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25 **UNITED STATES DISTRICT COURT**
26 **CENTRAL DISTRICT OF CALIFORNIA**
27 **SOUTHERN DIVISION**

28 SHANNON SANTOS, JOHN
MAKIEIL, and DARLINGTON
INVESTMENT GROUP, LLC, on
behalf of themselves and all others
similarly situation,

CASE NO. 8:26-cv-01372

CLASS ACTION COMPLAINT

Plaintiffs,

v.

GKN AEROSPACE
TRANSPARENCY SYSTEMS INC.,
GKN AEROSPACE SERVICES
LIMITED, and MELROSE
INDUSTRIES PLC,

Defendants.

JURY TRIAL DEMANDED

Plaintiffs Shannon Santos, John Makieil, and Darlington Investment Group, LLC (“Plaintiffs”), individually and on behalf of a putative class of all others similarly situated (“Class Members” or the “Class”), bring this class action suit for damages and equitable relief against GKN Aerospace Transparency Systems Inc., GKN Aerospace Services LTD., and Melrose Industries PLC (collectively “Defendants”).

Plaintiffs allege the following based upon personal information as to allegations regarding themselves, the investigation of their counsel and review of public documents and information, and on information and belief as to all other allegations.

I. NATURE OF THE ACTION

1. This Class Action seeks redress for residents, property owners, and employees living, working, and/or located in and around the ongoing “chemical

1 storage tank crisis” beginning on or about Thursday, May 21, 2026, that resulted in,
2 among other things, mandatory evacuation costs, loss of use and enjoyment of
3 property, property damage, exposure to toxic material, inconvenience, disruption,
4 and economic damages as alleged more specifically below.
5

6 2. Defendants GKN Aerospace Transparency Systems Inc. and GKN
7 Aerospace Services LTD. are global multi-technology leaders in the aerospace
8 industry, managed as part of the global operations of Defendant Melrose Industries
9 PLC.
10

11 3. In light of disturbing events in May 2026, Defendants’ brand has been
12 stained with the ominous announcement by an Orange County California fire official
13 on May 22, 2026, that a chemical storage tank located at Defendants’ Garden Grove,
14 California facility would either leak up to 7,000 gallons of toxic chemical onto the
15 property or...explode.¹
16

17 4. The chemical—methyl methacrylate (known as MMA)—is a highly
18 volatile, flammable and reactive chemical, used in plastics, coatings, and
19 manufacturing (e.g., plexiglass), which Defendants use, maintain, store, handle,
20 dispose of, and release for their production of aircraft components.
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25 ¹ *Garden Grove plant with chemical emergency is leading maker of aviation*
26 *windows, canopies.; What we know about GKN Aerospace, the firm at center of O.C.*
27 *chemical leak*, Los Angeles Times, May 23, 2026, available at:
28 <https://www.latimes.com/california/story/2026-05-23/garden-grove-chemical-leak-what-we-know-about-gkn-aerospace> (last visited May 25, 2026).

1 5. MMA is known to cause irritation to the human body—including to the
2 skin, eyes, and mucous membranes—allergic response, respiratory effects—
3 including chest tightness, dyspnea, coughing, wheezing, and reduced peak flow—
4 neurological damage, dizziness, irritability, difficulty with concentration and
5 reduced memory, damage to the developing fetus, and damage to the lungs, liver,
6 and kidneys.
7

8
9 6. MMA is a fire and explosion hazard.

10 7. Consequently, on Thursday, May 21, 2026, the Orange County
11 Sheriff's Department issued a mandatory evacuation order for the release of
12 hazardous vapor release. The mandatory evacuation was expanded on May 22 "due
13 to changes in the incident."²
14

15
16 8. As of May 25, 2026, approximately 800 state and local first
17 responders—toxicologists, hazmat teams, and public health sheltering experts—had
18 been deployed in response to the "crisis situation" (the "Chemical Crisis") and tens
19 of thousands (estimated to be 50,000) of southern Californians near the chemical
20 tank at Defendants' Garden Grove facility had been ordered to evacuate immediately
21 for their safety.³
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26 ² Orange County, California official website, [https://www.ocgov.com/page/garden-](https://www.ocgov.com/page/garden-grove-chemical-spill-incident)
27 [grove-chemical-spill-incident](https://www.ocgov.com/page/garden-grove-chemical-spill-incident).

28 ³ *Threat of catastrophic vapor blast is gone, but other dangers loom near a massive chemical tank in California*, CNN, May 25, 2026, available at:

1 9. On Monday, May 25, California Governor Gavin Newsom announced
2 that President Donald Trump signed a presidential emergency declaration for the
3 crisis.

4
5 10. Although the extent of leakage, if any, is unknown as of the date of this
6 Complaint, residents have reported symptoms of exposure, including throat and
7 nasal irritation, and headaches and dizziness, while 13 schools have closed “until
8 further notice” and switched to online learning as a precaution.

9
10 11. As a result of this incident, Plaintiffs and Class Members suffered and
11 will continue to suffer real property damage, mandatory evacuation costs and other
12 out-of-pocket expenses, personal property damage, loss of use and enjoyment of
13 property, diminution in property value, loss of business income, loss of business
14 goodwill, annoyance, upset, aggravation, inconvenience, disruption, exposure to
15 toxic material, an increased risk of associated illness or disease, and the present need
16 for medical monitoring to ensure early detection of any such illness or disease.
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18

19 **II. JURISDICTION AND VENUE**

20
21 12. This Court has subject matter jurisdiction pursuant to the Class Action
22 Fairness Act, 28 U.S.C. § 1332(d)(2), because the aggregate amount in controversy
23 exceeds \$5 million, exclusive of interests and costs; more than 100 Class members
24

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26
27 [https://www.cnn.com/2026/05/24/us/california-orange-county-evacuation-what-](https://www.cnn.com/2026/05/24/us/california-orange-county-evacuation-what-we-know-hnk)
28 [we-know-hnk](https://www.cnn.com/2026/05/24/us/california-orange-county-evacuation-what-we-know-hnk) (last visited May 25, 2026).

1 are involved; and many members of the proposed Classes are citizens of different
2 states than Defendant.

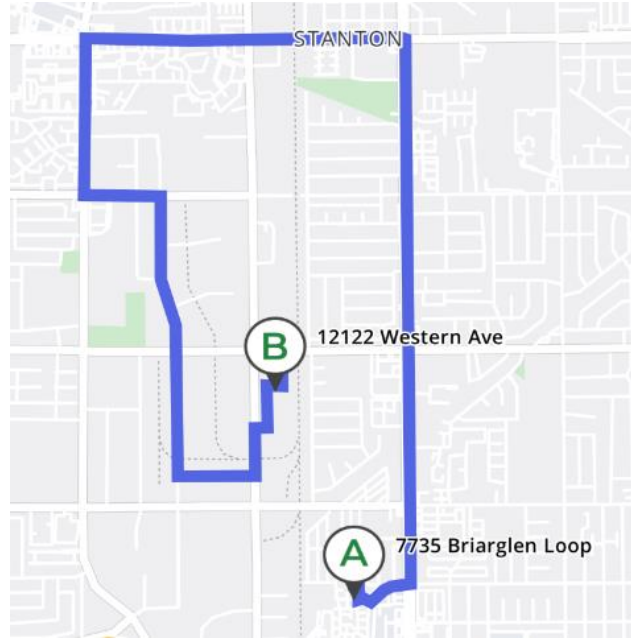
3 13. This Court has personal jurisdiction over Defendants because they
4 regularly engage in business within the state of California, were engaged in business
5 within the state of California prior to and at the time of the Chemical Crisis, and
6 because the claims asserted herein arise from the business activities and tortious
7 conduct of Defendants within the state of California prior to and at the time of the
8 Chemical Crisis.
9
10

11 14. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2)
12 because a substantial part of the actions and inactions giving rise to Plaintiffs' claims
13 occurred in this District and all Class Members were injured because of tortious
14 activity in this District.
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17 **III. THE PARTIES**

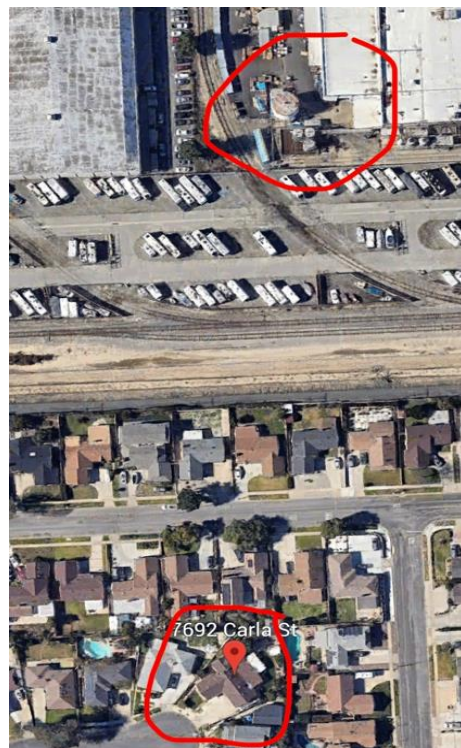
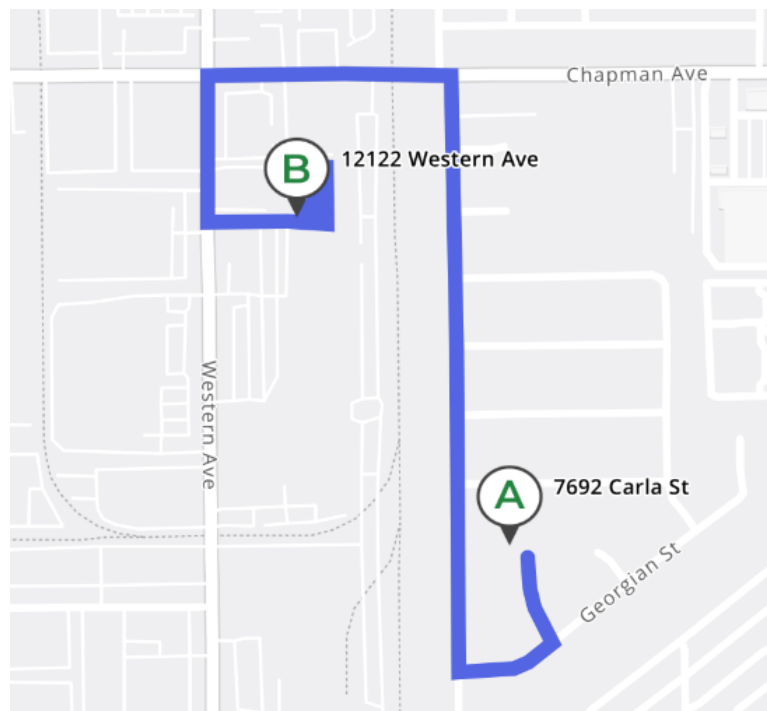
18 **A. Plaintiffs**

19 15. Plaintiff Shannon Santos ("Plaintiff Santos") is the owner of a residence
20 located at 7735 Briarglen Loop, Unit B, Garden Grove, California, less than one mile
21 away from Defendants' Garden Grove facility, as depicted below, where he resides
22 with his wife and two pet cats.
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16. On Thursday, May 21, 2026, as the result of the Chemical Crisis, Plaintiff Santos, his wife, and two pet cats were forced to evacuate their home located at 7735 Briarglen Loop, Unit B, Garden Grove. Subsequently, following their return to their home on the evening of May 21, Plaintiff Santos, along with his wife and pets, was forced again to evacuate their home on Friday May 22, 2026. Notwithstanding a later reduction to the evacuation zone, Plaintiff Santos was restricted from returning to his home from Friday, May 22, until he was permitted to return to his home on the evening of May 26, 2026. Plaintiff Santos has incurred out-of-pocket expenses due to the forced evacuation, including necessary purchase of clothing items and toiletries, and it will be necessary upon his return to discard and re-purchase all perishable food items.

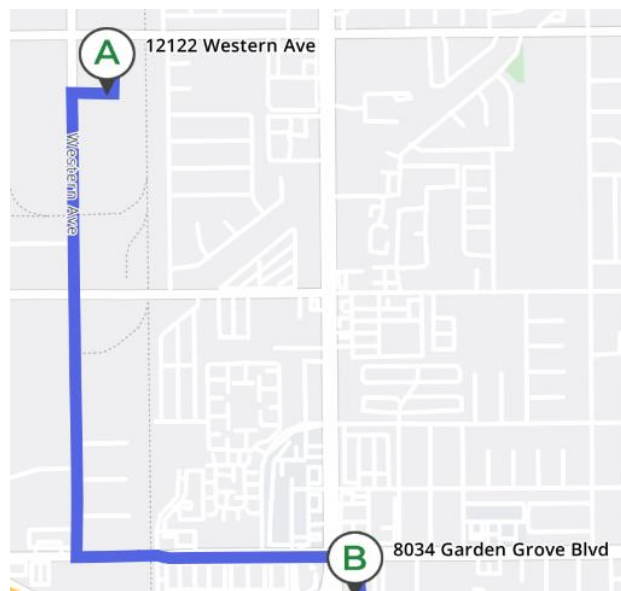
17. Plaintiff John Makieil (“Plaintiff Makieil”) is the owner of a residence located at 7692 Carla Street, Garden Grove, California, less than one mile away from Defendants’ Garden Grove facility, as depicted below, where he resides with his wife, children, mother-in-law, pet dog, and two pet cats.



18. On Thursday, May 21, 2026, as the result of the Chemical Crisis, Plaintiff Makieil, family, and pets were forced to evacuate their home located at 7692 Carla Street, Garden Grove. Subsequently, following their return to their home on the evening of May 21, Plaintiff Makieil, family, and pets were forced again to evacuate their home on Friday May 22, 2026. Notwithstanding a later reduction to the evacuation zone, Plaintiff Makieil was restricted from returning to his home from Friday, May 22, until he was permitted to return to his home on the evening of May

26, 2026. Plaintiff Makieil was forced to miss work as the result of the forced evacuation. Plaintiff Makieil has incurred out-of-pocket expenses due to the forced evacuation, including necessary purchase of clothing items and toiletries, and it will be necessary upon his return to discard and re-purchase all perishable food items.

19. Plaintiff Darlington Investment Group, LLC (“Plaintiff GG Express”) owns and operates a car wash located at 8034 Garden Grove Boulevard, Garden Grove, California, less than one mile away from Defendants’ Garden Grove facility, as depicted below, where it conducts its business.



20. On Friday, May 22, 2026, as the result of the Chemical Crisis, Plaintiff GG Express was forced to close its business. As examples, barricades restricted cars from transgressing nearby streets and employees and customers were prohibited from accessing the business. For the duration of the mandatory evacuation period, until the morning of May 27, 2026, Plaintiff GG Express was unable to operate,

1 causing personal property damage, loss of use and enjoyment of property,
2 diminution in property value, loss of business income, loss of business goodwill,
3 annoyance, upset, aggravation, inconvenience, disruption, and exposure to toxic
4 material.
5

6 **B. Defendants**

7 21. Defendant GKN Aerospace Transparency Systems Inc. is a California
8 corporation with a principal address of 12122 Western Avenue, Garden Grove,
9 California 92841. Upon information and belief, GKN Aerospace Transparency
10 Systems Inc. is a wholly owned subsidiary of Defendant Melrose Industries PLC.
11
12

13 22. Defendant GKN Aerospace Services Limited is a private limited
14 company organized under the laws of the United Kingdom, with a registered office
15 address of 11th Floor The Colmore Building, Colmore Circus Queensway,
16 Birmingham, B4 6AT, and its U.S. headquarters located at 1301 Solana Boulevard,
17 Suite 1528, Westlake, Texas 76262. Defendant GKN Aerospace Services Ltd. is a
18 wholly owned subsidiary of Defendant Melrose Industries PLC.
19
20

21 23. Defendant Melrose Industries PLC is a public limited company
22 organized under the laws of the United Kingdom, with a registered office address of
23 11th Floor The Colmore Building, Colmore Circus Queensway, Birmingham, B4
24 6AT, and its U.S. headquarters located at 1301 Solana Boulevard, Suite 1528,
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Westlake, Texas 76262. Defendant Melrose Industries PLC is the parent company of GKN Aerospace Services Ltd. and GKN Aerospace Transparency Systems Inc.

24. At all times relevant hereto, Defendants GKN Aerospace Services Limited and Melrose Industries PLC exercised management, direction, and control over the business and relevant operations of Defendant GKN Aerospace Transparency Systems Inc.

25. Unless the context otherwise requires, Defendants GKN Aerospace Transparency Systems Inc., GKN Aerospace Services Limited, and Melrose Industries PLC are collectively referred to as “GKN Aerospace” or “Defendants.”

IV. FACTUAL ALLEGATIONS

A. Defendants’ Aerospace Business

23. Defendants’ massive aerospace operation began in 1759 as an ironworks business in South Wales. Through the centuries, Defendants have evolved into an international supplier of jet engines, landing gear, plane bodies and airplane windows, known as transparencies.⁴

⁴ *Garden Grove plant with chemical emergency is leading maker of aviation windows, canopies*, The Orange County Register, May 22, 2026, available at: <https://www.ocregister.com/2026/05/22/garden-grove-plant-leading-maker-of-worldwide-aviation-windows-canopies/> (last visited May 26, 2026).

1 24. GKN Aerospace states on its website that it is “a global multi-
2 technology leader in the aerospace industry.”⁵ “If you’ve ever flown in a window
3 seat, there’s a good chance you were peering out of a GKN product.”⁶
4

5 25. GKN Aerospace describes its global business on its website⁷:

6 With 32 manufacturing locations in 12 countries, we serve
7 over 90% of the world’s aircraft and engine
8 manufacturers, specialising [sic] in the development and
9 delivery of cutting-edge aerostructures and engine
10 systems. Our unrivalled products, systems, and services
11 are integral to the vast majority of today’s commercial and
12 defence [sic] aircraft ranging from helicopters, business
13 jets, passenger planes and advanced air mobility vehicles
14 to state-of-the-art fighter aircraft. Our mission is to be the
15 most trusted and sustainable partner in the sky.

16 26. According to its Annual report and financial statements filed
17 December 31, 2024:

18 GKN Aerospace Services Limited is the UK trading
19 subsidiary of the Melrose Industries PLC Group
20 (“Melrose”). Melrose is a leading global tier one supplier
21 of airframe and engine structures, landing gear, electrical
22 interconnection systems, transparencies, and aftermarket
23 services. It supplies products and services to a wide range
24 of commercial and military aircraft and engine prime
25 contractors, and other tier one suppliers. With 32
26 manufacturing locations in 12 countries, Melrose serves
27 over 90% of the world’s aircraft and engine
28 manufacturers, specializing [sic] in the development and

29 ⁵ <https://www.gknaerospace.com/>.

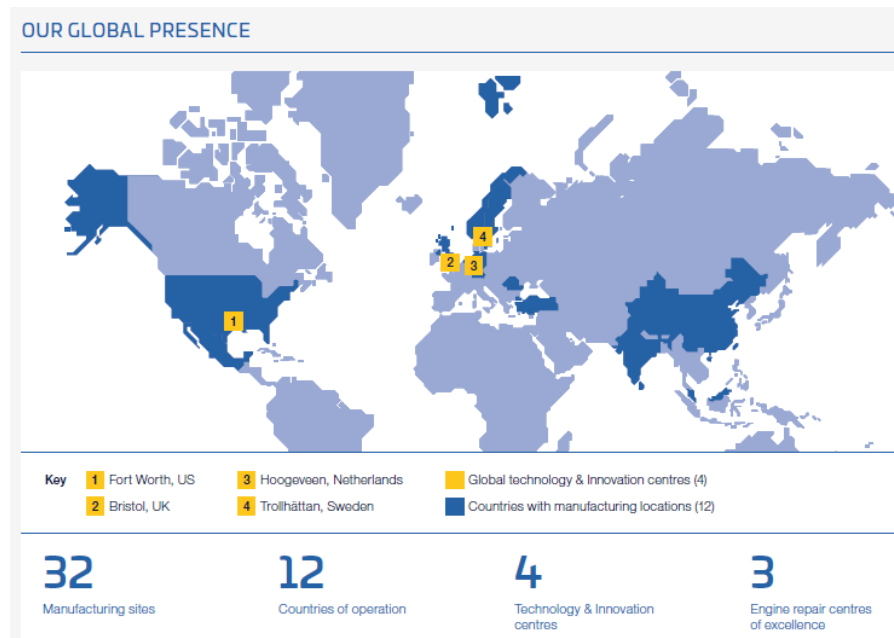
30 ⁶ *Garden Grove plant with chemical emergency is leading maker of aviation
31 windows, canopies.*

32 ⁷ *Id.*

delivery of cutting-edge aerostructures and engine systems.

27. GLK Aerospace further states in its Annual report and financial statements: “The Company’s operations are managed as part of the global operations of Melrose.”

28. Melrose’s 2025 annual report⁸ depicts its “global presence” as follows:



29. GKN Aerospace maintains its Garden Grove location, the site germane to the instant matter, at 12122 Western Avenue, Garden Grove, California.

⁸ Available at: <https://www.melroseplc.net/investors/results-reports-and-presentations/>.

1 30. GKN Aerospace describes its Garden Grove, California location as
 2 “the world’s leading provider of military transparency systems and commercial
 3 aircraft transparencies.”⁹ According to its website¹⁰:

4 The [Garden Grove] site offers a full range of capabilities
 5 for design, analysis, testing and certification of military
 6 canopies, cockpit windows and passenger windows. GKN
 7 Aerospace manufactures the world-leading F-35 canopy
 8 from its Garden Grove facility, as well as transparencies
 9 for the Boeing 787 Dreamliner and 747, the Airbus A350,
 HondaJet and Bombardier C-Series.

10 31. With respect to the Garden Grove, California location, Melrose boasts
 11
 12 in its 2025 annual report, “During the year, our Garden Grove facility achieved a
 13 number of milestones, including the delivery of the 2,500th F-35 canopy and
 14 1,000th CH-53K transparency. The site also moved its F-35 canopy facility
 15 expansion project into full execution, with the goal to be fully operational in the
 16 second half of 2027.”

17
 18
 19 32. With respect to “Health and Safety,” Melrose states in its 2025 annual
 20 report:

21 Safety is embedded in our culture and management
 22 systems and underpinned by strong governance principles,
 23 clear policies and consistent controls across the Group.
 24 Continued investment in equipment, training and

25
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 28

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<https://www.gknaerospace.com/locations/americas/usa/?office=gardengrovecalifornia>.

¹⁰ *Id.*

1 capability supports safe working practices, while a strong
2 emphasis in incident prevention, near-miss reporting and
3 hazard identification and awareness reinforces proactive
4 risk management. Behaviour-based programmes [sic] and
5 ongoing training and awareness campaigns remain central
6 to strengthening sales performance.

7 33. With respect to its “Community Impact,” Melrose states in its 2025
8 annual report: “We believe our responsibilities extend beyond our business
9 operations. Supporting the communities in which we operate is an integral part of
10 our corporate ethos.”

11 **B. Methyl Methacrylate (MMA)**

12 34. Defendants use, maintain, store, handle, dispose of, and release
13 methyl methacrylate (MMA) for their production of aircraft components.
14

15 35. MMA is a clear, highly reactive organic compound (formula $\text{CH}_2 =$
16 $\text{C}(\text{CH}_3)\text{COOCH}_3$) used in plastics, coatings, and manufacturing.¹¹
17

18 36. MMA is widely used to manufacture a range of shatter-resistant
19 acrylic materials such as plexiglass, as well as a variety of resins, coatings, and
20 adhesives. MMA is also used by dentists to make dental materials such as crowns
21 and fillings as well as by surgeons to make bone cement for some orthopedic
22 procedures.
23
24

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27 ¹¹ See, e.g., [https://www.cdph.ca.gov/Programs/OPA/Pages/CAHAN/Information-](https://www.cdph.ca.gov/Programs/OPA/Pages/CAHAN/Information-On-Methyl-Methacrylate.aspx)
28 [On-Methyl-Methacrylate.aspx](https://www.cdph.ca.gov/Programs/OPA/Pages/CAHAN/Information-On-Methyl-Methacrylate.aspx) and
https://en.wikipedia.org/wiki/Methyl_methacrylate (last visited May 24, 2026).

1 37. MMA is a highly volatile, flammable and reactive chemical. MMA is
2 a fire and explosion hazard.

3 38. According to the California Department of Public Health¹²:

4 MMA is dangerous because it is toxic, flammable, and
5 under certain conditions, can begin to react with itself in a
6 process called polymerization. This reaction can generate
7 heat and pressure, which may cause liquid to vaporize and
8 be released into the air. If temperatures rise or MMA is not
9 properly contained or handled, the vapors may also ignite
or explode.

10 39. MMA is a known irritant to the skin, eyes, and mucous membranes in
11 humans. An allergic response to dermal exposure may develop, while respiratory
12 effects have been reported in humans following acute (short-term) and chronic
13 (long-term) inhalation exposures.¹³

14 40. Respiratory symptoms observed following acute exposures include
15 chest tightness, dyspnea, coughing, wheezing, and reduced peak flow.¹⁴

16 41. Neurological symptoms have also been reported in humans following
17 acute exposure to MMA.¹⁵ MMA may damage the nervous system causing
18 numbness, “pins and needles,” and weakness in the hands and feet.

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24 ¹² <https://www.cdph.ca.gov/Programs/OPA/Pages/CAHAN/Information-On-Methyl-Methacrylate.aspx> (last visited May 25, 2026).

25 ¹³ See, e.g., U.S. Environmental Protection Agency, Methyl Methacrylate (80-62-
26 6), created April 1992, updated January 2000.

27 ¹⁴ *Id.*

28 ¹⁵ *Id.*

1 42. High exposure can cause dizziness, irritability, difficulty with
2 concentration and reduced memory.

3 43. MMA is also known to affect the lungs, liver, and kidneys, and could
4 damage the developing fetus.

5 44. Exposure to MMA also presents serious health hazards to animals,
6 such as damage to the lungs, and developmental and reproductive toxicity
7 including, without limitation, increased fetal deaths in exposed populations.
8

9
10 **C. Chemical Storage Tank Crisis**

11 45. On or about Thursday, May 21, 2026, a chemical tank containing
12 7,000 gallons of MMA at Defendants' Garden Grove facility began to show "signs
13 of trouble" when temperature and pressure escalated inside the tank.¹⁶
14

15
16 46. "Effective 1841 hrs [sic] on Thursday, May 21, 2026, the Orange
17 County Sheriff's Department issued an Evacuation Order (Mandatory) for
18 hazardous materials (vapor) release. On Friday, May 22, 2026 at 0607 hrs [sic],
19 additional evacuation orders for impacted areas were launched due to changes in
20 the incident."¹⁷
21
22

23
24 ¹⁶ *Threat of catastrophic vapor blast is gone, but other dangers loom near a massive*
25 *chemical tank in California*, CNN, May 25, 2026, available at:
26 [https://www.cnn.com/2026/05/24/us/california-orange-county-evacuation-what-](https://www.cnn.com/2026/05/24/us/california-orange-county-evacuation-what-we-know-hnk)
27 [we-know-hnk](https://www.cnn.com/2026/05/24/us/california-orange-county-evacuation-what-we-know-hnk) (last visited May 25, 2026). Some reports indicate that the subject tank
28 maintained by Defendants contains 34,000 gallons of MMA.

¹⁷ Orange County, California official website, [https://www.ocgov.com/page/garden-](https://www.ocgov.com/page/garden-grove-chemical-spill-incident)
[grove-chemical-spill-incident](https://www.ocgov.com/page/garden-grove-chemical-spill-incident).

47. Consequently, emergency crews throughout Orange County, California were caused to work nonstop in an effort to prevent an overheating tank filled with a toxic chemical, MMA, from leaking or triggering a catastrophic explosion.¹⁸



48. Depicted immediately below is an image of water being sprayed on the overheating tank at the Garden Grove facility in response to the Chemical Crisis¹⁹:

¹⁸ *Officials race to cool down tank containing toxic chemical as 50,000 residents remain under evacuation order in California*, CNN, May 24, 2026, available at: <https://www.cnn.com/2026/05/22/us/chemical-spill-orange-county-california> (last visited May 25, 2026).

¹⁹ Ethan Swope/AP, available at: <https://www.cnn.com/2026/05/22/us/chemical-spill-orange-county-california>.



49. The potential consequences of increased heat or pressure teetered between two dreaded scenarios: a chemical leak that would infiltrate the soil and air with toxic material, or a devastating blast that could destroy or damage homes and businesses. Consequently, authorities rushed in an effort to keep the tank as cool as possible to keep the chemical reactions happening inside the tank stabilized.

50. Craig Covery, a division chief with the Orange County Fire Authority (OCFA) and the incident commander, said of the two possible scenarios: “One, it fails and cracks, and all the product leaks out onto the ground” and efforts are underway to try to prevent the liquid from “getting into the storm drains and the river channels and into our oceans.” “Or, it will explode,” he said.²⁰

²⁰ *What we know about GKN Aerospace, the firm at center of O.C. chemical leak*, Los Angeles Times, May 23, 2026, available at:

51. According to Chief Covey, “A couple things could happen...The tank could crack and start spilling out all that 7,000 gallons of chemical, or there could be a catastrophic explosion and the other two tanks would be affected as well.”²¹

52. Chief Cover further explained, “This is going to happen unless some brilliant guy behind me figures out how we can mitigate this incident. This thing is going to fail...People need to get out of their houses and get into a safe space because when this thing goes, depending on the wind direction it’s going, we cannot control the weather. This is highly volatile, it’s highly toxic and it’s highly flammable.”²²

53. Congressman Derek Tran stated on May 22 that he had spoken with the Defendants’ leadership and had “urged the company to take full responsibility for the panic and disruption that tens of thousands of residents are currently experiencing.”²³

54. According to California Governor Gavin Newsome, “[t]he safety of Orange County residents is the top priority. We are mobilizing every state resource available to support local responders and make sure the community has what they

<https://www.latimes.com/california/story/2026-05-23/garden-grove-chemical-leak-what-we-know-about-gkn-aerospace> (last visited May 25, 2026).

²¹ *Officials race to cool down tank containing toxic chemical as 50,000 residents remain under evacuation order in California.*

²² *Id.*

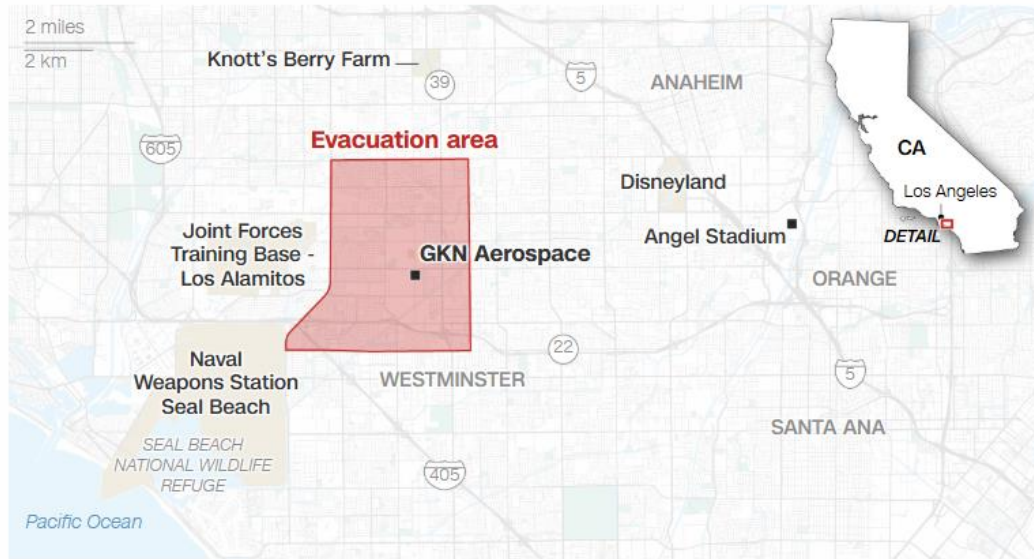
²³ *Id.*

1 need to stay safe.” On May 23, Governor Newsom issued a state of emergency
 2 proclamation for Orange County “as the state continues to assist in local response
 3 efforts following [the] hazardous chemical incident at [GKN’s] aerospace facility
 4 that has resulted in the evacuation of tens of thousands of residents from the
 5 surrounding area.”²⁴

7
 8 55. As of May 25, 2026, approximately 800 state and local first
 9 responders—toxicologists, hazmat teams, and public health sheltering experts—
 10 had been deployed in response to the “crisis situation,” and tens of thousands
 11 (estimated to be 50,000) of southern Californians near the chemical tank at GKN
 12 Aerospace had been ordered to evacuate immediately for their safety.²⁵ Depicted
 13 below is an image of the evacuation area as determined by the OCFA, an area
 14 covering approximately nine square miles surrounding Defendant’s facility (the
 15 “Evacuation Zone”):
 16
 17
 18
 19
 20
 21

22 ²⁴ *Governor Newsom proclaims state of emergency in Orange County in response to*
 23 *ongoing chemical incident in Garden Grove, makes additional shelter sites*
 24 *available*, [https://www.gov.ca.gov/2026/05/23/governor-newsom-proclaims-state-](https://www.gov.ca.gov/2026/05/23/governor-newsom-proclaims-state-of-emergency-in-orange-county-in-response-to-ongoing-chemical-incident-in-garden-grove-makes-additional-shelter-sites-available/)
 25 [of-emergency-in-orange-county-in-response-to-ongoing-chemical-incident-in-](https://www.gov.ca.gov/2026/05/23/governor-newsom-proclaims-state-of-emergency-in-orange-county-in-response-to-ongoing-chemical-incident-in-garden-grove-makes-additional-shelter-sites-available/)
 26 [garden-grove-makes-additional-shelter-sites-available/](https://www.gov.ca.gov/2026/05/23/governor-newsom-proclaims-state-of-emergency-in-orange-county-in-response-to-ongoing-chemical-incident-in-garden-grove-makes-additional-shelter-sites-available/) (last visited May 25, 2026).

27 ²⁵ *Threat of catastrophic vapor blast is gone, but other dangers loom near a massive*
 28 *chemical tank in California*, CNN, May 25, 2026, available at:
[https://www.cnn.com/2026/05/24/us/california-orange-county-evacuation-what-](https://www.cnn.com/2026/05/24/us/california-orange-county-evacuation-what-we-know-hnk)
[we-know-hnk](https://www.cnn.com/2026/05/24/us/california-orange-county-evacuation-what-we-know-hnk) (last visited May 25, 2026).



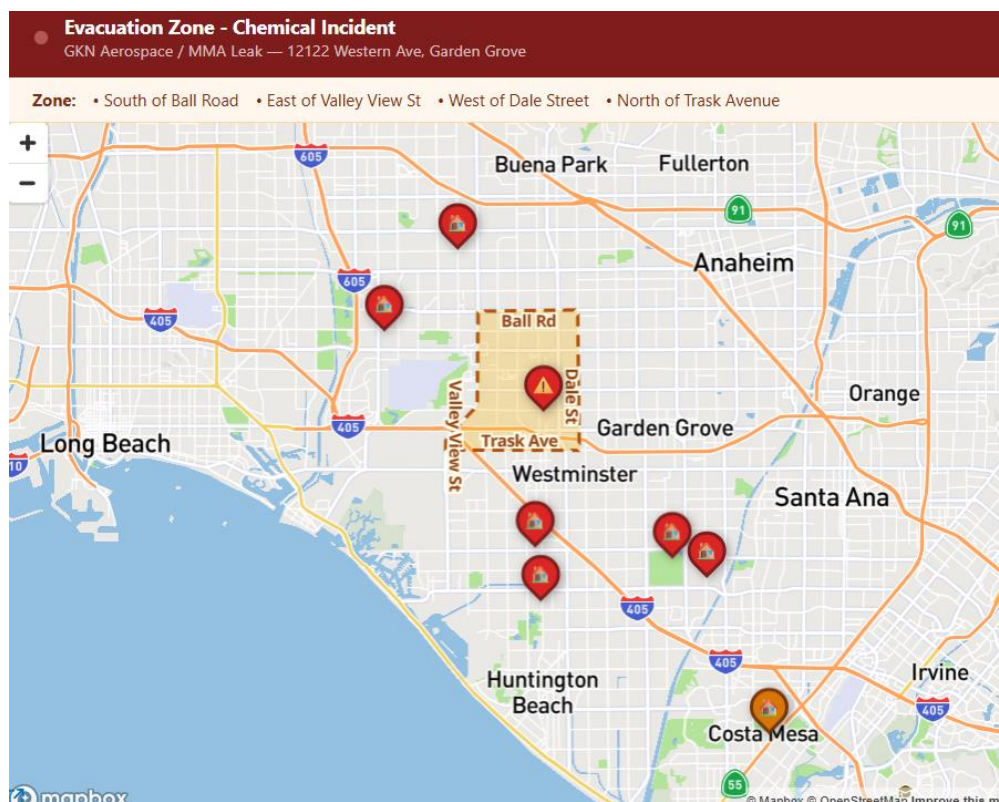
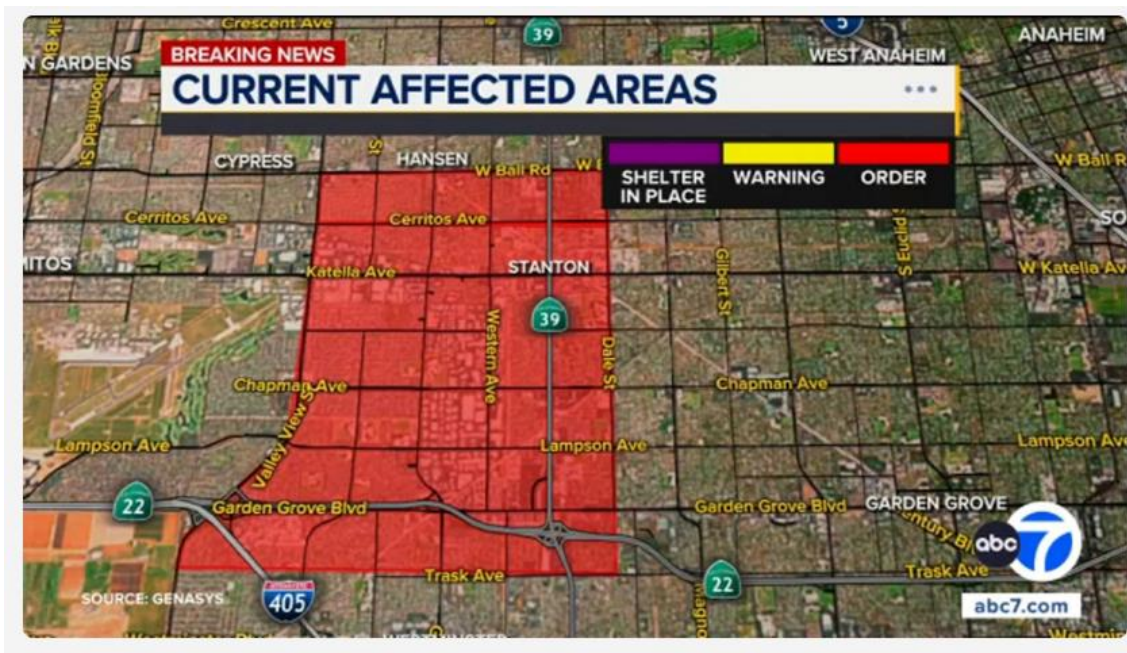
Note: Evacuation area as of May 25, 2026, at 12 p.m. ET

Sources: City of Garden Grove, OpenStreetMap

Graphic: Renée Rigdon, CNN

56. To effectuate the evacuation order, the Garden City Police Department “went door to door” directing people to leave and posted on social media.

57. As depicted in the image below, the evacuation zone covers the area north of Trask Avenue, south of Ball Road, east of Valley View Street and west of Dale Street, along with small portions of West Anaheim, Cypress and Buena Park, and the city of Stanton.



58. The OCFA also notified neighboring areas of the blast zone and which areas are at risk of severe structural damage and significant harm in the event of

1 an explosion, including identifying a “red zone” where fires could occur, along
2 with an “orange zone” where residents face conditions “dangerous to life and
3 health” where exposure to the MMA chemical could cause injury.
4

5 59. On Monday, May 25, California Governor Gavin Newsom announced
6 that President Donald Trump signed a presidential emergency declaration for the
7 crisis.
8

9 60. Upon information and belief, MMA vapors, particulates, residues,
10 contaminants, and/or airborne chemical byproducts physically migrated and
11 continue to migrate onto and into Plaintiffs’ and Class Members’ real property,
12 personal property, structures, outdoor surfaces, vegetation, and soil.
13
14

15 61. Although the extent of leakage, if any, is unknown as of the date of
16 this Complaint, residents have reported symptoms of exposure, including throat
17 and nasal irritation, and headaches and dizziness, 13 schools have closed “until
18 further notice” and switched to online learning as a precaution, and businesses in
19 the vicinity were forced to shutter.
20
21

22 62. After a crack was discovered in the tank, emergency crews worked
23 overnight on May 24 into May 25 on a risky mission to confirm if the pressure in
24 the tank was releasing. Early reports indicate that the threat of a BLEVE—Boiling
25 Liquid Expanding Vapor Explosion—had been minimized as the result of the
26 mission. However, officials clarified that the crisis at the Garden Grove facility is
27
28

not over. According to OCFA Interim Fire Chief T.J. McGovern, “We still have potential for an explosion that [is] not as bad as a BLEVE, but it’s still a threat. There was still a threat out there, and we need the public to keep to those evacuation zones until we deem it safe for them to come back.”²⁶

63. Defendants issued an apology for the Chemical Crisis, stating on the GKN Aerospace website, in pertinent part: “We apologize for the ongoing disruption this incident is causing and our priority remains its safe resolution, so that residents can return to their homes as quickly as possible. Please continue to follow all instructions issued by local authorities and emergency personnel at this time.”²⁷

D. Damages to Property Owners, Residents and Businesses

64. Thousands of residents, property owners, and employees have been and will continue to be impacted by Defendants’ release of MMA and the responding evacuation orders.

65. As a result of this incident, Plaintiffs and Class Members presently suffer and will continue to suffer real property damage, mandatory evacuation costs and other out-of-pocket expense, personal property damage, loss of use and

²⁶ *‘Cris is not averted,’ smaller explosion or leak still possible, officials say*, ABC7 Eyewitness News, May 25, 2026, available at: <https://abc7.com/live-updates/garden-grove-chemical-tank-emergency-leaking-toxic-chemicals-orange-county-will-spill-explode-officials-say/19152918/> (last visited May 25, 2026).

²⁷ <https://www.gknaerospace.com/>.

1 enjoyment of property, diminution in property value, annoyance, upset,
2 aggravation, inconvenience, disruption, exposure to toxic material, an increased
3 risk of associated illness or disease, and the present need for medical monitoring
4
5 to ensure early detection of any such illness or disease.

6 V. CLASS ACTION ALLEGATIONS

7 66. Plaintiffs bring this action pursuant to Federal Rules of Civil
8
9 Procedure 23(a), 23(b)(2), 23(b)(3), and, as warranted, 23(c)(4) on behalf of
10 themselves and the following class of persons and organizations similarly situated
11
12 for all direct, proximate, and foreseeable losses caused by the May 2026 Chemical
13 Crisis. The proposed Classes (collectively, the “Class”) are hereby defined as
14 follows:
15

16 **Residents Class:** All individuals who resided within the Evacuation
17 Zone as defined by the OCFA during the mandatory evacuation period
18 (from May 22, 2026, to May 26, 2026).

19 **Property Owners Class:** All individuals who owned or otherwise had
20 a legal interest in real property located within the Evacuation Zone as
21 defined by the OCFA during the mandatory evacuation period (from
22 May 22, 2026, to May 26, 2026).
23

24 **Employees Class:** All individuals or legal entities who owned or
25 operated a business within the Evacuation Zone as defined by the
26 OCFA during the mandatory evacuation period (from May 22, 2026, to
27 May 26, 2026).
28

1 **Business Class:** All individuals or legal entities who owned or operated
2 a business within the Evacuation Zone as defined by the OCFA during
3 the mandatory evacuation period (from May 22, 2026, to May 26,
4 2026).

5 67. Excluded from the Class(es) are: (1) Defendants and any of their
6 affiliates, parents or subsidiaries; all employees of Defendants; all persons who
7 make a timely election to be excluded from the Class(es); and the judges assigned
8 to this case, their immediate families, and court staff; and (2) insurers and insurance
9 syndicates whose claims for damages regarding the May 2026 chemical storage
10 tank crisis at GKN Aerospace's Garden Grove facility, arise out of a right of
11 subrogation, whether equitable, contractual or otherwise.
12 13

14 15 68. Also excluded from the Class(es) are any claims of physical
16 manifestation of personal or bodily injury.
17

18 69. Plaintiffs reserve the right to re-define any of the class definitions
19 prior to class certification and after having the opportunity to conduct discovery.
20

21 70. The claims of all Class members derive directly from a single course
22 of conduct by Defendants. Defendants engaged and continue to engage in uniform
23 and standardized conduct toward the putative Class members. Defendants do not
24 differentiate, in degree of care or candor, in its actions or inactions, or the content
25 of its statements or omissions, among individual Class members.
26
27
28

1 71. Certification of Plaintiffs' claims is appropriate because Plaintiffs can
2 prove the elements of their claims on a class-wide basis using the same evidence
3 as would be used to prove those elements in individual actions alleging the same
4 claim.
5

6 **A. Numerosity and Ascertainability**

7 72. This action satisfies the requirements of Fed. R. Civ. P. 23(a)(1). The
8 members of the Class are so numerous that the joinder of all members is
9 impractical.
10

11 73. While the exact number of Class Members is unknown to Plaintiffs at
12 this time, it is ascertainable; the proposed Class includes thousands of residents
13 and businesses who were unlawfully exposed to MMA or who had property
14 contaminated by unlawful exposure to MMA and suffered damages. Class
15 Members may be notified of the pendency of this action by recognized, Court-
16 approved notice dissemination methods, which may include U.S. mail, electronic
17 mail, internet postings, and/or published notice.
18
19
20

21 74. The Classes are ascertainable because their members can be readily
22 identified using public or business records, including other information kept by
23 Defendant in the usual course of business and within their control or Plaintiffs and
24 the Classes themselves. Plaintiffs anticipate providing appropriate notice to the
25
26
27
28

1 Classes to be approved by the Court after class certification, or pursuant to court
2 order.

3 **B. Predominance of Common Issues**

4 75. This action satisfies the requirements of Fed. R. Civ. P. 23(a)(2) and
5 23(b)(3) because this action involves common questions of law or fact that
6 predominate over questions affecting only individual Class Members.
7

8 76. Questions of law and fact common to Plaintiffs and the Classes
9 include, without limitation:
10

- 11 a. Whether Defendants' acts or omissions as set forth herein caused
12 or contributed to the resulting contamination and evacuation
13 orders;
14
- 15 b. Whether Defendants were negligent in their use, maintenance,
16 storage, handling, disposal and/or release of MMA for their
17 production of aircraft components;
18
- 19 c. Whether MMA used, maintained, stored, handled, disposed of
20 and/or released by Defendants escaped Defendants' control;
21
- 22 d. Whether Defendants breached their duty of reasonable care in
23 their use, maintenance, storage, handling, disposal and/or release
24 of MMA;
25
26
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28

- 1 e. Whether Defendants are strictly liable for injuries and damages
2 suffered by Plaintiffs and the Classes because Defendants
3 engaged in abnormally dangerous and/or ultrahazardous activity
4 by their use, maintenance, storage, handling, disposal and/or
5 release of MMA;
6
7 f. Whether Defendants violated California statutory nuisance law
8 by emitting air contaminants and/or endangering the health,
9 safety, or welfare of the public, causing unreasonable injury or
10 damage to property;
11
12 g. Whether Defendants created a private nuisance through their acts
13 and omissions, including by the release of a toxic contaminant;
14
15 h. Whether Defendants created a public nuisance through their acts
16 and omissions, including by the release of a toxic contaminant;
17
18 i. Whether Defendants committed trespass on the property of
19 Plaintiffs and the Classes by their acts and omissions, including
20 by causing MMA to enter and contaminate said property;
21
22 j. Whether Defendants committed trespass to the chattels of
23 Plaintiffs and the Classes through their acts and omissions,
24 including by impairing the property as to its condition, quality,
25 or value; depriving Plaintiffs and the Classes of the possession
26
27
28

1 or use of their chattels for a substantial time; or causing harm to
2 the property;

3 k. Whether the Plaintiffs and the Classes have suffered a loss of use
4 and enjoyment of property, property damage, diminution of
5 property value, extra expenses or other economic damages as a
6 result of the Defendants' acts or omissions as set forth above;
7

8
9 l. Whether Defendants' conduct constitutes gross negligence or
10 willful and wanton conduct, including related to the use,
11 maintenance, storage, handling, disposal and/or release of
12 MMA;
13

14
15 m. Whether Plaintiffs' and the Classes' businesses have suffered a
16 loss of income and/or diminution in value due to either (i) the
17 release of MMA or (ii) the stigma associated with being within
18 the evacuation zone;
19

20 n. Whether Plaintiffs and the Classes have suffered damages to
21 their businesses due to the Chemical Crisis and subsequent
22 events, including forced evacuation and/or closing;
23

24 o. Whether medical monitoring is an appropriate remedy that
25 should be imposed to provide early detection of future injuries
26 and other benefits to Plaintiffs and the Classes;
27
28

- 1 p. Whether monitoring of the diminution in value of Plaintiffs,
2 including the stigma, on the value of the property of Plaintiffs
3 and the Classes is an appropriate remedy; and
4
5 q. Whether Plaintiffs and the Classes are entitled to relief for the
6 damages caused by Defendants.

7
8 77. Defendants engaged in a common course of conduct giving rise to the
9 legal rights sought to be enforced by Plaintiffs individually and on behalf of all the
10 Class members. Identical statutory violations and business practices and harms are
11 involved. Individual questions, if any, are not prevalent in comparison to the
12 numerous common questions that dominate this action.
13

14
15 **C. Typicality**

16 78. This action satisfies the requirements of Fed. R. Civ. P. 23(a)(3)
17 because Plaintiffs' claims are typical of the claims of the Class Members and arise
18 from the same course of conduct by Defendants.
19

20 79. Plaintiffs own property, reside in, work and/or operate a business
21 within the Class Zone surrounding the Chemical Crisis at or about Defendants'
22 Garden Grove, California facility, and owned property, resided in, worked and/or
23 operated a business in the Class Zone for at all relevant times.
24

25
26 80. Plaintiffs' claims are based upon the same legal theories as those of
27 the other Class Members.
28

1 81. Plaintiffs and the other Class Members sustained damages as a direct
2 and proximate result of the same wrongful acts or omissions in which Defendants
3 engaged.

4
5 82. Plaintiffs' damages and injuries are akin to those of Class Members,
6 and Plaintiffs seek relief consistent with the relief of Class Members.

7
8 **D. Adequacy**

9 83. This action satisfies the requirements of Fed. R. Civ. P. 23(a)(4)
10 because Plaintiffs will fairly and adequately represent and protect the interests of
11 Class Members. Plaintiffs have retained counsel with substantial experience in
12 prosecuting complex class action and environmental toxic tort litigation, including
13 successful class actions involving mass displacements caused by the release of
14 dangerous substances as at issue here.
15
16

17 84. Plaintiffs and their counsel are committed to vigorously prosecuting
18 this action on behalf of the Class Members and have the financial resources to do
19 so. Neither Plaintiffs nor their counsel have interests adverse to those of the Class
20 Members.
21
22

23 85. Plaintiffs intend to vigorously prosecute this case and will fairly and
24 adequately protect the interests of Class Members.
25
26
27
28

E. Superiority and Predominance

86. This action satisfies the requirements of Fed. R. Civ. P. 23(b)(3) because a class action is superior to other available methods for the fair and efficient group-wide adjudication of this controversy. The common questions of law and of fact regarding Defendants' conduct predominate over any questions affecting only individual Class Members.

87. Because the damages suffered by certain individual Class Members may be relatively small, the expense and burden of individual litigation would make it very difficult for all individual Class Members to redress the wrongs done to each of them individually, such that many Class Members would have no rational economic interest in individually controlling the prosecution of specific actions. Moreover, the burden imposed on the judicial system by individual litigation by even a small fraction of the Class would be enormous, making class adjudication the superior alternative under Fed. R. Civ. P. 23(b)(3)(A).

88. The prosecution of this case as a class action presents far fewer management difficulties, far better conserves judicial resources and the parties' resources, and far more effectively protects the rights of each Class Member than would piecemeal litigation. Compared to the expense, burdens, inconsistencies, economic infeasibility, and inefficiencies of individualized litigation, the challenges of managing this action as a class action are substantially outweighed

1 by the benefits to the legitimate interests of the parties, the Court, and the public,
2 making class adjudication superior to other alternatives, under Fed. R. Civ. P.
3 23(b)(3)(D).
4

5 89. Plaintiffs are not aware of any obstacles likely to be encountered in
6 the management of this action that would preclude its maintenance as a class
7 action. Rule 23 provides the Court with authority, discretion, and flexibility to
8 maximize the efficiencies and benefits of the class mechanism and reduce
9 management challenges. The Court may, on motion of Plaintiffs or on its own
10 determination, utilize the provisions of Rule 23(c)(4) to certify any particular
11 claims, issues, or common questions of fact or law for class-wide adjudication;
12 certify and adjudicate bellwether class claims; and utilize Rule 23(c)(5) to divide
13 any Class into subclasses.
14
15
16

17 **F. Medical Monitoring Class Injunctive Relief Pursuant to Rule**
18 **23(b)(2)**

19 90. In addition, Plaintiffs satisfy the requirements for maintaining a class
20 action under Rule 23(b)(2). Defendants have acted and failed to act on grounds
21 generally applicable to Plaintiffs and the Classes and that require court imposition
22 of uniform relief, thereby making appropriate equitable relief to the Classes as a
23 whole within the meaning of Rules 23(b)(2).
24
25
26
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28

1 91. As set forth above, Plaintiffs are not asserting damages claims for the
2 physical manifestation of a current toxicity injury, and have no adequate remedy
3 at law, rendering declaratory, injunctive, and other equitable relief appropriate.
4

5 92. Plaintiffs seek equitable relief in the form of a medical monitoring
6 program and establishment of a medical monitoring fund, and further request
7 injunctive relief compelling Defendants to finance the medical monitoring
8 program and address issues as they develop during program administration.
9

10 93. As a direct and proximate result of Defendants' wrongful conduct as
11 set forth above, Plaintiffs and the Class Members have actually been exposed, and
12 will continue to be exposed, to a toxic substance and fumes and thereby suffer, and
13 will continue to suffer a significantly increased risk of serious injury, illness, and
14 diseases as alleged herein. This increased risk is such that a reasonable physician
15 would order medical monitoring, including but not limited to periodic diagnostic
16 medical testing and necessary examinations.
17
18
19

20 94. Early detection and treatment of illnesses and diseases is associated
21 with more favorable outcomes. Timely-instituted medical monitoring will reduce
22 the risk of illness and of more severe illness by using medical tests to detect who
23 has been affected by exposure to MMA, and to provide medical intervention that
24 will prevent or reduce the deterioration and long-term health and well-being of
25 Plaintiffs and the Classes they seek to represent. Medical monitoring and testing
26
27
28

1 procedures, including clinical examinations, exist that make the early detection of
2 exposure to this toxic substance and fumes that were released into the class area as
3 a result of the Chemical Crisis, as well as early detection of illness and disease,
4 both feasible and beneficial.
5

6 95. The increased susceptibility to injuries and irreparable threat to the
7 health of the Plaintiffs and the Class Members resulting from their exposure to
8 MMA can be appropriately mitigated and addressed only by the creation of a
9 comprehensive medical monitoring program, supervised by the Court, and funded
10 by the Defendants, that: (a) notifies individuals who have been exposed to MMA
11 of the potential harm from such exposure and the need for periodic testing and
12 examination; (b) provides early detection and treatment of illness, disease or other
13 injuries caused by exposure to MMA; and (c) gathers and forwards to treating
14 physicians information related to the diagnosis and treatment of injuries and
15 diseases which may result from exposure to MMA.
16
17
18
19

20 96. Establishment of a Court-supervised medical monitoring program can
21 readily assure that the proceeds of any monitoring trust fund are reserved for the
22 provision of and/or reimbursement for the above-referenced examination and
23 testing procedures and related activities, guaranteeing the purely equitable use of
24 any trust fund proceeds. The Court's use of its injunctive powers to oversee and
25
26
27
28

1 direct medical monitoring in this case is an appropriate and necessary method of
2 adjudication.

3 97. The precise nature, form, extent and duration of Court-ordered
4 diagnostic monitoring, clinical examinations, research activities, and education
5 programs are a matter for the Court to decide, after hearing and consultation with
6 medical, industrial, modeling, and other experts. Class adjudication of the right to
7 this relief is both appropriate and necessary.
8

9 98. The medical monitoring program should (a) be generally supervised
10 by the Court and may be directly managed by a Court-appointed, Court-supervised
11 special master(s) or trustee(s); (b) involve the monitoring of all Class Members by
12 designated physicians under a Court-approved medical treatment and research
13 regiment; and (c) involve the collection of medical data utilized for group studies,
14 as well as monitoring and treatment of individuals. During program administration,
15 Defendants should address issues implicated by program administration as they
16 develop.
17
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21

22 **COUNT ONE**
23 **NEGLIGENCE**

24 99. Plaintiffs repeat, reallege, and incorporate by reference the allegations
25 asserted above as if fully set forth herein.
26

27 100. The chemical storage tank crisis described herein was caused by the
28 negligence, carelessness and/or recklessness of the Defendants.

1 101. In addition, and in the alternative, the chemical storage tank crisis was
2 caused by a defective, unfit, and/or unsafe equipment, which was in the care,
3 custody, and control of Defendants. Defendants knew or should have known of the
4 dangerous, unfit and/or defective condition of this equipment and are therefore
5 liable for them.
6

7 102. Defendants owed Plaintiffs and the Class a duty to use reasonable care
8 in the handling and storage of hazardous materials. Consistent with industry
9 practices and procedures and applicable regulations, these duties include, but are
10 not limited to, the duty to:
11
12

- 13 a. Properly inspect their storage tanks;
- 14 b. To maintain vigilant lookout during the operation of their facility and
15 tanks;
- 16 c. To remedy defects in equipment and remediate or remove from
17 operation all tanks, equipment or tools that are unsafe for use;
- 18 d. To properly calibrate, maintain, test, and operate testing equipment;
- 19 e. To properly develop and implement risk reduction programs;
- 20 f. To properly develop and implement risk-based hazard management
21 programs;
- 22 g. To properly develop and implement safety performance evaluation
23 processes;
- 24
- 25
- 26
- 27
- 28

- 1 h. Operate, maintain, inspect and/or repair their facility and tanks in such
2 a way to ensure their safe and proper operation, particularly when
3 handling hazardous materials such as MAA;
4
- 5 i. Utilize appropriate and available technology to ensure timely alerting
6 of any potential problems; implement appropriate policies for the use
7 of such technology including, but not limited to, setting appropriate
8 alarm thresholds and criteria for determining when a potentially
9 dangerous condition exists; and ensuring that such technology is
10 timely and properly inspected and maintained;
11
- 12 j. Ensure proper procedures or systems for timely identifying any
13 malfunctions of the tanks, equipment, or tools in order to prevent or
14 mitigate malfunction while handling such hazardous materials;
15
- 16 k. Ensure a proper mechanism for stopping or slowing malfunctioning
17 tanks in a timely manner to avoid overheating, excessive pressure, and
18 other dangerous conditions while handling such hazardous materials;
19
- 20 l. Adequately staff positions that plan, prepare, coordinate, and oversee
21 handling of hazardous materials;
22
- 23 m. Hire, train, manage, oversee, and supervise their agents, servants, and
24 employees, including but not limited to storage and handling of such
25 hazardous materials, and response to emergency situations;
26
27
28

- n. Properly determine the adequacy and skill of their agents, servants, and employees including but limited to storage and handling of such hazardous materials, and response to emergency situations;
- o. Adequately warn those in danger of imminent exposure to hazardous chemicals;
- p. Institute proper procedures and training for response to the malfunction of tanks storing hazardous materials;
- q. Have an emergency response plan to prevent the release and contain the spread of hazardous materials into the surrounding air, water, real property, personal property, and persons in the event of an escape of such materials;
- r. Timely implement such an emergency response plan;
- s. Handle, transport, store, and maintain hazardous materials in a manner which would not cause Plaintiffs and Class Members harm, as Plaintiffs and Class Members were foreseeable victims located within the scope of the risk created by Defendants' conduct;
- t. Properly dispose of or otherwise eliminate the hazardous materials from their facility, including avoiding the use of techniques that would further expose Plaintiffs, Class Members, and the surrounding areas to MMA;

- 1 u. Evacuate an appropriate geophysical area to avoid exposing persons
- 2 or property nearby to hazardous materials and causing injury;
- 3 v. Accurately make known the risk of catastrophic injury and illness
- 4 from exposure to hazardous materials, including MMA, to persons at
- 5 risk of exposure, including those outside the evacuation zone;
- 6 w. Accurately make known the risk of exposure faced by those persons
- 7 at risk of exposure, including those outside the evacuation zone; and
- 8 x. Contain the spread of hazardous materials, including MMA, into the
- 9 surrounding air, water, real property, and persons.
- 10
- 11
- 12

13 103. However, inconsistent with industry practice and procedures and
14 applicable regulations, Defendants negligently, carelessly and/or recklessly
15 breached their duties to Plaintiffs and the Class by, among other things:
16

- 17 a. Failing to properly inspect their storage tanks, equipment, and tools;
- 18 b. Failing to maintain vigilant lookout during the operation of their
- 19 facility and tanks;
- 20 c. Failing to remedy defects in equipment and remediate or remove from
- 21 operation all tanks that are unsafe for use;
- 22 d. Failing to properly calibrate, maintain, test, and operate testing
- 23 equipment;
- 24 e. Failing to properly develop and implement risk reduction programs;
- 25
- 26
- 27
- 28

- 1 f. Failing to properly develop and implement risk-based hazard
2 management programs;
- 3 g. Failing to properly develop and implement safety performance
4 evaluation processes;
- 5 h. Failing to operate, maintain, inspect and/or repair their facility and
6 tanks in such a way to ensure their safe and proper operation,
7 particularly when handling hazardous materials such as MAA;
- 8 i. Failing to utilize appropriate and available technology to ensure
9 timely alerting of any potential problems; implement appropriate
10 policies for the use of such technology including, but not limited to,
11 setting appropriate alarm thresholds and criteria for determining when
12 a potentially dangerous condition exists; and ensuring that such
13 technology is timely and properly inspected and maintained;
- 14 j. Failing to ensure proper procedures or systems for timely
15 identification of any malfunctions of the tanks in order to prevent or
16 mitigate malfunction while handling such hazardous materials;
- 17 k. Failing to ensure a proper mechanism for stopping or slowing
18 malfunctioning tanks in a timely manner to avoid overheating,
19 excessive pressure, and other dangerous conditions while handling
20 such hazardous materials;
- 21
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- 1 l. Failing to adequately staff positions that plan, prepare, coordinate,
2 and oversee handling of hazardous materials;
- 3 m. Failing to hire, train, manage, oversee, and supervise their agents,
4 servants, and employees, including but not limited to storage and
5 handling of such hazardous materials, and response to emergency
6 situations;
7
- 8 n. Failing to properly determine the adequacy and skill of their agents,
9 servants, and employees including but limited to storage and handling
10 of such hazardous materials, and response to emergency situations;
11
- 12 o. Failing to adequately warn those in danger of imminent exposure to
13 hazardous chemicals;
14
- 15 p. Failing to institute proper procedures and training for response to the
16 malfunction of tanks storing hazardous materials;
17
- 18 q. Failing to have an emergency response plan to prevent the release and
19 contain the spread of hazardous materials into the surrounding air,
20 water, real property, personal property, and persons in the event of an
21 escape of such materials;
22
- 23 r. Failing to timely implement such an emergency response plan;
24
25
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- s. Failing to handle, transport, store, and maintain hazardous materials in a manner which would not cause Plaintiffs and Class Members harm;
- t. Failing to properly dispose of or otherwise eliminate the hazardous materials from their facility, including avoiding the use of techniques that would further expose Plaintiffs, Class Members, and the surrounding areas to MMA;
- u. Failing to evacuate an appropriate geophysical area to avoid exposing persons and property nearby to hazardous materials and causing injury;
- v. Failing to accurately make known the risk of catastrophic injury and illness from exposure to hazardous materials, including MMA, to persons at risk of exposure, including those outside the evacuation zone;
- w. Failing to accurately make known the risk of exposure faced by those persons at risk of exposure, including those outside the evacuation zone;
- x. Failing to contain the spread of hazardous materials, including MMA, into the surrounding air, water, real property, personal property, and persons; and

1 y. Otherwise unreasonably causing injury to Plaintiffs and the Class

2 Members in ways further investigation and discovery will reveal.

3 104. Defendants owed and breached a duty of reasonable care
4
5 commensurate with the risk of using, maintaining, storing, handling, disposal, and
6 release of hazardous materials, including MMA.

7
8 105. As a direct and proximate result of Defendants' negligent use,
9 maintenance, storage, handling, disposal, and release of hazardous materials,
10 Plaintiffs and Class Members presently suffer and will continue to suffer real
11 property damage, out-of-pocket expense including costs of mandatory evacuation,
12 personal property damage, loss of use and enjoyment of property, diminution in
13 property value, loss of business income, loss of business goodwill, annoyance,
14 upset, aggravation, inconvenience, an increased risk of associated illness or
15 disease, and the present need for medical monitoring to ensure early detection of
16 any such illness or disease.
17
18
19

20 106. Plaintiffs' and the Class Members' damages include the need for
21 remediation and continued, periodic testing of their water, soil, and crops to ensure
22 they are safe. Water must be periodically tested to ensure it is safe to drink, to
23 provide to livestock and pets, and to use for watering crops. Soil must be
24 periodically tested to ensure that it is safe for people, livestock, and pets to occupy,
25 and safe for grazing livestock and growing crops.
26
27
28

1 107. Plaintiffs' and Class Members' damages include the need for
2 remediation and continued, periodic testing of their livestock and/or pets to ensure
3 early detection of any illness or disease in the animals as a result of the
4 contamination and exposure to MMA they experienced as a result of the
5 Defendants' activities alleged herein.
6

7 108. Defendants' conduct as alleged herein shows that Defendants acted
8 with gross neglect, willfully and wantonly, maliciously, with aggravated or
9 egregious fraud, and/or intentionally disregarded Plaintiffs' and the Class
10 Members' rights so as to warrant the imposition of punitive damages.
11

12
13 **COUNT TWO**
14 **STRICT LIABILITY**

15 109. Plaintiffs repeat, reallege, and incorporate by reference the allegations
16 asserted above as if fully set forth herein.
17

18 110. Defendants are strictly liable for the injuries and damages suffered by
19 Plaintiffs and the Class pursuant to the provisions of the Restatement (Second) of
20 Torts §§ 519 and 520.
21

22 111. The use, maintenance, storage, handling, disposal, and release of
23 hazardous materials is an abnormally dangerous and/or ultrahazardous activity
24 under the definition set forth in Restatement (Second) of Torts §§ 519 and 520.
25

26 112. Defendants engaged in an abnormally dangerous and/or
27 ultrahazardous activity by using, maintaining, storing, handling, disposing of
28

1 and/or releasing hazardous materials in or about a residential community, making
2 them strictly liable for any resulting damages.

3 113. As a direct and proximate result of the Defendants' abnormally
4 dangerous and/or ultrahazardous activity, Plaintiffs and Class Members presently
5 suffer, and will continue to suffer, real property damage, out of pocket expense
6 including costs for mandatory evacuation, personal property damage, loss of use
7 and enjoyment of property, diminution in property value, loss of business income,
8
9 loss of business goodwill, annoyance, upset, aggravation, inconvenience, an
10 increased risk of associated illness or disease, and the present need for medical
11 monitoring to ensure early detection of any such illness or disease.
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13

14 114. Plaintiffs' and the Class Members' damages include the need for
15 remediation and continued, periodic testing of their water, soil, and crops to ensure
16 they are safe. Water must be periodically tested to ensure it is safe to drink, to
17 provide to livestock and pets, and to use for watering crops. Soil must be
18 periodically tested to ensure that it is safe for people, livestock, and pets to occupy,
19 and safe for grazing livestock and growing crops.
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23 115. Plaintiffs' and the Class Members' damages include the need for
24 remediation and continued, periodic testing of their livestock and/or pets to ensure
25 early detection of any illness or disease in the animal as a result of the
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1 contamination and exposure to MMA as alleged they experienced as a result of
2 Defendants' activities alleged herein.

3 116. Accordingly, the Defendants are strictly liable, jointly and severally,
4 without regard to fault, for all of the damages to Plaintiffs and the Class Members,
5 which were a direct and proximate result of the chemical storage tank crisis and
6 release of hazardous substances which harmed Plaintiffs and the Class as described
7 above.
8

9
10 117. Defendants' conduct as alleged herein shows that Defendants acted
11 with gross neglect, willfully and wantonly, maliciously, with aggravated or
12 egregious fraud, and/or intentionally disregarded Plaintiffs' and the Class
13 Members' rights so as to warrant the imposition of punitive damages.
14
15

16 **COUNT THREE**
17 **STATUTORY NUISANCE**

18 118. Plaintiffs repeat, reallege, and incorporate by reference the allegations
19 asserted above as if fully set forth herein.
20

21 119. Under California Civil Code § 3479,

22 Anything which is injurious to health, including, but not
23 limited to, the illegal sale of controlled substance, or is
24 indecent or offensive to the senses, or an obstruction to the
25 free use of property, so as to interfere with the comfortable
26 enjoyment of life or property, or unlawfully obstructs the
27 free passage or use, in the customary manner, of any
28 navigable lake, or river, bay, stream, canal, or basin, or any
public park, square, street, or highway, is a nuisance.

1 120. Thus, under California Civil Code § 3479, it is nuisance to emit air
2 pollutants of hazardous materials, such as MMA, that is indecent or offensive to
3 the senses, or an obstruction to the free use of property, so as to interfere with the
4 comfortable enjoyment of life or property or unlawfully obstructs the free passage
5 or use.

6
7 121. As a result of the chemical storage tank crisis described herein,
8 Defendants emitted impermissible amounts of MMA.

9
10 122. As a result of Defendants' improper use, maintenance, storage,
11 handling, disposal, and release of MMA, Plaintiffs and the Class Members have
12 been exposed to hazardous air pollutants in violation of California law.

13
14 123. As a direct and proximate result of Defendants' improper use,
15 maintenance, storage, handling, disposal, and release of MMA, this toxin
16 continuously invaded and contaminated the areas surrounding Plaintiffs and Class
17 Members, thereby exposing their respective properties and bodies to unsafe levels
18 of MMA.

19
20 124. As a direct and proximate result of Defendants' improper use,
21 maintenance, storage, handling, disposal, and release of MMA, and the exposure
22 to this toxin resulting therefrom, Plaintiffs and Class Members presently suffer,
23 and will continue suffering in the future, real property damage, costs for mandatory
24 evacuation and other out-of-pocket expense, personal property damage, loss of use
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1 and enjoyment of property, diminution in property value, loss of business income,
2 loss of business goodwill, annoyance, upset, aggravation, inconvenience, an
3 increased risk of associated illness or disease, and the present need for medical
4 monitoring to ensure early detection of any such disease or illness.
5

6 125. Plaintiffs' and the Class Members' damages include the need for
7 remediation and continued, periodic testing of their water, soil, and crops to ensure
8 they are safe. Water must be periodically tested to ensure it is safe to drink, to
9 provide to livestock and pets, and to use for watering crops. Soil must be
10 periodically tested to ensure that it is safe for people, livestock, and pets to occupy,
11 and safe for grazing livestock and growing crops.
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14 126. Plaintiffs' and the Class Members' damages include the need for
15 remediation and continued, periodic testing of their livestock and/or pets to ensure
16 early detection of any disease or illness in the animal as a result of the
17 contamination and exposure to MMA they experienced as a result of Defendants'
18 activities alleged herein.
19
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21

22 127. Plaintiffs and the Classes suffered injuries that are distinct from the
23 injuries suffered by the public at large.
24

25 128. Defendants' conduct as alleged herein shows that Defendants acted
26 with gross neglect, willfully and wantonly, maliciously, with aggravated or
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28

1 egregious fraud, and/or intentionally disregarded Plaintiffs' and the Class
2 Members' rights so as to warrant the imposition of punitive damages.

3 **COUNT FOUR**
4 **PUBLIC NUISANCE**

5 129. Plaintiffs repeat, reallege, and incorporate by reference the allegations
6 asserted above as if fully set forth herein.

7
8 130. At all times relevant hereto, Defendants knew or should have known
9 that MMA was hazardous and harmful to real property and human beings, and it
10 was substantially certain that improper use, maintenance, storage, handling,
11 disposal, and release of this material was hazardous and harmful to people living
12 in nearby areas.
13

14
15 131. Plaintiffs and the Class Members have a common right to enjoy their
16 real property free of dangerous contamination, to breathe clean air and have access
17 to clean running and groundwater without dangerous levels of toxic chemicals, and
18 to live life without unreasonable exposure to toxic chemicals.
19
20

21 132. Defendants' improper use, maintenance, storage, handling, disposal,
22 and release of MMA substantially and unreasonably infringed upon and
23 transgressed these public rights.
24

25 133. As a proximate result of Defendants' improper use, maintenance,
26 storage, handling, disposal, and release of MMA, Plaintiffs', the Class Members',
27 and the general public's common right to breathe clean air and have access to clean
28

1 running water without dangerous levels of toxic and harmful chemicals was
2 severely diminished, if not eliminated.

3 134. As a proximate result of Defendants' improper use, maintenance,
4 storage, handling, disposal, and release of MMA, Defendants invaded and
5 contaminated the areas surrounding Plaintiffs' and Class Members' residences,
6 thereby exposing them to toxic chemicals.
7

8
9 135. Each of the Plaintiffs and Class Members suffered injuries that are
10 distinct from the public at large because their individual real and personal property
11 rights have been unreasonably interfered with.
12

13 136. As a direct and proximate result of Defendants' creation of a public
14 nuisance and the public's exposure to toxic chemicals resulting therefrom, Plaintiff
15 and Class Members presently suffer, and will continue to suffer, real property
16 damage, costs for mandatory evacuation and other out-of-pocket expense, personal
17 property damage, loss of use and enjoyment of property, diminution in property
18 value, loss of business income, loss of business goodwill, the necessity for
19 annoyance, upset, aggravation and inconvenience, increased risk of associated
20 illness or disease, and the present need for medical monitoring to ensure early
21 detection of any such disease or illness.
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26 137. Plaintiffs' and the Class Members' damages include the need for
27 remediation and continued, periodic testing of their water, soil, and crops to ensure
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1 they are safe. Water must be periodically tested to ensure it is safe to drink, to
2 provide to livestock and pets, and to use for watering crops. Soil must be
3 periodically tested to ensure that it is safe for people, livestock, and pets to occupy,
4 and safe for grazing livestock and growing crops.
5

6 138. Plaintiffs' and the Class Members' damages include the need for
7 remediation and continued, periodic testing of their livestock and/or pets to ensure
8 early detection of any disease or illness in the animal as a result of the
9 contamination and exposure to MMA they experienced as a result of Defendants'
10 activities alleged herein.
11
12

13 139. Defendants' conduct as alleged herein shows that Defendants acted
14 with gross neglect, willfully and wantonly, maliciously, with aggravated or
15 egregious fraud, and/or intentionally disregarded Plaintiffs' and the Class
16 Members' rights so as to warrant the imposition of punitive damages.
17
18

19 **COUNT FIVE**
20 **PRIVATE NUISANCE**

21 140. Plaintiffs repeat, reallege, and incorporate by reference the allegations
22 asserted above as if fully set forth herein.
23

24 141. At all times relevant hereto, Defendants knew or should have known
25 that MMA is hazardous and harmful to real property and human beings, and it was
26 substantially certain that improper use, maintenance, storage, handling, disposal,
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28

1 and release of this material would cause injury to Plaintiffs and the Class Members
2 and their property.

3 142. Defendants, through the negligent, reckless and/or intentional acts
4 and omissions alleged herein, have contaminated real property located in a radius
5 to be determined through discovery surrounding the Garden Grove site.
6

7 143. Defendants, through the negligent, reckless and/or intentional acts
8 and omissions alleged herein, have released MMA onto Plaintiffs' and the Class
9 Members' land and have contaminated Plaintiffs' and the Class Members' real
10 property, water and persons.
11

12 144. The Defendants' contamination of Plaintiffs' and the Class Members'
13 property with MMA has unreasonably interfered with the rights of Plaintiffs and
14 the Class Members to use and enjoy their property, causing them to suffer injuries
15 different in kind and degree from others in surrounding areas. Indeed, this
16 interference is substantial in nature. It has caused and is causing Plaintiffs and the
17 Class Members to, among other things, refrain from occupying or using their real
18 properties, using contaminated water to drink, cook, bathe, irrigate farmland and
19 gardens, eat from home gardens, or water pets and livestock. This has, in turn,
20 caused significant loss of income, out-of-pocket expenses, loss of use and
21 enjoyment and inconvenience.
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1 145. Defendants' conduct has also substantially interfered with Plaintiffs'
2 and the Class Members' ability to enjoy their property, to avail themselves of their
3 property's value as an asset and/or source of collateral for financing, and to use
4 their property in the manner that they so choose. It has also reduced the value of
5 their land.
6

7 146. Defendants' negligent, reckless and/or intentional acts and omissions
8 were unreasonable and constitute invasion of the property rights of Plaintiffs and
9 the Class Members.
10

11 147. Plaintiffs and the Class Members, unlike the public generally, have
12 suffered specific injuries as a result of Defendants' tortious, illegal, and wrongful
13 conduct, including the pollution of their land and water.
14

15 148. Defendants' improper use, maintenance, storage, handling, disposal,
16 and release of MMA and the contamination of Plaintiffs' and the Class Members'
17 property resulting therefrom, constitutes a private nuisance. This nuisance has
18 directly and proximately caused Plaintiffs and the Class Members to presently
19 suffer, and continue suffering in the future, real property damage, out-of-pocket
20 expense, personal property damage, loss of use and enjoyment of property,
21 diminution in property value, loss of business income, loss of business goodwill,
22 annoyance, upset, aggravation, inconvenience, an increased risk of associated
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1 illness or disease, and the present need for medical monitoring to ensure early
2 detection of any such disease or illness.

3 149. Plaintiffs' and the Class Members' damages include the need for
4 remediation and continued, periodic testing of their water, soil, and crops to ensure
5 they are safe. Water must be periodically tested to ensure it is safe to drink, to
6 provide to livestock and pets, and to use for watering crops. Soil must be
7 periodically tested to ensure that it is safe for people, livestock, and pets to occupy,
8 and safe for grazing livestock and growing crops.
9

10 150. Plaintiffs' and the Class Members' damages include the need for
11 remediation and continued, periodic testing of their livestock and/or pets to ensure
12 early detection of any disease or illness in the animal as a result of the
13 contamination and exposure to MMA they experienced as a result of Defendants'
14 activities alleged herein.
15

16 151. Defendants' conduct as alleged herein shows that Defendants acted
17 with gross neglect, willfully and wantonly, maliciously, with aggravated or
18 egregious fraud, and/or intentionally disregarded Plaintiffs' and the Class
19 Members' rights so as to warrant the imposition of punitive damages.
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25 **COUNT SIX**
26 **TRESPASS**

27 152. Plaintiffs repeat, reallege, and incorporate by reference the allegations
28 asserted above as if fully set forth herein.

1 153. At all times relevant hereto, Defendants knew or should have known
2 MMA to be hazardous and harmful to real property, animals, and human beings,
3 and it was substantially certain that their use, emission, discharge, disposal,
4 distribution, spreading and/or release of these hazardous materials would cause
5 injury to Plaintiffs and Class Members and their property.
6

7 154. Defendants, through their activities alleged herein, caused hazardous
8 materials to enter and contaminate Plaintiffs' and the Class Members' property.
9 They intentionally, knowingly, and negligently used, discharged, spread, deposited
10 and/or released these hazardous materials knowing that those toxins would
11 contaminate the real property and drinking water of individuals like Plaintiffs and
12 the Class Members.
13

14 155. Defendants, through their activities alleged herein, authorized,
15 requested, or caused others to dispose of waste in a manner which they knew was
16 substantially likely to cause hazardous materials, including MMA, to enter and
17 contaminate Plaintiffs' and the Class Members' properties. Through their actions
18 in intentionally causing others to spread their waste, they intentionally, knowingly,
19 and negligently caused hazardous materials to enter Plaintiffs' and the Class
20 Members' land and water.
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1 156. At all relevant times Defendants were aware that their conduct in
2 disposing of MMA was contrary to Plaintiffs' and the Class Members' rights in
3 their property.

4 157. At all times, Defendants' conduct displayed indifference to and
5 disregard for Plaintiffs' and the Class Members' rights to their property.
6

7 158. Defendants, through their activities regarding hazardous materials
8 alleged herein, failed to act in the manner of an ordinary, careful person or
9 business.
10

11 159. The Defendants' intentional, knowing, and negligent contamination,
12 and continuing contamination, of Plaintiffs' and the Class Members' real and
13 personal property with hazardous materials has interfered with the rights of
14 Plaintiffs and the Class Members to use and enjoy their property and constitutes
15 trespass and continuing trespass. Defendants' trespass has substantially impaired
16 Plaintiffs' and the Class Members' rights in the use and enjoyment of their property
17 as well as economic and property damages as alleged herein.
18

19 160. Defendants' trespass has proximately caused, and will continue to
20 cause, Plaintiffs and the Class Members real property damage, costs of mandatory
21 evacuation and other out-of-pocket expense, personal property damage, loss of use
22 and enjoyment of property, diminution in property value, loss of business income,
23 loss of business goodwill, annoyance, upset, aggravation, and inconvenience.
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1 161. Plaintiffs' and the Class Members' damages include the need for
2 remediation and continued, periodic testing of their water, soil, and crops to ensure
3 they are safe. Water must be periodically tested to ensure it is safe to drink, to
4 provide to livestock and pets, and to use for watering crops. Soil must be
5 periodically tested to ensure that it is safe for people, livestock, and pets to occupy,
6 and safe for grazing livestock and growing crops.
7
8

9 162. Plaintiffs' and the Class Members' damages include the need for
10 remediation and continued, periodic testing of their livestock and/or pets to ensure
11 early detection of any illness or disease in the animal as a result of the
12 contamination and exposure to MMA they experienced as a result of Defendants'
13 activities alleged herein.
14
15

16 163. Defendants' conduct as alleged herein shows that Defendants acted
17 with gross neglect, willfully and wantonly, maliciously, with aggravated or
18 egregious fraud, and/or intentionally disregarded Plaintiffs' and the Class
19 Members' rights so as to warrant the imposition of punitive damages.
20
21

22 **COUNT SEVEN**
23 **TRESPASS TO CHATTELS**

24 164. Plaintiffs repeat, reallege, and incorporate by reference the allegations
25 asserted above as if fully set forth herein.
26

27 165. At all relevant times, Plaintiffs and the Class Members had a
28 possessory interest in all their personal property, including but not limited to

1 personal vehicles, commercial vehicles, household goods, food, professional
2 equipment, recreational equipment, livestock, and pets.

3 166. Defendants, through their activities alleged herein, caused the
4 impairment of Plaintiffs' and the Class Members' property as to its condition,
5 quality, or value and harmed Plaintiffs' materially valuable interest in the same.
6

7 167. Defendants, through their activities alleged herein, deprived Plaintiffs
8 and the Class Members of the possession or use of their chattel for a substantial
9 time.
10

11 168. Defendants, through their activities alleged herein, caused harm to
12 property in which Plaintiffs and the Class Members had or have a legally protected
13 interest.
14

15 169. At all relevant times Defendants were aware that their conduct in
16 using, maintaining, storing, handling, disposing of and/or releasing MMA was
17 contrary to Plaintiffs' and the Class Members' legally protected interest in their
18 personal property.
19

20 170. The Defendants' intentional, knowing, and negligent contamination,
21 and continuing contamination, of Plaintiffs' and the Class Members' personal
22 property substantially impaired Plaintiffs' and the Class Members' legally
23 protected interest in their property as well as economic and property damages as
24 alleged herein.
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1 171. Defendants' trespass has also interfered with and continues to
2 interfere with Plaintiffs' and the Class Members' ability to enjoy their personal
3 property, to avail themselves of their property's value as an asset and/or source of
4 collateral for financing, and to use their property in the manner that Plaintiffs and
5 the Class Members so choose.
6

7 172. Defendants' trespass has proximately caused, and will continue to
8 cause, Plaintiffs and the Class Members personal property damage, costs for
9 mandatory evacuation and other out-of-pocket expense, loss of use and enjoyment
10 of property, diminution in property value, loss of business income, loss of business
11 goodwill, annoyance, upset, aggravation, and inconvenience. These damages
12 include, but are not limited to, the contamination and/or death of livestock and pets,
13 and the contamination of personal vehicles, commercial vehicles, household
14 goods, food, professional equipment, and recreational equipment.
15
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19 173. Plaintiffs' and the Class Members' damages include the need for
20 remediation and continued, periodic testing of their water, soil, and crops to ensure
21 they are safe. Water must be periodically tested to ensure it is safe to drink, to
22 provide to livestock and pets, and to use for watering crops. Soil must be
23 periodically tested to ensure that it is safe for people, livestock, and pets to occupy,
24 and safe for grazing livestock and growing crops.
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1 174. Plaintiffs' and the Class Members' damages include the need for
2 remediation and continued, periodic testing of their livestock and/or pets to ensure
3 early detection of any disease or illness in the animal as a result of the
4 contamination and exposure to MMA they experienced as a result of Defendants'
5 activities alleged herein.
6

7 175. Defendants' conduct as alleged herein shows that Defendants acted
8 with gross neglect, willfully and wantonly, maliciously, with aggravated or
9 egregious fraud, and/or intentionally disregarded Plaintiffs' and the Class
10 Members' rights so as to warrant the imposition of punitive damages.
11

12
13 **COUNT EIGHT**
14 **MEDICAL MONITORING**

15 176. Plaintiffs repeat, reallege, and incorporate by reference the allegations
16 asserted above as if fully set forth herein.
17

18 177. Plaintiffs and the Class Members have been exposed to significant
19 amounts of MMA at levels that are far higher than any normal background levels.
20 This toxic substance is dangerous and has been proven to cause severe health
21 complications, including illnesses and diseases, in humans.
22

23 178. Plaintiffs and the Classes were exposed to MMA as a direct and
24 proximate result of Defendants' tortious actions, including Defendants' negligent,
25 ultrahazardous, and willful and wanton conduct as alleged herein.
26
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1 179. As a proximate result of their exposure to MMA, Plaintiffs and the
2 Classes have a significantly increased risk of developing illnesses and diseases,
3 including but not limited to damage to or illnesses or diseases of the lungs, kidneys
4 or liver. This increased risk makes periodic diagnostic medical examinations
5 reasonably necessary.
6

7 180. This increased risk would warrant a reasonable physician to order
8 monitoring.
9

10 181. Early diagnosis of these diseases and conditions has significant value
11 for Plaintiffs and the Class Members because such diagnoses will help them
12 monitor and minimize the harm therefrom.
13

14 182. Monitoring procedures exist that make early detection of these
15 diseases and conditions possible and beneficial. These monitoring procedures are
16 different from those normally recommended in the absence of toxic exposures and
17 are reasonably necessary as a direct and proximate result of Plaintiffs' and the
18 Class Members' exposures to the toxic substance MMA, as a result of Defendants'
19 actions as alleged herein.
20
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23 183. As a direct and proximate result of Plaintiffs' and the Class Members'
24 exposure to the toxic substance and fumes, surveillance in the form of periodic
25 medical examinations is reasonable and necessary, because such surveillance will
26 provide early detection and diagnosis of harmful and debilitating injuries
27
28

1 potentially resulting from exposure to the toxic substance and fumes, as a remedy
2 for the conduct alleged.

3 184. As a result, Plaintiffs and the Classes should be awarded the
4
5 quantifiable costs of such a monitoring regime.

6 **PRAYER FOR RELIEF**

7
8 WHEREFORE, Plaintiffs, on behalf of themselves and the proposed Classes,
9 respectfully request that the Court enter judgment in their favor and against
10 Defendants, including jointly and severally as warranted, as follows:

- 11
12 A. For an Order certifying the Classes, as defined herein, and appointing
13 Plaintiffs and their Counsel to represent the Classes;
14
15 B. For damages, including compensatory, punitive, and exemplary
16 damages, in an amount determined just and reasonable;
17
18 C. For an award of attorneys' fees, costs, and litigation expenses, as
19 allowed by law;
20
21 D. For prejudgment and post-judgment interest on all amounts awarded;
22
23 E. For injunctive and declaratory relief, as allowed by law, including
24 medical monitoring; and
25
26 F. Such other and further relief as this Court may deem just and proper.
27
28

JURY TRIAL DEMANDED

Plaintiffs hereby demand a trial by jury on all issues so triable.

Dated: May 28, 2026

Respectfully submitted,

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/s/ Marina Pacheco

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