.

15 79. Plaintiff and the Class are entitled to abatement of the public nuisance, to injunctive
16 relief, to compensatory damages, and to punitive damages pursuant to Civil Code section 3294.

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19 **FIFTH CAUSE OF ACTION**
20 **TRESPASS**
21 **BY PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS AND ALL DOE**
22 **DEFENDANTS**

23 80. Plaintiff and the Class reallege and incorporate by reference each and every allegation
24 contained in the preceding paragraphs of this Complaint as though fully set forth herein, except those
25 allegations that are inconsistent with this cause of action.

26 81. At all relevant times, Plaintiff and the Class owned, occupied, leased, possessed,
27 and/or had a right of possession in real property located in the area surrounding the Facility.

28 82. Defendants, by their acts and omissions, caused MMA vapors, chemical particulates,
and/or other physical matter to enter upon, settle upon, and remain upon the property of Plaintiff and
the Class, including the airspace immediately above and within their property, without their consent.

83. Defendants' invasion of the property of Plaintiff and the Class was either intentional, in that Defendants knew or should have known to a substantial certainty that their conduct in storing, handling, and failing to maintain bulk volumes of MMA at the Facility would result in the release and migration of MMA vapors onto neighboring properties, or, in the alternative, reckless or negligent.

84. The presence of MMA vapors and any associated residues on the property of Plaintiff and the Class constituted a physical invasion of that property and interfered with their exclusive possession of it. Under California law, the intrusion of toxic vapors, particulates, and chemical matter onto real property constitutes a trespass actionable in damages.

85. Plaintiff and the Class did not consent to Defendants' invasion of their property.

86. As a direct, legal, and proximate result of Defendants' trespass, Plaintiff and the Class have suffered the damages described herein, including damage to property, loss of use and enjoyment of property, the cost of testing and remediation, diminution in value, and emotional distress, in amounts to be proven at trial.

87. Defendants' conduct as alleged herein was malicious, oppressive, and/or in conscious disregard of the rights of Plaintiff and the Class, justifying an award of punitive and exemplary damages pursuant to Civil Code section 3294.

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SIXTH CAUSE OF ACTION
STRICT LIABILITY FOR ULTRAHAZARDOUS /
ABNORMALLY DANGEROUS ACTIVITY
BY PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS AND ALL DOE
DEFENDANTS

88. Plaintiff and the Class reallege and incorporate by reference each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein, except those allegations that are inconsistent with this cause of action.

89. At the Facility, Defendants engaged in the bulk storage, processing, and industrial use of MMA, a volatile, flammable, and toxic industrial chemical, in quantities reaching tens of thousands of gallons, including a single tank containing approximately 34,000 gallons. Defendants also engaged in the bulk handling of other hazardous, flammable, and toxic materials at the Facility.

1 90. The bulk storage and industrial handling of large quantities of MMA and similarly
2 volatile, flammable, and toxic chemicals in close proximity to densely populated residential,
3 commercial, and school neighborhoods constitutes an ultrahazardous and abnormally dangerous
4 activity under California law because: (a) the activity creates a high degree of risk of harm to persons,
5 property, and the environment in the surrounding community; (b) the harm that may result is likely
6 to be great, including catastrophic harm from explosion, fire, and toxic exposure; (c) such risks cannot
7 be eliminated through the exercise of reasonable care, as evidenced by Defendants' inability, despite
8 the deployment of substantial emergency resources, to promptly stabilize the Tank; (d) the activity is
9 not a matter of common usage and is conducted only by a limited number of industrial entities; (e)
10 the activity is inappropriate to its location adjacent to densely populated residential communities; and
11 (f) the value of the activity to the community is outweighed by its dangerous attributes.

12 91. Defendants are strictly liable to Plaintiff and the Class for all damages proximately
13 caused by their ultrahazardous activity, regardless of the degree of care exercised by Defendants.

14 92. Defendants' ultrahazardous activity was the direct, legal, and proximate cause of the
15 harms suffered by Plaintiff and the Class as alleged herein.

16 93. As a direct, legal, and proximate result of Defendants' ultrahazardous activity,
17 Plaintiff and the Class have suffered the damages described herein, in amounts to be proven at trial.

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20 **SEVENTH CAUSE OF ACTION**
21 **BATTERY**
22 **BY PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS AND ALL DOE**
23 **DEFENDANTS**

24 94. Plaintiff and the Class reallege and incorporate by reference each and every allegation
25 contained in the preceding paragraphs of this Complaint as though fully set forth herein, except those
26 allegations that are inconsistent with this cause of action.

27 95. This cause of action is asserted on behalf of those members of the Class who were
28 physically exposed to MMA vapors, particulates, or other chemical matter released from the Facility
(the "Exposure Plaintiffs").

96. Defendants intended to engage in the conduct that caused MMA vapors and other chemical matter to be released into the surrounding air and to come into contact with the bodies of the Exposure Plaintiffs, or, in the alternative, knew to a substantial certainty that such contact would result from their conduct.

97. As a direct result of Defendants' conduct, MMA vapors, particulates, and/or other chemical matter came into contact with the persons of the Exposure Plaintiffs, including their respiratory tracts, mucous membranes, skin, and eyes.

98. The contact was harmful and offensive. The Exposure Plaintiffs did not consent to the contact.

99. Under controlling California authority, including *Martin v. Reynolds Metals Co.* (1959) 221 Cal.App.2d 423 and its progeny, the intentional release of toxic substances that come into contact with the body of another constitutes a battery, regardless of whether the substance is visible to the naked eye.

100. As a direct, legal, and proximate result of Defendants' battery, the Exposure Plaintiffs have suffered the damages described herein, including physical injury, medical expenses, the need for medical monitoring, pain and suffering, and emotional distress, in amounts to be proven at trial.

101. Defendants' conduct as alleged herein was malicious, oppressive, and/or in conscious disregard of the rights and safety of Plaintiff and the Class, justifying an award of punitive and exemplary damages pursuant to Civil Code section 3294.

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EIGHTH CAUSE OF ACTION
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
DIRECT VICTIM AND FEAR OF FUTURE INJURY
BY PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS AND ALL DOE
DEFENDANTS

102. Plaintiff and the Class reallege and incorporate by reference each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein, except those allegations that are inconsistent with this cause of action.

103. Direct Victim. Defendants owed a duty of care to Plaintiff and the Class arising from their bulk storage of MMA in close proximity to their residences and the resulting and reasonably foreseeable mandatory evacuation, exposure, and threat of catastrophic explosion. By virtue of this

1 preexisting relationship, created by the geographic and physical impact the Facility imposed on the
2 surrounding community, and by Defendants' undertaking of an activity that necessarily placed
3 Plaintiff and the Class in harm's way, Plaintiff and the Class were "direct victims" of Defendants'
4 negligent conduct within the meaning of *Burgess v. Superior Court* (1992) 2 Cal.4th 1064 and its
5 progeny.

6 104. Defendants breached their duty by the acts and omissions described in the First Cause
7 of Action above, with the foreseeable result that Plaintiff and the Class would experience severe
8 emotional distress arising from forced displacement from their homes; the imminent and publicly
9 announced threat of a Boiling Liquid Expanding Vapor Explosion ("BLEVE") within the blast radius
10 identified by the Orange County Fire Authority; fear for the safety of themselves, their families, their
11 homes, and their pets; uncertainty about whether and when they would be able to return home; and
12 exposure to a toxic industrial chemical.

13 105. Fear of Future Injury. As to those members of the Class who were exposed to MMA
14 vapors as a result of Defendants' negligence, Plaintiff and the Class are further entitled to recover for
15 the emotional distress arising from a reasonable, present, and serious fear of developing future
16 respiratory disease and other latent medical conditions associated with such exposure. This fear arises
17 from, among other things, the physiological harm already inflicted in the form of present respiratory,
18 neurological, and mucous-membrane injury, bringing this claim within the recovery permitted by
19 *Potter v. Firestone Tire & Rubber Co.* (1993) 6 Cal.4th 965.

20 106. Plaintiff and the Class have suffered, and continue to suffer, severe and serious
21 emotional distress as a direct, legal, and proximate result of Defendants' negligent conduct. Their
22 emotional distress is of such substantial quantity or enduring quality that no reasonable person in
23 civilized society should be expected to endure it.

24 107. Plaintiff and the Class are entitled to recover damages for their severe emotional
25 distress, in amounts to be proven at trial.

26 **NINTH CAUSE OF ACTION**
27 **MEDICAL MONITORING**
28 **BY THE EXPOSURE PLAINTIFFS AGAINST ALL DEFENDANTS AND ALL DOE**
DEFENDANTS

108. Plaintiff and the Class reallege and incorporate by reference each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein, except those allegations that are inconsistent with this cause of action.

109. California law recognizes the right of plaintiffs who have been exposed, through the tortious conduct of another, to a hazardous substance to recover the reasonable cost of periodic medical examinations necessary to detect the onset of physical harm. *Potter v. Firestone Tire & Rubber Co.* (1993) 6 Cal.4th 965, 1009.

110. As a result of Defendants' tortious conduct as alleged in the preceding causes of action, the Exposure Plaintiffs have been significantly exposed to MMA, a hazardous chemical with known acute respiratory, neurological, dermal, and mucous-membrane toxicity, and with potential associations to additional latent disease processes.

111. As a proximate result of the exposure, the Exposure Plaintiffs have a significantly increased risk of developing serious latent disease, including, without limitation, chronic respiratory conditions and other conditions associated with inhalation exposure to MMA and its vapors.

112. The increased risk of disease makes periodic diagnostic medical examinations reasonable and necessary. By reason of the existence of monitoring procedures that make the early detection of disease possible and beneficial, such monitoring procedures exist and have value in the early detection of the diseases for which the Exposure Plaintiffs are now at increased risk.

113. The prescribed monitoring regime is different from that normally recommended in the absence of the exposure, and is reasonably necessary according to contemporary scientific principles.

114. Plaintiff and the Exposure Plaintiffs are entitled to recover the present-value reasonable cost of a court-supervised medical monitoring program designed to provide periodic diagnostic medical examinations necessary to detect the onset of physical harm associated with MMA exposure, in amounts to be proven at trial.

TENTH CAUSE OF ACTION
VIOLATION OF THE UNFAIR COMPETITION LAW
BUS. & PROF. CODE §§ 17200 ET SEQ.
BY PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS AND ALL DOE
DEFENDANTS

115. Plaintiff and the Class reallege and incorporate by reference each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein, except those allegations that are inconsistent with this cause of action.

116. California's Unfair Competition Law, Business and Professions Code sections 17200 et seq. (the "UCL"), prohibits any unlawful, unfair, or fraudulent business act or practice.

117. Unlawful Prong. Defendants engaged in unlawful business acts and practices by, among other things, violating the statutes and regulations identified in the Second Cause of Action above, including, without limitation: (a) CalARP requirements (Health & Safety Code sections 25531–25543.3; title 19, sections 2735.1 et seq.); (b) HMBP requirements (Health & Safety Code sections 25500–25520); (c) Cal/OSHA Process Safety Management requirements (title 8, section 5189; Labor Code section 6400); (d) SCAQMD rules governing toxic air contaminants and the permitting and emission record-keeping of volatile organic compounds (including SCAQMD Rules 203, 1401, and 1402); (e) California Fire Code provisions governing the storage of flammable and combustible liquids; and (f) such other regulatory provisions as are revealed through discovery. Each such violation constitutes an independent predicate for liability under the unlawful prong of the UCL.

118. Unfair Prong. Defendants additionally engaged in unfair business acts and practices, including: (a) operating a large-volume volatile-chemical storage facility immediately adjacent to densely populated residential and school communities without adequate safety, mechanical-integrity, or emergency-response systems; (b) deferring necessary maintenance, inspection, and remediation of the Tank and associated equipment notwithstanding prior regulatory findings; (c) failing to upgrade safety systems following prior regulatory enforcement, including the SCAQMD enforcement; and (d) prioritizing operational and financial expediency over the safety of the surrounding community. The utility of Defendants' conduct is substantially outweighed by the gravity of the harm to residents and to competitors who comply with applicable laws.

119. Plaintiff and the Class have suffered injury in fact and have lost money and property as a result of Defendants' unlawful and unfair business practices, including evacuation expenses, relocation costs, lost wages, lost business income, property damage, diminution of property value, and out-of-pocket medical expenses, and accordingly have standing to assert this claim pursuant to Business and Professions Code section 17204.

120. Plaintiff and the Class are entitled to (a) restitution of money and property unlawfully obtained or retained by Defendants as a direct or indirect result of their unfair competition; (b) injunctive relief enjoining Defendants from continuing the unlawful and unfair business practices alleged herein, including an order requiring Defendants to bring the Facility into full compliance with all applicable safety and environmental laws before resuming operations; and (c) such other equitable relief as the Court deems just and proper pursuant to Business and Professions Code section 17203.

121. Plaintiff and the Class further request an award of attorneys' fees pursuant to Code of Civil Procedure section 1021.5 on the ground that the prosecution of this action will result in the enforcement of important rights affecting the public interest, will confer a significant benefit on the general public and a large class of persons, and the necessity and financial burden of private enforcement render an award of fees appropriate.

ELEVENTH CAUSE OF ACTION
PREMISES LIABILITY
BY PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS AND ALL DOE
DEFENDANTS

122. Plaintiff and the Class reallege and incorporate by reference each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein, except those allegations that are inconsistent with this cause of action.

123. At all relevant times, Defendants owned, leased, occupied, operated, possessed, and/or controlled the Facility and the Tank.

124. As owners, lessees, occupants, operators, possessors, and/or controllers of the Facility, Defendants owed a duty to exercise reasonable care to keep the Facility, including the Tank, its valves, its cooling systems, and its associated equipment, in a reasonably safe condition, and to ensure that conditions on the Facility did not pose an unreasonable risk of harm to persons and property in the surrounding community.

125. Defendants knew, or in the exercise of reasonable care should have known, of the dangerous condition of the Tank and the Facility, including the conditions reflected in the SCAQMD enforcement, as well as any additional facts revealed through discovery showing prior notice of corrosion, valve degradation, cooling-system inadequacy, monitoring failures, or related defects.

126. Notwithstanding such knowledge, Defendants failed to repair, replace, remediate, warn of, or otherwise abate the dangerous conditions at the Facility within a reasonable time.

127. The dangerous condition of the Facility, including Defendants' inability to safely contain and cool a bulk tank of MMA, was the direct, legal, and proximate cause of the May 21, 2026 release and resulting harm to Plaintiff and the Class.

128. As a direct, legal, and proximate result of Defendants' breach of their premises-liability duties, Plaintiff and the Class have suffered the damages described herein, in amounts to be proven at trial.

129. Defendants' conduct as alleged herein was malicious, oppressive, and/or in conscious disregard of the rights and safety of Plaintiff and the surrounding community, justifying an award of punitive and exemplary damages pursuant to Civil Code section 3294.

TWELFTH CAUSE OF ACTION
LOSS OF CONSORTIUM
BY THE SPOUSAL PLAINTIFFS AGAINST ALL DEFENDANTS AND ALL DOE
DEFENDANTS

130. Plaintiff and the Class reallege and incorporate by reference each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein, except those allegations that are inconsistent with this cause of action.

131. This cause of action is asserted on behalf of those members of the Class who are the lawful spouses or registered domestic partners (the "Spousal Plaintiffs") of injured Class members whose spouses or partners suffered bodily injury as a result of Defendants' conduct alleged herein.

132. At all relevant times, the Spousal Plaintiffs were lawfully married to, or registered as domestic partners of, the injured Class members, and such marriage or partnership existed at the time of the conduct giving rise to the injuries alleged.

133. As a direct, legal, and proximate result of Defendants' tortious conduct, the Spousal Plaintiffs have been deprived of, and will in the future be deprived of, the love, companionship, comfort, care, assistance, protection, affection, society, moral support, services, and consortium of their spouses or partners, all to their general damage in an amount to be proven at trial.

134. The Spousal Plaintiffs have also incurred, and will continue to incur, economic damages associated with the loss of their spouses' or partners' household services, and may incur

1 expenses associated with the care and treatment of their injured spouses or partners, in amounts to be
2 proven at trial.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on behalf of himself and all members of the Class, prays for judgment against Defendants, and each of them, as follows:

1. For an order certifying this action as a class action, appointing Plaintiff as class representative, and appointing Plaintiff's counsel as class counsel;
2. For general damages according to proof at trial, including damages for physical injury, pain and suffering, and severe emotional distress;
3. For special damages according to proof at trial, including, without limitation, evacuation expenses, temporary housing and relocation costs, lost wages, lost business income, past and future medical expenses, property damage, costs of remediation and decontamination, and diminution in property value;
4. For the present-value reasonable cost of a court-supervised medical monitoring program;
5. For restitution and disgorgement pursuant to Business and Professions Code section 17203;
6. For injunctive relief, including, without limitation, an order abating the public and private nuisance complained of herein and prohibiting Defendants from resuming operations at the Facility until they have demonstrated full compliance with all applicable safety and environmental laws;
7. For punitive and exemplary damages pursuant to Civil Code section 3294, in an amount sufficient to punish Defendants and to deter similar conduct in the future;
8. For pre-judgment and post-judgment interest at the maximum rate allowed by law;
9. For attorneys' fees pursuant to Code of Civil Procedure section 1021.5 and any other applicable statute, contract, or doctrine;
10. For costs of suit incurred herein; and

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11. For such other and further relief as the Court deems just and proper.

DATED: May 26, 2026

WIN INJURY & ACCIDENT TRIAL
LAWYERS

By: 

Jonathan P. LaCour, Esq.

Lisa Noveck, Esq.

Amanda Thompson, Esq.

Ben Twisk, Esq.

Attorneys for Plaintiff,

JOHN DOE *on behalf of himself and all others
similarly situated*

JURY TRIAL DEMANDED

Plaintiff demands trial of all issues by jury.

DATED: May 26, 2026

**WIN INJURY & ACCIDENT TRIAL
LAWYERS**



By: _____

Jonathan P. LaCour, Esq.

Lisa Noveck, Esq.

Amanda Thompson, Esq.

Ben Twisk, Esq.

Attorneys for Plaintiff,

JOHN DOE *on behalf of himself and all others
similarly situated*