IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

CATOOSA COUNTY, GEORGIA,

Plaintiff,

v.

SHAW INDUSTRIES, INC.;
SHAW INDUSTRIES GROUP, INC.;
ALADDIN MANUFACTURING CORPORATION;
MOHAWK INDUSTRIES, INC.;
MOHAWK CARPET, LLC;
3M COMPANY;
EIDP, INC. F/K/A E.I. DU PONT DE NEMOURS AND COMPANY;
DAIKIN AMERICA, INC.

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT

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Plaintiff Catoosa County, Georgia files this complaint against Shaw Industries, Inc. and Shaw Industries Group, Inc. (together, "Shaw"), Aladdin Manufacturing Corporation, Mohawk Industries, Inc., and Mohawk Carpet, LLC (together, "Mohawk"), 3M Company, EIDP, Inc. f/k/a E.I. Du Pont De Nemours and Company ("DuPont"), and Daikin America, Inc.—all together, "Defendants"—and states as follows:

STATEMENT OF THE CASE

1. This case is about toxic chemicals that the U.S. Environmental Protection Agency has found cause—among other things—cancer, organ failure, and low birth weight. The chemicals also degrade the body's immune system, making it resist vaccines against lethal diseases like tetanus and diphtheria in children. The chemicals were made by 3M, DuPont, and Daikin for products such as Scotchgard®, Stainmaster®, and Teflon®. These products were used in vast quantities by carpet-makers Shaw and Mohawk, which bathed their carpets in the chemical cocktail and dumped the byproducts—toxic sludge, liquid waste, and solid waste—into plaintiff Catoosa County's landfill. Thanks to the actions of these toxic-chemical makers and users, the landfill—which operated for a quarter century, from 1979 to 2004—is now pickled in the chemicals, which migrate daily into the waters of the State of Georgia in surface water, landfill "juice" called leachate, and groundwater. The landfill's gas emissions also carry these toxic chemicals, which float into the air, making it unsafe to breathe, while seeding the clouds, causing toxic rain.

2. The toxic-chemical makers and users knew of these dangers the whole time the landfill was operating yet deliberately hid them. An internal 3M memo from 1960 described 3M's understanding that waste laden with the chemicals, if dumped in landfills,

"[would] eventually reach the water table and pollute domestic wells." In the mid-1980s, 3M warned its customers, including Shaw and Mohawk, *not* to dispose of the toxic chemicals in ordinary landfills. Instead, 3M said, the chemicals must be incinerated or sent to special hazardous-waste landfills. But neither 3M, nor Shaw, nor Mohawk, warned Catoosa County. The toxic-chemical makers and users also knew that the chemicals were deadly. A 1978 3M study of the chemicals on monkeys ended within days *because all the monkeys died from exposure to the chemicals*. A 1997 safety data sheet for a 3M product containing the toxic chemicals listed its ingredients and warned that the product includes "*a chemical which can cause cancer*." In support, the data sheet cited "1983 and 1993 studies conducted jointly by 3M and DuPont."

3. In 2005, DuPont paid a $10.25 million penalty for failing to disclose to EPA the health risks and environmental persistence of the chemicals. A year later, 3M paid a $1.5 million penalty for doing the same thing. Recently, toxic-chemical user Mohawk sued toxic-chemical makers 3M and Dupont for fraud in supposedly hiding the dangers of the chemicals *from Mohawk*. Just as toxic-chemical makers and users hid their products' dangers from EPA—and, if Mohawk is right in its fraud suit, at times from each other—they hid the dangers from Catoosa County. The toxic-chemical makers and users thus created a continuing nuisance in and around the landfill and violated, among other things, Georgia's water-quality laws, which impose strict liability.

4. Thanks to these and other failures by the toxic-chemical makers and users, all or substantially all the residents of Northwest Georgia effectively have Scotchgard®, Stainmaster®, and Teflon® coursing through their veins, suppressing their immune

systems and triggering debilitating and fatal illnesses. The toxic-chemical makers and users continue to cause Catoosa County special damages at its landfill. And they have caused a public-health crisis in Northwest Georgia, forcing the County to act to protect the public.

5. Protecting the public will be costly because the Scotchgard®, Stainmaster®, and Teflon® chemicals do not degrade in the normal ways—whether in water, air, light, bacteria, or the human digestive system. Instead, they keep their potent form wherever they go; and they accumulate in living organisms, where they inflict damage for years and often decades. For this reason, the chemicals are commonly called "forever chemicals." Two of these forever chemicals have been listed by EPA as hazardous waste and banned in drinking water above four parts per trillion. Three others have been banned by EPA in drinking water above ten parts per trillion. Technically, these chemicals are called "per- and poly- fluoroalkyl substances." For convenience, unless the context demands specificity, this complaint will call them simply "PFAS." The complaint will call the toxic-chemical makers "PFAS Makers," the users "PFAS Users," and both together "Defendants."

6. To abate the continuing nuisance that Defendants are inflicting on Catoosa County, the PFAS in and around the County's landfill—which are migrating into the air waters of the State of Georgia—must be destroyed. Under Georgia law, the County is entitled to recover from Defendants damages to contain and capture the PFAS and to buy, install, and operate a destruction module to destroy the PFAS. Catoosa County has no choice but to make best efforts to prevent the PFAS from further polluting not only its property but also Northwest Georgia's air and water. Defendants made billions of dollars on PFAS. Now Defendants are strictly liable for the cost of destroying their deadly toxins.

PARTIES

7. Catoosa County is a body corporate and politic authorized under the Georgia Constitution, Article IX, Section 1, Paragraph 1, and a political subdivision of Georgia.

8. Shaw Industries, Inc. is a Georgia corporation and may be served with process through its registered agent, Corporation Service Company, located in Gwinnett County at 2 Sun Court, Suite 400, Peachtree Corners, Georgia 30092.

9. Shaw Industries Group, Inc. is a Georgia corporation and may be served with process through its registered agent, Corporation Service Company, located in Gwinnett County at 2 Sun Court, Suite 400, Peachtree Corners, Georgia 30092.

10. Aladdin Manufacturing Corporation is a foreign corporation organized under the laws of the State of Delaware, with its principal place of business in Georgia. Aladdin Manufacturing Corporation is registered to transact business in the State of Georgia, and, at all relevant times, has transacted business in Georgia. Aladdin Manufacturing Corporation may be served with process through its registered agent, CSC of Cobb County, Inc., located in Cobb County at 192 Anderson Street SE, Suite 125, Marietta, Georgia 30060.

11. Mohawk Industries, Inc. is a foreign corporation organized under the laws of the State of Delaware, with its principal place of business in Georgia. Mohawk Industries, Inc. is registered to transact business in the State of Georgia, and, at all relevant times, has transacted business in Georgia. Mohawk Industries, Inc. may be served with process through its registered agent, CSC of Cobb County, Inc., located in Cobb County at 192 Anderson Street SE, Suite 125, Marietta, Georgia 30060.

12. Mohawk Carpet, LLC is a foreign limited liability company organized under the laws of the State of Delaware, with its principal place of business in Georgia. Mohawk Carpet, LLC is registered to transact business in the State of Georgia, and, at all relevant times, has transacted business in Georgia. Mohawk Carpet, LLC may be served with process through its registered agent, CSC of Cobb County, Inc., located in Cobb County at 192 Anderson Street SE, Suite 125, Marietta, Georgia 30060.

13. Mohawk Industries, Inc. is the sole member of Mohawk Carpet, LLC.

14. Aladdin Manufacturing Corporation owns and operates carpet-manufacturing facilities. Mohawk Industries, Inc. and Mohawk Carpet, LLC are holding companies. In this complaint, any references to actions taken by Mohawk relating to owning or operating carpet-manufacturing facilities refer to Aladdin Manufacturing Corporation and its predecessors.

15. 3M Company is a foreign corporation organized under the laws of the State of Delaware, is registered to transact business in the State of Georgia, and, at all relevant times, has transacted business in Georgia. 3M may be served with process through its registered agent, Corporation Service Company, located in Gwinnett County at 2 Sun Court, Suite 400, Peachtree Corners, Georgia 30092.

16. DuPont is a foreign corporation organized under the laws of the State of Delaware, is registered to transact business in the State of Georgia, and, at all relevant times, has transacted business in Georgia. DuPont may be served with process through its registered agent, CT Corporation System, located in Gwinnett County at 289 S. Culver Street, Lawrenceville, Georgia 30046.

17. Daikin America, Inc. is a foreign corporation organized under the laws of the State of Delaware and does business in the State of Georgia. Daikin has sold PFAS products to PFAS Users in Georgia.

JURISDICTION AND VENUE

18. This Court has jurisdiction over the subject matter of the claims in this case under Article VI, Section I, Paragraph VI of the Georgia Constitution, Article VI, Section III, Paragraph I of the Georgia Constitution, and O.C.G.A. § 15-7-4.

19. This case solely involves carpet-treatment products made by private parties for private parties. It does not involve Aqueous Film-Forming Foam ("AFFF") or products used by, supplied to, or manufactured to the specifications of the federal government.

20. This lawsuit is brought under the laws of the State of Georgia. Catoosa County disclaims all federal causes of action.

21. This Court has general personal jurisdiction over Defendants that are Georgia corporations, or that are authorized to transact business in Georgia, under *Cooper Tire & Rubber Co. v. McCall*, 312 Ga. 422, 863 S.E.2d 81 (2021). The Court has specific personal jurisdiction over the remaining Defendant under O.C.G.A. § 9-10-91.

22. Because there is no complete diversity of citizenship among the parties, this case is not removable to federal court under 28 U.S.C. § 1332.

23. Venue is proper in this Court pursuant to the Georgia Constitution, Article VI, Section II, Paragraph VI (venue lies in the county where the defendant resides), O.C.G.A. §§ 14-2-510 (a domestic or foreign corporation resides in the county of its registered agent), 14-11-1108 (a domestic or foreign limited liability company resides in the

county of its registered agent), and 9-10-31 (where there are multiple defendants, venue is proper in the county where any one of the codefendants resides).

FACTUAL ALLEGATIONS

I. PFAS: non-biodegradable, highly toxic carcinogens and immunosuppressants

A. What PFAS are, how they're used, and why they're called forever chemicals

24. PFAS are synthetic chemicals used to coat products like carpet, textiles, and paper to make them resist water, dirt, and grease. Brands that have long used PFAS include 3M's Scotchgard® and DuPont's Teflon® and Stainmaster®.

25. Although PFAS have been used in other products, including AFFF, this case solely involves carpet-treatment products made *by* private manufacturers *for* private manufacturers. Conversely, this case does not involve AFFF, or any products used by, supplied to, or manufactured to the specifications of the federal government.

26. Although thousands of chemicals count as PFAS, the two most notorious are perfluorooctanoic acid ("PFOA") and perfluorooctane sulfonate ("PFOS"). EPA has designated both chemicals as hazardous waste and unsafe at any level of exposure.

1. PFAS do not readily degrade in nature

27. The same chemical properties that make PFAS products resist water, dirt, and grease in commercial products make PFAS resist those same elements in nature. PFAS are known as "forever chemicals" because they do not degrade like other chemicals.

28. As EPA explains, PFAS resist "hydrolysis, photolysis, metabolism, and microbial degradation in the environment and in the human body." In other words, PFAS do not break down when they face water, light, human or animal digestive systems, or bacteria.

2. PFAS accumulate in people and animals, magnify up the food chain, and gain toxic force when a variety of PFAS combine

29. Instead of naturally degrading, PFAS persist and accumulate in living organisms—including in the human body and animals.

30. According to the U.S. Centers for Disease Control and Prevention, the elimination half-lives of PFOA and PFOS—that is, the length of time for the concentration of those substances in the human body to drop by half—are estimated at a *minimum* to be 2.1 years and 3.3 years, respectively. At a *maximum*, the half-lives are 10.1 and 27 years. By comparison, the half-lives of arsenic, lead, and radioactive polonium are ten hours, thirty-two days, and forty days, respectively.

31. Given the long half-lives of PFAS, ridding the body of them can take over a decade. The reason is that, on average, it takes five to seven half-lives to eliminate a chemical from the body. For example, if the half-life is three years, at the end of three years, half of the chemical remains. On average, it is believed that the female body rids itself of PFAS in six to eight years; the male body takes eight to thirteen years. It is thought that female bodies rid themselves of PFAS more quickly than male bodies because PFAS may leave the female body through menstruation.

32. As PFAS accumulate, they grow in concentration (or "biomagnify") as larger organisms ingest contaminated smaller organisms.

33. As PFAS accumulate, they also gain toxic force by their very variety. Decades of research have shown that PFAS can combine in mixtures damaging to health, even if the chemicals are present individually at acceptable levels.

3. PFAS easily migrate in water, methane gas, and air

34. PFAS easily migrate through surface water and groundwater, and accompany naturally emitted gases such as methane. PFAS thus travel long distances through water and air while causing extensive contamination.

B. International Agency for Research on Cancer findings

35. The International Agency for Research on Cancer, the cancer agency of the World Health Organization, has evaluated the carcinogenicity of PFOA and PFOS.

36. A group of thirty international experts from eleven countries thoroughly reviewed the extensive published literature. The experts characterized PFOA as carcinogenic to humans and PFOS as possibly carcinogenic to humans.

C. EPA findings

1. EPA findings as to PFOA

37. Independently, EPA exhaustively reviewed the available data and concluded that PFOA is likely to be carcinogenic to humans.

38. As EPA noted, epidemiological studies of PFOA provided evidence of kidney and testicular cancer in humans and some evidence of breast cancer.

39. Further, EPA found that PFOA exposure is likely to damage the body's liver, immune, and cardiovascular systems.

40. For PFOA-related liver damage, EPA cited evidence of increased serum liver enzyme levels in humans and toxicity in animals, including increased liver weights and necrosis, inflammation, or increased liver enzyme levels that indicate liver injury.

41. For PFOA-related immune-system damage, EPA cited evidence of developmental immunosuppression in humans, specifically decreased antibody response to vaccination against tetanus and diphtheria in children.

42. For PFOA-related cardiovascular damage, EPA cited evidence of increased serum-lipid levels in humans and alterations to lipid homeostasis in animals.

43. For PFOA-related developmental harms, EPA cited decreased birth weight in human infants.

44. EPA's PFOA-related judgments were based on data from epidemiological studies of infants, children, adolescents, pregnant individuals, and nonpregnant adults.

2. EPA findings as to PFOS

45. Likewise, EPA reviewed the available data and concluded that PFOS is likely to be carcinogenic to humans. EPA cited evidence of PFOS-related bladder, prostate, liver, kidney, and breast cancers in humans.

46. According to EPA, most PFOS production in the United States was voluntarily phased out by its primary manufacturer—3M—between 2000 and 2002. Nevertheless, EPA notes that PFOS persists in the environment because it does not naturally degrade.

47. In 2024, EPA designated PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

48. EPA instructs that there is no safe level of human consumption of PFOA or PFOS and has set the goal for maximum contamination at zero.

49. EPA set enforceable limits (called "maximum contaminant levels") on PFOA and PFOS in drinking water at four parts per trillion, which EPA concluded was the lowest level feasible as a practical matter.

50. EPA set enforceable limits on three other PFAS chemicals—PFNA, PFHxS, HFPO-DA—at ten parts per trillion. EPA is regulating a fourth PFAS chemical, PFBS, based on a site-specific index.

51. EPA is also regulating these four chemicals—PFNA, PFHxS, HFPO-DA, and PFBS—as hazardous when mixed. According to EPA, decades of research have shown that PFAS can combine in mixtures damaging to health, even if the chemicals are present individually at acceptable levels.

II. PFAS Makers and Users

A. PFAS Makers

52. 3M, DuPont, and Daikin manufactured PFOA and/or products containing or degrading into PFOA. 3M, DuPont, and Daikin supplied PFOA and/or products containing or degrading into PFOA to PFAS Users for use in making carpets.

53. According to EPA, 3M was the sole manufacturer of PFOS in the United States and the principal manufacturer of PFOS worldwide.

54. 3M supplied PFOS and/or products containing or degrading into PFOS to PFAS Users for use in making carpets.

55. After EPA investigated 3M, in 2018, 3M agreed to pay Minnesota $850 million to settle a $5 billion suit over drinking water contaminated by PFAS.

B. PFAS Users

56. In the 1950s or 1960s, 3M introduced its Scotchgard® stain blocker and soil-resistance product that could be used to treat carpets.

57. Starting in or around 1972, 3M began marketing Scotchgard® to carpet companies, including Shaw.

58. Meanwhile, also in the 1970s, DuPont introduced a stain blocker and soil-resistance product called Teflon® to carpet companies.

59. In or around 1986, DuPont introduced a stain blocker and soil-resistance product called Stainmaster® to carpet companies.

60. Shaw publicly admitted that in the 1980s it began using DuPont's Stainmaster® product to make carpet.

61. These products sold by 3M and DuPont contained PFAS.

62. Shaw publicly admitted that it used PFAS products made by 3M and DuPont in manufacturing facilities in Northwest Georgia.

63. According to Shaw, by 2001 it had stopped using products with PFOS.

64. According to Shaw, by 2018 it had stopped using PFAS in its residential- and commercial-flooring products sold in the United States.

65. Mohawk publicly admitted that it began buying PFAS from 3M in the 1970s.

66. Mohawk publicly admitted that it began buying PFAS made by DuPont, and/or a product with a fluorochemical component made by DuPont, in the 1970s.

67. Mohawk publicly admitted that it bought Scotchgard from 3M®, and Teflon® and Stainmaster® from DuPont.

68. Mohawk publicly admitted that it used PFAS at its facilities, even though none of its facilities had PFAS-removal technology in place.

69. Mohawk publicly admitted that it used PFOS in making carpet until 2002.

70. Mohawk publicly admitted that it used PFOA in making carpets until 2009.

71. Mohawk publicly admitted that it used PFAS in making carpets until 2019.

C. PFAS User Mohawk sues Makers 3M and DuPont for hiding PFAS risks, but 3M warned PFAS Users decades ago that PFAS were dangerous

72. Mohawk has sued 3M and DuPont for fraud, and a host of other causes of action, for concealing PFAS' risks from Mohawk.

73. According to Mohawk, 3M and DuPont knew that some PFAS would not adhere to the carpet when applied and, thus, would collect in Mohawk's wastewater.

74. According to Mohawk, 3M and DuPont also knew that "none of Mohawk's facilities had PFAS-removal technology in place."

75. Mohawk admits that it "purchased and applied 3M's and DuPont's PFAS products for decades, resulting in the presence of PFAS in Mohawk's wastewater … and in Mohawk's pipes and equipment."

76. According to Mohawk, 3M, Dupont, and other defendants in Mohawk's suit "should bear the costs of the settlements Mohawk has paid (or will pay) in [ongoing wastewater-treatment-facility lawsuits] and/or future similar lawsuits, the damage to Mohawk's property, and any PFAS removal and remediation Mohawk pays for in the future."

77. But Mohawk, like other PFAS Users, knew that PFAS were dangerous. In 1986, a Materials Safety Data Sheet that 3M gave its customers warned that PFOA should be incinerated or sent to landfills designed to handle hazardous chemicals.

78. In 1997, a Materials Safety Data Sheet that 3M provided to its customers for a PFAS product listed its ingredients as water, PFOA, and other PFAS, and warned that the product included "a chemical which can cause cancer." In support, the Data Sheet cited "1983 and 1993 studies conducted jointly by 3M and DuPont."

III. PFAS Makers and Users discover PFAS' persistence and toxicity, but hide those insidious qualities from Catoosa County for decades

79. PFAS Makers had long been aware of the persistence and toxicity of PFAS, including PFOA and PFOS. Indeed, all Defendants have known for decades that PFAS are toxic, persistent, and bioaccumulative.

80. Yet Defendants supplied, used, purchased, and/or accepted PFOS and PFOA, and/or products containing or degrading into PFOS and PFOA, and/or containing or degrading into other PFAS, without warning Catoosa County of the dangers.

A. What 3M knew and hid, leading to its civil penalty of $1.5 million

81. 3M invented PFAS in the 1940s. Initially, 3M produced PFAS as raw materials or ingredients for other products. Later, 3M marketed PFAS and products containing PFAS, and it shipped PFAS to manufacturers worldwide, including to PFAS Users. Until 2000, 3M was the exclusive manufacturer of PFOS and related chemicals for use on carpet.

82. As early as 1960, 3M knew that chemical waste from its PFAS-manufacturing facilities that were dumped into landfills would likely leach into groundwater. An

internal memo from 1960 described 3M's understanding that such wastes "[would] eventually reach the water table and pollute domestic wells."

83. PFAS Makers have known for years that PFAS persist in the environment and accumulate in the bodies of humans and animals. For instance, blood tests of 3M workers in 1978 found elevated organic fluorine levels "proportional to the length of time that had been spent by employees in the production areas." The same study found that "laboratory workers, with former exposure, but none for fifteen to twenty years, had elevated [organic fluorine levels] above literature normals." A 1979 3M study of fish caught by the Wheeler Dam (twenty-six miles downstream from the 3M plant in Decatur, Alabama) showed that PFAS accumulate in fish.

84. In 1988, an internal 3M memo raised concerns that 3M had "perpetuate[d] the myth that these [PFAS] are biodegradable."

85. PFAS Makers have also known for years that PFOA, PFOS, and related chemicals are toxic.

86. Throughout the 1950s, 3M's own animal studies found that PFAS are toxic.

87. In 1963, a 3M technical manual deemed PFAS to be toxic.

88. Despite knowing that PFAS are toxic, in the 1960s 3M dumped its own PFAS waste into unlined pits by the millions of gallons.

89. In 1975 two independent scientists—Dr. Warren Guy and Dr. Donald Taves—found PFAS in human blood in blood banks around the country. They called 3M to say they thought its chemicals may be to blame. But 3M "plead[ed] ignorance" and misled the scientists, claiming that Scotchgard® did not contain the chemicals that Guy

and Taves had found. Later that year, 3M confirmed that its PFOS *was* the compound found by Dr. Guy and Dr. Taves. But 3M did not tell the researchers, the public, or the regulators of its findings for nearly twenty years.

90. In 1978, a 3M study of the effects of PFAS on monkeys was stopped after twenty days, because all the monkeys died thanks to exposure to PFAS. In 1983, a team of 3M toxicologists recommended broadly testing the effects of 3M's PFAS on the environment and human beings.

91. In 1979, an internal 3M report discussing the studies on PFOA and PFOS toxicity to animals stated that the compounds were "more toxic than anticipated" and recommended that "lifetime rodent studies should be undertaken as soon as possible." That year, 3M executives flew to San Francisco to consult Harold Hodge, a respected toxicologist. They told Hodge only part of what they knew: that PFOS had killed laboratory animals and, further, had caused liver abnormalities in factory workers. According to a 3M document that was marked "confidential," Hodge urged 3M to study whether 3M's fluorochemicals caused cancer or impaired human reproduction. After reviewing more data, Hodge urged 3M to determine whether the chemicals were present "in man," adding, "[i]f the levels are high and widespread and the half-life is long, we could have a serious problem." 3M omitted Hodge's warning from the official meeting notes.

92. Meanwhile, also in 1979, a 3M scientist warned that PFAS posed a cancer risk because they already were "known to persist for a long time in the body and thereby give long-term chronic exposure."

93. As noted, a 1997 Material Safety Data Sheet for a PFAS product made by 3M listed its ingredients as water, PFOA, and other PFAS and warned that the product includes "a chemical which can cause cancer." As support, the Data Sheet cited "1983 and 1993 studies conducted jointly by 3M and DuPont."

94. Yet, in the late 1990s, 3M assured the government and the public that PFOS was not a threat to human health.

95. Internally, however, 3M toxicologist John Butenhoff urged the company to replace PFOS with a safer alternative. In a memorandum, he wrote that "these compounds [are] VERY persistent and thus insidiously toxic." In a separate document, Butenhoff calculated a "safe" level of PFOS in human blood at 1.05 parts per billion. By that time, however, 3M had already measured PFOS in the blood of the general population at about 30 parts per billion.

96. PFAS Makers have known for years that PFAS cannot be discarded in traditional landfills. As noted, a 3M Material Safety Data Sheet warned in 1986 that PFOA must be incinerated or deposited in landfills specially made for hazardous materials.

97. PFAS Makers have also known for years that PFAS are not neutralized or destroyed by conventional wastewater-treatment methods, but instead are discharged to surface waters in the effluent and accumulate in the resulting sludge.

98. For example, in 1978, 3M found that bacteria used to treat wastewater failed to degrade PFOA or PFOS. In 2001, 3M found high concentrations of PFAS in effluent and sludge from discharges by 3M to the Decatur Utilities wastewater-treatment facility in Decatur, Alabama. Since the early 2000s, 3M has been aware that its Decatur, Alabama,

manufacturing properties are contaminated with PFAS from the disposal of wastewater-treatment facility sludge on the property years earlier by 3M.

99. In 1999, Richard Purdy, one of 3M's lead PFAS scientists, and a nearly twenty-year veteran of the company, resigned because of his "profound disappointment in 3M's handling of the environmental risks associated with the manufacture and use of per-fluorinated sulfonates (PFOS) … and its precursors."

100. Purdy's letter, which was also sent to a representative of the EPA, stated that PFOS "is the most insidious pollutant since PCB" and "more stable than many rocks."

101. But 3M "continually" stalled and stymied his efforts. 3M also instructed Purdy and his colleagues to conceal their findings and not put them in writing, lest they be used in litigation. Purdy wrote:

> I have worked within the system to learn more about this chemical and to make the company aware of the dangers associated with its continued use. But I have continually met roadblocks, delays, and indecision.
>
> …
>
> 3M told those of us working on the fluorochemical project not to write down our thoughts or have email discussions on issues because of how our speculations could be viewed in a legal discovery process. This has stymied intellectual development on the issue, and stifled discussion on the serious ethical implications of decisions.
>
> I have worked to the best of my ability within the system to see that the right actions are taken on behalf of the environment. At almost every step, I have been assured that action will be taken—yet I see slow or no results. I am told the company is concerned, but their actions speak to different concerns than mine. I can no longer participate in the process that 3M has established for the management of PFOS and precursors. For me it is unethical to be concerned with markets, legal defensibility and image over environmental safety.

102. In later litigation, a 3M scientist would admit that 3M "stewarded information about [PFAS]" to "protect the business," and a 3M Medical Director admitted that 3M had processes to ensure that scientific papers did not include "information that would appear to be contrary to 3M's business interests."

103. Indeed, 3M took affirmative actions to conceal any risks posed by PFAS by discarding physical documents discussing the risks of PFAS. 3M also instructed employees to "clean out computer[s] of all electronic data" relating to PFAS and to mark non-privileged PFAS-related materials as privileged.

104. By 1995, 3M recognized that "obstacle No. 1" to 3M's chemical business was the "persistence of [PFAS]," and "environmental, health, safety and regulatory issues." Yet 3M later listed among its key goals to "maintain regulatory approval to sell [PFAS] as long and as broadly as we can."

105. In 2000, under EPA pressure, 3M agreed to phase out PFOS and PFOA.

106. According to 3M, by 2002 it had stopped manufacturing PFOA.

107. In 2006, 3M agreed to pay a $1.5 million civil penalty for failing to disclose to EPA the health risks and environmental persistence of PFAS.

B. What DuPont knew and hid, leading to its civil penalty of $10.25 million

108. DuPont, which had been using PFOA in its products since the 1950s, knew of the dangers of PFAS for decades. In 1961 and 1962, DuPont toxicologists found adverse health effects associated with PFOA in animal studies. In the 1970s, DuPont documented

high concentrations of PFOA in the blood of workers at its Washington Works facility in West Virginia—a finding that confirmed that PFOA bioaccumulates.

109. By the early 1980s, DuPont and 3M were sharing internal studies about the health and environmental effects of PFOA but kept these studies from the public.

110. In 1987, H.A. Smith of DuPont's Manufacturing Division-Safety, Energy & Environmental Affairs office asked that DuPont's Haskell Laboratory set acceptable levels of PFOA in the blood and in drinking water. In 1988, DuPont first recommended a drinking-water limit for PFOA of one part per billion. DuPont adopted this guideline in 1991.

111. In 1996, DuPont and 3M jointly commissioned private studies exposing monkeys to PFOA. By 1998, both companies had learned that the monkeys suffered severe health effects, with even the least-exposed monkeys suffering ill effects. The researchers concluded there was no safe level of exposure to PFOA in primates.

112. After 3M announced in 2000 that it was pulling PFOS and PFOA from the market, DuPont kept making and using PFOA with full knowledge that the substances had been pulled by 3M because of environmental and public-health risks.

113. Likewise, on information and belief, PFAS Users continued to buy, use, and discharge PFOA and products containing or degrading into PFOA with full knowledge that PFOA had been withdrawn by 3M due to environmental and health risks.

114. In 2000, when 3M announced that it was pulling PFOS and PFOA from the market, EPA also published its own concerns. In a message to the international Organization for Economic Cooperation and Development, EPA declared that PFOS was "persistent, bioaccumulative, and toxic." EPA warned that "continued manufacture and use of PFOS

represents an unacceptable technology that should be eliminated to protect human health and the environment from potentially severe long[-]term consequences." EPA added that it would begin assessing PFOA, which, it noted, 3M also had promised to stop making.

115. In 2005, DuPont agreed to pay a $10.25 million civil penalty for failing to disclose to EPA the health risks and environmental persistence of PFAS.

116. Upon information and belief, Mohawk and Shaw bought products containing PFOA and PFOS from DuPont (and from 3M and Daikin).

117. Upon information and belief, DuPont ran a laboratory in Dalton, Georgia that tested PFAS and discharged wastewater containing PFAS. DuPont began discharging wastewater containing PFAS, including PFOA, from the laboratory as early as 1987.

118. Despite the growing awareness that PFOA was just as persistent, bioaccumulative, and toxic as PFOS, DuPont continued to make and supply PFOA and products containing and/or degrading into PFOA until at least 2015.

C. What Daikin knew and hid

119. Daikin, for its part, began selling PFAS to PFAS Users in the 1990s.

120. By that time, Daikin's corporate parent, Daikin Industries, Ltd., had researched PFAS for decades and knew they were persistent, bioaccumulative, and toxic.

121. Daikin Industries, Ltd., shared its information about PFAS with Daikin, which also researched PFAS. Thus, Daikin was aware that PFAS were persistent, bioaccumulative, and toxic when it began selling PFAS to PFAS Users in the 1990s.

122. Since at least the early 2000s, Daikin also knew that its own wastewater sludge contained PFAS.

123. Along with DuPont and other PFAS makers, Daikin was a member of something called the Telomer Research Program, which studied the toxicity of PFAS.

124. After 3M announced in 2000 that it was pulling PFOS and PFOA from the market, Daikin kept making and using PFOA with full knowledge that the substances had been pulled by 3M because of environmental and public-health risks.

125. It was not until 2003 that Daikin disclosed that its PFAS products contained PFOA. Before 2003, Daikin led PFAS Users to believe its products contained no PFOA.

126. Like DuPont, Daikin continued to make and supply PFOA and products containing and/or degrading into PFOA until at least 2015.

127. Daikin markets itself to this day as "the world's foremost developer and manufacturer of fluorochemical products," and "a chemical manufacturer that produces PFAS."

D. 3M, DuPont, and Daikin purportedly switch to "short-chain" PFAS, which are no safer than long-chain PFAS

128. After 3M phased out PFOA and PFOS, it supposedly introduced a new version of PFAS, which it called "short-chain" PFAS, thanks to their use of slightly shorter carbon chains than were used in PFOA and PFOS.

129. DuPont and Daikin purportedly converted to short-chain PFAS, as well.

130. In the wake of 3M's purported exit from the market for long-chain products, Daikin's technical representative, Don Harris, assured the carpet industry that Daikin's products were safe.

131. Assuming that they ever switched to short-chain PFAS, Defendants knew or should have known that short-chain PFAS were just as toxic, persistent, and bioaccumulative as their long-chain predecessors.

132. Assuming that they ever switched to short-chain PFAS, Defendants have supplied, used, purchased, and/or accepted short-chain PFAS, and/or products containing or degrading into short-chain PFAS, without warning Catoosa County of their dangers.

E. PFAS Makers and Users disposed of PFAS in Catoosa County's landfill while hiding PFAS' dangers from Catoosa County

133. As a result of PFAS Makers' and Users' past and present actions and inaction, PFAS manufactured, used, and discharged by Defendants exist at dangerous levels in Catoosa County's landfill, and in its surface water, leachate, groundwater, and methane gas.

134. Throughout the life of Catoosa County's landfill, PFAS Makers and Users have known of the persistence and toxicity of PFAS, thanks to communications (a) among PFAS Makers, (b) between PFAS Makers and Users, and (c) between PFAS Makers, PFAS Users, other users of PFAS, trade associations, and/or EPA.

135. Throughout the life of Catoosa County's landfill, PFAS Makers and Users knew or should have known that, in their intended and/or common use, PFAS and products treated with PFAS would likely hurt people, animals, and the environment.

136. Throughout the life of Catoosa County's landfill, PFAS Makers and Users knew or should have known that PFAS are toxic, mobile, and persistent. Nonetheless, Defendants hid their knowledge from the public, government agencies, and Catoosa

County, resulting in PFAS contamination of the landfill, and its surface water, leachate, groundwater, and methane gas.

137. Throughout the life of Catoosa County's landfill, PFAS Makers and Users did not disclose to Catoosa County anything about PFAS—much less the nature and extent of their dangers.

IV. PFAS Users "boiled" carpets in a PFAS cocktail and dumped the leftover PFAS-rich sludge, solid waste, and liquid waste in Catoosa County's landfill

138. Catoosa County's landfill has been contaminated. PFAS Makers sent PFAS in vast quantities to PFAS Users in Northern Georgia. Within a short drive from Catoosa County's landfill sit dozens of PFAS Users' facilities that, on information and belief, disposed of their PFAS-laden refuse into the landfill in the ordinary course of business while it operated from 1979 to 2004. Here is how the process worked—and still works.

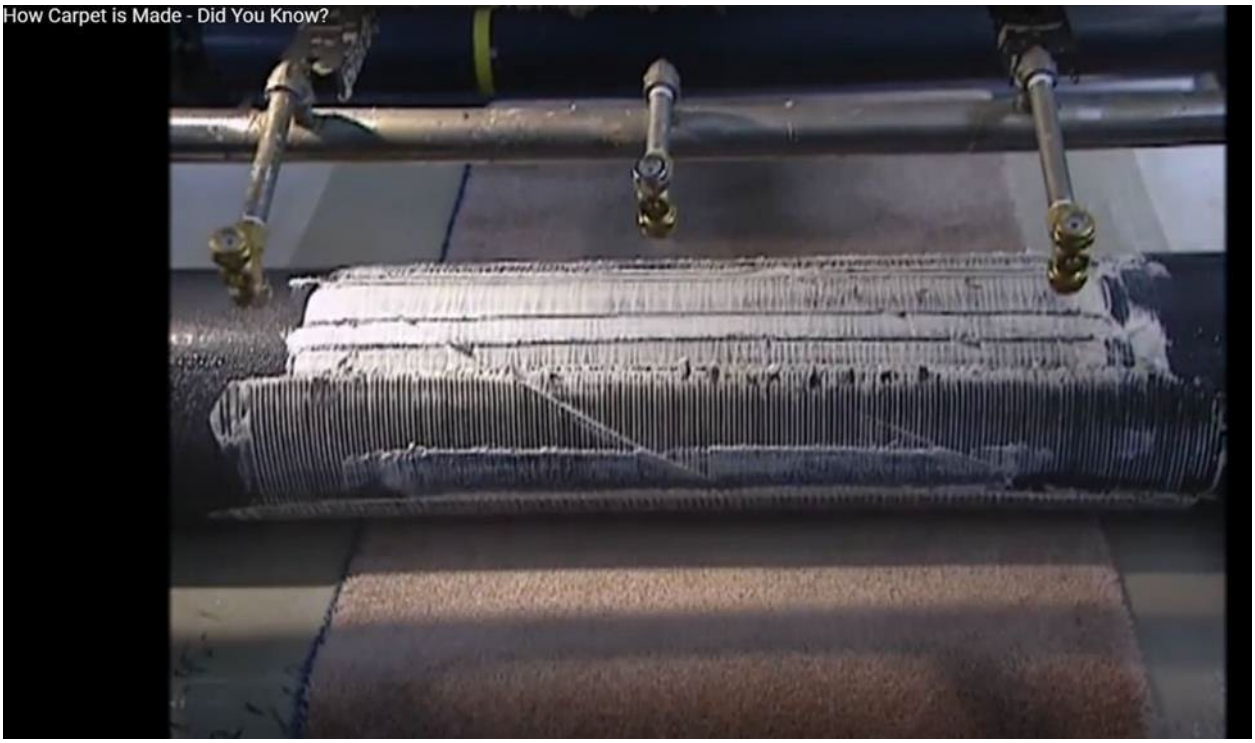
139. To start, PFAS Users apply PFAS to carpet in a process called boiling. Carpet fibers, after being blown into slivers as if in a cotton-candy machine, are collected and spun into yarn. The yarn is then "boiled" in a chemical soup of PFAS. During boiling, the slivers float freely through the PFAS soup. The resulting used PFAS soup is thick with carpet slivers. The thick PFAS soup is chemically treated, without destroying the PFAS.

140. The solids in the chemical soup—still full of PFAS—are concentrated into a gray, wet-cement-like sludge and trucked to landfills, including, from 1979 to 2004, Catoosa County's landfill. The now-treated soup—free of most slivers, but still full of PFAS—is dumped into the sewer system for treatment at local wastewater-treatment

facilities. Wastewater-treatment facilities are not designed to treat PFAS, which pass through the facilities into the open environment.

141. Meanwhile, at the carpet-manufacturing plant, the yarn, now boiled and coated in PFAS, is dried and then tufted—that is, sewn through a sturdy backing material in loops. The carpet is cut and rolled onto spools. Scraps, loose slivers, and other carpet remnants—all covered in PFAS—are hauled to landfills, including, from 1979 to 2004, Catoosa County's landfill. At this point, to make the carpet extra stain resistant, the carpet may be coated *again* with PFAS:

142. For some carpets treated with DuPont's Stainmaster®, an extra layer of PFAS is added in the form of Teflon®, the same Teflon® used in cooking pans. Here is a picture of carpet being treated with Teflon®:



143. Finally, the backing of the carpet is coated with extruded, PFAS-containing materials to make the carpet even more sturdy and moisture resistant.

144. The end-product carpet thus contains PFAS on both sides: on the top to resist stains and on the bottom to resist moisture.

145. Not all fresh PFAS get used. PFAS arrive in containers called totes, which are emptied—but invariably some PFAS remain. On information and belief, PFAS Users send the contaminated totes to landfills, and sent such totes from 1979 to 2004 to Catoosa County's landfill. Other PFAS get mixed into a chemical cocktail ready for boiling, but for various reasons are abandoned—whether because the cocktail was made incorrectly, because too many PFAS were made, or because they otherwise proved unneeded. On information and belief, PFAS Users deposit the leftover PFAS cocktail in local landfills—and did so from 1979 to 2004 at Catoosa County's landfill.

146. In short, after the PFAS chemical-soup boiling process, on information and belief, PFAS Users dumped PFAS into Catoosa County's landfill in three forms: (a) sludge, (b) solid waste, and (c) liquid waste.

147. In dumping PFAS-laden sludge, solid waste, and liquid waste at Catoosa County's landfill, PFAS Users failed to warn the County of PFAS' persistence and dangers.

V. PFAS Makers and Users polluted Catoosa County's landfill with PFAS and, as the PFAS migrate, continue to pollute the landfill's leachate, groundwater, stormwater runoff, and methane gas

148. By failing to warn Catoosa County and disposing of PFAS-laden sludge, solid waste, and liquid waste in the County's landfill, PFAS Makers and Users polluted the landfill. As a direct and existing cause of PFAS Makers' and Users' actions, their PFAS are migrating onto Catoosa County's property, and offsite, into the environment, in (a) leachate, (b) groundwater, (c) stormwater runoff, and (d) methane gas emissions. This complaint takes each of these sources in turn.

149. Like all conventional landfills, Catoosa County's landfill collects rainwater, which courses through the rotting waste to form a potent juice called leachate. Most of the leachate collects at the bottom of the landfill, and from there it is pumped through pipes to aboveground tanks.

150. The landfill discharges the leachate to the City of Chattanooga's wastewater treatment plant, which is now requiring Catoosa County to test its leachate for PFAS. The City has indicated that it is preparing to refuse the leachate because it contains PFAS.

151. Once at the wastewater treatment plant, some of the PFAS in the leachate collects in strained-out biosolids and gets deposited in landfills. Other PFAS passes through the plant and into the nearest offsite waterway (stream, creek, river, etc.).

152. Not surprisingly—given all the PFAS-laden waste dumped in Catoosa County's landfill—PFAS levels in the landfill's leachate are off the charts. Here is a comparison of the levels EPA allows in drinking water with levels found in Catoosa County's landfill leachate on October 15, 2024:

PFAS variant	PFOS	PFOA	PFNA	PFHxS	HFPO-DA
EPA limit for drinking water (parts per trillion)	4	4	10	10	10
Catoosa County Landfill leachate (parts per trillion)	733	1781	241	292	<1
Multiple over limit	183x	445x	24x	29x	0

153. Some of the leachate does not make it to the wastewater-treatment plant. Instead, it leaks into stormwater or drains into groundwater.

154. Like all conventional landfills, Catoosa County's landfill does not perfectly collect leachate. The landfill is composed of two adjacent sites. The first site, closed in 1999, contains no liner. The second site, closed in 2004, contains a membrane liner. Both landfills leak, the first more than the second. But even the second leaks, as the liner is aged; and no liner works perfectly.

155. Once the leachate has leaked out of the landfill and into the groundwater, it flows offsite, into groundwater sources, springs, and surface-water systems fed by rising groundwater—all of which also constitute the waters of the State of Georgia.

156. On information and belief, PFAS levels in groundwater at the Catoosa County landfill exceed EPA's limits for drinking water.

157. Still *other* PFAS from the landfill make their way into stormwater runoff. When it rains, water penetrates the surface of Catoosa County's landfill and picks up silt contaminated with PFAS just below the surface. The now-PFAS-contaminated rainwater runs off. It streams down the surface of the landfill in channels that lead to basins, where the PFAS-contaminated silt is deposited. The silt, now piling up as sediment, contains concentrated PFAS. As the runoff water level rises, the water—now effectively decanted, with the silt left behind—overflows into stormwater channels and discharges into the nearest offsite waterway (stream, creek, river, etc.), which, here again, form part of the waters of the State of Georgia. Not all silt is left behind, of course; some floats out of the basins into the offsite waterway. So the offsite waterway, too, is contaminated with PFAS.

158. On information and belief, PFAS levels in stormwater runoff from Catoosa County's landfill far exceed EPA's limits for drinking water.

159. In short, PFAS Makers and Users have polluted Catoosa County's surface water, leachate, and groundwater, as well as the waters of the State of Georgia. In so doing, PFAS Makers and Users violated Georgia common law and statutory law.

160. Lastly, like all conventional landfills, Catoosa County's landfill releases methane gas. Solid waste decomposes as it is eaten by bacteria. Bacteria eat the waste's

carbon and release methane. When methane levels get high enough, the gas must be collected, captured, and burned off (or "flared"). Otherwise, the landfill will develop dangerous pockets of combustible gas that can catch fire or explode without warning. To prevent fires and explosions, Catoosa County collects the methane in pipes, pumps it to a flare station, and burns it off. But flaring does not destroy PFAS. Instead, it releases the PFAS into the air, where it is carried across Northwest Georgia, threatening the health of everyone who inhales it. The released PFAS also rises to contaminate clouds (a process called "seeding" the clouds), so that they release PFAS back to earth in toxic rain.

161. By polluting Catoosa County's surface water, leachate, groundwater, and methane gas with PFAS, PFAS Makers and Users have created a continuing nuisance.

VI. To abate the harm to public health, safety, and welfare, Catoosa County must contain, capture, and destroy PFAS Makers' and Users' PFAS—all damages for which PFAS Makers and Users are strictly liable

162. Further, by polluting Catoosa County's surface water, leachate, groundwater, and methane gas, and the waters of the State of Georgia, PFAS Makers and Users have acted as a direct and existing cause of damage to Catoosa County.

163. Under Georgia law, environmental-cleanup costs qualify as special pecuniary damages conferring standing to maintain a public-nuisance claim arising out of environmental contamination. Catoosa County will incur costs into the future in remediating its landfill by containing, capturing, and destroying PFAS Makers' and Users' PFAS.

164. The County must act now to address these problems. EPA has not specified a manner of disposing of PFAS, which is not surprising, as EPA seldom prescribes disposal methods; and when it does it often takes years. But EPA has now joined the International

Agency for Research on Cancer in declaring that some forms of PFAS are hazardous wastes that cause cancer. EPA has also declared that some forms of PFAS destroy organs and damage children's immune systems. And EPA has said that some forms of PFAS have no safe level of exposure. Further, EPA has warned that PFAS accumulate in animals, humans, and the environment.

165. Moreover, as noted, 3M advised its customers, including PFAS Users, *not* to dispose of PFAS in ordinary municipal landfills. Again, a Materials Safety Data Sheet that 3M gave its customers *in 1986* warned that PFOA should be incinerated or sent to landfills designed to handle hazardous chemicals. But neither 3M, nor Shaw, nor Mohawk, passed this warning along to Catoosa County. The County is entitled to recover the cost of remediating its landfill—as well as the landfill's surface water, leachate, groundwater, and methane gas—by containing, capturing, and destroying PFAS Makers' and Users' PFAS.

166. This task is urgent. Every part per trillion of PFAS that migrates from Catoosa County's landfill into the waters of the State of Georgia creates a bigger toxicity crisis in Northwest Georgia. Catoosa County cannot sit on its hands one day, much less years, waiting for EPA to provide a roadmap for containing, capturing, and destroying the PFAS.

167. Under Georgia's Water Quality Control Act, Catoosa County is entitled to recover immediately from PFAS Makers and Users the cost of containing, capturing, and destroying their PFAS. Indeed, Catoosa County is entitled to recover whether PFAS Makers and Users caused *or permitted* PFAS to be deposited into the waters of the State of Georgia intentionally, negligently, *or accidentally*.

168. Under the Act, "[a]ny person who intentionally, negligently, *or accidentally* causes or *permits* any toxic, corrosive, acidic, caustic, or bacterial substance or substances to be spilled, discharged, or deposited in the waters of the state, except by providential cause, in amounts, concentrations, or combinations which are harmful to the public health, safety, or welfare, or to animals, birds, or aquatic life, shall be strictly liable in damages to the state and any political subdivision thereof [including the County] for any and all costs, expenses, and injuries occasioned by such spills, discharges, or deposits. … Damages to a political subdivision shall be recoverable in a civil action instituted by such subdivision."

169. Further, under the Act, "any person who intentionally or negligently causes or permits any sewage, industrial wastes, or other wastes, oil, scum, floating debris, or other substance or substances to be spilled, discharged, or deposited in the waters of the state, resulting in a condition of pollution," "shall be liable in damages to the state and any political subdivision thereof [again, including the County] for any and all costs, expenses, and injuries occasioned by such spills, discharges, or deposits." The amount of the damages "shall include, but shall not be limited to, any costs and expenses reasonably incurred by the state or any political subdivision thereof, as the case may be, in cleaning up and abating such spills, discharges, or deposits … Damages to a political subdivision shall be recoverable in a civil action instituted by such subdivision."

170. In short, under Georgia common law and statutory law, the County is entitled to recover the cost of containing and capturing the PFAS in and around the landfill. And the County is entitled to recover the cost of buying, installing, and operating a destruction module to destroy the PFAS. Otherwise, PFAS Makers and Users will have disposed of

their deadly waste in Catoosa County's landfill, and the waters and air of the State of Georgia, while leaving the County and its residents—who have no means to clean up the mess—holding the bag.

171. PFAS Makers and Users have made billions of dollars selling dangerous, PFAS-contaminated Scotchgard®, Stainmaster®, and Teflon®, which now course through the bloodstreams of those living in Northwest Georgia. PFAS Makers and Users must pay to abate their continuing nuisance and their harm to the public health, safety, and welfare.

COUNT ONE
Georgia Water Quality Control Act – Strict Liability
(All Defendants)

172. Plaintiff realleges all prior paragraphs as if fully stated here.

173. Under O.C.G.A. § 12-5-51(b), "[a]ny person who intentionally, negligently, or accidentally causes or permits any toxic, corrosive, acidic, caustic, or bacterial substance or substances to be spilled, discharged, or deposited in the waters of the state, except by providential cause, in amounts, concentrations, or combinations which are harmful to the public health, safety, or welfare, or to animals, birds, or aquatic life, shall be strictly liable in damages to the state and any political subdivision thereof for any and all costs, expenses, and injuries occasioned by such spills, discharges, or deposits. … Damages to a political subdivision shall be recoverable in a civil action instituted by such subdivision."

174. Each Defendant is a person within the meaning of O.C.G.A. § 12-5-51(b).

175. Catoosa County is a political subdivision of the State of Georgia.

176. Defendants intentionally, negligently, or accidentally caused or permitted PFAS to be deposited into the waters of the State of Georgia in amounts, concentrations, or combinations that are harmful to the public health, safety, or welfare.

177. PFAS are toxic substances within the meaning of O.C.G.A. § 12-5-51(b).

178. The amount of the damages under O.C.G.A. § 12-5-51(b) includes "any and all costs, expenses, and injuries occasioned by such spills, discharges, or deposits."

179. Defendants' conduct has occasioned damages to Plaintiff including, but not limited to, the costs and expenses stated in O.C.G.A. § 12-5-51(b).

COUNT TWO
Georgia Water Quality Control Act – Intent/Negligence
(All Defendants)

180. Plaintiff realleges all prior paragraphs as if fully stated here.

181. Under O.C.G.A. § 12-5-51(a), "[a]ny person who intentionally or negligently causes or permits any sewage, industrial wastes, or other wastes, oil, scum, floating debris, or other substance or substances to be spilled, discharged, or deposited in the waters of the state, resulting in a condition of pollution as defined by this article, shall be liable in damages to the state and any political subdivision thereof for any and all costs, expenses, and injuries occasioned by such spills, discharges, or deposits. … Damages to a political subdivision shall be recoverable in a civil action instituted by such subdivision."

182. Each Defendant is a person within the meaning of O.C.G.A. § 12-5-51(a).

183. Catoosa County is a political subdivision of the State of Georgia.

184. Defendants intentionally or negligently caused or permitted PFAS to be deposited into the waters of the State of Georgia, resulting in a condition of pollution as defined by Article 2 of Georgia Code Title 12, Chapter 5.

185. PFAS are industrial wastes or other substances within the meaning of O.C.G.A. § 12-5-51(a).

186. The amount of the damages under O.C.G.A. § 12-5-51(a) "shall include, but shall not be limited to, any costs and expenses reasonably incurred by the state or any political subdivision thereof, as the case may be, in cleaning up and abating such spills, discharges, or deposits, and any costs and expenses reasonably incurred in replacing aquatic life destroyed by such spills, discharges, or deposits."

187. As a result of Defendants' conduct, Plaintiff has incurred, and will continue to incur, damages including, but not limited to, the costs and expenses stated in O.C.G.A. § 12-5-51(a).

COUNT THREE
Negligence
(All Defendants)

188. Plaintiff realleges all prior paragraphs as if fully stated here.

189. As manufacturers, distributors, and/or suppliers of PFAS, PFAS Makers, who have superior knowledge of these chemicals, owed a duty to Plaintiff, which would be foreseeably harmed by their chemicals, to exercise due and reasonable care to prevent the disposal of PFAS onto Plaintiff's property.

190. PFAS Makers knowingly breached their duty of reasonable care owed to Plaintiff by supplying PFAS to PFAS Users without taking reasonable care to ensure that

PFAS Makers' chemicals would not contaminate Plaintiff's landfill when PFAS Users foreseeably disposed of their sludge, solid waste, and liquid waste in the landfill.

191. PFAS Makers knew or should have known that their manufacture, distribution, and/or supply of PFAS to PFAS Users would result in contamination of property, surface water, leachate, groundwater, and methane gas thereby endangering human health and property values. This PFAS contamination was reasonably foreseeable given PFAS Makers' knowledge of the dangers of PFAS, including their persistence and toxicity.

192. As users, disposers, and/or dischargers of PFAS, PFAS Users owed a duty to Plaintiff, as an entity that would be foreseeably harmed by these chemicals, to exercise due and reasonable care to prevent the disposal of PFAS onto Plaintiff's property, and into Plaintiff's surface water, leachate, groundwater, and methane gas.

193. PFAS Users knowingly breached their duty of reasonable care owed to Plaintiff by using, disposing of, and/or discharging PFAS without taking due care to ensure that they would not contaminate Plaintiff's property, surface water, leachate, groundwater, and methane gas.

194. PFAS Users knew or should have known that their use, disposal of, and/or discharge of PFAS would pollute Plaintiff's property, surface water, leachate, groundwater, and methane gas, thus endangering human health and the environment and damaging property values. This PFAS pollution was reasonably foreseeable given PFAS Users' knowledge of the dangers of PFAS, including their persistence and toxicity.

195. Plaintiff has a reasonable expectation that PFAS Makers and Users will not contaminate Plaintiff's property, surface water, leachate, groundwater, and methane gas.

196. As a direct, proximate, and foreseeable result of PFAS Makers' and Users' conduct, practices, actions, omissions, and inactions, Plaintiff has suffered, and will continue to suffer, damages arising from the PFAS contamination of its property, surface water, leachate, groundwater, and methane gas—including environmental-cleanup and abatement costs, real-property damages, and other damages to be proved at trial.

COUNT FOUR
Negligent Failure to Warn
(All Defendants)

197. Plaintiff realleges all prior paragraphs as if fully stated here.

198. As manufacturers, distributors, and/or suppliers of PFAS with superior knowledge of its hazards, PFAS Makers had a duty to warn PFAS Users of the dangers associated with PFAS, including the existence and extent of the risks PFAS pose to human health and the environment and the inability of conventional wastewater-treatment facilities to remove these chemicals. This duty extended to those foreseeably and unreasonably harmed by PFAS, including Plaintiff, a reasonably foreseeable third party.

199. PFAS Makers had a duty to warn of the dangers associated with PFAS that is commensurate with the inherently dangerous, harmful, toxic, injurious, environmentally persistent, water-soluble, highly mobile, and bioaccumulative nature of these chemicals.

200. PFAS Makers knew, foresaw, anticipated, and/or should have known, foreseen, and/or anticipated that their manufacture, distribution, and/or supply of PFAS to PFAS Users without adequate warnings of its hazards and disposal requirements, and/or other acts and omissions as described in this complaint, would likely result in the improper disposal of PFAS in Plaintiff's landfill.

201. Despite knowing, anticipating, and/or foreseeing of the persistent, bioaccumulative, toxic, and/or otherwise harmful and/or injurious nature of PFAS, PFAS Makers breached their duties to PFAS Users, and Plaintiff, by failing to warn PFAS Users and Plaintiff of the dangers associated with PFAS and PFAS' use and disposal.

202. As users, disposers, and/or dischargers of PFAS, PFAS Users had a duty to warn Plaintiff, as the owner of the landfill receiving their PFAS-laden waste, of the dangers associated with PFAS, including the existence and extent of the risks they knew or should have known that PFAS pose to human health and the environment.

203. PFAS Users knew, foresaw, anticipated, and/or should have known, foreseen, and/or anticipated that disposing of PFAS in Plaintiff's landfill without adequate warnings of its hazards, and/or other acts and omissions described here, would result in contamination of Plaintiff's property, surface water, leachate, groundwater, and methane gas. Therefore, PFAS Users had a duty to warn Plaintiff of these dangers.

204. Despite knowing, anticipating, and/or foreseeing the persistent, bioaccumulative, toxic, and/or otherwise harmful and/or injurious nature characteristics of PFAS, PFAS Users breached their duties to Plaintiff by failing to warn Plaintiff of the existence and extent of the dangers associated with PFAS.

205. It was reasonably foreseeable to Defendants that Plaintiff would suffer the harm described in this complaint because of Defendants' breach of their duty to warn.

206. But for Defendants' negligent failure to warn, Plaintiff would not have been injured or harmed. Furthermore, as described throughout this complaint, Defendants' acts and/or omissions were done maliciously or with knowledge of a high probability of harm

and reckless indifference to the consequences to Plaintiff, which foreseeably would be harmed by Defendants' acts and/or omissions.

207. As a direct, proximate, and foreseeable result of Defendants' conduct, practices, actions, omissions, and inactions, Plaintiff has suffered, and will continue to suffer, damages arising from the contamination of its property, surface water, leachate, groundwater, and methane gas, and other damages to be proved at trial.

COUNT FIVE
Wanton Conduct and Punitive Damages
(All Defendants)

208. Plaintiff realleges all prior paragraphs as if fully stated here.

209. As manufacturers, distributors, suppliers, users, disposers and/or dischargers of PFAS, PFAS Makers and PFAS Users owed a duty to Plaintiff to exercise due and reasonable care to prevent the disposal of PFAS onto Plaintiff's property, and into its surface water, leachate, groundwater, and methane gas.

210. Plaintiff has a reasonable expectation that Defendants will not contaminate Plaintiff's property, surface water, leachate, groundwater, and methane gas.

211. In breaching these duties and performing the other tortious acts and omissions described above, Defendants showed willful misconduct, malice, fraud, wantonness, oppression, or that entire absence of care that would raise the presumption of conscious indifference to the consequences.

212. Defendants knew or should have known that their distribution, sale, use, disposal, and/or discharge of PFAS would result in contaminated property, surface water,

leachate, groundwater, and methane gas, thereby endangering human health and the environment. Such harm was foreseeable.

213. Defendants acted, or failed to act, knowingly, willfully, wantonly, or with conscious disregard and indifference to the rights and safety of others, knowing that their actions and inactions would harm, or were substantially certain to harm, Plaintiff.

214. Punitive damages should be imposed on Defendants in an amount sufficient to punish, penalize, and deter them from repeating such willful and wanton conduct.

COUNT SIX
Attorney Fees and Expenses
(All Defendants)

215. Plaintiff realleges all prior paragraphs as if fully stated here.

216. Because Defendants have acted in bad faith in the underlying transactions or occurrences, have been stubbornly litigious, and have put Plaintiff to unnecessary trouble and expense, they are subject to liability for reasonable attorney's fees and expenses of litigation as a part of damages recoverable by Plaintiff.

COUNT SEVEN
Public Nuisance
(All Defendants)

217. Plaintiff realleges all prior paragraphs as if fully stated here.

218. PFAS Makers have created, caused, or contributed to a continuing public nuisance by polluting Catoosa County's property, surface water, leachate, groundwater, and methane gas with PFAS, which are constantly migrating onto Catoosa County's property, and into its surface water, leachate, groundwater, and methane gas. PFAS Makers acted as a direct and existing cause of damage to Plaintiff.

219. PFAS Users created, caused, or contributed to a continuing public nuisance by disposing of PFAS in a manner that they knew or should have known would result in the ongoing contamination of Plaintiff's property, surface water, leachate, groundwater, and methane gas, and the water and air of the State of Georgia. PFAS Users acted as a direct and existing cause of damage to Plaintiff.

220. Under O.C.G.A. §§ 41-1-1 and 41-1-2, the PFAS contamination caused by Defendants has unreasonably interfered with, and continues to interfere with, a right common to the general public—the use and enjoyment of air, land, surface water, and groundwater—unimpaired by Defendants' PFAS pollution.

221. The public nuisance damages, hurts, or inconveniences all who come within its sphere of operation. The harm caused by Defendants' conduct is not fanciful, or such as would affect only one of fastidious taste; rather, Defendants' conduct is such that it affects all ordinary, reasonable persons. *See* O.C.G.A. § 41-1-1.

222. Under O.C.G.A. § 41-1-3, Plaintiff suffered, and will continue to suffer, special damages from Defendants' pollution because it directly affects Plaintiff's property. The PFAS have invaded, and are constantly invading, Plaintiff's property, surface water, leachate, groundwater, and methane gas, and have interfered with Plaintiff's use and enjoyment of its property.

223. The nuisance created by Defendants is continuing because the PFAS contamination remains in Plaintiff's landfill and is constantly migrating onto Catoosa County's property, and into its surface water, leachate, groundwater, and methane gas.

224. To the extent that the nuisance is not abatable and will continue indefinitely, Plaintiff may recover all future damages, including permanent lost property value.

225. As a direct result of the public nuisance caused by Defendants, Plaintiff has suffered, and will continue to suffer, damages arising from the PFAS contamination of its property, including, but not limited to: (1) the diminished value of the property; (2) interference with Plaintiff's use and enjoyment of the property; (3) upset, annoyance, and inconvenience; (4) environmental-cleanup and abatement costs of, among other things, containing, capturing, and destroying PFAS; and (5) other damages to be proved at trial.

RELIEF DEMANDED

226. Plaintiff respectfully requests that this Court grant the following relief:

a) judgment in favor of Catoosa County;

b) damages in an amount to be determined by a jury sufficient to cover Plaintiff's past and future damages and out-of-pocket expenses;

c) statutory damages assessed under O.C.G.A § 12-5-51 against all Defendants, jointly and severally, in an amount to be determined, past and future, plus interest and costs;

d) punitive damages;

e) attorney fees and costs and expenses incurred in connection with litigating this matter; and

f) such other relief as this Court may deem just, proper, and equitable.

JURY DEMAND

Plaintiff demands a trial by jury on all issues of this cause.

Respectfully submitted, this 17th day of January, 2025.

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