IN THE SUPERIOR COURT OF GORDON COUNTY
STATE OF GEORGIA

MOSS LAND COMPANY, LLC, and REVOCABLE LIVING TRUST OF WILLIAM DARRYL EDWARDS, by and through WILLIAM DARRYL EDWARDS, TRUSTEE, *Plaintiffs*, v. CITY OF CALHOUN, GEORGIA; 3M COMPANY; DAIKIN AMERICA, INC.; E.I. DU PONT DE NEMOURS AND COMPANY; THE CHEMOURS COMPANY; INV PERFORMANCE SURFACES, LLC; ARROWSTAR, LLC; ALADDIN MANUFACTURING CORPORATION; MOHAWK CARPET, LLC; MOHAWK INDUSTRIES, INC.; SHAW INDUSTRIES, INC.; SHAW INDUSTRIES GROUP, INC.; MILLIKEN & COMPANY; MANNINGTON CARPETS INC.; THE DIXIE GROUP, INC.; and MARQUIS INDUSTRIES, INC.; *Defendants*.	Civil Action No. _____ TRIAL BY JURY REQUESTED

COMPLAINT

Plaintiffs Moss Land Company, LLC, ("Moss") and the Revocable Living Trust of William Darryl Edwards ("Edwards"), by and through William Darryl Edwards, Trustee, (collectively "Plaintiffs"), file this Complaint against Defendants, City Of Calhoun, Georgia; 3M Company; Daikin America, Inc.; E.I. Du Pont de Nemours and Company; The Chemours Company; Arrowstar, LLC; Aladdin Manufacturing Corporation; Mohawk Carpet, LLC; Mohawk Industries,

Inc.; Shaw Industries, Inc.; Shaw Industries Group, Inc.; Milliken & Company; Mannington Carpets Inc.; The Dixie Group, Inc.; and Artisans, Inc., and allege as follows:

STATEMENT OF THE CASE

1. Plaintiffs have been damaged and continue to be damaged due to the wrongful acts and omissions by Defendants that have caused toxic per and-polyfluoroalkyl substances ("PFAS") to be discharged onto their properties.

2. Plaintiffs are owners of property in Gordon County, Georgia, which has been contaminated by PFAS in sewage sludge dumped on their properties by Defendant City of Calhoun. As a direct and proximate result of the Defendants' wrongful acts and omissions, Plaintiffs have been damaged by the presence of toxic levels of PFAS on their property.

3. Defendants Aladdin Manufacturing Corporation, Mohawk Carpet, LLC, Mohawk Industries, Inc.; Shaw Industries, Inc., Shaw Industries Group, Inc., Milliken & Company, Engineered Floors, LLC, Mannington Carpets Inc., The Dixie Group, Inc., and Marquis Industries, Inc. (collectively, "Carpet Manufacturers"), have operated carpet mills in Calhoun, Georgia, and have used products from Defendants 3M Company ("3M"), Daikin America, Inc. ("Daikin"), E.I. Du Pont de Nemours and Company ("DuPont"), The Chemours Company ("Chemours"), INV Performance Surfaces, LLC, and Arrowstar, LLC ("Arrowstar") (collectively, "PFAS Manufacturing Defendants"), containing various PFAS in their manufacturing processes to provide soil resistance and water resistance to their carpet. These chemicals used in the carpet manufacturing processes have been and are being discharged in wastewater to the Calhoun Water Pollution Control Plant ("WPCP"). The wastewater sent to the WPCP contains high levels of PFAS, which resist degradation during processing at the WPCP and are concentrated in the sludge

disposed of by Calhoun. The sludge from the Calhoun WPCP has for many years been disposed of by land application on the properties of the Plaintiffs, with nearly 28,000 tons applied to the Moss property. Plaintiffs had no knowledge that the sludge applied to their property contained PFAS until Moss Land Company, LLC, received a notice letter threatening a suit for PFAS discharges from its property by the Southern Environmental Law Center in November 2023.

4. The PFAS Manufacturing Defendants have provided various formulations containing PFAS to the Carpet Manufacturers in Calhoun, and the PFAS Manufacturing Defendants and the Carpet Manufacturers knew or should have known that the PFAS would be discharged from the carpet manufacturing facilities into a wastewater treatment facility that would not remove PFAS, and that some PFAS would remain in sludge land applied by Calhoun on Plaintiffs' properties.

5. As a result of the Defendants' negligent acts and omissions and the creation of a public nuisance, Plaintiffs seek compensatory damages to the fullest extent allowed by Georgia law. Plaintiffs have suffered damages, including, but not limited to, diminution of the value of their properties. In addition, based on the PFAS Manufacturing Defendants' and the Carpet Manufacturers' intentional, willful, wanton, reckless, malicious, and oppressive misconduct, Plaintiffs are seeking recovery of punitive damages against these Defendants. If the jury determines that the public nuisance is abatable, then Plaintiffs seek abatement of the PFAS contamination of their properties.

JURISDICTION AND VENUE

6. Jurisdiction is proper in this Court under Article 6, Section IV, Par. 1 of the Georgia Constitution.

7. Plaintiffs assert no federal cause of action.

8. The property of the Plaintiffs which has been damaged by the wrongful acts of Defendants is located in Gordon County, Georgia, and the wrongful acts of Defendants, which caused the damage to Plaintiffs' property, took place within Gordon County.

9. Personal jurisdiction over non-resident Defendants is proper in this Court, pursuant to O.C.G.A. § 9-10-91, because Defendants have conducted substantial business in this state, and Defendants have caused harm to Plaintiffs residing in this state. Further, most of the non-resident Defendants are registered to do business in the State of Georgia and consented to the jurisdiction of Georgia Courts.

10. Venue is proper in this Court because Plaintiff's causes of action originated in Gordon County and because at least one of Defendants has an office and transacts business in Gordon County.

11. Venue is proper in this Court as to any Defendants that do not have an office in Gordon County because Defendants are joint tortfeasors with those Defendant(s) that have an office and transact business in Gordon County, Georgia.

12. An *Ante Litem* notice was served on the City of Calhoun, Georgia, by Plaintiffs on December 5, 2023. Calhoun responded on January 11, 2024, but did not settle the claim..

PARTIES

13. Plaintiff Moss Land Company, LLC, is a Georgia limited liability company which owns approximately 2,700 acres of land in Gordon County located on Pine Chapel Road bordering the Coosawattee River on which the City of Calhoun has land applied sludge contaminated with PFAS.

14. Plaintiff Revocable Living Trust of William Darryl Edwards ("Edwards") owns 102 acres of land in Gordon County on which the City of Calhoun has land applied sludge contaminated with PFAS. William Darryl Edwards is the Trustee of the Trust.

15. Defendant City of Calhoun, Georgia, is a municipal corporation organized under the laws of the State of Georgia. Calhoun owns and operates a sewer system and a WPCP which accepts industrial wastewater from industrial users, including Defendant Carpet Manufacturers, which has contained PFAS.

16. Defendant 3M Company ("3M") is a foreign corporation authorized to do business in the State of Georgia, that, at all times relevant hereto, has conducted business in the State. Defendant 3M has for many years manufactured and supplied products containing PFAS to carpet mills in Calhoun, Georgia.

17. Defendant Daikin America, Inc. ("Daikin") is a foreign corporation with its headquarters in New York, that, at all times relevant hereto, has conducted business in the State of Georgia. Defendant Daikin has for many years manufactured and supplied products containing PFAS to carpet mills in Calhoun, Georgia.

18. Defendant E.I. du Pont de Nemours and Company ("Dupont") is a foreign corporation authorized to do business in the State of Georgia and, at all times relevant hereto, has conducted business in this State. Defendant DuPont has manufactured and supplied PFAS to one or more of the Carpet Manufacturers in Calhoun named in this action and/or to other PFAS Manufacturing Defendants who supplied PFAS to Carpet Manufacturers in Calhoun.

19. Defendant INV Performance Surfaces, LLC, is a foreign corporation authorized to do business in the State of Georgia and, at all times relevant hereto, has conducted business in this

State. Defendant INV Performance Surfaces has manufactured and supplied PFAS to one or more of the Carpet Manufacturers in Calhoun named in this action.

20. Defendant ArrowStar, LLC ("ArrowStar") is a Georgia limited liability company that, at all times relevant hereto, has conducted business within this State. Defendant ArrowStar has manufactured and supplied PFAS to one or more of the Carpet Manufacturers in Calhoun named in this action.

21. Defendant Aladdin Manufacturing Corporation ("Aladdin") is a foreign corporation authorized to do business in the State of Georgia, and, at all times relevant hereto, has conducted business in this State. Defendant Aladdin is the owner and operator of multiple facilities that manufacture carpet and various floor products, including facilities in Calhoun, which, upon information and belief, have discharged industrial wastewater containing PFAS into the Calhoun WPCP.

22. Defendant Mohawk Carpet, LLC ("Mohawk Carpet") is a foreign limited liability company authorized to do business in the State of Georgia and, at all times relevant hereto, has conducted business in this State. Defendant Mohawk Carpet is the owner and operator of multiple floor covering and carpet manufacturing facilities located in and around Calhoun, Georgia, which, upon information and belief, have discharged industrial wastewater containing PFAS into the Calhoun WPCP.

23. Defendant Mohawk Industries, Inc. ("Mohawk Industries") is a foreign corporation authorized to do business in the State of Georgia and, at all times relevant hereto, has conducted business within this District. Defendant Mohawk Industries is the owner and operator of multiple floor covering and carpet manufacturing facilities located in and around Calhoun, Georgia, which,

upon information and belief, have discharged industrial wastewater containing PFAS into the Calhoun WPCP.

24. Defendant Milliken & Company ("Milliken") is a foreign corporation authorized to do business in the State of Georgia and, at all times relevant hereto, has conducted business within this State. Defendant Milliken is the owner and operator of floor covering and textile manufacturing facilities located in and around Calhoun, Georgia, which, upon information and belief, have discharged industrial wastewater containing PFAS into the Calhoun WPCP.

25. Defendant Shaw Industries, Inc. is a domestic corporation and a wholly-owned subsidiary of Shaw Industries Group, Inc. (collectively, "Shaw") and, at all times relevant hereto, has conducted business within this District. Defendant Shaw is the owner and operator of multiple facilities located in and around Calhoun, Georgia, which manufacture, coat, and dye carpets, rugs, and other soft surface products and which, upon information and belief, have discharged industrial wastewater containing PFAS into the Calhoun WPCP.

26. Defendant The Dixie Group, Inc. ("Dixie") is a foreign corporation authorized to do business in the State of Georgia and, at all times relevant hereto, was conducting business in this State. Defendant Dixie is the owner and operator of carpet and textile manufacturing facilities located in and around Calhoun, Georgia which, upon information and belief, have discharged industrial wastewater containing PFAS into the Calhoun WPCP.

27. Defendant Marquis Industries, Inc., is a Georgia corporation and, at all times relevant hereto, was conducting business in this State. Defendant merged with Artisans, Inc., in 2005, and is the surviving entity of that merger. Defendant Marquis is the owner and operator of a

carpet manufacturing facility in Calhoun, Georgia, which, upon information and belief, has discharged industrial wastewater containing PFAS into the Calhoun WPCP.

FACTUAL ALLEGATIONS

Carpet Manufacturers' Discharges to Calhoun's WPCP

28. Calhoun, Georgia is the second largest center for carpet production in the United States after Dalton, Georgia.

29. For at least thirty (30) years Defendant Carpet Manufacturers have operated carpet manufacturing facilities in and around Calhoun. During this time, the Carpet Manufacturers have used products containing various PFAS sold by the PFAS Manufacturing Defendants in their manufacturing process to provide soil resistance and water resistance to carpet. Upon information and belief, these chemicals have been and are being discharged in wastewater to the Calhoun WPCP by the Defendant Carpet Manufacturers.

30. The Calhoun WPCP treats domestic sewage, as well as industrial process wastewater received from various Industrial Users, via screening, grit removal, basin aeration, secondary clarification, chlorination, dichlorination and post aeration. Up to 16 million gallons per day of treated effluent is discharged from the Calhoun WPCP to the Oostanaula River via a wastewater Outfall 001. The WPCP's treatment process generates sludge which is dewatered and land applied on various real properties in the region including those of the Plaintiffs.

31. Because Calhoun's WPCP lacks the technology to remove PFAS from this wastewater, and Calhoun does not require its Industrial Users to remove these industrial chemicals before discharging wastewater to the Calhoun WPCP, PFAS accumulates in the sludge generated by the WPCP. This PFAS contaminated sludge from the WPCP has been land applied on Plaintiffs'

properties, causing high levels of PFAS contamination in the soils, groundwater and surface water on the properties.

32. PFAS, including but not limited to Perfluorooctanoic Acid ("PFOA"), Perfluorooctanesulfonate ("PFOS"), and Perfluorobutanesulfonate ("PFBS"), accumulate in the sludge generated by the WPCP, because the WPCP receives wastewater from the Defendant Carpet Manufacturers, who use PFAS in their manufacturing processes and, based on information and belief, discharge PFAS contaminated wastewater to the Calhoun WPCP.

Persistence and Toxicity of PFAS

33. PFAS are a large group of man-made chemicals that do not occur naturally in the environment. Due to their strong carbon-fluorine bonds, PFAS are extremely stable and repel both oil and water and are resistant to heat and chemical reactions. As a result of these properties, PFAS are used to treat carpet to confer soil, water and/or oil resistance.

34. The stable carbon-fluorine bonds that make PFAS such pervasive industrial and consumer products also result in their persistence in the environment. PFAS do not readily biodegrade, and when they do, they degrade to extremely persistent PFAS, such as PFOA and PFOS, for which there is no known environmental breakdown mechanism, so they remain in the environment indefinitely. PFAS are readily absorbed into biota and tend to bioaccumulate with repeated exposure. PFAS are also highly mobile and water soluble, and leach from soil to groundwater, making groundwater and surface water particularly vulnerable to contamination. A major source of human exposure to PFAS is through ingestion of contaminated drinking water.

35. PFOA and PFOS are the most studied PFAS, and, while they have been largely phased out by industry, they are persistent and remain in wastewater treatment processes for a long

time, including at the Calhoun WPCP. Past applications of sludge contaminated with PFOA and PFOS on Plaintiffs' properties will continue to contaminate the soil, groundwater and surface water on their properties for decades, if not longer, after initial disposal of the sludge.

36. When humans ingest PFAS, they bind to plasma proteins in the blood and are readily absorbed by and distributed throughout the body. The liver and kidneys are important binding and processing sites for PFAS, resulting in physiologic changes to these and other organs. Because of strong carbon-fluorine bonds, PFAS are stable to metabolic degradation, resistant to biotransformation, and have long half-lives in the body. These toxic chemicals accumulate in the body and cause long-term physiologic alterations and damage to the blood, liver, kidneys, immune system, and other organs. For instance, PFOS crosses the placenta in humans, accumulates in amniotic fluid, and has been detected in the umbilical cord blood of babies.

37. The human diseases caused by exposure to PFAS include cancer, immunotoxicity, thyroid disease, ulcerative colitis, and high cholesterol. The association between exposure to these chemicals and certain cancers has been confirmed by the C8 Health Project, an independent Science Panel charged with reviewing the evidence linking certain PFAS to diseases based on its research on the Mid-Ohio Valley population exposed to certain PFAS as a result of releases from an E. I. du Pont de Nemours and Company chemical plant in Parkersburg, West Virginia.

38. The C8 Science Panel identified kidney cancer and testicular cancer as having a "probable link" to PFOA exposure in the Mid-Ohio Valley population. Epidemiological studies of workers exposed to PFOA on the job support the association between PFOA exposure and both kidney and testicular cancer, and they further suggest associations with prostate and ovarian cancer and non-Hodgkin's lymphoma. Rodent studies also support the link with cancer. Most of a United

States Environmental Protection Agency ("EPA") Science Advisory Board expert committee recommended in 2006 that PFOA be considered "likely to be carcinogenic to humans." The C8 Science Panel has also found probable links between exposure to certain PFAS and pregnancy-induced hypertension, ulcerative colitis, and high cholesterol.

39. The International Agency for Research on Cancer ("IARC") has classified PFOA as a possible human carcinogen.

40. PFAS immunotoxicity has been demonstrated in a wide variety of species and models, including humans, in recent years. For instance, in 2016, the U.S. Department of Health and Human Service's National Toxicology Program ("NTP"), after conducting a systematic review of the evidence pertaining to PFAS exposure and immune-related health effects, concluded that PFOA and PFOS constitute a hazard to immune system function in humans.

41. On May 19, 2016, the EPA published lifetime Drinking Water Health Advisories for PFOA and PFOS ("May 2016 EPA Health Advisories" or "Health Advisories"). The Health Advisory for PFOA and PFOS was set at 0.07 micrograms per liter ("µg/L"), or 70 parts per trillion ("ppt") for each or a combination of both compounds.

42. The federal Agency for Toxic Substances and Disease Registry ("ATSDR") issued an updated draft Toxicological Profile for Perfluoroalkyls in 2018, which found, *inter alia,* strong associations between PFAS exposure and several adverse health outcomes, including pregnancy-induced hypertension, liver damage, increased serum lipids, thyroid disease, and immunotoxicity.

43. On June 15, 2022, EPA issued interim lifetime Drinking Water Health Advisories for PFOA (0.004 ppt), PFOS (0.02 ppt), and PFBS (2,000 ppt). For PFOA and PFOS, these levels are far below the level of detection for these compounds in drinking water.

44. On September 6, 2022, EPA proposed to designate PFOA and PFOS as Hazardous Substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"). 87 Fed. Reg. 54415 (Sept. 6, 2022). In making these proposed designations, EPA explained that it was taking such action "based on significant evidence that PFOA and PFOS may present a substantial danger to human health and welfare and the environment." This designation is likely to be finalized in the next few months.

45. On March 14, 2023, EPA found that PFOA and PFOS are highly toxic, classified as likely carcinogens in humans, and has proposed drinking water standards (Maximum Contaminant Levels or MCLs) at 4 parts per trillion (nanograms per liter), which is essentially the detection limit of these compounds in drinking water. EPA's proposed Maximum Contaminant Level Goals for PFOA and PFOS are zero, because these compounds are considered likely carcinogens. These rules will likely be finalized in the next few months.

46. Several studies conclude that PFAS may pose a risk to human health at any level, and that the only safe level of PFAS exposure is zero.

Defendants' Knowledge of the Toxicity and Persistence of PFAS

47. The PFAS Manufacturing Defendants have long been aware of the persistence and toxicity of PFAS, including PFOA and PFOS. These Defendants nonetheless knowingly and intentionally sold these chemicals to the Carpet Manufacturers without adequate warnings of their dangers when they knew or should have known they would be improperly disposed of and discharged into the Calhoun WPCP, where they inevitably concentrate in the sludge, which disposal has resulted in PFAS contamination of Plaintiffs' properties.

48. 3M invented PFAS, first producing them by electrochemical fluorination in the 1940s. 3M began producing PFAS as raw materials or ingredients that it used to produce other products, or that it sold to third parties for use in other products. 3M went on to market PFAS and products containing PFAS, and it shipped PFAS to manufacturers throughout the United States and worldwide, including to the Defendant Carpet Manufacturers. 3M exclusively manufactured PFOS and related chemicals for use on carpet until 2000.

49. 3M knew as early as 1960 that chemical wastes from its PFAS manufacturing facilities that were dumped to landfills would likely leach into groundwater and otherwise enter the environment. An internal memo from 1960 described 3M's understanding that such wastes "[would] eventually reach the water table and pollute domestic wells."

50. The PFAS Manufacturing Defendants have also known for years that PFAS persist in the environment and accumulate in the bodies of humans, fish, and animals. For instance, blood tests of 3M workers conducted 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 15-20 years, had elevated [organic fluorine levels] above literature normals." A 1979 3M study of fish caught by the Wheeler Dam (26 miles downstream from the 3M manufacturing plant in Decatur, Alabama) showed that these chemicals bioaccumulate in fish.

51. The PFAS Manufacturing Defendants have also known for years that PFOA, PFOS, and related chemicals are toxic. For instance, a 1978 3M study of the effects of fluorochemical compounds on Rhesus monkeys was terminated after 20 days because all the monkeys died as a

result of exposure to the fluorochemicals. In 1983, a team of 3M toxicologists recommended broad testing regarding the effects of 3M's fluorochemicals on the environment and human beings.

52. A 1997 Material Safety Data Sheet ("MSDS") 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." The MSDS cited "1983 and 1993 studies conducted jointly by 3M and DuPont" as support for this statement.

53. The PFAS Manufacturing Defendants have known for years that the disposal of PFAS through conventional land application is unsafe. For instance, an MSDS produced by Defendant 3M in 1986 warned that PFOA should be disposed of only through incineration or at specially designed, properly lined landfills for hazardous chemicals, not dumped onto the ground or mixed with soil for farming.

54. The PFAS Manufacturing Defendants have known for years that PFAS are not effectively treated by conventional wastewater treatment plant processes and are discharged to surface waters in the effluent and accumulate in the sludge from wastewater treatment processes. For example, in 1978, 3M found that the bacteria in wastewater treatment plants would not biodegrade PFOA or PFOS. In 2001, 3M found high concentrations of these chemicals in effluent and sludge as a result of discharges from 3M to the Decatur Utilities wastewater treatment plant in Decatur, Alabama. Both 3M and Defendant Daikin have been aware since the early 2000s that their Decatur, Alabama, manufacturing properties are contaminated with PFAS from the disposal of wastewater treatment plant sludge on the property years earlier by 3M. Daikin has also been aware since at least 2000 that its own wastewater sludge contains PFAS.

55. In 2006, 3M agreed to pay a $1.5 million civil penalty for failure to disclose information to EPA about the health risks and environmental persistence of PFAS chemicals.

56. 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, showing that PFOA bioaccumulates.

57. By the early 1980s, DuPont and 3M were sharing their respective internal studies concerning the health and environmental effects associated with PFOA-exposure but did not make this information public.

58. In 1987, H.A. Smith of DuPont's Manufacturing Division-Safety, Energy & Environmental Affairs office requested that DuPont's Haskell Laboratory establish acceptable levels of PFOA in the blood and in drinking water. On March 9, 1988, DuPont first recommended a drinking water limit for PFOA of 1 part per billion ("ppb"). DuPont adopted this guideline in June 1991.

59. In 1996, DuPont and 3M jointly commissioned private studies exposing Rhesus monkeys to PFOA and, by 1998, both companies became aware of severe health effects in the animals studied, with even the lowest-exposed group suffering adverse health effects. The researchers concluded there was no safe level of exposure to PFOA in primates at which adverse health effects would not occur.

60. In 2005, DuPont agreed to pay a $10.25 million civil penalty for failure to disclose information to EPA about the health risks and environmental persistence of PFAS chemicals.

61. In 2000, under EPA pressure, 3M agreed to phase out the production of PFOS, which was an ingredient in and precursor to products sold to the carpet industry. 3M also stopped manufacturing PFOA in 2002. Other companies continued to make and use PFOA and chemical formulations containing PFOA until EPA took regulatory action under the Toxic Substances Control Act ("TSCA") to limit the future manufacture of PFOA, PFOS, and related chemicals. In response, the PFAS Manufacturing Defendants undertook to develop and manufacture and supply to the carpet industry certain "Short-Chain" PFAS; that is, PFAS with six or fewer carbon atoms, instead of eight carbon atoms, like PFOA and PFOS. The PFAS Manufacturing Defendants and the Carpet Manufacturers are aware that these Short-Chain PFAS are, like PFOA and PFOS, persistent and not subject to biodegradation, and that they accumulate in human blood. Likewise, Defendants are aware that Short-Chain PFAS are toxic and known to cause cancer in animal studies.

62. Upon information and belief, the PFAS Manufacturing Defendants and the Carpet Manufacturers have long been aware of the persistence and toxicity of PFAS, at least as a result of communications among the PFAS Manufacturing Defendants, between the PFAS Manufacturing Defendants and the Carpet Manufacturers, and with other users of these chemicals and trade associations, as well as the EPA. At least since 2000, the persistence and toxicity of PFAS have been widely published.

63. Upon information and belief, the PFAS Manufacturing Defendants and the Carpet Manufacturers knew or should have known that, in their intended and/or common use, products containing PFAS would very likely cause harm and injury, and/or threaten public health and the environment.

64. Upon information and belief, the PFAS Manufacturing Defendants and the Carpet Manufacturers knew or should have known that PFAS are mobile and persistent, bioaccumulative, biomagnifying and toxic. These Defendants nonetheless concealed their knowledge from the public and government agencies resulting in the contamination of the Calhoun sludge with PFAS.

65. Upon information and belief, the instructions and warnings supplied with the PFAS products sold by the PFAS Manufacturing Defendants to the Carpet Manufacturers did not adequately disclose the nature and extent of the dangers associated with the use and disposal of PFAS.

Contamination of Plaintiffs' Properties with PFAS

66. As part of Calhoun's sludge treatment, handling, transport, and disposal program, Calhoun land applied sludge to Plaintiff Moss Land Company's property for over twenty years, disposing of nearly 28,000 dry tons of sludge, approximately 70% of that generated by Calhoun. The land application of sludge by Calhoun continued until 2023. In addition to Moss property, Calhoun land applied sludge on the Edwards property and other properties in Calhoun and Gordon County beginning in the 1990s.

67. Significant amounts of PFAS-contaminated sludge remain on Plaintiffs' properties, contaminating soil, groundwater and surface water, rendering these properties unfit for use as farmland. The continued presence of this toxic sludge also creates a risk of harm to human health and renders these properties unfit for residential or commercial uses.

68. The PFAS contamination on Plaintiffs' properties has also exposed them to legal liability, such as the lawsuit threatened by the Southern Environmental Law Center, and the risk of enforcement from regulatory agencies, which may seek to compel Plaintiffs to remove PFAS

from their properties in order to prevent discharges of PFAS to the Coosawattee River. When the designation of PFOA and PFOS as hazardous substances under CERCLA is finalized, Plaintiffs' properties may become "Superfund" sites with expensive remediation orders by the EPA.

69. The PFAS contamination of Plaintiffs' properties has totally interfered with Plaintiffs' use and enjoyment of their properties substantially diminishing their value. It is highly unlikely that anyone would purchase these properties with the toxic PFAS contamination and potential environmental liabilities.

70. As a direct and proximate result of Defendants' contamination of the Plaintiffs' properties with PFAS, Plaintiffs have suffered real property damages, including, but not limited to: (1) the diminution in value of their property; (2) interference with and loss of use and enjoyment of their property; and (3) upset, annoyance and inconvenience.

COUNT ONE:
NEGLIGENCE
(ALL DEFENDANTS)

71. Plaintiffs repeat, re-allege and incorporate by reference the common allegations of this Complaint as though fully set forth herein.

72. As manufacturers, distributors, and/or suppliers of PFAS, the PFAS Manufacturing Defendants, who have superior knowledge of these chemicals, owed a duty to Plaintiffs, as persons who would be foreseeably harmed by their chemicals, to exercise due and reasonable care to prevent the disposal and discharge of toxic PFAS onto their properties.

73. The PFAS Manufacturing Defendants knowingly breached their duty of reasonable care owed to Plaintiffs by supplying PFAS to users, including the Carpet Manufacturers, without

exercising reasonable care to ensure that their chemicals would not contaminate properties as a result of the disposal of wastewater treatment sludge.

74. The PFAS Manufacturing Defendants knew or should have known that their manufacture, distribution, and/or supply of PFAS to users, including the Carpet Manufacturers, would result in contamination of property, soil, groundwater and surface water, thereby endangering human health and property values. This PFAS contamination was reasonably foreseeable in light of the Defendants' knowledge of the dangers of PFAS, including its persistence and toxicity.

75. As users, disposers and/or dischargers of PFAS, Defendant Carpet Manufacturers owed a duty to Plaintiffs, as persons who would be foreseeably harmed by these chemicals, to exercise due and reasonable care to prevent the disposal and discharge of toxic PFAS onto Plaintiffs' properties, soil, groundwater and surface water.

76. Defendant Carpet Manufacturers knowingly breached their duty of reasonable care owed to Plaintiffs by using, disposing and/or discharging PFAS without exercising due care to ensure that these chemicals would not contaminate Plaintiffs' property, soil, groundwater and surface water.

77. Defendant Carpet Manufacturers knew or should have known that their use, disposal and/or discharge of PFAS would result in environmental pollution such as contaminated property, soil, groundwater and surface water, thereby endangering human health and the environment and damaging property values. This PFAS contamination was reasonably foreseeable in light of the Carpet Manufacturers' knowledge of the dangers of PFAS, including their persistence and toxicity.

78. As the party responsible for treatment of wastewater from the Carpet Manufacturers, including the disposal of sludge from the wastewater treatment process, Defendant the City of Calhoun owed a duty to Plaintiffs, as persons who would be foreseeably harmed by this sludge, to exercise due and reasonable care to prevent the disposal and discharge of toxic PFAS onto Plaintiffs' properties, soil, groundwater and surface water.

79. Defendant City of Calhoun knew or should have known that their disposal of sludge containing PFAS would result in environmental pollution such as contaminated property, soil, groundwater and surface water, thereby endangering human health and the environment and damaging property values. This PFAS contamination was reasonably foreseeable in light of information and test results available to Calhoun at least since 2009.

80. Defendant City of Calhoun knowingly breached its duty of reasonable care owed to Plaintiffs by using, disposing and/or discharging PFAS without exercising due care to ensure that these chemicals would not contaminate Plaintiffs' property, soil, groundwater and surface water.

81. Plaintiffs have a reasonable expectation that the PFAS Manufacturing Defendants, the Carpet Manufacturers, and the City of Calhoun will not contaminate their property, soil, groundwater and surface water with PFAS.

82. As a direct, proximate, and foreseeable result of the PFAS Manufacturing Defendants,' the Carpet Manufacturer's, and Calhoun's conduct, practices, actions, omissions, and inactions, Plaintiffs have suffered, and will continue to suffer, damages arising from the PFAS contamination of their properties, including real property damages, and other damages to be proved at trial.

COUNT TWO:
NEGLIGENCE PER SE
(CALHOUN AND CARPET MANUFACTURERS)

83. Plaintiffs repeat, re-allege and incorporate by reference the common allegations of this Complaint as though fully set forth herein.

84. The City of Calhoun owed a duty to Plaintiffs under Part II.A.10 of Permit No. GA0030333 issued by the Georgia Department of Natural Resources, Environmental Protection Division, to the Calhoun WPCP, pursuant to the Georgia Water Quality Control Act ("GWQCA"), O.C.G.A. §§ 12-5-20, *et seq.*, to "take all reasonable steps to minimize or prevent any discharge or sludge disposal which might adversely affect human health or the environment."

85. Defendant Carpet Manufacturers owed a duty to Plaintiffs pursuant to the Georgia Water Quality Control Act ("GWQCA"), O.C.G.A. §§ 12-5-20, *et seq.*, and the City of Calhoun Code of Ordinances Sec. 94-146 to refrain from prohibited discharges of wastewater to the Calhoun WPCP, including (4) "[a]ny wastewater containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process or sludge disposal, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the wastewater treatment plant, or exceed the limitation set forth in a categorical pretreatment standard;" and (12) "[a]ny wastewater which causes a hazard to human life or creates a public nuisance."

86. Plaintiffs are within the class of persons that the GWQCA, the City of Calhoun's permit, and the City of Calhoun Code of Ordinances were designed to protect, and the harm sustained is the type of harm that these statutes, permit, and ordinances are designed to prevent.

87. Defendants breached these duties owed to Plaintiffs, and pursuant to O.C.G.A. § 51-1-6, under the circumstances, Defendants' breaches constitute negligence per se.

88. As a direct, proximate, and foreseeable result of Defendants' conduct, practices, actions, omissions, and inactions, Plaintiffs have suffered, and will continue to suffer, damages arising from the PFAS contamination of properties, including real property damages and other damages to be proved at trial.

COUNT THREE:
NEGLIGENT FAILURE TO WARN
(PFAS MANUFACTURING DEFENDANTS AND CARPET MANUFACTURERS)

89. Plaintiffs repeat, re-allege and incorporate by reference the common allegations of this Complaint as though fully set forth herein.

90. As manufacturers, distributors, and/or suppliers of PFAS with superior knowledge of its hazards, the PFAS Manufacturing Defendants had a duty to warn the purchasers and users of their PFAS products, including the Carpet Manufacturers, 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 to remove these chemicals. This duty extended to those who may be foreseeably and unreasonably harmed by PFAS, including Defendant Calhoun and the Plaintiffs, who are reasonably foreseeable third parties.

91. The PFAS Manufacturing Defendants 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 and highly mobile and bio-accumulative nature of these chemicals.

92. The PFAS Manufacturing Defendants knew, foresaw, anticipated, and/or should have known, foreseen, and/or anticipated that their manufacture, distribution, and/or supply of PFAS to users like the Carpet Manufacturers 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 Calhoun's sludge.

93. Despite knowing, anticipating, and/or foreseeing of the bio-persistent, bio-accumulative, toxic, and/or otherwise harmful and/or injurious nature of PFAS, and its inability to be effectively treated by wastewater treatment plants like the Calhoun's WPCP, the PFAS Manufacturing Defendants breached the foregoing duty owed to Plaintiffs by failing to warn the Carpet Manufacturers of the existence and extent of the dangers associated with PFAS and its use and disposal.

94. As users, disposers and/or dischargers of PFAS, the Carpet Manufacturers had a duty to warn Calhoun, as the owner of the WPCP receiving their PFAS-laden wastewater discharges, of the dangers associated with PFAS, including the existence and extent of the risks they knew or should have known that PFAS poses to human health and the environment and the inability of conventional wastewater treatment to remove these chemicals. This duty extended to those who may be foreseeably and unreasonably harmed by the Carpet Manufacturers' PFAS discharges, including Plaintiffs, who are reasonably foreseeable third parties.

95. The Carpet Manufacturers knew, foresaw, anticipated, and/or should have known, foreseen, and/or anticipated that their disposal and discharge of PFAS to Calhoun without adequate warnings of its hazards, and/or other acts and omissions as described in this Complaint, would

likely result in contamination of Calhoun's sludge with PFAS. Therefore, the Carpet Manufacturers had a duty to warn Calhoun of these dangers.

96. Despite knowing, anticipating, and/or foreseeing of the bio-persistent, bio-accumulative, toxic, and/or otherwise harmful and/or injurious nature characteristics of PFAS, and its inability to be effectively treated by wastewater treatment plants like Calhoun's, the Carpet Manufacturers breached the foregoing duty owed to Plaintiffs by failing to warn Calhoun of the existence and extent of the dangers associated with PFAS.

97. It was reasonably foreseeable to Defendants that Plaintiffs would suffer the injuries and harm described in this Complaint by virtue of Defendants' breach of their duty to warn.

98. But for Defendants' negligent failure to warn, Plaintiffs would not have been injured or harmed. Furthermore, as described throughout this Complaint, Defendants' acts and/or omissions were also done maliciously or with knowledge of a high degree of probability of harm and reckless indifference to the consequences to persons such as Plaintiffs who foreseeably might be harmed by Defendants' acts and/or omissions.

99. As a direct, proximate, and foreseeable result of Defendants' conduct, practices, actions, omissions, and inactions, Plaintiffs have suffered, and will continue to suffer, damages arising from the PFAS contamination of their properties, including, but not limited to, real property damages, and other damages to be proved at trial.

COUNT FOUR:
WANTON CONDUCT AND PUNITIVE DAMAGES
(PFAS MANUFACTURING DEFENDANTS AND CARPET MANUFACTURERS)

100. Plaintiffs repeat, re-allege and incorporate by reference the common allegations of this Complaint as though fully set forth herein.

101. As manufacturers, distributors, suppliers, users, disposers and/or dischargers of PFAS, the PFAS Manufacturing Defendants and the Carpet Manufacturers owed a duty to Plaintiffs to exercise due and reasonable care to prevent the disposal and discharge of toxic PFAS chemicals into wastewater thereby contaminating the sludge from the Calhoun WPCP that has been land applied to Plaintiffs' properties.

102. Plaintiffs have a reasonable expectation that Defendants will not contaminate Plaintiffs' property, soil, groundwater and surface water with PFAS.

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

104. Defendants knew or should have known that their distribution, sale, use, disposal and/or discharge of toxic PFAS chemicals would result in contaminated sludge disposal, thereby endangering human health and the environment. Such harm was foreseeable.

105. Defendants acted, or failed to act, knowingly, willfully or wantonly with conscious disregard and indifference to the rights and safety of others with knowledge that their actions and inactions would cause injury and harm to Plaintiffs.

106. 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 FIVE: ATTORNEY FEES AND EXPENSES (O.C.G.A. § 13-6-11)

107. Plaintiffs repeat, re-allege and incorporate by reference the common allegations of this Complaint as though fully set forth herein.

108. Because the Defendants have acted in bad faith in the underlying transactions or occurrences, have been stubbornly litigious, and have put the Plaintiffs 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 Plaintiffs.

COUNT SIX:
PUBLIC NUISANCE/DAMAGES
(ALL DEFENDANTS)

109. Plaintiffs repeat, re-allege and incorporate by reference the common allegations of this Complaint as though fully set forth herein.

110. Plaintiffs own farmland which was previously productive and valuable and was capable of being converted into high-value residential subdivisions.

111. Defendant Calhoun has created, caused or contributed to a continuing public nuisance by improperly disposing of sludge contaminated with PFAS on properties in and around Calhoun and Gordon County in a manner that has contaminated soils, groundwater, and surface waters with PFAS, as well as Calhoun's drinking water.

112. The PFAS Manufacturing Defendants concurrently have created, caused or contributed to a continuing public nuisance by improperly directing and/or instructing the purchasers and users of their PFAS products, including the Carpet Manufacturers, as to disposal requirements that these the PFAS Manufacturing Defendants knew or should have known would result in the contamination of soil, groundwater and surface waters in and around Calhoun and Gordon County, as well as Calhoun's drinking water.

113. The Carpet Manufacturers concurrently caused, created, or contributed to a continuing public nuisance by disposing of wastewater contaminated with PFAS in a manner that

they knew or should have known would result in the contamination of soil, groundwater and surface waters in and around Calhoun and Gordon County, as well as Calhoun's drinking water.

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

115. The public nuisance—the PFAS-contaminated sludge disposed on properties in Gordon County—damages, hurts or inconveniences all who come within the sphere of its 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 who use and enjoy the land and waters, including drinking water. *See* O.C.G.A. § 41-1-1.

116. Pursuant to O.C.G.A. §§ 41-1-3, Plaintiffs have suffered, and will continue to suffer, special damages from Defendants' PFAS pollution because it directly affects their individual properties. The PFAS contamination has invaded their soil, groundwater, and surface water and has interfered with their use and enjoyment of their property.

117. The nuisance created by the Defendants' conduct is continuing because the PFAS contamination remains on Plaintiffs' properties.

118. To the extent that the nuisance is not abatable and will continue indefinitely, Plaintiffs have the option either to treat the nuisance as temporary and sue for all those damages which have occurred within the past four years or to elect to sue for all future damages as well including permanent diminution of property value. *See Wise Business Forms, Inc. v. Forsyth County*, 893 S.E.2d 32, 38 (Ga., 2023)

119. As a direct result of the public nuisance caused by Defendants, Plaintiffs have suffered, and will continue to suffer, damages arising from the PFAS contamination of their properties, including, but not limited to: (1) the diminished value of their properties; (2) interference with their use and enjoyment of their properties; and (3) upset, annoyance and inconvenience.

COUNT SEVEN:
ABATEMENT OF PUBLIC NUISANCE
(ALL DEFENDANTS)

120. Plaintiffs repeat, re-allege and incorporate by reference the common allegations of this Complaint as though fully set forth herein.

121. Pursuant to O.C.G.A. §§ 41-2-1 and 41-2-2, Plaintiffs have the right to bring an action to abate the public nuisance caused by Defendants' manufacture, supply, disposal and/or discharge of PFOA, PFOS, and related PFAS, which has caused and continues to cause the contamination of Plaintiffs' properties.

122. In addition to their claims for damages, Plaintiffs are entitled to an injunction to abate the nuisance created and maintained by Defendants, who have concurrently caused, created, and/or contributed to the public nuisance. The public nuisance caused, created, and/or contributed to by the Defendants is set out in the previous section and in the common allegations of this Complaint.

123. To the extent that the nuisance is abatable, Plaintiffs request this Court to issue an order and decree requiring Defendants to remove their PFAS chemicals from the Plaintiffs' properties, based on the continuing irreparable injury to them posed by the continuing nuisance, for which there is no adequate remedy at law.

124. There is continuing irreparable injury to Plaintiffs if an injunction does not issue, as Defendants' PFAS disposed on Plaintiffs' property will continue to contaminate their soil, groundwater and surface waters and interfere with Plaintiffs' use and enjoyment of their property. Therefore, there is no adequate remedy at law.

RELIEF REQUESTED

WHEREFORE, Plaintiffs demand trial by jury and respectfully request that the Court grant the following relief:

(a) Award Plaintiffs damages in an amount to be determined by a jury sufficient to compensate them for real property damages, out of pocket expenses, lost profits and sales, and future expenses;

(b) Award Plaintiffs punitive damages;

(c) Award Plaintiffs attorney fees and costs incurred in connection with the litigation of this matter;

(d) Enjoin Defendants, jointly and severally, from maintaining the nuisance they have caused, created, and maintained;

(e) Enjoin Defendants, jointly and severally, requiring them to abate the nuisance they have caused, created, and maintained;

(f) Enjoin Defendants, jointly and severally, requiring them to remove their PFAS chemicals from the Plaintiffs' properties;

(g) Award such other relief and further relief as this Court deems just, proper, and equitable.

JURY DEMAND

Plaintiffs hereby demand a jury trial on all issues triable to a jury in this matter.

Respectfully submitted,

CAUSBY FIRM, LLC.

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This the 22nd day of January, 2024.