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Attorneys for Plaintiffs

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

Luis Alcala; Kristian Apodaca; Craig Cartozian;
Lisa Caton; Ricard Catoya; Michael Chesmore;
Albert Co; Phillip Cruz; Eric Dapello; Brittany
Esquivel; Anya Fernald; Karen Franco; John
Gentile; Wayne Gibson; Andrei Goncharuk;
Namhoon Jeon; Ameen Lakhani; Brian Logan;
Yulia Melinkova; Tom Nguyen; Anthony
Orozco; Isaiah Ortiz; Nobel Phan; Denise
Rodriguez; Cory Tracy; Mitch Tran; Pedro
Uesugui; Alex Vasquez; Andrew Vu; and Cindy
Ward;

Plaintiffs,

vs.

GKN AEROSPACE TRANSPARENCY
SYSTEMS INC., A CALIFORNIA
CORPORATION; AND DOES 1 THROUGH
100, INCLUSIVE;,

Defendants.

Case No.: [CASE NO.]

COMPLAINT FOR DAMAGES:

- 1. Negligence**
- 2. Negligence Per Se**
- 3. Strict Liability — Ultrahazardous Activity**
- 4. Private Nuisance**
- 5. Public Nuisance**
- 6. Trespass to Land**
- 7. Negligent Infliction of Emotional Distress**
- 8. Negligent Interference with Prospective Economic Advantage**

DEMAND FOR JURY TRIAL

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NATURE OF THE CASE

1. This case is based on an industrial incident that occurred on or about May 21, 2026 when a tank overheated at Defendant GKN AEROSPACE TRANSPARENCY SYSTEMS, INC.'s ("GKN") Garden Grove facility, located at 12122 Western Avenue, Garden Grove, California 92841 (the "Facility"). The tank held thousands of gallons of methyl methacrylate ("MMA"), and on or about May 21, 2026, it began overheating past the point of thermal stability. Due to the resulting risk of rupture, fire, or explosion, a mandatory evacuation was ordered that ultimately swept up tens of thousands of residents and businesses.

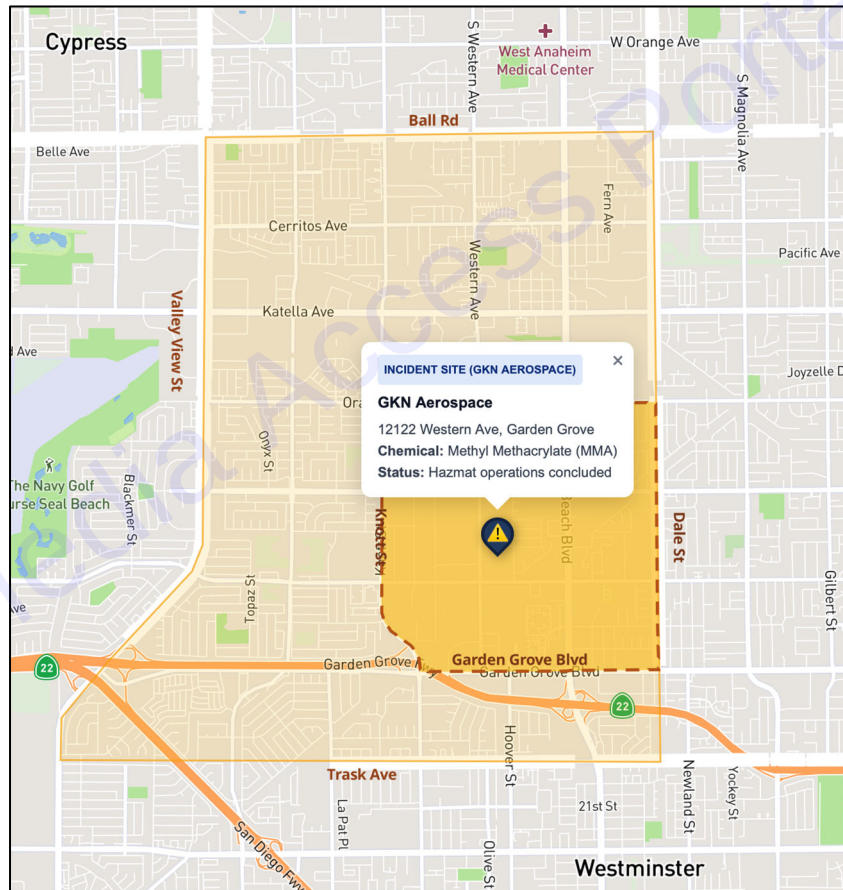


Figure 1. City of Garden Grove Evacuation Zone Lookup Map (ggcity.github.io/hazmat-map-resource), showing the mandatory evacuation zone around the GKN Aerospace facility.

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JURISDICTION AND VENUE

2. This Court has jurisdiction because the claims arise under California law and the amount in controversy exceeds the jurisdictional-minimum for an unlimited civil action.

3. Orange County is the appropriate venue because the acts or omissions at issue took place here, Plaintiffs were injured and suffered losses here, and Defendant is a California corporation doing business here.

PARTIES

4. **Plaintiffs.** Plaintiffs are individuals who lived, worked, owned property, ran businesses, attended school, received medical care, or were otherwise present inside or near the evacuation and affected zones during the May 2026 GKN hazardous-materials incident, and who were harmed by that incident. Some Plaintiffs belong to one or more of the following sub-groups: Resident Plaintiffs; Business Plaintiffs; Employee Plaintiffs; and Medically Vulnerable Plaintiffs.

5. The following are “Resident Plaintiffs”: Luis Alcala, Lisa Caton, Michael Chesmore, Eric Dapello, Wayne Gibson, Andrei Goncharuk, Namhoon Jeon, Ameen Lakhani, Brian Logan, Yulia Melinkova, Tom Nguyen, Nobel Phan, Catoya Ricard, Tracy Cory, Pedro Uesugui, Andrew Vu, Cindy Ward and Eric Wu. Mandatory evacuation orders or emergency conditions pushed these individuals out of homes, apartments, or other dwellings. What they claim as damages follows from that displacement: temporary lodging, mileage and fuel, replacement clothing and supplies, higher food costs, spoiled food, pet boarding, child care, replacement medication, cleaning costs, property-related losses, loss of use and enjoyment, physical symptoms, and the fear, anxiety, and emotional distress that came with it.

6. The following are “Business Plaintiffs”: Craig Cartozian, Phillip Cruz, Anaya Fernald, John Gentile, and Anthony Orozco. These Plaintiffs owned or ran businesses inside or near the affected footprint, and their claimed damages related to that exposure, such as business interruption, lost revenue and profits, lost customers and goodwill, employee-scheduling losses, spoiled inventory, missed appointments, delayed services, relocation and reopening costs, added

1 cleaning expenses, and disrupted relationships with the customers, vendors, students, patients,
2 employees, and clients who kept those businesses running.

3 7. The following are “Employee Plaintiffs”: Brittany Esquivel and Jocelyn Zamora.
4 Both lost wages, tips, commissions, overtime, shifts, or job opportunities once their workplaces
5 closed, became inaccessible or unsafe, or fell inside an evacuation zone; each also incurred added
6 transportation, child-care, or medical costs as a result.

7 8. The following are “Medically Vulnerable Plaintiffs”: Kristian Apodaca, Albert Co,
8 Karen Franco, John Gentile, Isaiah Ortiz, Denise Rodriguez, and Melissa Yeager. This group
9 includes infants, older adults, pregnant individuals, people with disabilities, people managing
10 asthma or other respiratory or medical conditions, people dependent on prescription medication,
11 and people undergoing dialysis, chemotherapy, oxygen therapy, or other ongoing treatment. These
12 are individuals for whom evacuation was more difficult and exposure more dangerous than for the
13 average resident.

14 9. Individualized issues predominate because each Plaintiff’s damages depend on
15 different types of exposure, different types of harm, and different individual circumstances. Each
16 Plaintiff only seeks remedies for their own damages. The thirty Plaintiffs named in this complaint
17 proceed in a single action for efficiency only, they do not want class or representative treatment.

18 10. **GKN.** GKN AEROSPACE TRANSPARENCY SYSTEMS INC. (“GKN”) is and
19 for all relevant times was, a California corporation organized under the laws of the State of
20 California. GKN owns, operates, and does business at the Garden Grove facility.

21 11. At all relevant times, GKN exercised, or had the right to exercise, control over the
22 ownership, lease, occupation, operation, management, maintenance, inspection, repair, and control
23 of the Garden Grove facility, including the MMA tank and everything connected to it, including
24 but not limited to all of its equipment, its cooling systems, its fire, safety, and emergency systems,
25 the policies and procedures related to it, and the people responsible for operating, inspecting,
26 repairing, maintaining, and documenting its use and operation.

27 12. At all relevant times, GKN was responsible for safely storing and handling MMA;
28 maintaining the tank and its connected equipment; putting hazardous-materials response plans in

place; training its workforce; notifying public agencies and first responders as required; complying with its permits and other regulatory obligations; protecting neighboring residents and businesses from foreseeable harms; and, ultimately, preventing incidents that trigger a mass evacuation.

13. **DOE defendants.** Plaintiffs are ignorant of the true names and capacities of the Defendants sued as DOES 1 through 100, inclusive, and therefore sues those Defendants by fictitious names as permitted by Code of Civil Procedure section 474. Plaintiffs sue DOES 1 through 100 by fictitious name. Plaintiffs will amend this Complaint to allege the true names and capacities of the DOE Defendants once ascertained.

14. On information and belief, each DOE Defendant was responsible in whole or in part for the events and damages described here, whether through ownership, operation, management, maintenance, repair, inspection, design, engineering, staffing, training, emergency response, environmental, or hazardous-materials compliance, or through ratification.

15. On information and belief, that each DOE Defendant was as agent, employee, representative, contractor, subcontractor, consultant, joint-venturer, partner, predecessor, successor, alter ego, or co-conspirator of the others and acted within that relationship's course and scope, or ratified the other Defendants' conduct.

FACTUAL ALLEGATIONS

16. **The Garden Grove facility.** The Garden Grove facility is located at 12122 Western Avenue in Garden Grove, California. It is located within a densely built stretch of Orange County that covers a mix of residential, educational, medical, business and religious locations, as well as public property, service, and utilities.

17. One of GKN's business operations at the Garden Grove facility was the use, storage, and handling of MMA. GKN's bulk tank held around 6,000 to 7,000 gallons of MMA. On information and belief, GKN's tank system as a whole (including its valves, piping, instrumentation, inhibitor monitors, emergency venting, and its capacity to transfer or neutralize the chemical in an emergency) did not meet the minimum safety requirements for MMA, or for industrial manufacturing located within dense residential and commercial developments.

1 18. **MMA was dangerous.** GKN was aware of MMA’s characteristics, properties, and
2 risks. MMA is a volatile, flammable liquid that requires stabilization through cooling systems and
3 other inhibitors. It is used to make acrylic resins and plastics. It can pose health risks through
4 inhalation, skin contact, or eye exposure. Exposure can cause irritation to the eyes, skin, and
5 respiratory tract, and acute exposure carries symptoms ranging from headache to lightheadedness.
6 MMA can polymerize if it becomes contaminated or heated, and if that happens inside a closed
7 container, the container can rupture violently, risking fire, rupture, or explosion.

8 19. Due to MMA’s chemical makeup, GKN’s MMA business required compliance
9 with tightly-controlled and highly regulated safety, security, engineering, and emergency response
10 rules, regulations, standards, policies, and procedures. The standards for GKN’s safe operation
11 and use of MMA should have taken into account the Garden Grove facility’s location in a heavily-
12 populated and densely built-up area, as “safe” procedures can differ when facilities are located in
13 remote, unpopulated areas vs. heavily populated areas.

14 20. Because the Garden Grove facility sits in a populated area, the foreseeable
15 consequences of losing control of the tank included not only worker injury, but also offsite
16 evacuation, respiratory symptoms, property contamination, business closures, emotional distress,
17 and disruption throughout the surrounding community.

18 21. On information and belief, during the May 21 incident, vapor, odor, aerosolized
19 particles, combustion or polymerization byproducts, contaminated water, or other hazardous
20 substances either migrated, or threatened to migrate beyond the Garden Grove facility boundary
21 and into the surrounding residential and commercial area.

22 22. Reasonable safeguards for operation of the bulk MMA included, but were not
23 limited to: sound tank design and construction to safely hold the bulk MMA; functional parallel
24 and connected systems; regular inspections to catch defects, issues, and problems; ongoing
25 temperature, pressure, polymer-inhibitor level monitoring; reliable and effective alarms;
26 emergency-response systems (e.g., what to do when a tank overheats); a fail-safe secondary
27 containment option; up to date training and emergency procedures; ongoing training of personnel
28 of those procedures; accurate reporting; and coordination with emergency responders.

1 23. GKN failed to take these reasonable safeguards, or else undertook them in a flawed,
2 faulty, insufficient, and/or inferior manner. GKN's acts or omissions caused the exposure to the
3 community (and to Plaintiffs particularly), and caused Plaintiffs' harm.

4 24. **GKN was on notice.** As early as 2018, GKN faced penalties from the California
5 Department of Industrial Relations after an inspection of the Garden Grove facility revealed the
6 company did not maintain or inspect all active machinery on the site and improperly cooled and
7 covered tanks. That same year, ten violations were found during Occupational Safety and Health
8 Administration (OSHA) visits to the facility. In 2019, GKN Aerospace was fined \$2,898 for
9 unpaid civil penalties related to their failed safety inspections and poor maintenance. In 2021, GKN
10 Aerospace paid \$909,935 in a settlement with the South Coast Air Quality Management
11 District for several environmental violations, including failing to keep emission records regarding
12 volatile chemical compounds, operating equipment without a permit, and using toxic chemicals in
13 plant operations. In 2022, OSHA fined GKN Aerospace an additional \$420 over a safety issue at
14 this facility. In March 2025, the company received notices to comply regarding operating records,
15 registration of equipment, and an application for change in ownership of the facility.

16 25. Taken together, this regulatory history put GKN on notice that this Facility was not
17 an ordinary commercial property. It was a hazardous-materials site, and its failures carried the
18 potential to cause harm well beyond its own fence line. Further, GKN had already been cited and
19 fined for safety violations related to the same systems that failed during the May 21 incident.

20 26. **The May 21 incident.** On or about May 21, 2026, a leak or threatened release
21 involving the MMA tank brought emergency responders to the Facility. Per the City of Garden
22 Grove, the Orange County Fire Authority responded to an industrial chemical leak and issued
23 evacuation orders covering the surrounding area.

24 27. On information and belief, abnormal temperature and pressure readings found in
25 the tank were consistent with exothermic polymerization and thermal runaway. Crews responded
26 by beginning cooling operations including applying water to the tank and nearby equipment to cut
27 the risk of rupture, fire, vapor release, or explosion.

1 28. On May 22, 2026, the evacuation orders were revised to enlarge the affected
2 footprint. Evacuation hubs were opened and the City noted that the expansion of the evacuation
3 area was based on changing conditions.

4 29. On information and belief: Damage to one of the tank's valves added new
5 operational obstacles and blocked full mitigation at that point. Plaintiffs allege that this valve
6 failure, and GKN's resulting inability to finish the mitigation work, is itself direct evidence of
7 inadequate maintenance, insufficient mechanical integrity, deficient emergency planning, and
8 GKN's broader failure to keep this hazardous-materials system in a reasonably safe condition.

9 30. On May 23, 2026, the Governor of California proclaimed a state of emergency for
10 Orange County over the incident. By that point, tens of thousands of residents had already been
11 evacuated. The governor directed additional emergency resources be allocated to the City.

12 31. On May 25, the City of Garden Grove reported that local law enforcement had
13 narrowed the evacuation zone to the area bounded by Orangewood, Dale, Garden Grove Boulevard,
14 and Knott. The evacuation was still ongoing for those areas.

15 32. By May 29, efforts shifted from active emergency response to cleanup and disposal.
16 This included a multi-agency site cleanup, waste-removal, air monitoring, and other efforts
17 spearheaded by the Orange County Health Care Agency in connection the South Coast Air Quality
18 Management District, with the EPA providing technical support.

19 33. Collectively, GKN's MMA tank failure caused a hazardous-materials emergency
20 that posed a foreseeable risk to public health, property, and the stability of the surrounding
21 community.

22 34. **GKN's conduct.** On information and belief, GKN engaged in a pattern of conduct
23 that was negligent, reckless, unlawful, and, in some respects, despicable as California law uses
24 that term, including but not limited to: storing a large volume of volatile, reactive MMA in a
25 densely populated location without safeguards adequate to prevent offsite displacement and injury;
26 failing to inspect, maintain, repair, and replace the MMA storage tank and its associated equipment
27 so that it remained in a reasonably safe condition; failing to maintain temperature, pressure, level,
28 and vapor-monitoring systems with appropriate alarms, redundancy, and emergency shutdown

1 capability; failing to keep the tank's valves and its emergency transfer/neutralization capability
2 functional enough to remove or stabilize MMA during a thermal event; failing to maintain
3 adequate polymerization-inhibitor levels and the oxygen/inhibitor balance needed to prevent
4 uncontrolled polymerization; failing to give timely warning to nearby residents, businesses,
5 schools, workers, and local agencies of the foreseeable risk of chemical release, vapor migration,
6 or explosion; failing to maintain adequate emergency cooling, fire suppression, ventilation,
7 containment, and pressure-relief systems; failing to abate a dangerous, continuing nuisance once
8 the incident began, and failing to prevent chemical, vapor, odor, aerosol, or contaminated-water
9 intrusion onto neighboring properties; failing to conduct process hazard analyses, mechanical-
10 integrity reviews, management-of-change reviews, and hazard assessments proportionate to the
11 risk of storing bulk MMA in a populated area; failing to respond adequately to its prior South
12 Coast AQMD enforcement history and earlier safety and maintenance issues; failing to maintain
13 accurate hazardous-materials inventories, site maps, emergency response plans, evacuation
14 procedures, and employee training required under California's hazardous-materials business plan
15 regulations; and prioritizing financial, production, or operational convenience over community
16 safety despite known hazards and prior regulatory notice.

17 35. **Damages.** Each Plaintiff suffered different losses depending on the particulars of
18 their circumstances. The factors used to assess damages include whether the Plaintiff was
19 residential, business, or both; whether they lost income; whether they suffered economic losses
20 (e.g., hotels, meals, transportation) ; whether they needed medical care; how long their personal
21 evacuation lasted; and any other related issues.

22 36. Economic losses include not only lost wages or income, but also any out of pocket
23 expense reasonably incurred by the individual as a result of the incident. Future out of pocket
24 expenses are also included, such as the cost of future monitoring or remediation.

25 37. Personal injuries include not only the fact of exposure, but also past, present, and
26 future medical conditions or symptoms caused by the exposure or by any incidental events that
27 would not have happened but for the Garden Grove facility mandatory evacuation.
28

38. Damages to real and personal property include loss of use, loss of quiet enjoyment, invasion by vapor or particulates, odors, chemical residue, contamination concerns, replacement of damaged or spoiled personal property, and the cost of investigating, cleaning, testing air and surfaces, remediating, replacing, and continuing to monitor the property going forward.

39. Non-economic damages include pain, suffering, emotional distress, worry, fear, annoyance, discomfort, loss of enjoyment, and any and all other such harms.

40. For Business Plaintiffs, damages include lost revenue and profits, risk to future income, reduction in trustworthiness and goodwill, damage to business relationships, the added costs of reopening, any loss or impairment of business personal property, and any and all other such harms.

FIRST CAUSE OF ACTION

Negligence

(All Plaintiffs against All Defendants)

41. Paragraphs 1 to 40 are incorporated by reference.

42. A cause of action for negligence requires the existence of a duty; a breach of that duty; a harm caused by breach of the duty; and resulting damage.

43. GKN owed Plaintiffs a duty of care to operate the Garden Grove facility and its MMA storage system in a way that did not create an unreasonable risk of harm to the people and businesses who lived, worked, or otherwise were located nearby.

44. GKN breached that duty as pleaded in ¶¶18–23. GKN’s acts and omissions directly caused inadequate maintenance of the tank and valves, inadequate temperature and inhibitor control, inadequate emergency transfer/neutralization capability, inadequate emergency planning and employee training, inadequate warnings, and inadequate abatement once the incident had already begun.

45. The type of harm that occurred here was exactly what GKN knew, or should have known, would follow from failing to safely maintain the MMA system: thermal instability, an emergency response, evacuation, vapor exposure, interference with property, lost wages, business interruption, physical symptoms, and emotional distress.

46. GKN's negligence was a substantial factor in causing Plaintiffs' injuries and damages, entitling Plaintiffs to compensatory damages according to proof — economic, non-economic, property, and personal-injury damages, along with any other recoverable loss.

47. This was not ordinary carelessness. GKN's conduct was malicious, oppressive, and/or fraudulent within the meaning of Civil Code section 3294: it knew bulk MMA storage carried serious hazards, knew its facility sat among homes and businesses, knew its tank, valves, maintenance systems, permits, and emergency plans demanded rigorous compliance, and knew, from its own regulatory history, that corrective action was overdue.

48. GKN had all of that knowledge and kept thousands of gallons of MMA on site anyway, without the safeguards, mechanical soundness, emergency transfer capability, warnings, or abatement measures the situation plainly called for. That is conscious disregard for Plaintiffs' rights and safety.

49. On information and belief, GKN's corporate leadership including its officers, directors, and/or managing agents, had a direct hand in the decisions that caused the May 21 incident, including signing off on, or ratifying, choices about budgeting, upkeep of the facility, staffing levels, regulatory compliance, how much MMA to keep on hand, production scheduling, whether to replace the tank or repair the valve, emergency planning, and how GKN ultimately responded once the crisis began.

50. Plaintiffs will seek punitive and exemplary damages sufficient to punish GKN and deter similar conduct going forward, subject to proof by clear and convincing evidence under Civil Code section 3294.

SECOND CAUSE OF ACTION

Strict Liability for Ultrahazardous Activity

(All Plaintiffs against All Defendants)

51. Paragraphs 1 to 40 are incorporated by reference.

52. California law treats certain conduct as abnormally dangerous regardless of how carefully it is carried out. GKN's storage and maintenance of bulk MMA in a densely populated and developed area was one such type of abnormally dangerous/ultrahazardous activity.

53. The degree of risk was high because MMA can ignite, vaporize, migrate, and polymerize exothermically, and a loss of control inside a closed tank can generate heat, pressure, rupture, fire, explosion, or a release of toxic or irritating vapor. The risk could not be removed through the exercise of reasonable care because GKN chose to operate its industrial plant in a heavily populated area, and to store a dangerous, highly flammable chemical there in bulk. Even if GKN was able to reduce the risk of harm, it would never be able to remove it because the risk of explosion, exposure, and evacuation would still be abnormally dangerous to the surrounding areas.

54. The degree of harm was very high because tens of thousands of people live, work, visit, recreate, or travel through the area surrounding the Garden Grove facility. As showed by actual events, breach or failure of the bulk MMA tank would cause a multi-day emergency requiring mandatory evacuation of tens of thousands of people, respiratory exposure, invasion of property, loss of use of homes, business closures, and risk of a catastrophic explosion.

55. Reasonable care could reduce this risk, but it could not eliminate it — not once GKN chose to store bulk MMA in this location, in this configuration. Even under careful management, some residual risk of thermal runaway, release, and evacuation remained abnormally dangerous to the surrounding community.

56. This is not an activity ordinary people or businesses engage in as a matter of common use. Storing thousands of gallons of MMA in bulk is a specialized industrial undertaking, and one poorly suited to a site ringed by residential neighborhoods, schools, small businesses, and public roads absent extraordinary safeguards.

57. Whatever value GKN derived from running this activity there was outweighed by its dangerous attributes given the surrounding community, particularly given that safer storage, a smaller inventory, a different site, improved safeguards, or relocation could each have reduced the risk to that community.

58. GKN is strictly liable, as a result, for the harm this abnormally dangerous activity proximately caused, including but not limited to evacuation costs, personal injuries, invasion of property, nuisance damages, business interruption, and emotional distress among them.

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1 **FOURTH CAUSE OF ACTION**

2 **Public Nuisance**

3 *(All Plaintiffs against All Defendants)*

4 66. Paragraphs 1 to 40 are incorporated by reference.

5 67. Civil Code sections 3479 and 3480, together with Penal Code section 370, define
6 what GKN's conduct amounts to here: a public nuisance, created by a condition injurious to health,
7 offensive to the senses, and obstructive of the free use of property, in a way that interferes with the
8 comfortable enjoyment of life or property for an entire community or neighborhood.

9 68. That description fits what happened. Tens of thousands of people were affected at
10 the same time, through evacuation orders, road closures, shelter operations, exposure risk, and
11 cleanup and monitoring activity.

12 69. Beyond that shared harm, Plaintiffs suffered something the general public did not:
13 an injury distinct in kind, within the meaning of Civil Code section 3493. That includes evacuation
14 costs, lost wages, medical symptoms, property intrusion, business interruption, displacement, and
15 loss of use of property specific to each Plaintiff — none of it shared equally by the public at large.

16 70. Whatever social value GKN's conduct held is outweighed by the seriousness of the
17 harm that came from keeping a bulk MMA tank in an unsafe condition, and that conduct was a
18 substantial factor in causing both the public nuisance itself and Plaintiffs' individual injuries.

19 71. Plaintiffs seek damages, abatement, injunctive relief, and any other relief California
20 nuisance law makes available.

21 **FIFTH CAUSE OF ACTION**

22 **Trespass to Land**

23 *(All Plaintiffs against All Defendants)*

24 72. Paragraphs 1 to 40 are incorporated by reference.

25 73. During the relevant period, Plaintiffs owned, leased, occupied, possessed,
26 controlled, or held rights to possess residential or commercial real property within or near the
27 evacuation zone that this MMA tank emergency created.
28

1 74. GKN owned, operated, managed, maintained, and controlled the Garden Grove
2 facility including the MMA storage tank, its associated piping, containment systems, emergency-
3 response systems, and related equipment all included.

4 75. A large quantity of MMA was stored, maintained, handled, monitored, and
5 controlled by GKN intentionally, negligently, recklessly, and/or unlawfully.

6 76. As a direct and proximate result, MMA vapor, chemical particulates, airborne
7 contaminants, hazardous byproducts, odors, fumes, aerosolized compounds, and/or contaminated
8 firefighting water left the Garden Grove facility and physically entered, settled on, migrated onto,
9 or invaded Plaintiffs' real property without permission, and without consent.

10 77. That migration and physical intrusion onto Plaintiffs' property was itself an
11 intentional, negligent, or reckless physical invasion of Plaintiffs' possessory interests in their land.

12 78. GKN either knew or should have known that its conduct in handling and storing
13 MMA would cause those substances would migrate onto neighboring property absent reasonable
14 care. In the alternative, GKN intentionally released the MMA so that it would migrate.

15 79. That invasion was foreseeable on multiple fronts: MMA's volatility, the tank's
16 thermal-runaway condition, the release of chemical vapor into the surrounding area, how long the
17 emergency response ran, and the sheer proximity of thousands of homes and businesses to the
18 Garden Grove facility.

19 80. Plaintiffs did not consent to the entry, migration, deposit, intrusion, or the presence
20 of MMA vapor, chemical contaminants, hazardous particulates, odors, fumes, or contaminated
21 runoff on their property.

22 81. GKN's conduct substantially interfered with Plaintiffs' exclusive possession,
23 occupancy, control, and use of their property or properties.

24 82. As a direct and proximate result of GKN's trespass, Plaintiffs suffered damages
25 including, without limitation: diminution in property value; loss of possession and use of their
26 property during mandatory evacuation orders; contamination and physical invasion of real
27 property; loss of the right to exclusive occupancy and enjoyment of their property; loss of use and
28 enjoyment of real property; the cost of investigation, testing, cleaning, remediation, and

1 decontamination; business-interruption losses; emotional distress connected to contamination of
2 their homes and businesses; and other economic and non-economic damages according to proof.

3 83. The physical invasion of Plaintiffs' property by MMA vapor, airborne contaminants,
4 chemical particles, hazardous substances, and related byproducts, was a substantial factor in
5 causing Plaintiffs' damages.

6 84. GKN cannot claim this was an accident it never saw coming. It knew MMA was
7 hazardous, knew its own compliance record showed prior violations and safety gaps, and knew the
8 storage system had aged, and yet GKN still did not take the corrective steps that would have kept
9 hazardous substances from reaching neighboring property. This was done is conscious disregard
10 for the rights and safety of nearby property owners and occupants.

11 85. As a direct and proximate result, Plaintiffs are entitled to compensatory damages,
12 consequential damages, restoration and remediation costs, loss-of-use damages, emotional-distress
13 damages where the law permits them, and punitive damages.

14 **SIXTH CAUSE OF ACTION**

15 **Negligent Infliction of Emotional Distress**

16 *(All Plaintiffs against All Defendants)*

17 86. Paragraphs 1 to 40 are incorporated by reference.

18 87. GKN owned, operated, managed, maintained, and controlled the Garden Grove
19 facility throughout the relevant period including the storage, handling, monitoring, and
20 maintenance of roughly 7,000 gallons of MMA, a highly flammable and thermally unstable
21 hazardous substance.
22

23 88. GKN owed Plaintiffs a duty of care when owning, operating, maintaining,
24 inspecting, monitoring, repairing, and controlling the Garden Grove facility and its hazardous-
25 chemical storage systems, so as not to cause foreseeable injury, including foreseeable emotional
26 harm, to the residents, business owners, employees, customers, and others living and working in
27 the surrounding community.
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1 a. GKN breached that duty of reasonable care by, e.g.: failing to implement
2 adequate safeguards against thermal runaway, toxic vapor release, and the resulting risk of
3 catastrophic explosion; failing to properly inspect, maintain, repair, and replace the aging MMA
4 storage tank; failing to correct known hazardous conditions despite prior regulatory citations,
5 compliance orders, notices of violation, and substantial civil penalties; failing to maintain safe
6 operating conditions for storing and handling MMA; failing to maintain adequate thermal
7 monitoring, emergency response, and safety systems; and otherwise operating and maintaining a
8 hazardous chemical storage system negligently, within a densely populated residential and
9 commercial community.

10 89. GKN knew, or should have known through the exercise of reasonable care, that
11 failing to properly maintain and operate the MMA storage system created a foreseeable risk of a
12 chemical emergency, toxic release, mass evacuation, catastrophic explosion, serious injury, death,
13 and severe emotional trauma throughout the surrounding community.

14 90. GKN's negligence directly and proximately caused the MMA tank to slip into
15 thermal runaway beginning on or about May 21, 2026. That condition brought the facility to the
16 edge of catastrophic tank failure, including the possibility of a explosion, and it is what led to
17 mandatory evacuation orders that ultimately reached roughly 50,000 residents and businesses
18 across Garden Grove and the surrounding communities.

19 91. GKN's conduct placed Plaintiffs within the zone of danger and exposed them
20 directly to the emergency's consequences: evacuation orders, concern over toxic vapor, road
21 closures, emergency-response activity, shelter-in-place warnings, uncertainty about whether the
22 tank would hold, and the continuing threat of a catastrophic explosion.

23 92. As a direct result of GKN's negligence, Plaintiffs suffered serious emotional
24 distress — fear, anxiety, panic, terror, shock, helplessness, worry, mental anguish, sleep
25 disturbance, emotional trauma, a lost sense of security, and fear for their own safety and for the
26 safety of their families, homes, businesses, pets, and property.

27 93. Plaintiffs' distress was not fleeting, and it was not minor. Many Plaintiffs fled on
28 short notice with no idea when or whether they would be allowed to return; no way to know

whether their homes would still be standing, whether they had already inhaled hazardous chemicals, or whether the tank would ultimately explode while they waited it out somewhere else.

94. Plaintiffs' distress also came from watching the emergency's effect on spouses, children, older family members, medically vulnerable relatives, employees, customers, and other loved ones who were themselves displaced, exposed to hazardous conditions, or otherwise caught up in the incident.

95. GKN's negligence was a substantial factor in causing Plaintiffs' serious emotional distress and the damages that followed from it. As a direct and proximate result, Plaintiffs have sustained, and continue to sustain, emotional-distress damages in amounts to be proven at trial.

EIGHTH CAUSE OF ACTION

Negligent Interference with Prospective Economic Advantage

(Business Plaintiffs against All Defendants)

96. Paragraphs 1 to 40 are incorporated by reference.

97. This claim is brought by the Business Plaintiffs, who owned, operated, managed, or otherwise maintained businesses within or near to the mandatory evacuation zone this MMA tank emergency created.

98. Business Plaintiffs had, through the relevant period, ongoing relationships with customers, clients, patients, vendors, suppliers, contractors, students, and tenants who kept their businesses running. These relationships equated to future revenue, booked appointments, pending transactions, contractual commitments, expected sales, and repeat patronage.

99. GKN sat in the middle of that same crowded mix of homes and businesses, and it knew or should have known that the businesses around it depended on things it was capable of disrupting including steady customer traffic, employees able to get to work, vendors able to make deliveries, and simple public access to the area.

100. GKN also knew, or reasonably should have known, that failing to exercise reasonable care in storing, maintaining, monitoring, and handling roughly 7,000 gallons of MMA created a substantial risk of a chemical emergency. The substantial risks GKN knew about included

1 mass evacuation, force business closures, impose restricted-access zones, close roads, and disrupt
2 commercial activity throughout the surrounding area.

3 101. GKN new or should have known that the risk of chemical emergency would
4 foreseeably ripple outward and disrupt those relationships in a manner that cut surrounding
5 businesses off from the customers, clients, vendors, students, and patients they depended on.

6 102. GKN failed to exercise reasonable care in a number of ways: it failed to properly
7 inspect, maintain, repair, and replace the aging MMA storage tank; failed to keep the tank and
8 associated equipment in safe operating condition; failed to maintain adequate polymerization-
9 inhibitor levels; failed to maintain functioning emergency-response systems and valves; failed to
10 comply with prior SCAQMD compliance orders, notices of violation, and corrective-action
11 requirements; failed to correct known hazardous conditions despite prior regulatory citations and
12 penalties; and failed to implement reasonable safeguards against thermal runaway, toxic vapor
13 release, and the evacuation emergency that followed.

14 103. That conduct is independently wrongful in its own right, apart from any negligence,
15 because it violated a web of statutes, regulations, permit terms, and safety duties governing
16 hazardous-substance storage and handling, among them the California Accidental Release
17 Prevention Program (CalARP), the Cal-OSHA regulations applicable to the Garden Grove facility,
18 SCAQMD's rules, GKN's own permit conditions, and other safety requirements imposed at the
19 federal, state, and local level.

20 104. Mandatory evacuation orders followed directly and foreseeably from GKN's
21 negligent and wrongful conduct, ultimately affecting approximately 50,000 residents and
22 numerous businesses across Garden Grove, Westminster, Stanton, Anaheim, and neighboring
23 communities.

24 105. Those evacuation orders and restricted-access zones disrupted Business Plaintiffs
25 economic relationships as a direct consequence: customers could not reach their businesses;
26 appointments were canceled; classes and services were suspended; deliveries stopped; contracts
27 were delayed; inventory was lost; and transactions that would otherwise have happened simply
28 never occurred.

1 106. Business Plaintiffs were harmed by GKN's conduct and suffered lost revenue and
2 profits, lost business opportunities, lost customer goodwill, interruption of ongoing commercial
3 relationships, spoiled inventory, employee-related losses, and/or other economic damages
4 according to proof.

5 107. 132. GKN's negligent and independently wrongful conduct was a substantial factor
6 in causing that disruption to Business Owner Plaintiffs' economic relationships, and the damages
7 that followed from it.

8 **PRAYER FOR RELIEF**

9 Plaintiffs pray for judgment as follows:

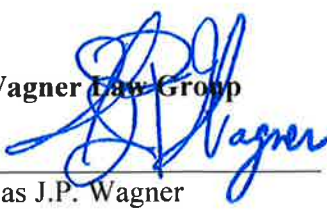
- 10 a. Compensatory damages;
11 b. Economic damages;
12 c. Non-economic damages;
13 d. Punitive damages;
14 e. Attorney's fees and costs, where available;
15 f. Penalties, where available;
16 g. Interest;
17 h. Costs; and
18 i. Any and all other relief the Court deems proper.

19 **DEMAND FOR JURY TRIAL**

20 Plaintiffs demand a trial by jury on all causes of action and issues so triable.
21
22
23

24 Dated: September 01, 2026

25 **The Wagner Law Group**

26 By: 
27 Nicholas J.P. Wagner
28 Laura E. Brown
Attorneys for Plaintiffs