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11 Attorneys for Plaintiff

12 **IN THE UNITED STATES DISTRICT COURT**

13 **DISTRICT OF ARIZONA**

14 **State of Arizona,**

15 **Plaintiff,**

16 **v.**

17 **TUCSON ELECTRIC POWER**
18 **COMPANY, an Arizona Corporation**

19 **Defendant.**

No. _____

COMPLAINT

**Cost Recovery Under the
Comprehensive Environmental
Response, Compensation, and
Liability Act;
Declaratory Judgment; and,
Cost Recovery Under the Arizona Water
Quality Assurance Revolving Fund**

20 Plaintiff State of Arizona, Arizona Department of Environmental Quality alleges:

21 **I. NATURE OF THIS ACTION**

22 1. Plaintiff State of Arizona (“State”) is a sovereign state of the United States
23 of America.

24 2. The Arizona Department of Environmental Quality (“ADEQ”) is an agency
25 of the State and was established in 1986 pursuant to A.R.S. § 49-102(A).

1 3. This is a civil action brought by the State, pursuant to the Comprehensive
2 Environmental Response, Compensation, and Liability Act of 1980, as amended
3 (“CERCLA”), 42 U.S.C. §§ 9601 *et seq.* and pursuant to supplemental state law causes of
4 action under the Water Quality Assurance Revolving Fund (“WQARF”) A.R.S. § 49-281
5 *et seq.* This action is brought to recover necessary costs of response incurred or to be
6 incurred by Plaintiff to respond to a Release or threat of a Release of hazardous
7 substances at and from the Broadway Pantano WQARF Registry Site #100053-00 in
8 Tucson, Pima County, Arizona.

9 4. The Broadway Pantano Landfill (“Site”), as defined herein, encompassing
10 approximately 150 acres located in east-central Tucson, Pima County, Arizona and is
11 approximately bounded by Speedway Boulevard to the north, Pantano Wash to the east,
12 Calle Madero to the south (south of Broadway Boulevard), and Craycroft Road or Kolb
13 Avenue for the portion of the Site to the south of Broadway Boulevard and includes the
14 geographical areal extent of contamination as depicted on the map attached hereto as
15 Exhibit 1.

16 5. The Site comprises the Broadway South and Broadway North Landfills.
17 The Broadway South Landfill was operational from approximately 1953 to 1959, and the
18 Broadway North Landfill was operational from approximately 1959 to 1972.

19 6. The Broadway Pantano WWQARF Registry Site is a Site as that term is
20 defined in 42 U.S.C. § 9601 and A.R.S. § 49-281(14), and is also a Facility as defined in
21 42 U.S.C. § 9601(9) and A.R.S. § 49-281(6).

22 7. During the period between 1953 and 1972, two landfills were operational at
23 the Site which accepted hazardous industrial wastes from various entities. The Site was
24 originally a “wildcat” dump and later developed into two separate landfills. The
25 Broadway South Landfill was initially operated by Pima County and then by Sanitary
26

1 District No. 1 of Pima County. The Broadway North Landfill was jointly operated by
2 Sanitary District No. 1 of Pima County and the City of Tucson, and later jointly operated
3 by Pima County and the City of Tucson. During this time, various hazardous wastes
4 generators arranged for those wastes to be transported to the landfills. Some of the
5 hazardous substances have migrated from the landfills and contaminated the drinking
6 water aquifer underneath the landfills. Additionally, some of the hazardous substances
7 have migrated off-site from the landfills, further spreading contamination.

8 **II. JURISDICTION AND VENUE**

9 8. This Court has exclusive and original jurisdiction over all CERCLA claims
10 42 U.S.C. §§ 9607 and 9613(b). Additionally, this Court has federal question jurisdiction
11 over the subject matter and the Parties under 28 U.S.C. §§ 1331 and 1391. This Court has
12 supplemental jurisdiction over state law (WQARF, A.R.S. §§ 49-285 and 49-292) claims
13 pursuant to 28 U.S.C. § 1367(a) because they arise out of a common nucleus of operative
14 facts and are so related to the federal question claims that they form a part of the State's
15 federal (CERCLA) claims.

16 9. Pursuant to 42 U.S.C. § 9613(b) (CERCLA §113(b)) and 28 U.S.C. §
17 1391(b), proper venue lies with the United States District Court for the District of
18 Arizona Tucson division because the releases of hazardous substances occurred in Pima
19 County, Arizona.

20 10. After this action is filed, the State will mail copies of this Complaint to the
21 Attorney General of the United States and to the Administrator of the United States
22 Environmental Protection Agency, in accordance with Section 113(l) of CERCLA, 42
23 U.S.C. § 9613(l).

1 **III. PLAINTIFF**

2 11. Plaintiff State of Arizona is a State of the United States of America. This
3 action has been brought on behalf of the ADEQ.

4 **IV. DEFENDANT**

5 12. Tucson Electric Power Company (“TEPC”) is an Arizona Corporation
6 located in Tucson, Arizona. It is the successor in interest for Tucson Gas & Electric
7 Company which owned portions of the Site during the time hazardous wastes came to be
8 placed thereon. Defendant TEPC, owned a portion of the Landfill and granted Pima
9 County permission to extend its landfilling activities on this property.

10 **V. ALLEGATIONS APPLICABLE TO ALL COUNTS AND PARTIES**

11 13. CERCLA, also commonly referred to as “Superfund”, was enacted by the
12 United States Congress in 1980 to create a comprehensive approach to identifying and
13 remediating sites containing hazardous substances. Congress determined that strict and
14 retroactive liability for the costs of remediating such sites should be imposed upon: (1)
15 those who currently own or operate the sites, or those who had owned or operated the
16 sites during a previous time of disposal of any hazardous substances; (2) those who
17 generated hazardous substances which were disposed of at the sites; (3) those who
18 arranged for disposal of hazardous substances at the sites; and (4) those who transported
19 hazardous substances to the sites if they selected the site for disposal. *See* Section 107(a)
20 of CERCLA, 42 U.S.C. § 9607(a).

21 14. Congress further provided that these persons would be strictly liable for all
22 costs of remediating the sites containing hazardous substances even if at the time of the
23 disposal these persons may have been complying with existing laws. CERCLA’s strict
24 liability scheme imposes liability without the need to prove causation upon all persons
25 who fall within CERCLA’s definition of Responsible Parties. *See* 42 U.S.C. § 9607(a).

1 This liability is for all costs of remediation upon each responsible party, unless that
2 responsible party can affirmatively demonstrate divisibility of harm.

3 15. The Arizona WQARF superfund statutory scheme was enacted in its
4 current form in 1998 and parallels CERCLA in most of its provisions, the main
5 difference being liability under WQARF is strict and several only.

6 16. Defendant is an Owners as defined in 42 U.S.C. § 9601(20), 9607(a)(2),
7 and A.R.S. § 49-283(A)(1).

8 17. The Defendant is a Person within the meaning of Section 101(21) of
9 CERCLA, 42 U.S.C. § 9601(21), and A.R.S. § 49-201(26), and as used in Section 107(a)
10 of CERCLA, 42 U.S.C. § 9607(a) and A.R.S. § 49-283.

11 18. The Defendant is a Responsible Party as that term is defined in 42 U.S.C. §
12 9607(a) and A.R.S. § 49-283(B) (3) for the releases and threatened releases of hazardous
13 substances from the Site. Under 42 U.S.C. § 9607(a) and A.R.S. § 49-285, Defendant is
14 strictly and severally liable to the State for all removal, response, and remedial action
15 costs incurred and to be incurred by the State in connection with the release and
16 threatened release of hazardous substances on and from the Site.

17 19. Defendant caused events and transactions that included: owning or
18 operating the Site when the hazardous substance was placed or came to be located in or
19 on the facility, and knowingly permitted others to dispose of hazardous substances at the
20 site, all of which occurred in the State of Arizona, and which give rise to this action.

21 20. The substances released at the Site include halogenated volatile organic
22 compounds such as: TCE, PCE, and methylene chloride; their degradation byproducts
23 such as vinyl chloride and Cis-1, 2-dichloroethene; and, soil contaminants such as
24 arsenic, cadmium, chromium, copper, and beryllium. These substances are Hazardous
25 Substances as that term is defined in 42 U.S.C. § 9601(14), A.R.S. § 49-281(8) and as
26

1 used in 42 U.S.C. § 9607(a) and A.R.S. § 49-283 and which exist at the Site in
2 concentrations that exceed CERCLA and WQARF regulatory limits.

3 21. The Hazardous Substances were released from the Site as that term is
4 defined in 42 U.S.C. § 9601(22) and A.R.S. § 49-281(11).

5 22. The State has incurred and will continue to incur costs for Response and
6 Remedial Actions as those terms are defined in Sections 101(23), (24), and (25) of
7 CERCLA, 42 U.S.C. §§ 9601(23), (24), and (25), and in A.R.S. § 49-285 attributable and
8 as a result of the Releases and threatened Releases of Hazardous Substances on and from
9 the Site. These costs include the costs incurred as it investigates, monitors, surveys, tests,
10 and gathers information to identify the existence and extent of the release or threat of
11 release of hazardous substances and/or pollutants or contaminants; the source and nature
12 of the hazardous substances and/or pollutants or contaminants involved; and the extent of
13 any risk to the public health or welfare or the environment. In addition, the State has
14 expended funds for planning, legal, and other activities necessary and appropriate to
15 direct response actions and for enforcement purposes.

16 23. Pursuant to CERCLA 107(a), 42 U.S.C. § 9607(a), the Defendant is jointly
17 and severally liable to the Plaintiff for all removal, remedial, and response costs incurred
18 by the Plaintiff in connection with the Site.

19 24. Pursuant to A.R.S. § 49-285, the Defendant is strictly and severally liable to
20 the Plaintiff for their proportionate share of the removal, remedial and response costs
21 incurred by the Plaintiff in connection with the Site.

22 25. The State's removal, response, and remedial actions with respect to the
23 Releases and threatened Releases of Hazardous Substances on and from the Site have
24 been necessary and are not inconsistent with the National Contingency Plan, 40 C.F.R.
25
26

1 Part 300, Appendix B, within the meaning of 42 U.S.C. §§ 9605, and 9607(a) and comply
2 with A.R.S. § 49-282.06.

3 **VI. GENERAL ALLEGATIONS**

4 26. The Plaintiff seeks a judgment ordering the Defendant to reimburse
5 Plaintiff for the costs it has incurred and will incur in investigating, responding to,
6 removing and remediating the release or threat of release of hazardous substances.

7 27. The Plaintiff also seeks, pursuant to 28 U.S.C. §§ 2201 *et seq.*, a
8 declaratory judgment that the Defendant is liable for future costs to be incurred by the
9 Plaintiff for investigation, removal and remedial activities at the Site.

10 28. The Plaintiff further asserts supplemental state law claims pursuant to the
11 Arizona Environmental Quality Act, as amended, specifically A.R.S. §§ 49-281 *et seq.*,
12 seeking recovery of remediation costs incurred and to be incurred at the Site.

13 **VII. COUNT ONE**
14 **(CERCLA Cost Recovery)**

15 29. Plaintiff incorporates each and every allegation contained in paragraphs 1
16 through 48 of this Complaint as though fully set forth herein.

17 30. The Defendant is an owner of the Site within the meaning of Section 107(a)
18 of CERCLA, 42 U.S.C. § 9607(a).

19 31. The Defendant is strictly and severally liable for the costs incurred by
20 Plaintiff in responding to the releases of hazardous substances into the environment at the
21 Site.

22 WHEREFORE, having fully set forth their first cause of action, Plaintiff prays as
23 follows:

1 (a) That the Court enter judgment against the Defendant for all the costs
2 incurred by Plaintiff in responding to releases or threatened releases of hazardous
3 substances into the environment at the Site and from the Site.

4 (b) That the Court award Plaintiff prejudgment interest, and
5 post-judgment interest to which it is entitled under CERCLA § 107(a), 42 U.S.C. §
6 9607(a);

7 (c) That the Court award Plaintiff its expert and attorneys' fees and other
8 costs incurred in this action to the extent permitted by law; and

9 (d) That the Court grant such other and further relief as the Court deems
10 just and proper under the circumstances.

11 **VIII. COUNT TWO**

12 **(Declaratory Judgment under CERCLA)**

13 32. Plaintiff incorporates each and every allegation contained in paragraphs 1
14 through 51 of this Complaint as though fully set forth herein.

15 33. This second cause of action seeks a declaratory judgment pursuant to 28
16 U.S.C. §§ 2201 and 2202 to adjudicate a question of actual controversy between Plaintiff
17 and the Defendant.

18 34. Plaintiff has incurred and will continue to incur costs of response as a result
19 of releases of hazardous substances into the environment at the Site.

20 35. The Defendant is strictly and severally liable for the costs incurred and to
21 be incurred by Plaintiff pursuant to 42 U.S.C. § 9607. Pursuant to 28 U.S.C. § 2201,
22 Plaintiff is entitled to a declaration of their rights with respect to the Defendant.

23 WHEREFORE, having fully set forth their second cause of action, Plaintiff prays
24 as follows:
25
26

1 (a) That the Court enter judgment for Plaintiff declaring that the
2 Defendant is liable for all future response costs incurred by Plaintiff in responding to
3 releases of hazardous substances into the environment at the Site, and to the extent that
4 such future costs are ascertainable, that such amount be determined at the time of trial;

5 (b) That the Court award Plaintiff its expert and attorneys' fees and other
6 costs incurred in this action to the extent permitted by law; and

7 (c) That the Court grant such other and further relief as the Court deems
8 just and proper under the circumstances.

9 **IX. COUNT THREE**

10 **(WQARF Cost Recovery)**

11 36. Plaintiff incorporates each and every allegation contained in paragraphs 1
12 through 55 of this Complaint as though fully set forth herein.

13 37. Releases of hazardous substances into the environment have occurred at the
14 Site within the meaning of A.R.S. §§ 49-281, 49-201 and 49-283.

15 38. The Defendant is liable under A.R.S. § 49-283 as owner of the Site when
16 hazardous substances were placed or came to be located in or on the Site.

17 39. The Defendant is strictly and severally liable under A.R.S. § 49-285 for
18 their proportionate share of response costs incurred by the Plaintiff.

19 WHEREFORE, having fully set forth their third cause of action, Plaintiff prays as
20 follows:

21 (a) That the Court enter judgment against the Defendant to pay their
22 several share of the remedial action costs incurred by Plaintiff, the exact amount of such
23 costs to be determined at the time of trial;

24 (b) That the Court award Plaintiff its expert and attorneys' fees and other
25 costs incurred in this action to the extent permitted by law; and
26

1 (c) That the Court grant such other and further relief as the Court deems
2 just and proper under the circumstances.

3 **X. COUNT FOUR**

4 **(Declaratory Judgment under WQARF)**

5 40. Plaintiff incorporates each and every allegation contained in paragraphs 1
6 through 59 of this Complaint as though fully set forth herein.

7 41. Plaintiff has incurred and will continue to incur costs of response as a result
8 of releases of hazardous substances into the environment at the Site.

9 42. Plaintiff is entitled to a declaration of their rights with respect to the
10 Defendant regarding such costs.

11 WHEREFORE, having fully set forth their fourth cause of action, Plaintiff prays
12 as follows:

13 (a) That the Court enter judgment for Plaintiff declaring that the
14 Defendant is strictly and severally liable for their proportionate share of future response
15 costs incurred by Plaintiff in responding to releases of hazardous substances into the
16 environment at or from the Site, and to the extent that such future costs are ascertainable,
17 that such amount be determined at the time of trial;

18 (b) That the Court award Plaintiff its expert and attorneys' fees and other
19 costs incurred in this action to the extent permitted by law; and

20 (c) That the Court grant such other and further relief as the Court deems
21 just and proper under the circumstances.

22 **XI. PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff requests that this Court enter judgment against the Defendant:

24 A. For recovery of its costs incurred in responding to Releases or Threatened
25 Releases of hazardous substances at or from the Site as provided under the
26

1 Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §
2 9601 *et seq.*;

3 B. For a declaratory judgment that the State will continue to incur costs of a
4 response as the result of releases of hazardous substances at the Site and the Defendant is
5 liable for those costs and to the extent that such costs can be determined, that such
6 amount be determined at the time of trial.

7 C. For recovery of its costs incurred in responding to Releases or threatened
8 Releases of hazardous substances at or from the Site as provided under the Water Quality
9 Assurance Revolving Fund, A.R.S. § 49-281 *et seq.*;

10 D. For the Plaintiff's costs; and,

11 E. Such other additional relief as may be appropriate as this Court may deem
12 appropriate.

13 RESPECTFULLY SUBMITTED this 11th day of February, 2025.

14
15 Kristin Mayes
Attorney General

16
17 /s/ Jeffrey D. Cantrell
18 Jeffrey D. Cantrell
19 Assistant Attorney General
20 Office of the Arizona Attorney General
Environmental Enforcement Section
21
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CERTIFICATE OF SERVICE

On the 11th day of February, 2025, the foregoing was filed with the Arizona District Court Clerk's Office using the CM/ECF System. A copy of the foregoing was mailed via electronic mail to the following parties:

Mitch Klein
Snell & Wilmer
1 East Washington Street, Suite 2700
Phoenix, Arizona 85004
mjklein@swlaw.com

A copy of the foregoing was mailed, via First Class U.S. Mail to the following parties:

The Honorable Lee S. Zeldin, Administrator
United States Environmental Protection Agency
Executive Communications Office
Mail Code A-101
Ariel Rios Building
401 M Street, S.W.
Washington, D.C. 20460-2601

The Honorable Pam Bondi.
U.S. Attorney General
U.S. Department of Justice
Constitution Avenue & Tenth Street N.W.
Washington, D.C. 20530-0001

Cheree Peterson
Acting Regional Administrator, Region 9
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105-3901

/s/Guinevere Lee Cassidy

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS State of Arizona(b) County of Residence of First Listed Plaintiff Maricopa

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

AZ Attorney General 2005 N Central Ave PHX, AZ 85004 602-542-7912

DEFENDANTS TUCSON ELECTRIC POWER COMPANYCounty of Residence of First Listed Defendant Pima

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Mitch Klein Shell & Wilmer PHX AZ**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input checked="" type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. §§ 9601 et seq.Brief description of cause:
Cost recovery under CERCLA**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

02/11/2025

SIGNATURE OF ATTORNEY OF RECORD

/s/Jeffrey D. Cantrell

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.