



New Jersey Judiciary
Civil Practice Division

Civil Case Information Statement (CIS)

Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1. Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed, or attorney's signature is not affixed.

For Use by Clerk's Office Only


Payment type <input type="checkbox"/> check <input type="checkbox"/> charge <input type="checkbox"/> cash	Charge/Check Number	Amount \$	Overpayment \$	Batch Number
Attorney/Pro Se Name Rebecca Newman		Telephone Number (212) 566-7500 ext.		County of Venue Bergen <input type="button" value="v"/>
Firm Name (if applicable) Douglas & London			Docket Number (when available)	
Office Address - Street 59 Maiden Lane, 6th Fl		City New York	State NY	Zip 10038
Document Type Complaint			Jury Demand <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Name of Party (e.g., John Doe, Plaintiff) The City of Garfield, New Jersey		Caption The City of Garfield, New Jersey v. Dow Chemical Company et al.		
Case Type Number (See page 3 for listing) <u>606</u>				
Are sexual abuse claims alleged?			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does this case involve claims related to COVID-19?			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is this a professional malpractice case? If "Yes," see N.J.S.A. 2A:53A-27 and applicable case law regarding your obligation to file an affidavit of merit.			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Related Cases Pending? If "Yes," list docket numbers			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Do you anticipate adding any parties (arising out of same transaction or occurrence)?			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Name of defendant's primary insurance company (if known)			<input type="checkbox"/> None	<input checked="" type="checkbox"/> Unknown

The Information Provided on This Form Cannot be Introduced into Evidence.**Case Characteristics for Purposes of Determining if Case is Appropriate for Mediation**Do parties have a current, past or recurrent relationship? ☐ Yes ☒ No

If "Yes," is that relationship:

☐ Employer/Employee ☐ Friend/Neighbor ☐ Familial ☐ Business☐ Other (explain) _____Does the statute governing this case provide for payment of fees by the losing party? ☐ Yes ☒ No

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition.

 Do you or your client need any disability accommodations? ☐ Yes ☒ No
If yes, please identify the requested accommodation:Will an interpreter be needed? ☐ Yes ☒ No
If yes, for what language?**I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).**Attorney/Self-Represented Litigant Signature: Rebecca Newman

Civil Case Information Statement (CIS)

Use for initial pleadings (not motions) under *Rule* 4:5-1

CASE TYPES

(Choose one and enter number of case type in appropriate space on page 1.)

Track I - 150 days discovery

- 151 Name Change
- 175 Forfeiture
- 302 Tenancy
- 399 Real Property (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 Book Account (debt collection matters only)
- 505 Other Insurance Claim (including declaratory judgment actions)
- 506 PIP Coverage
- 510 UM or UIM Claim (coverage issues only)
- 511 Action on Negotiable Instrument
- 512 Lemon Law
- 801 Summary Action
- 802 Open Public Records Act (summary action)
- 999 Other (briefly describe nature of action)

Track II - 300 days discovery

- 305 Construction
- 509 Employment (other than Conscientious Employees Protection Act (CEPA) or Law Against Discrimination (LAD))
- 599 Contract/Commercial Transaction
- 603N Auto Negligence – Personal Injury (non-verbal threshold)
- 603Y Auto Negligence – Personal Injury (verbal threshold)
- 605 Personal Injury
- 610 Auto Negligence – Property Damage
- 621 UM or UIM Claim (includes bodily injury)
- 699 Tort – Other

Track III - 450 days discovery

- 005 Civil Rights
- 301 Condemnation
- 602 Assault and Battery
- 604 Medical Malpractice
- 606 Product Liability
- 607 Professional Malpractice
- 608 Toxic Tort
- 609 Defamation
- 616 Whistleblower / Conscientious Employee Protection Act (CEPA) Cases
- 617 Inverse Condemnation
- 618 Law Against Discrimination (LAD) Cases

Track IV - Active Case Management by Individual Judge / 450 days discovery

- 156 Environmental/Environmental Coverage Litigation
- 303 Mt. Laurel
- 508 Complex Commercial
- 513 Complex Construction
- 514 Insurance Fraud
- 620 False Claims Act
- 701 Actions in Lieu of Prerogative Writs

Multicounty Litigation (Track IV)

- 282 Fosamax
- 291 Pelvic Mesh/Gynecare
- 292 Pelvic Mesh/Bard
- 293 DePuy ASR Hip Implant Litigation
- 296 Stryker Rejuvenate/ABG II Modular Hip Stem Components
- 300 Talc-Based Body Powders
- 601 Asbestos
- 624 Stryker LFIT CoCr V40 Femoral Heads
- 626 Abilify
- 627 Physiomesh Flexible Composite Mesh
- 628 Taxotere/Docetaxel
- 629 Zostavax
- 630 Proceed Mesh/Patch
- 631 Proton-Pump Inhibitors
- 633 Prolene Hernia System Mesh
- 634 Allergan Biocell Textured Breast Implants
- 635 Tassigna
- 636 Strattice Hernia Mesh
- 637 Singulair
- 638 Elmiron
- 639 Pinnacle Metal-on-Metal (MoM) Hip Implants

If you believe this case requires a track other than that provided above, please indicate the reason on page 1, in the space under "Case Characteristics".

Please check off each applicable category

- ☐ Putative Class Action
 ☐ Title 59
 ☐ Consumer Fraud
- ☐ Medical Debt Claim

Rebecca G. Newman
DOUGLAS & LONDON, P.C.
59 Maiden Lane, 6th Floor
New York, New York 10038
Telephone: (212) 566-7500

Attorneys for Plaintiff(s)

IN THE SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, BERGEN COUNTY

THE CITY OF GARFIELD, NEW JERSEY,)

Plaintiff,)

v.)

THE DOW CHEMICAL COMPANY,)
VIBRANTZ CORPORATION f/k/a FERRO)
CORPORATION, LEGACY VULCAN LLC)
f/k/a VULCAN MATERIALS COMPANY,)
and "ABC CORPORATIONS" 1-10)
(NAMES FICTITIOUS),)

Defendants.)

Civil Action No.

COMPLAINT AND DEMAND FOR
JURY TRIAL

COMPLAINT
(JURY TRIAL DEMANDED)

SUMMARY OF THE CASE

1. Plaintiff, the City of Garfield, New Jersey ("Plaintiff"), owns and operates a water system that provides drinking water to residents and businesses in the City of Garfield, New Jersey. Plaintiff brings this action to recover the substantial costs necessary to protect its drinking water supply which is contaminated with 1,4-dioxane.

2. Plaintiff brings this action to recover costs associated with the contamination of Plaintiff's drinking water supply with 1,4-dioxane and further seeks abatement of the ongoing nuisance this chemical constitutes in the environment, and for such other action as is necessary to

ensure that the 1,4-dioxane that contaminates Plaintiff's drinking water supply does not present a risk to the public.

3. 1,4-dioxane is a persistent, toxic, and bioaccumulative compound when released into the environment. 1,4-dioxane has impacted stormwater, surface water and groundwater, and now contaminate the water relied on by Plaintiff as its source of drinking water.

4. Defendants are companies that designed, manufactured, marketed, distributed, and/or sold 1,4-dioxane and/or 1,4-dioxane containing products.

5. Defendants designed, advertised, manufactured, marketed, distributed, stored and/or sold 1,4- Dioxane with the knowledge that this toxic compound would be released into the environment even when used as directed and intended by Defendants and failed to warn users of the dangers associated with 1,4-dioxane and/or 1,4-dioxane containing products.

6. Defendants were also aware that their 1,4-dioxane Products would be and have been used, released, stored, and/or disposed of at, near, or within the vicinity of Plaintiff's drinking water supply such that 1,4-dioxane would enter the environment, migrate through the soil, sediment, stormwater, surface water, and groundwater, thereby contaminating Plaintiff's drinking water supply.

7. As a result of the use of Defendants' Products for their intended purpose, 1,4-dioxane has been detected in Plaintiff's drinking water supply.

8. Defendants knew or reasonably should have known that their 1,4-dioxane compound would reach groundwater, pollute drinking water supplies, render drinking water unusable and unsafe, and threaten public health and welfare.

9. Plaintiff files this lawsuit to seek abatement of an ongoing nuisance, to recover compensatory and all other damages and relief, including all necessary funds to compensate

Plaintiff for the costs of investigating, designing, constructing, installing, operating, and maintaining the treatment facilities and equipment required to remove 1,4-dioxane from its drinking water supplies; and for such other damages and relief the Court may order.

PARTIES

10. Plaintiff is a City in Bergen County, New Jersey having its principal place of business at 111 Outwater Lane, Garfield, New Jersey 07026. Plaintiff operates a public water system that serves approximately 30,000 people with approximately 6,300 residential and commercial customer connections. Customers are provided potable water through a public community water system consisting of fourteen production wells, of which thirteen are active. Plaintiff supplements its well water supply with treated water purchased in bulk from the Passaic Valley Water Commission. Based on 2020 data, approximately 82 percent of Plaintiff's water demand was supplied by its own wells.

11. Plaintiff's wells will be referred to in this Complaint as Plaintiff's drinking water supply.

12. Upon information and belief, Defendants' 1,4-dioxane and/or 1,4-dioxane containing products were used in a manner such that those compounds traveled by stormwater, surface water, groundwater, and contaminated Plaintiff's drinking water supply. Defendants' 1,4-dioxane and/or 1,4-dioxane containing products have also been used and disposed of into wastewater systems and the environment in general, causing contamination to stormwater, surface water, and groundwater that traveled to Plaintiff's drinking water supply.

13. Defendant The Dow Chemical Company ("Dow") is a Delaware corporation with its principal office in Midland, Michigan, which at all times relevant to this action was doing business in New Jersey and is registered to do business in New Jersey.

14. Defendant Vibrantz Corporation, formerly known as Ferro Corporation (“Ferro”), is an Ohio corporation with its principal office in Mayfield Heights, Ohio, which at all times relevant to this action was doing business in New Jersey and is registered to do business in New Jersey.

15. Defendant Legacy Vulcan LLC, formerly known as Vulcan Materials Company (“Vulcan”), is a New Jersey corporation with its principal place of business in Birmingham, Alabama, which at all times relevant to this action was doing business in New Jersey and is registered to do business in New Jersey.

16. Defendants “ABC Corporations” 1–10, these names being fictitious, are entities with identities that cannot be ascertained as of the filing of this Complaint, certain of which may be corporate successors to, predecessors of, or otherwise related to, the identified defendants in this matter, or which are otherwise liable for the causes of action set forth herein.

JURISDICTION AND VENUE

17. This is an action for damages that exceed the jurisdictional minimum of this Court.

18. This Court has subject matter jurisdiction over the controversy because the damages are within the jurisdictional limits of this court.

19. This Court has *in personam* jurisdiction over Legacy Vulcan LLC because it is a New Jersey corporation and has done and continues to do business in the state of New Jersey.

20. Venue is proper in this County pursuant to Rule 4:3-2 in that Defendants do business in the state of New Jersey and because Plaintiff’s claims arose in Bergen County.

21. This Court has personal jurisdiction over the Defendants because at all times relevant to this lawsuit, the Defendants purposefully manufactured, designed, marketed, advertised, distributed, released, promoted and/or otherwise sold (directly or indirectly) 1,4-

dioxane and/or 1,4 Dioxane containing products to various locations in the United States and New Jersey, such that each Defendant knew or should have known that said products would be delivered to areas in New Jersey for use in areas within Plaintiff's drinking water supply.

22. Plaintiff is informed and believes, and based thereon alleges that, at all relevant times, the Defendants engaged in business in the State of New Jersey.

23. Plaintiff is informed and believes, and based thereon alleges that, at all relevant times, the Defendants have engaged in substantial, continuous economic activity in New Jersey, including the business of researching, designing, formulating, handling, disposing, manufacturing, labeling, using, testing, distributing, promoting, marketing, selling, advertising and/or otherwise being responsible for 1,4-dioxane and/or 1,4 Dioxane containing products and that said activity by the Defendants is substantially connected to the Plaintiff's claims as alleged herein.

24. Based on information and belief, the Defendants purposefully availed themselves with the forum of the State of New Jersey giving rise to the underlying controversy. Such purposeful availment and activities within and related to the State of New Jersey are believed to include, but are not limited to: 1) the Defendants' contractual relationships with the entities giving rise to researching, designing, formulating, handling, disposing, manufacturing, labeling, using, testing, distributing, promoting, marketing, advertising, selling, and/or otherwise being responsible for 1,4-dioxane and/or 1,4 Dioxane containing products and that said activity is substantially connected to the Plaintiff's claims as alleged herein; 2) conducted purposeful and direct promotion, marketing, advertising, selling, and advising third-party sellers of the 1,4-dioxane and/or 1,4 Dioxane containing products targeted specifically to consumers and businesses within the State of New Jersey; 3) lobbying, consulting, and advisory efforts on behalf of the Defendants with regard to the 1,4-dioxane and/or 1,4 Dioxane containing products in the State of

New Jersey; and 5) and other actions by Defendants targeted to the State of New Jersey to be obtained through discovery and other means. As the location from which the Defendants' suit-related conduct arose, New Jersey has a substantial vested interest in the acts of the Defendants which led to the underlying controversy.

25. Therefore, the exercise of jurisdiction over the Defendants by this Court does not offend traditional notions of fair play and substantial justice.

BACKGROUND AND FACTUAL ALLEGATIONS 1,4-DIOXANE

26. 1,4-dioxane is a synthetic industrial chemical that does not naturally occur in the environment. Highly toxic and extremely persistent in the environment, 1,4-dioxane poses a risk to human health and safety and the environment.

27. In the United States, 1,4-dioxane was primarily manufactured by Defendants Dow and Ferro.

28. Exposure to 1,4-dioxane can cause adverse health effects and is classified as "likely to be carcinogenic to humans" by the federal Environmental Protection Agency ("EPA"). New Jersey Department of Environmental Protection ("DEP") agrees with EPA's evaluation. Additionally, the National Toxicology Program concludes that 1,4-dioxane is "reasonably anticipated to be a human carcinogen based on sufficient evidence of carcinogenicity from studies of experimental animals." Non-cancer effects were also shown in animal studies with 1,4-dioxane causing toxicity to the liver, kidney, and respiratory system.

29. The International Agency for Research on Cancer and the U.S. Department of Health and Human Services classify 1,4-dioxane as possibly carcinogenic to humans and reasonably anticipated to be a human carcinogen, respectively.

30. 1,4-dioxane is used as a solvent in products such as adhesives, resins, oils, and

waxes; and wood pulping. It is also used in the manufacturing of pharmaceuticals, certain plastics and rubber, and other products.

31. Limited production of 1,4-dioxane began in 1929 and commercial-scale production of 1,4-dioxane began in 1951.

32. In 1977, domestic 1,4-dioxane production was less than 2 million pounds annually, but by 1985, it had increased to approximately 25 million pounds annually.

33. In 1985, approximately ninety percent of 1,4-dioxane produced was for the stabilization of 1,1,1-trichloroethane ("TCA"). TCA use declined substantially post-1995 after it was identified as an ozone-depleting material pursuant to the 1987 Montreal Protocol. By 2002, domestic annual production of 1,4-dioxane was estimated to be between 1 and 10 million pounds.

34. 1,4-dioxane was also used as a component of inks, paints and coatings, an additive in adhesives and a component of automotive fluids.

35. The technology for 1,4-dioxane stabilization of TCA was owned, and licensed, by Dow, the market leader in production of both TCA and 1,4-dioxane. Vulcan licensed this process from Dow to produce 1,4-dioxane-stabilized TCA.

36. 1,4-dioxane has been released at sites where chlorinated solvents were produced or used. Once released, it is stable in the environment and moves through soil to groundwater. This can result in contamination of drinking water sources. It can also enter into surface water drinking water supplies from unintended leaks and spills, landfill leachate, wastewater discharges, and disposal sites.

37. 1,4-dioxane exposures to human and animal receptors are primarily from contact with and consumption of contaminated water.

38. A defining characteristic for 1,4-dioxane is its low sorption potential (low organic

carbon partitioning coefficient), which makes it mobile in groundwater and has led to concerns that 1,4-dioxane plumes will expand beyond those of other common co-contaminants.

39. Because of 1,4-dioxane's relatively low tendency to partition to soil, 1,4-dioxane can migrate rapidly within an aquifer, potentially at a similar velocity to groundwater.

40. Data from EPA's Unregulated Contaminant Monitoring Rule 3 (UCMR3) shows that 1,4-dioxane occurs more frequently in public water systems in New Jersey than nationally. In UCMR3, finished water from all U.S. large public water systems (serving more than 10,000 people) and a subset of smaller systems were analyzed for 1,4-dioxane. 1,4-dioxane was detected in 341 of 933 drinking water samples from 174 New Jersey public water systems included in UCMR3. In UCMR3, 1,4-dioxane was detected in 44.9% (80/174) of the New Jersey systems (at concentrations up to 5.83 µg/L) as compared to 22.0% (997/4741) of U.S. water systems outside of New Jersey. The concentration of 1,4-dioxane was at or above EPA's Health Reference Level for a 1-in-1 million lifetime cancer risk of 0.35 g/L in 17.2% (30/174) in New Jersey systems as compared to 6.6% (315/4741) of non-New Jersey systems.

41. Defendants knew or should have known of the grave harm and threat to public health and the environment presented by proliferating use of 1,4-dioxane-containing products by end users, including industrial entities using dioxane-stabilized TCA for cold cleaning and vapor degreasing. Specifically, at all times relevant to this action, Defendants knew or reasonably should have known, among other things, that: (a) 1,4-dioxane is toxic to humans; (b) the ordinary use and disposal of products containing 1,4-dioxane inevitably would lead to the discharge of 1,4-dioxane to the environment; and (c) when used as intended, discharged or disposed of as intended, or otherwise released onto land in a manner consistent with its ordinary use, 1,4-dioxane readily migrates along the land surface and through the subsurface, readily enters surface water

and mixes easily with groundwater, and once present in water, resists natural degradation, renders drinking water unsafe and/or non-potable, and requires significant expense to remove from drinking water supplies. In fact, Defendants' own research establishes their knowledge.

42. At all times relevant to this action, Defendants have been among the nation's most sophisticated and technically advanced companies in many areas, including chemistry, organic chemistry, analytical chemistry, toxicology, methods of subsurface investigation, and other areas. As such, they were uncommonly well positioned to evaluate the potential for the use and disposal of their products to result in environmental contamination and human health risks, including with respect to drinking water sources.

43. At all times relevant to this action, Defendants have known or reasonably should have known that 1,4-dioxane is toxic to humans and other animals. For example, Defendants knew or should have known since the 1960s that 1,4-dioxane was a confirmed animal carcinogen and potential human carcinogen, as discussed in published scientific literature.

44. The general mechanisms by which water becomes contaminated with persistent organic compounds, including 1,4-dioxane, have been described in technical literature with which Defendants were or should have been familiar since at least the 1940s.

45. At all times relevant to this action, Defendants knew or reasonably should have known that the degreasing equipment used by metal product manufacturers, computer and electronics manufacturing, and other industrial facilities routinely leaked or otherwise released TCA—and therefore necessarily 1,4-dioxane—into the environment.

46. At all times relevant to this action, Defendants knew that the primary use of their 1,4-dioxane-containing products (*i.e.*, metal cleaning, including vapor degreasing) results in concentrated amounts of 1,4-dioxane. Because 1,4-dioxane boils at a higher temperature than

TCA, a relatively high proportion of 1,4-dioxane remains as a liquid during vapor degreaser operations. Vapor degreasing includes losses of TCA to the atmosphere, requiring operators to periodically add TCA to the tank. Consequently, while TCA was stabilized with between 2.5% and 4.5% 1,4-dioxane by weight, Dow's publications and patents show that after use of 1,4-dioxane-stabilized TCA in vapor degreasing operations, the ending concentration of 1,4-dioxane was often as high as 15% to 25%. Waste TCA removed from vapor degreasers therefore typically includes high concentrations of 1,4-dioxane with great potential to contaminate large volumes of surface water and groundwater. Moreover, it was foreseeable—indeed, it was well known—that such wastes were often disposed of as ordinary products (*e.g.*, down drains and into sanitary landfills) even though they had toxic and hazardous properties, where they then migrated into surface water and groundwater.

47. The chlorinated solvent TCA is a major source of 1,4-dioxane released to drinking water in New Jersey. 1,4-dioxane has reached groundwater from TCA-related industrial uses primarily because degreasing operations were characterized by inefficient solvent recapture and disposal systems that did not protect against 1,4-dioxane releases. Additionally, leaks, spills, and typical disposal practices led to frequent and substantial releases from facilities using 1,4-dioxane-related compounds.

48. Users of chlorinated solvents, including TCA, routinely disposed of waste solvents by pouring them onto the ground or into trenches for evaporation or burning; in addition, solvent use and recovery systems routinely malfunctioned and/or otherwise spilled solvent containing 1,4-dioxane, resulting in releases to surface and groundwater. Defendants at all times were or should have been aware of these practices and frequent equipment malfunctions and spills, and the likelihood of releases into the environment of solvents containing 1,4-dioxane.

49. Users of chlorinated solvents, including TCA, were routinely advised by Defendants themselves to dispose of waste solvents in ways that Defendants knew or should have known would inevitably result in 1,4-dioxane contamination of groundwater and drinking water supplies.

50. Dating back to the 1950s, Defendants were instrumental in developing Chemical Safety Data Sheets (“CSDS”) through their involvement and leadership in the Manufacturing Chemists Association, the leading chemical trade organization (later called the Chemical Manufacturers’ Association and, today, the American Chemistry Council). Starting in the 1970s, Defendants created Material Safety Data Sheets (“MSDS”). Both CSDS and MSDS were intended to advise the actual handlers and users of Defendants’ chemicals about hazardous ingredients in their products, as well as proper handling and disposal methods.

51. The 1965 CSDS for TCA included information about “inhibited” (i.e., containing 1,4-dioxane) grades and stated that TCA “is one of the least toxic of the chlorinated hydrocarbons.” The CSDS did not identify or discuss the 1,4-dioxane inhibitor, although Defendants knew or should have known that it was toxic and a potential human carcinogen. The CSDS also informed users in the disposal section that “limited amounts may be poured on dry sand” and “discharge water contaminated with [TCA waste] may be air blown for a few hours in a well-ventilated area,” although Defendants knew or should have known that these disposal methods would result in 1,4-dioxane contamination to the environment because of 1,4-dioxane’s chemical characteristics, e.g., 1,4-dioxane does not evaporate as readily as TCA and will travel farther and faster through soil to reach groundwater and surface water.

52. Dow and Vulcan also affirmatively recommended in MSDS and in various product marketing literature that end users dispose of waste TCA by pouring it on the ground to

“evaporate,” notwithstanding Defendants’ knowledge of 1,4-dioxane’s propensity to contaminate and persist in groundwater. Dow’s and Vulcan’s MSDS also advised end users to “bury” dioxane-stabilized TCA products for disposal purposes. Burying 1,4-dioxane makes it more likely to reach groundwater and to do so more quickly. These instructions resulted in significant contamination of groundwater from metals fabrication and other industrial solvent release sites during the height of TCA use in the 1960s, 1970s, and 1980s.

53. Despite knowing or having reason to know that long-term contamination and pollution of drinking water supplies were inevitable consequences of the foreseeable uses and disposal of their products without proper precautionary measures, including but not limited to adequate warnings concerning proper use and disposal techniques, Defendants nonetheless designed, manufactured, marketed, and or/sold such products in New Jersey and elsewhere without providing adequate warnings.

54. To the contrary, prior to late 1985, Dow and Vulcan did not even list 1,4-dioxane as an ingredient (or otherwise mention 1,4-dioxane) in a MSDS or on a product label for their dioxane-stabilized TCA products. Many of Dow’s MSDS for various Chloroethene products (Dow’s trade name for dioxane-stabilized TCA) listed ingredients, but only listed “1,1,1-Trichloroethane” at a “minimum” percentage of, for example, 95% of the product, without mentioning 1,4-dioxane or any other ingredient. In the same period, Dow’s MSDS for Dowelene (another dioxane-stabilized TCA product) listed ingredients as 75% 1,1,1-Trichloroethane and 25% perchloroethylene, without disclosing the presence of 1,4-dioxane. Vulcan’s MSDS also listed ingredients and only identified “100” percent “1,1,1 Trichloroethane (stabilized)” as an ingredient, without mentioning that 1,4-dioxane was also an ingredient.

55. During the same period, Dow’s and Vulcan’s MSDS either did not mention

potential carcinogenic effects demonstrated in laboratory animals or explicitly denied them. For example, a 1985 MSDS for Vulcan's Solvent 111 (Vulcan's trade name for dioxane-stabilized TCA) misleadingly asserts that "[t]he available data indicates that 1,1,1 Trichloroethane is not carcinogenic in laboratory animals," even though a 1965 study found that 1,4-dioxane caused cancer in laboratory rats when administered orally and in drinking water and subsequent publications confirmed that 1,4-dioxane was carcinogenic in laboratory animals. Indeed, Dow and Vulcan downplayed health risks of their dioxane-stabilized TCA products as a general matter. Vulcan claimed that "Solvent 111 has been shown to be one of the least toxic of the chlorinated hydrocarbons." Likewise, Dow misleadingly referred to its Chlorothene products as among the "safest" and "least toxic" solvents in promotional materials.

56. Defendants' 1,4-dioxane and dioxane-stabilized TCA products were publicly available, including to unsophisticated industrial and commercial end users throughout New Jersey, who did not order customized formulations of 1,4-dioxane and dioxane-stabilized TCA. Upon information and belief, commercial and industrial end users who purchased 1,4-dioxane and dioxane-stabilized TCA did not receive legal or expert assistance in the development and execution of the transaction. Furthermore, any prior relationship between end users and Defendants and their distributors did not provide an understanding of 1,4-dioxane's toxicity, miscibility, and persistence.

THE PLAINTIFF'S WATER SUPPLY

57. Plaintiff's water supply has been contaminated by the use and discharge of 1,4-dioxane, such that the chemical has traveled via surface water, stormwater, and/or groundwater, to contaminate Plaintiff's drinking water supply.

58. 1,4-dioxane has impacted surface water, stormwater and groundwater, and now contaminates the water relied upon by Plaintiff as a source of drinking water.

59. In 2013, EPA classified 1,4-dioxane as "likely to be carcinogenic to humans."

60. Because of the risks that 1,4-dioxane poses to human health, the State of New Jersey adopted a Groundwater Quality Standard of 0.4 parts per billion (“ppb”) for 1,4-dioxane.

61. On September 24, 2021, the New Jersey Drinking Water Quality Institute recommended to DEP a Maximum Contaminant Level (“MCL”) of 0.33 ppb for 1,4-dioxane in drinking water, which was accepted by DEP in December 2021. Following this, DEP initiated the stakeholder engagement in anticipation of rulemaking to establish and implement an MCL for 1,4-dioxane. The stakeholder process is ongoing.

62. EPA has established a health reference level of 0.35 parts per billion (“ppb”) for 1,4-dioxane.

63. Defendants’ 1,4-dioxane has been detected in Plaintiff’s drinking water supplies at levels above New Jersey’s proposed MCL and EPA’s health reference level.

FIRST CAUSE OF ACTION
(Strict Product Liability Based on Design Defect)

64. Plaintiff repeats and restates the allegations set forth in the previous paragraphs as if fully restated in this cause of action.

65. Defendants were engaged in the business of researching, designing, manufacturing, testing, marketing, distributing, and/or selling 1,4-dioxane.

66. As commercial designers, manufacturers, distributors, suppliers, sellers, and/or marketers of 1,4-dioxane, Defendants had a strict duty not to place into the stream of commerce a product that is unreasonably dangerous.

67. At the time of manufacture, Defendants knew that the chosen formulation(s) of 1,4-dioxane was not biodegradable, would bioaccumulate in humans and wildlife, and was toxic to humans and the environment.

68. Defendants were also aware and/or in possession of an available safer design that

was functional and reasonably priced.

69. Defendants were also aware that their 1,4-dioxane, when sold would contaminate Plaintiff's drinking water supply and cause damages.

70. Defendants' 1,4-dioxane and 1,4-dioxane containing products were manufactured for placement into trade or commerce.

71. On information and belief, the 1,4-dioxane as manufactured and/or sold by Defendants reached Plaintiff's drinking water supply without substantial change in its condition and was used by consumers and local manufacturers, among others, in a reasonably foreseeable and intended manner.

72. The 1,4-dioxane, as manufactured and/or sold by the Defendants, was "defective" and "unreasonably dangerous" when it left the Defendants' control, entered the stream of commerce, and was received by consumers and other users because it was dangerous to an extent beyond that which would be contemplated by the ordinary user.

73. The 1,4-dioxane Defendants manufactured and/or sold was defective in design because, even when used as intended and directed by Defendants, it can result in the contamination of soil and groundwater with 1,4-dioxane creating a significant threat to drinking water supplies.

74. The 1,4-dioxane Defendants manufactured did not meet a consumer's reasonable expectation as to their safety because of the propensity to contaminate soil and groundwater when used as intended.

75. Defendants failed to develop and make available alternative products that were designed in a safe or safer manner, even though such products were technologically feasible, practical, commercially viable, and marketable at the time Defendants introduced 1,4-dioxane into the stream of commerce.

76. The specific risk of harm in the form of soil, groundwater, and drinking water contamination from 1,4-dioxane that Defendants manufactured and/or sold was reasonably foreseeable or discoverable by Defendants.

77. The design, formulation, manufacture and/or distribution and sale of 1,4-dioxane that was known to be toxic and extremely mobile and persistent in the environment was unreasonably dangerous.

78. 1,4-dioxane's failure to perform safely was a proximate cause of Plaintiff's damages requiring investigation, treatment, filtration, monitoring, operation and maintenance costs and other damages in an amount to be determined at trial. Defendants are strictly, jointly, and severally liable for all such damages.

SECOND CAUSE OF ACTION
(Strict Products Liability Based on Failure to Warn)

79. Plaintiff repeats and restates the allegations set forth in the previous paragraphs as if fully set forth herein.

80. The use of 1,4-dioxane in the in the proximity of Plaintiff's drinking water supply for consumer use, manufacturing, and other uses was a reasonably foreseeable use. Defendants knew or should have known that 1,4-dioxane used in this manner can contaminate soil, surface water, stormwater and groundwater with 1,4-dioxane, creating a significant threat to human health and the environment.

81. It was foreseeable that 1,4-dioxane that Defendants manufactured and sold would enter the environment, resulting in the contamination of drinking water supplies that rely upon surface water as a source, including Plaintiff's drinking water supply.

82. Defendants knew or should have known of the risks posed by their 1,4-dioxane.

83. The ordinary consumer—whether residential, industrial, municipal or otherwise—

would not have known or appreciated the risk of contamination from ordinary use and disposal of Defendants' 1,4-dioxane without an appropriate warning.

84. Defendants had a duty to warn Plaintiff, regulators, the public, and the users of 1,4-dioxane of these hazards.

85. Defendants, however, failed to provide adequate warnings of these hazards.

86. Defendants' failure to issue the proper warnings relating to 1,4-dioxane affected the market's acceptance of these products containing 1,4-dioxane.

87. Defendants' failure to issue the proper warnings relating to 1,4-dioxane and products containing 1,4-dioxane prevented the users of the product from treating them differently with respect to their use and environmental cleanup.

88. Defendants' failure to issue the proper warnings related to 1,4-dioxane and products containing 1,4-dioxane prevented the users of the products from seeking alternative products, including but not limited to, using alternative products for purposes of training.

89. Defendants' action in placing 1,4-dioxane and products containing 1,4-dioxane into the stream of commerce without an appropriate warning as to use and disposal was a direct and proximate cause of Plaintiff's injury.

90. Defendants knew or should have known, in the exercise of ordinary care, that their 1,4-dioxane products were unreasonably dangerous and failed to warn of their dangerous propensity.

91. As a direct and proximate result of the Defendants' failure to warn, Plaintiff has suffered damage, requiring investigation, treatment, filtration, monitoring, operation and maintenance costs and suffered other damages in an amount to be determined at trial. Defendants are strictly, jointly, and severally liable for all such damages.

THIRD CAUSE OF ACTION
(Negligence)

92. Plaintiff repeats and restates the allegations set forth in the previous paragraphs as if fully set forth herein.

93. Defendants had a duty to Plaintiff to manufacture and/or market, distribute, and sell their 1,4-dioxane in a manner that avoided contamination of the environment and drinking water supplies and avoided harm to those who foreseeably would be injured by their 1,4-dioxane.

94. Defendant had a duty to exercise reasonable care in its design, engineering, manufacture, development, fabrication, testing, release, training of users of, production of informational materials about, handling, selling, use, and/or distribution of 1,4-dioxane including a duty of care to ensure that 1,4-dioxane did not pollute the environment thereby contaminating Plaintiff's public drinking water supply.

95. Defendants owed a duty of care towards Plaintiff that was commensurate with the inherently dangerous, harmful, injurious, environmentally-persistent, and toxic nature of 1,4-dioxane.

96. The use, including the disposal of, Defendants' 1,4-dioxane by consumers, manufacturers, and commercial users was a reasonably foreseeable use. Defendants knew or should have known that their 1,4-dioxane used and disposed of in this manner would contaminate soil, groundwater and surface water with 1,4-dioxane, creating a significant threat to human health and the environment.

97. Defendants knew, foresaw, anticipated, and/or should have foreseen, anticipated, and/or known that the design, engineering, manufacture, fabrication, sale, release, training of users of, production of informational materials about, handling, use, and/or distribution of 1,4-dioxane and/or other acts and/or omissions as described in this Complaint could likely result in the

contamination of Plaintiff's public drinking water supply.

98. Defendants had a duty to prevent the release into the environment of 1,4-dioxane from the foreseeable uses of their 1,4-dioxane.

99. Defendant failed to exercise ordinary care by acts and/or omissions that permitted, allowed, and/or otherwise resulted in the contamination of Plaintiff's public drinking water supply with 1,4-dioxane, including all such acts and/or omissions referenced in this Complaint.

100. Defendants breached their duties when they negligently manufactured a dangerous product, negligently marketed, distributed, and sold that product such that such products should not have been used and/or disposed of in a manner such as to result in the contamination of soil, surface water and groundwater.

101. Despite knowing, anticipating, and/or foreseeing the bio-persistent, bio-accumulative, toxic, and/or otherwise harmful and/or injurious nature of 1,4-dioxane, Defendant, its agents, servants, and/or employees, committed negligent acts and/or omissions that resulted in the contamination of Plaintiff's public drinking water supply with 1,4-dioxane.

102. Defendant, through its and/or omissions as described in this Complaint, breached its duty to Plaintiff.

103. It was reasonably foreseeable to Defendant that Plaintiff would likely suffer the injuries and harm described in this Complaint by virtue of Defendants' breach of its duty and failure to exercise ordinary care, as described herein.

104. As a direct and proximate result of Defendants' breaches of their duties, Defendants caused Plaintiff to suffer actual losses. Specifically, Plaintiff suffered damage requiring investigation, treatment, filtration, monitoring, operation and maintenance costs and suffered other damages in an amount to be determined at trial. Defendants are strictly, jointly, and severally liable

for all such damages.

FOURTH CLAIM FOR RELIEF
(Common Law Negligent Failure to Warn)

105. Plaintiff hereby incorporates by reference the allegations contained in the preceding paragraphs of this Complaint as if restated in full herein.

106. Defendant had a duty to exercise reasonable care in its design, engineering, manufacture, development, fabrication, testing, release, training of users of, production of informational materials about, handling, selling, use, and/or distribution of 1,4-dioxane, including a duty of care to not only ensure that 1,4-dioxane did not pollute the environment thereby contaminating Plaintiff's public drinking water supply but also a duty to warn Plaintiff of the dangers associated with 1,4-dioxane.

107. Defendant owed a duty to warn Plaintiff, regulators, and users of the dangers associated with 1,4-dioxane that was commensurate with the inherently dangerous, harmful, injurious, environmentally-persistent, toxic, and bio-accumulative nature of the chemical.

108. Defendant's failure to warn permitted, allowed, and/or otherwise resulted in the contamination of Plaintiff's public drinking water supply with 1,4-dioxane.

109. Defendant knew, foresaw, anticipated, and/or should have foreseen, anticipated, and/or known that the design, engineering, manufacture, fabrication, sale, release, training of users of, production of informational materials about, handling, use, and/or distribution of 1,4-dioxane and/or other acts and/or omissions as described in this Complaint could likely result in the contamination of Plaintiff's public drinking water supply and had a duty to warn Plaintiff of this danger.

110. Despite knowing, anticipating, and/or foreseeing the bio-persistent, bio-accumulative, toxic, and/or otherwise harmful and/or injurious nature of 1,4-dioxane, Defendant,

its agents, servants, and/or employees, failed to warn Plaintiff of the dangers associated with 1,4-dioxane.

111. Defendant, through its and/or omissions as described in this Complaint, breached its duty by failing to warn Plaintiff of the dangers associated with 1,4-dioxane.

112. It was reasonably foreseeable to Defendant that Plaintiff would likely suffer the injuries and harm described in this Complaint by virtue of Defendant's breach of its duty to warn.

113. But for Defendant's negligent failure to warn, Plaintiff would not have been injured or harmed.

114. Defendant's negligent conduct was the direct and proximate cause of the injuries and harm to Plaintiff as described herein.

115. As a direct and proximate result of Defendant's failure to warn, Plaintiff has suffered, and continues to suffer, property damage requiring investigation, remediation, treatment and monitoring costs to be determined at trial.

FIFTH CAUSE OF ACTION
(Continuing Trespass)

116. Plaintiff repeats and restates the allegations set forth in all previous paragraphs of this Complaint as if fully set forth herein.

117. Plaintiff owns, possesses, and actively exercises rights to extract and use groundwater for its drinking water supply.

118. The Defendants were engaged in the business of researching, designing, formulating, handling, training, disposing, manufacturing, labeling, using, testing, distributing, promoting, marketing, selling, and/or otherwise being responsible for 1,4-dioxane and knew or should have known that the subsequent and foreseeable use and disposal of 1,4-dioxane and products containing 1,4-dioxane would contaminate drinking water supplies. Thus, the Defendants

intentionally, recklessly, negligently or as the result of engaging in an extra-hazardous activity caused noxious and hazardous contaminants and pollutants to enter the surface water, stormwater, groundwater, and drinking water supplies.

119. 1,4-dioxane and 1,4-dioxane compounds manufactured and/or supplied by the Defendants continue to be located in Plaintiff's drinking water supply and Plaintiff's drinking water distribution system.

120. Plaintiff did not, and do not, consent to the trespass alleged herein. The Defendants knew or reasonably should have known that Plaintiff would not consent to this trespass.

121. The contamination of Plaintiff's drinking water supply has not yet ceased. 1,4-dioxane continue to migrate into and enter surface waters serving as Plaintiff's drinking water supplies.

122. As a direct and proximate result of the Defendants' acts and omissions as alleged herein, the water serving as Plaintiff's drinking waters supply has been, and continues to be, contaminated with 1,4-dioxane, causing Plaintiff significant injury and damage.

123. As a direct and proximate result of these Defendants' acts and omissions as alleged herein, Plaintiff has incurred, is incurring, and will continue to incur investigation, treatment, filtration, monitoring, operation and maintenance costs and other damages related to the contamination of Plaintiff's drinking water supply in an amount to be proved at trial.

124. As a further direct and proximate result of the Defendants' acts and omissions as alleged herein, Plaintiff seeks the value of the use of its property for the time of the wrongful occupation, the reasonable costs of repair or restoration of all of Plaintiff's property to its original condition, costs associated with recovering the possession, any benefits or profits obtained by Defendants related to the trespass. The Defendants knew and/or should have known that it was

substantially certain that their alleged acts and omissions described in this Complaint would cause injury and damage, including contamination of drinking water supply with 1,4-dioxane. The Defendants committed each of the above-described acts and omissions knowingly, willfully, and with oppression, fraud, and/or malice. Such conduct was performed to promote sales of and maximize profits, in conscious disregard of the probable dangerous consequences of that conduct and its foreseeable impact upon health, property, and the environment, including Plaintiff's drinking water supply. Therefore, Plaintiff also requests an award of exemplary damages in an amount that is sufficient to punish these Defendants and that fairly reflects the aggravating circumstances alleged herein.

SIXTH CAUSE OF ACTION
(Public and Private Nuisance)

125. Plaintiff repeats and restates the allegations set forth in the previous paragraphs as if fully set forth herein.

126. Plaintiff is the owner of land, easements, and/or water rights which permit it to extract groundwater for use in its drinking water system.

127. The actions of the Defendants as alleged herein, have resulted in the continuing contamination of Plaintiff's drinking water supplies, and such contamination is a public nuisance and is reasonably abatable and varies over time. Each Defendant has caused, maintained, assisted and/or participated in such nuisance, and is a substantial contributor to such nuisance.

128. The actions of the Defendants constitute a nuisance in that the contamination of groundwater and drinking water is injurious to public health, is indecent or offensive to the senses and is an obstruction to the Plaintiff's free use of its property, so as to interfere with the comfortable enjoyment of life or property. The contamination of Plaintiff's drinking water supply significantly affects, at the same time, a considerable number of people in an entire community.

129. Each Defendant has caused, maintained, assisted and/or participated in such nuisance, and is a substantial contributor to such nuisance.

130. By its design, the Defendants' 1,4-dioxane was known by Defendants to likely be discharged to the environment in a manner that would create a nuisance and further failed to properly instruct intermediaries and end-users to properly use and dispose of such contaminants in such a manner as to avoid creating or contributing to a nuisance.

131. The Defendants knew, or should have known, of the harmful effects and adverse impacts that exposure to 1,4-dioxane would have on the environment and human health.

132. The Defendants caused or contributed to the creation of the nuisance at issue by directing and instructing intermediaries and end users of its products to dispose of products and materials containing 1,4-dioxane in a manner that the Defendants knew or should have known would result in the contamination of soil and groundwater and ultimately impact drinking water supplies.

133. Plaintiff did not and does not consent to the public nuisance alleged herein. Defendants knew or reasonably should have known that Plaintiff would not consent to this public nuisance.

134. As a direct and proximate result of the Defendants' acts and omissions as alleged herein, Plaintiff's drinking water supply is contaminated with 1,4-dioxane, causing Plaintiff significant injury and damage.

135. As a direct and proximate result of the Defendants' acts and omissions as alleged herein, Plaintiff has incurred, is incurring, and will continue to incur, investigation, treatment, filtration, monitoring, operation and maintenance costs and other damages in an amount to be proved at trial.

136. Furthermore, as a direct and proximate result of the Defendants' acts and omissions as alleged herein, the contamination of drinking water supplies constitutes an ongoing public nuisance.

137. The Defendants are jointly and severally responsible to take such action as is necessary to abate the public nuisance and to take such action as is necessary to ensure that the 1,4-dioxane that contaminate Plaintiff's drinking water supply does not present a risk to the public.

138. Plaintiff has been damaged because the Defendants' acts and omissions, have unreasonably interfered with, and continue to interfere with, Plaintiff's use and enjoyment of its public water supply system and has suffered and continues to suffer significant damages and injuries, including but not limited to, incurring costs related to the investigation, treatment, filtration, monitoring, operation and maintenance costs and other costs and damages related to the detection and remediation of the 1,4-dioxane contamination in its drinking water supply.

139. The Defendants knew and/or should have known that it was substantially certain that their alleged acts and omissions described in this Complaint would cause injury and damage, including contamination of drinking water supplies with 1,4-dioxane.

140. The Defendants knew with substantial certainty at the time of their manufacture and sale of 1,4-dioxane that it would result in contamination of Plaintiff's drinking water supply.

141. The Defendants' acts and omissions were substantially certain to and did result in an unreasonable interference with Plaintiff's drinking water supply.

142. As a direct and proximate result of the Defendants' acts and omissions, the Defendants caused Plaintiff to suffer actual losses.

143. The Defendants committed each of the above-described acts and omissions knowingly, willfully, and with oppression, fraud, and/or malice. Such conduct was performed to

promote sales of 1,4-dioxane to maximize profits, in conscious disregard of the probable dangerous consequences of that conduct and its foreseeable impact upon health, property, and the environment.

144. Specifically, Plaintiff has suffered damages including, but not limited to, incurring costs related to the investigation, treatment, filtration, monitoring, operation and maintenance costs and other costs and suffered other damages in an amount to be determined at trial.

145. Additionally, Plaintiff also requests an award of exemplary damages in an amount that is sufficient to punish these Defendants and that fairly reflects the aggravating circumstances alleged herein.

SEVENTH CLAIM FOR RELIEF
(Past and Continuing Trespass)

146. Plaintiff incorporates herein the allegations contained in all prior paragraphs of this Complaint as if fully restated herein.

147. Defendant's intentional and/or reckless acts and/or omissions have resulted and/or continue to result in the unlawful release and/or threatened release of 1,4-dioxane under, onto, and/or into Plaintiff's public drinking water supply.

148. The 1,4-dioxane present in Plaintiff's public drinking water supply were at all relevant times hereto, and continue to be, the property of Defendant.

149. The invasion and presence of the 1,4-dioxane in Plaintiff's public drinking water supply was and continues to be without permission or authority from Plaintiff.

150. The presence and continuing presence of 1,4-dioxane in Plaintiff's public drinking water supply constitutes a continuing trespass.

151. Defendant's past and continuing trespass upon Plaintiff's public drinking water supply has proximately caused and/or continues to proximately cause damage to Plaintiffs and the

other Class members in the form of property damage, for which Defendant is liable.

152. As a direct and proximate result of Defendant's actions and inactions, Plaintiff has suffered, and continues to suffer, property damage requiring investigation, remediation, treatment and monitoring costs to be determined at trial.

EIGHTH CAUSE OF ACTION
(Declaratory Relief)

153. Plaintiff repeats and restates the allegations set forth in all previous paragraphs of this Complaint as if fully set forth herein.

154. Defendants knew, or should have known, that their 1,4-dioxane, when used in a foreseeable and intended manner, were dangerous and created an unreasonable and excessive risk of harm to human health and the environment.

155. Defendants intentionally, willfully, deliberately and/or negligently failed to properly warn, train, handle, control, dispose, and release noxious and hazardous contaminants and pollutants, such that Defendants created substantial and unreasonable threats to human health and the environment, which resulted from the foreseeable and intended use, storage and disposal of 1,4-dioxane and 1,4-dioxane containing products.

156. Among other things, Plaintiff must take costly remedial action to remove 1,4-dioxane contamination from its drinking water supply which will result in substantial costs, expenses, and damages in an amount to be proved at trial.

157. These Defendants, and each of them, have failed to reimburse Plaintiff for the cost of investigation, filtration and/or deny any responsibility or liability for these damages and expenses Plaintiff will incur in the future.

158. An actual controversy exists concerning who is financially responsible for abating actual or threatened pollution or contamination of Plaintiff's drinking water supply by 1,4-dioxane.

159. In order to resolve this controversy, Plaintiff seeks an adjudication of the respective rights and obligations of the parties, and other relief to the extent necessary to provide full relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment against Defendants as follows:

A. Entry of judgment in Plaintiff's favor and against Defendants, jointly and severally, as applicable, on each Count of this Complaint;

B. An order that Defendants pay all damages suffered by Plaintiff, including but not limited to investigation, treatment, filtration, monitoring, and operation and maintenance costs incurred or to be incurred by Plaintiff to remove 1,4-dioxane from its drinking water supply system;

C. An order that Defendants are required to abate the nuisance Defendants have caused;

D. An order imposing a constructive trust over any such proceeds for the benefit of the Plaintiff;

E. An award to Plaintiff for the costs of this suit (including but not limited to expert fees) and reasonable attorneys' fees, as provided by law;

F. An award for punitive damages pursuant to N.J. Stat. § 2A:15-5.9 to -5.17; and

G. An award for such other and further relief as the nature of this case may require or as this court deems just, equitable and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all claims in this action.

Respectfully submitted,

Dated: July 8, 2024

By its Attorneys,

/s/ Rebecca Newman

Rebecca G. Newman

Gary J. Douglas (*pro hac* vice forthcoming)

Tate J. Kunkle (*pro hac* vice forthcoming)

DOUGLAS & LONDON, P.C.

59 Maiden Ln, 6th Fl.

New York, NY 10038

Telephone: (212) 566-7500

rnewman@douglasandlondon.com

gdouglas@douglasandlondon.com

tkunkle@douglasandlondon.com

CERTIFICATION OF OTHER ACTIONS

I certify that the dispute about which I am suing is not related to any other action pending in this court to the best of my knowledge.

Dated: July 8, 2024

BY:

/s/ Rebecca Newman

Rebecca Newman

DOUGLAS & LONDON, P.C.

59 Maiden Lane, 6th Floor

New York, NY 10038

Telephone: 212-566-7500

Fax: 212-566-7501

Email: rnewman@douglaslondon.com

SUMMONS

Attorney(s) Rebecca Newman
Office Address 59 Maiden Lane, 6th Floor
Town, State, Zip Code New York, New York 10038

Telephone Number 212-566-7500
Attorney(s) for Plaintiff Douglas & London, P.C.
City of Garfield, New Jersey

**Superior Court of
New Jersey**

Bergen ☒ County
Law Division

Docket No: _____

Plaintiff(s)

vs.

The Dow Chemical Company, et al.

Defendant(s)

**CIVIL ACTION
SUMMONS**

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at <http://www.njcourts.gov>.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at <http://www.njcourts.gov>.

Clerk of the Superior Court

DATED: 07/08/2024

Name of Defendant to Be Served: The Dow Chemical Company

Address of Defendant to Be Served: 2211 H.H. Dow Way, Midland MI 48674

SUMMONS

Attorney(s) Rebecca Newman
Office Address 59 Maiden Lane, 6th Floor
Town, State, Zip Code New York, New York 10038

Telephone Number 212-566-7500
Attorney(s) for Plaintiff Douglas & London, P.C.
City of Garfield, New Jersey _____

Superior Court of New Jersey

Bergen ☐ County
Law Division

Docket No: _____

Plaintiff(s)

vs.

The Dow Chemical Company, et al.

Defendant(s)

CIVIL ACTION SUMMONS

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at <http://www.njcourts.gov>.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at <http://www.njcourts.gov>.

Clerk of the Superior Court

DATED: 07/08/2024

Name of Defendant to Be Served: Vibrantz Corporation f/k/a/ Ferro Corporation

Address of Defendant to Be Served: 6060 Parkland Blvd., Suite 250, Mayfield Heights, OH 44124

SUMMONS

Attorney(s) Rebecca Newman
Office Address 59 Maiden Lane, 6th Floor
Town, State, Zip Code New York, New York 10038
Telephone Number 212-566-7500
Attorney(s) for Plaintiff Douglas & London, P.C.
City of Garfield, New Jersey

Plaintiff(s)

vs.

The Dow Chemical Company, et al.

Defendant(s)

Superior Court of New Jersey

Bergen ☒ County
Law Division

Docket No: _____

CIVIL ACTION SUMMONS

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at <http://www.njcourts.gov>.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at <http://www.njcourts.gov>.

Clerk of the Superior Court

DATED: 07/08/2024

Name of Defendant to Be Served: Legacy Vulcan LLC f/k/a Vulcan Materials Company

Address of Defendant to Be Served: 120 Urban Center Dr., Birmingham, AL 35242

Civil Case Information Statement

Case Details: BERGEN | Civil Part Docket# L-003971-24

Case Caption: CITY OF GARFIELD, NE W JERSEY VS
THE DOW CHEMICA

Case Initiation Date: 07/08/2024

Attorney Name: REBECCA G NEWMAN

Firm Name: DOUGLAS & LONDON

Address: 59 MAIDEN LANE 6TH FLOOR
NEW YORK NY 10038

Phone: 2125667500

Name of Party: PLAINTIFF : City of Garfield, New Jersey

Name of Defendant's Primary Insurance Company
(if known): None

Case Type: PRODUCT LIABILITY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 12 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same
transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: City of Garfield, New Jersey?
NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO
Medical Debt Claim? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the
court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

07/08/2024
Dated

/s/ REBECCA G NEWMAN
Signed

