

**COMMONWEALTH OF KENTUCKY  
MARSHALL CIRCUIT COURT  
CASE NO. \_\_\_\_\_**

**RHONDA FRATZKE,**

**PLAINTIFF,**

**COMPLAINT AND JURY DEMAND**

**v.**

**WESTLAKE VINYLS, INC.;**  
**WESTLAKE PVC CORPORATION;**  
**WESTLAKE CHEMICAL CORPORATION;**  
**GOODRICH CORPORATION;**  
**LWD, INC.; and**  
**BLUEGRASS INCINERATION SERVICES, LLC,**

**DEFENDANTS.**

Plaintiff Rhonda Fratzke, by and through counsel and for her Complaint against Defendants Westlake Vynyls, Inc.; Westlake PVC Corporation; Westlake Chemical Corporation; Goodrich Corporation; LWD, Inc.; and Bluegrass Incineration Services, LLC, states as follows:

**I. NATURE OF THE ACTION**

1. This is a civil action for personal injuries caused by Plaintiff’s exposure to vinyl chloride monomer (“VCM” or “vinyl chloride”), ethylene dichloride (“EDC”), and other hazardous substances released into the ambient air from the Westlake Vynyls plant and the Westlake PVC plant (collectively, the “Westlake Plants”) in Calvert City, Marshall County, Kentucky, and from the Bluegrass Incineration Services, LLC (formerly LWD, Inc.) facility (the “Bluegrass Incineration Property”) located adjacent to or in the vicinity of the Westlake Plants.

2. From 1989 to 1997, Plaintiff Rhonda Fratzke resided within 1 mile of the Westlake Plants and the Bluegrass Incineration Property. During that period, she was chronically exposed to airborne emissions of vinyl chloride, ethylene dichloride, and other hazardous substances released from the Westlake Plants and the Bluegrass Incineration Property.

3. Vinyl chloride is a Group 1 human carcinogen as classified by the International Agency for Research on Cancer (“IARC”) and a “known human carcinogen” as classified by the United States Environmental Protection Agency (“EPA”). Vinyl chloride is uniquely and strongly associated with hepatic angiosarcoma — a rare and devastating vascular cancer of the liver. In the medical community, hepatic angiosarcoma is considered a “signature tumor” of vinyl chloride exposure.

4. Ethylene dichloride, also known as 1,2-dichloroethane, is a hazardous substance classified as a probable human carcinogen by the EPA. Ethylene dichloride is a colorless, oily liquid that volatilizes into ambient air at industrial temperatures and is used as a precursor compound in the manufacture of vinyl chloride. Chronic exposure to ethylene dichloride is associated with cancers of the liver, stomach, and other organs. The EPA has identified ethylene dichloride as a primary driver of community-level cancer risk in Calvert City.

5. Hepatic angiosarcoma is exceptionally rare, with only approximately 200 cases occurring worldwide each year. Because of its rarity, its causation in any individual patient cannot be determined without specialized medical evaluation by a qualified expert in occupational and environmental liver disease.

6. Plaintiff has been diagnosed with biopsy-proven hepatic angiosarcoma. Plaintiff’s chronic exposure to vinyl chloride, ethylene dichloride, and other hazardous substances released from the Westlake Plants and the Bluegrass Incineration Property at her residence in Calvert City was, more likely than not, a substantial contributing factor in her development of hepatic angiosarcoma.

7. As detailed below, hepatic angiosarcoma caused by vinyl chloride, ethylene dichloride, and other hazardous substance exposure is characterized by a long latency period between exposure and clinical manifestation of the disease. Plaintiff’s hepatic angiosarcoma did

not manifest until decades after her chronic, years-long exposure at her residence near the Westlake Plants. Following her diagnosis, Plaintiff exercised reasonable diligence in seeking medical evaluation, monitoring and reviewing publicly available information from regulatory authorities and public-health representatives, seeking information from publicly available sources, and engaging with counsel. The cause of her rare cancer was not reasonably knowable to a lay person in her circumstances without specialist medical evaluation by a qualified expert in environmental liver disease. Moreover, throughout the relevant period, Defendants have engaged in continuing concealment of material facts concerning the magnitude, frequency, pathways, and health risks of hazardous substance emissions from the Westlake Plants, preventing Plaintiff from discovering the full basis for her causes of action.

8. Plaintiff brings this action under Kentucky common law and Kentucky statutory law for the personal injuries she has sustained, including past and future medical expenses, past and future lost wages and lost earning capacity, past and future pain and suffering, loss of enjoyment of life, and punitive damages.

## II. PARTIES

### *A. Plaintiff*

9. Plaintiff Rhonda Fratzke is an adult individual currently residing at 990 Vicksburg Road, Tiline, Livingston County, Kentucky. From 1989 to 1997, Plaintiff resided at 4217 Gilbertsville Highway, Calvert City, Marshall County, Kentucky 42029, less than one mile from the Westlake Plants and the Bluegrass Incineration Property. Plaintiff has been diagnosed with biopsy-proven hepatic angiosarcoma. Plaintiff is a lay person without medical, scientific, toxicological, epidemiological, occupational health, or industrial chemistry training or expertise.

### ***B. Defendants***

10. Defendant Westlake Vinyls, Inc. (“Westlake Vinyls”) is a corporation registered to do business in the Commonwealth of Kentucky. Westlake Vinyls is the successor by merger to Westlake Monomers Corporation and Westlake CA&O Corporation, the Westlake entities that acquired and operated the EDC/VCM manufacturing operations and the chlor-alkali and olefins operations at the Calvert City site beginning in 1990 and 1997, respectively; on or about September 28, 2001, Westlake Monomers Corporation was merged into Westlake CA&O Corporation, and the surviving entity was renamed Westlake Vinyls, Inc. Westlake Vinyls owns and operates the Westlake Vinyls plant located at 2468 Industrial Parkway in Calvert City, Marshall County, Kentucky (the “Vinyls Plant”). The Vinyls Plant manufactures VCM and emits vinyl chloride, EDC, and other hazardous substances into the ambient air. According to the EPA, Westlake Vinyls is the largest single source of EDC air emissions in the United States. The Vinyls Plant emitted over 72,000 pounds of EDC in 2020 according to the EPA National Emissions Inventory (“NEI”), and emitted over 42,000 pounds of EDC in 2022 according to the EPA Toxics Release Inventory (“TRI”). The Vinyls Plant emitted over 85,000 pounds of vinyl chloride in 2020 according to the EPA NEI, and over 22,000 pounds of vinyl chloride in 2022 according to the EPA TRI. Westlake Vinyls maintains its primary manufacturing operations in Kentucky, employs a substantial Kentucky workforce, and conducted in Kentucky the conduct giving rise to Plaintiff’s causes of action.

11. Defendant Westlake PVC Corporation (“Westlake PVC”) is a corporation registered to do business in the Commonwealth of Kentucky. Westlake PVC owns and operates the Westlake PVC plant located at 230 Johnson Riley Road in Calvert City, Marshall County, Kentucky (the “PVC Plant”), adjacent to the Vinyls Plant. The PVC Plant manufactures polyvinyl chloride from vinyl chloride feedstock and emits vinyl chloride and other hazardous substances

into the ambient air. The PVC Plant emitted over 45,000 pounds of vinyl chloride in 2020 according to the EPA NEI, for combined emissions from the Westlake Plants of over 130,000 pounds of vinyl chloride in 2020. The PVC Plant emitted over 68,000 pounds of vinyl chloride in 2022 according to the EPA TRI. Together, the Westlake Plants constituted the largest source of vinyl chloride emissions in the United States according to the EPA NEI. Westlake PVC maintains its primary manufacturing operations in Kentucky, employs a substantial Kentucky workforce, and conducted in Kentucky the conduct giving rise to Plaintiff's causes of action.

12. Defendant Westlake Chemical Corporation (now known as Westlake Corporation, and referred to herein as "Westlake Chemical") is a corporation that is the corporate parent of Westlake Vinyls and Westlake PVC. In or about February 2022, Westlake Chemical Corporation rebranded as Westlake Corporation. On information and belief, Westlake Corporation is the successor in interest to Westlake Chemical Corporation. Westlake Chemical is a large multinational chemical manufacturer with the capacity to produce over 5 billion pounds per year of polyvinyl chloride resins in the United States at facilities located in Calvert City; Geismar, Louisiana; Plaquemine, Louisiana; and near Lake Charles, Louisiana. Westlake Chemical also has polyvinyl chloride manufacturing facilities in China and Germany. In 2022, Westlake Chemical had record sales of approximately \$15.8 billion and record net income of approximately \$2.25 billion. Westlake Chemical exercises operational and policy control over the Westlake Plants, including with respect to environmental compliance, emissions monitoring, regulatory reporting, and community relations. Through Westlake Vinyls and Westlake PVC, Westlake Chemical owns and operates the Westlake Plants located in Calvert City, Marshall County, Kentucky, maintains substantial and continuous operational presence in Kentucky, and conducted in Kentucky the conduct giving rise to Plaintiff's causes of action. (Westlake Vinyls, Westlake PVC, and Westlake Chemical are referred to collectively herein as the "Westlake Defendants.")

13. Defendant LWD, Inc. (“LWD”) is a Kentucky corporation that operated the Bluegrass Incineration Property in Calvert City, Marshall County, Kentucky from approximately the 1960s until approximately 2004. During this period, including throughout Plaintiff’s 1989–1997 residence in Calvert City, LWD conducted hazardous waste treatment, storage, and disposal operations at the Bluegrass Incineration Property, including the incineration of hazardous waste, and emitted vinyl chloride, ethylene dichloride, and other hazardous substances and their combustion products into the ambient air. LWD conducted in Kentucky the conduct giving rise to Plaintiff’s causes of action. According to the Kentucky Secretary of State’s website, LWD has been administratively dissolved but remains subject to suit under Kentucky law.

14. Defendant Bluegrass Incineration Services, LLC (“Bluegrass Incineration”) is a Kentucky limited liability company that, in or about 2004, took over operations of the Bluegrass Incineration Property (formerly known as the LWD incineration site) from LWD. On information and belief, Bluegrass Incineration is the successor in interest to LWD with respect to operations at the Bluegrass Incineration Property. Bluegrass Incineration operated the property as a commercial hazardous waste incinerator until October 2005, when it abandoned the property leaving behind substantial quantities of hazardous and non-hazardous waste. Bluegrass Incineration remains the title holder of the Bluegrass Incineration Property, which is currently designated as a Superfund site and which continues to emit hazardous substances into the ambient air. According to the Kentucky Secretary of State’s website, Bluegrass Incineration has been administratively dissolved but remains subject to suit under Kentucky law.

15. Defendant Goodrich Corporation (“Goodrich”), formerly known as The B.F. Goodrich Company, is a New York corporation with its principal place of business in Charlotte, North Carolina. Goodrich is a wholly-owned subsidiary of RTX Corporation, a Delaware corporation. Goodrich constructed and operated the chemical manufacturing complex at the

Calvert City site beginning in 1953 and operated the EDC/VCM manufacturing operations at the site until it sold those operations to a Westlake entity in March 1990. Goodrich retained ownership and operation of the ethylene plant, the chlor-alkali plant, and associated utilities at the site (the “CA&O Plant”) until it sold those operations to a Westlake entity in 1997. During Plaintiff’s 1989–1997 residence in Calvert City, Goodrich owned and operated the EDC/VCM manufacturing operations at the Calvert City site until March 1990, and the ethylene, chlor-alkali, and utilities operations it retained thereafter — sources from which vinyl chloride, EDC, and other hazardous substances were emitted into the ambient air, as further alleged below. Goodrich conducted in Kentucky the conduct giving rise to Plaintiff’s causes of action, transacts and has transacted business in Kentucky, and has owned, used, and possessed real property in Kentucky.

### III. JURISDICTION AND VENUE

16. This Court has subject-matter jurisdiction over this action pursuant to KRS 23A.010, which vests original jurisdiction in the Kentucky Circuit Courts over all civil actions for damages in excess of the statutory jurisdictional minimum. The amount in controversy exceeds the jurisdictional minimum.

17. This Court has personal jurisdiction over Defendants pursuant to KRS 454.210. Each Defendant transacts business in the Commonwealth of Kentucky, owns or operates property or industrial facilities in the Commonwealth of Kentucky, or has committed tortious acts in the Commonwealth of Kentucky that have caused injury within the Commonwealth.

18. Venue is proper in Marshall Circuit Court pursuant to KRS 452.460 because the Westlake Plants and the Bluegrass Incineration Property are located in Marshall County, Kentucky; the hazardous-substance releases that caused Plaintiff’s injuries occurred in Marshall County, Kentucky; and Plaintiff’s exposure to those releases occurred while she resided in Marshall County, Kentucky.

#### IV. FACTUAL ALLEGATIONS

##### *A. The Calvert City Plants: Ownership, Operation, and Emissions.*

19. The chemical manufacturing complex at the Calvert City site has been in operation since 1953. Goodrich constructed the first manufacturing unit at the site in 1953 to produce VCM, added units to produce EDC in the 1960s, and added a unit to produce chlorine in 1966, using EDC and chlorine as feedstocks to manufacture VCM. Goodrich owned and operated the EDC/VCM manufacturing operations at the site until March 1990, when it sold those operations to Westlake Monomers Corporation, and Goodrich retained and operated the ethylene, chlor-alkali, and utilities operations (including the wastewater treatment plant) at the site until 1997, when it sold those operations to Westlake CA&O Corporation. Accordingly, during Plaintiff's 1989–1997 residence in Calvert City, the manufacturing operations at the site that emitted vinyl chloride, EDC, and other hazardous substances were owned and operated first by Goodrich and then, in successive parts, by the Westlake Defendants. The Vinyls Plant still manufactures VCM, and the PVC Plant uses VCM feedstock to manufacture polyvinyl chloride.

20. Since at least the 1960s, the Calvert City site has been a significant point source for emissions of vinyl chloride, EDC, and other hazardous substances into the ambient air surrounding the facilities. These emissions have included routine emissions, fugitive emissions from leaking equipment and process points, and emissions from upset events and improperly operating control devices. The Westlake Plants emit vinyl chloride and EDC from multiple simultaneous emission points, including monitored fugitives in the monomers area, the south synthesis high point vent, EDC shore tanks, the oxy incinerator, the primary incinerator, the vinyl chloride flare, the equalization tank, and various other process equipment. In addition, releases of vinyl chloride into the soils and groundwater at the Westlake Plants have resulted in emissions into the air around the facilities.

21. In or about 1986, Goodrich installed groundwater extraction wells and a steam stripper at the Calvert City site to capture and treat groundwater contaminated with vinyl chloride and ethylene dichloride. Goodrich operated this groundwater extraction and treatment system with its own personnel until the 1997 closing and, under its facility-wide permit and corrective-action program, retained the obligation to operate that system thereafter. The system was designed to remove vinyl chloride, ethylene dichloride, and other volatile organic compounds from the contaminated groundwater.

22. On information and belief, Goodrich's continued ownership and operation of the retained utilities operations at the Calvert City site through the 1997 closing, including the wastewater treatment operations and the groundwater extraction and steam-stripping system that processed water and wastes containing vinyl chloride and ethylene dichloride, resulted in continued emissions of vinyl chloride, ethylene dichloride, and other volatile hazardous substances into the ambient air at and around the site through the remainder of Plaintiff's residence in Calvert City.

23. On or about September 29, 1989, Goodrich was issued a hazardous waste permit, No. KYD-006-370-167, covering the entire Calvert City facility under the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments. The permit established a facility-wide corrective-action program and imposed post-closure and corrective-action obligations addressing releases of hazardous substances at and from the site. Goodrich was, and at all relevant times remained, the named permittee responsible for that facility-wide program.

24. In January 1990, the EPA confirmed that Goodrich, as the permittee, remained responsible for the conditions of the facility-wide permit, including investigations and possible corrective measures for solid waste management units and releases of hazardous substances, including as to portions of the site transferred to other owners. Goodrich thus remained

responsible, at all relevant times, for corrective actions and post-closure activities at the Calvert City site under its facility-wide permit.

25. Investigations of the Calvert City site have identified numerous discrete units as sources of releases of ethylene dichloride, vinyl chloride, and other hazardous substances during the operating history of the site, including outdoor drum-storage areas associated with the EDC/VCM operations and process sewers and sumps associated with the manufacturing units.

26. Goodrich has consented to the entry of a judgment declaring it jointly and severally liable, as a former owner and operator of the Calvert City site at the time of the disposal of hazardous substances, for costs of responding to releases and threatened releases of hazardous substances at and from the site. *See United States v. Goodrich Corp.*, No. 5:20-cv-00154-TBR (W.D. Ky.).

27. From the March 1990 acquisition of the EDC/VCM manufacturing operations forward, and continuing through the remainder of Plaintiff's residence in Calvert City and to the present, the Westlake Defendants owned and operated the vinyl chloride and ethylene dichloride manufacturing operations at the Calvert City site that emitted vinyl chloride, ethylene dichloride, and other hazardous substances into the ambient air. The Westlake Defendants acquired the ethylene, chlor-alkali, and related utility operations in 1997 and have owned and operated the entire manufacturing complex continuously since that time. During the latter portion of Plaintiff's 1989–1997 residence, the Westlake Defendants thus owned and operated the operations principally responsible for the emission of vinyl chloride and ethylene dichloride at the site.

28. Vinyl chloride is a Group 1 human carcinogen as classified by IARC and a known human carcinogen as classified by EPA. It is a colorless gas with a sweet odor. It is uniquely and strongly associated with hepatic angiosarcoma, a rare and devastating vascular cancer of the liver.

29. The peer-reviewed medical and scientific literature establishes that hepatic angiosarcoma caused by exposure to vinyl chloride is characterized by a long latency period between exposure and clinical manifestation of the disease. The typical latency period is fifteen to thirty years, with some documented cases manifesting forty or more years after exposure ceased. The long latency between exposure and disease manifestation means that a person exposed to vinyl chloride during a defined exposure period may not develop, or be diagnosed with, hepatic angiosarcoma until decades after exposure has ended. During the latency period, the person harbors no clinical manifestation of the disease and thus has no clinical basis to investigate or attribute her future cancer to her past exposure.

30. EDC, or 1,2-dichloroethane, is a precursor compound used in the manufacture of vinyl chloride. EDC is a hazardous substance classified as a probable human carcinogen. The EPA has identified EDC as a primary driver of community-level cancer risk in Calvert City. EDC and vinyl chloride are both “hazardous substances” within the meaning of 42 U.S.C. § 9601(14) and CERCLA generally. EDC and vinyl chloride are also “toxic substances” as that term is used in 401 KAR 63:020, “air contaminants” as that term is defined in KRS § 224.1-010, and “hazardous substances” as that term is defined in KRS § 224.1-400.

31. Persons exposed to the simultaneous emissions of vinyl chloride, EDC, and other hazardous substances from the Westlake Plants are subjected to combined chemical exposure that, on information and belief, produces a greater carcinogenic risk than exposure to any single one of these chemicals alone. The carcinogenic effects of vinyl chloride and EDC, and the effects of other hazardous substances co-emitted from the Westlake Plants, are not independent risks but contribute together to the cumulative chemical exposure to which residents of the surrounding community are subjected.

32. Chronic exposure to even very low levels of EDC and vinyl chloride increases the risk of cancer, including cancers of the stomach, lung, and liver.

33. Vinyl chloride released at the Calvert City site migrated beyond the boundaries of the site into the surrounding environment and community.

34. Manufacturing operations at the Calvert City site released vinyl chloride, EDC, and other hazardous substances into the ambient air. Additional vinyl chloride, EDC, and other hazardous substances were released into the ambient air through routine venting, equipment leaks, relief-valve discharges, flaring, and similar releases incident to the manufacturing operations. The EPA previously cited Goodrich for discharging vinyl chloride from relief valves at its Calvert City EDC/VCM plant on at least twenty occasions between 1978 and 1982 in violation of federal air emission standards.

35. The operators of the Calvert City plants self-reported to the EPA the quantities of vinyl chloride and ethylene dichloride they released from the site each year. Those self-reported figures, which include releases directly into the ambient air, confirm that the plants discharged substantial quantities of both carcinogens into the air throughout Plaintiff's residence in Calvert City.

36. For 1989, Goodrich, then the owner and operator of the ethylene dichloride and vinyl chloride monomer operations, self-reported releasing into the air approximately 18,554 pounds of vinyl chloride (17,049 pounds as fugitive emissions and 1,505 pounds through stacks) and approximately 178,006 pounds of ethylene dichloride (31,428 pounds fugitive and 146,578 pounds through stacks) from the Calvert City site.

37. Beginning in 1990, the year the Westlake Defendants acquired the EDC/VCM operations, the vinyl chloride and ethylene dichloride air emissions from those operations were self-reported by Westlake Monomers Corporation, and the vinyl chloride emissions from the

polyvinyl chloride operations were self-reported by the Westlake Vinyls PVC plant. For the years 1990 through 1997, the vinyl chloride amounts set forth below reflect the combined amounts self-reported by the Westlake Monomers and Westlake PVC operations, and the ethylene dichloride amounts were self-reported by the Westlake Monomers operation. The self-reported annual air emissions for the Calvert City complex during Plaintiff’s residence were as follows:

<b>Year</b>	<b>Vinyl chloride (air, lbs)</b>	<b>Ethylene dichloride (air, lbs)</b>
1989 (Goodrich)	18,554	178,006
1990	70,000	443,000
1991	44,814	129,000
1992	33,238	23,284
1993	30,839	28,000
1994	31,542	28,300
1995	31,783	27,500
1996	33,497	26,323
1997	71,643	28,600

38. As these self-reported figures reflect, the Calvert City complex released tens of thousands of pounds of vinyl chloride into the air in every year of Plaintiff’s residence, from approximately 18,554 pounds in 1989 to approximately 71,643 pounds in 1997, and released far larger quantities of ethylene dichloride, including approximately 443,000 pounds in 1990 alone. A substantial portion of these releases were fugitive emissions, escaping at or near ground level from valves, vents, and process areas rather than from elevated stacks, and dispersing into the surrounding residential community, including the area where Plaintiff lived.

39. The magnitude of these self-reported releases placed the Calvert City complex among the largest sources of vinyl chloride air emissions in the United States. The complex’s combined self-reported vinyl chloride air emissions ranked among the ten highest of all reporting facilities in the nation in 1990, 1991, 1996, and 1997, and ranked fourth in the nation in 1997.

40. Manufacturing operations at the Calvert City site have also generated millions of pounds of waste materials over the course of their operation, including vinyl chloride, EDC, and benzene, which were disposed of at the site into unlined earthen ponds and an unlined burning pit. The soil and groundwater at the site became extensively contaminated as a result of these operations.

41. During the period of Plaintiff's residence from 1989 to 1997, Goodrich, the Westlake Defendants, and their predecessors in interest at the Westlake Plants operated the facilities continuously. These Defendants and their predecessors in interest possessed knowledge of the magnitude, frequency, and pathways of vinyl chloride, EDC, and other hazardous substance emissions from the Calvert City site, and of the carcinogenic risk those emissions posed to nearby residents, that materially exceeded the information disclosed to regulatory authorities and especially to members of the public, including Plaintiff.

42. During the period of Plaintiff's residence and continuing thereafter, capacity expansions at the Westlake Plants increased the magnitude of vinyl chloride and EDC emissions absent mitigation. For example, a capacity expansion at the PVC Plant in 1995–1996 increased reactor capacity by approximately fifty percent, from four reactors to six reactors. The addition of equipment and components in such an expansion increases fugitive emissions, and increases in production increased total vinyl chloride and EDC emissions.

43. In January 2024, EPA published the Calvert City Air Monitoring Report, which identified Westlake Vinyls as the largest single source of EDC air emissions in the United States and reported that approximately 96 percent of reported EDC emissions in Calvert City came from the Westlake Vinyls facility. The January 2024 EPA report found that air monitoring at multiple sites in Calvert City and the surrounding area showed elevated levels of volatile organic compounds (“VOCs”), and that the levels identified were estimated to result in elevated chronic

cancer risk over a 70-year lifetime of continuous exposure. EPA reported that, under the Clean Air Act, the agency generally strives to protect the greatest number of persons possible to an individual lifetime cancer risk level no higher than one in one million. Kentucky has a target risk for exposure to carcinogens of one in one million. *See* 401 KAR 100:030, Section 1(10). The calculated cancer risk at the LWD monitoring site — the air monitor closest to the major industrial facilities in Calvert City, located on the Bluegrass Incineration Property — was 1,000 in one million, 1,000 times the acceptable risk. The calculated cancer risk at the Johnson Riley Road site was 100 in one million, 100 times the acceptable risk. Both vinyl chloride and EDC contributed to the elevated cancer risk at the Calvert City monitoring sites.

44. The Westlake Plants have a notable history of non-compliance with air-emission regulations. In 2010, an EPA inspection identified numerous violations resulting in a consent decree, an \$800,000 civil penalty, and a requirement to develop a leak detection plan. In June 2019 and June 2020, Westlake entered into Consent Agreements with regulators arising from releases of EDC and vinyl chloride. In 2022, the United States Department of Justice and EPA filed a complaint and proposed consent decree against the Westlake Defendants concerning unlawful air emissions from the Westlake Plants and other Westlake facilities. The 2022 consent decree required Westlake to pay approximately \$1 million in civil penalties and to spend approximately \$110 million on equipment upgrades. State and federal regulators have separately fined the Westlake Plants for multiple instances of unauthorized vinyl chloride, EDC, and other hazardous substance emissions since at least 2010.

45. Air monitoring in Calvert City by the Kentucky Division of Air Quality (“KDAQ”) has long shown levels of EDC and vinyl chloride exceeding acceptable cancer risk levels. Between 2005 and 2007, KDAQ regulators installed five air-quality monitors in Calvert City, including one at Calvert City Elementary School, across the street from a day care center. By 2015,

approximately one quarter of the samples from the monitor closest to the Westlake Plants showed levels of EDC that violated EPA's and Kentucky's long-term cancer risk guidelines.

46. In 2017, EPA conducted a risk screening analysis using the air toxics data from the Calvert City monitors collected from 2011 to 2017. The analysis indicated elevated cancer risks at all five of the locations where samples were collected in Calvert City and the surrounding area, attributable principally to elevated levels of vinyl chloride and EDC. EPA and KDAQ took no action based on these dangerous chemical levels in the air and did not inform the public.

47. In 2020, EPA installed new air-quality monitors in Calvert City after conducting air modeling for EDC and vinyl chloride to identify the areas with the highest concentrations. EPA and KDAQ analyzed data from the new monitors, together with the existing monitor at Calvert City Elementary School, that was gathered from October 2020 to September 2021. The report of this monitoring was not completed and issued to the public until January 2024, more than two years after the monitoring period ended.

48. The Bluegrass Incineration Property is a 32-acre site located within the Calvert City Industrial Complex in Marshall County, Kentucky. The property operated initially as a landfill and later as a hazardous waste incinerator. Hazardous waste treatment, storage, and disposal operations at the property were conducted by LWD, Inc. beginning in the 1960s and continuing until approximately 2004, when the property was operated by Bluegrass Incineration Services, LLC. From approximately 1980 through mid-2004, the property operated under "Interim Status" designation by the EPA and the Commonwealth of Kentucky pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6925(e). Throughout Plaintiff's 1989–1997 residence in Calvert City, the property was actively operating as a commercial hazardous waste incinerator, burning hazardous waste from the Calvert City chemical plants, including the Westlake facilities, and from sources throughout the United States.

49. Bluegrass Incineration Services, LLC is the last entity to have owned and operated the Bluegrass Incineration Property. The property was abandoned in October 2005, leaving behind tons of hazardous and non-hazardous waste, including oils, municipal solid wastes, and incineration residues. In February 2006, the EPA declared an emergency to address uncontrolled pollution at the property and began removal and stabilization activities. The property is currently designated as a Superfund site by the EPA. On information and belief, during the period of operations at the property, the property became contaminated with toxic substances, including EDC and vinyl chloride. Although the hazardous waste treatment equipment and stored hazardous waste have largely been removed, the property remains contaminated.

50. On information and belief, the Westlake Defendants sent hazardous waste containing EDC and vinyl chloride to the Bluegrass Incineration Property during the period of the property's operation.

51. Disposal and incineration of hazardous waste at the Bluegrass Incineration Property resulted in emissions of hazardous substances and their combustion products into the ambient air, including vinyl chloride, ethylene dichloride, dioxins, furans, PCBs, and other carcinogenic and hazardous substances.

52. The emissions of vinyl chloride, EDC, and other hazardous substances from the Westlake Plants and the Bluegrass Incineration Property have entered residential properties in Calvert City, and residents, including Plaintiff, were exposed to hazardous levels through inhalation.

***B. Plaintiff's residential exposure to hazardous substances released from the Westlake Plants and the Bluegrass Incineration Property.***

53. From 1989 to 1997, Plaintiff resided in Calvert City, Marshall County, Kentucky, within one mile of the Westlake Plants and the Bluegrass Incineration Property.

54. During her residence, Plaintiff was home approximately 75% of the time. Plaintiff's residence did not have central air conditioning or heat, and Plaintiff and her family often kept the windows open as a result. Plaintiff and her family were continuously exposed to releases from the Westlake Plants.

55. During her residence, Plaintiff also engaged in home gardening in Calvert City and consumed home-grown vegetables. Plaintiff's exposure to vinyl chloride, ethylene dichloride, and other hazardous substances released from the Westlake Plants and the Bluegrass Incineration Property thus occurred through chronic inhalation of ambient air over a period of years, as well as through dermal contact and through the dietary pathway by ingestion of home-grown vegetables exposed to ambient air emissions.

56. Plaintiff's residence near the Westlake Plants from 1989 to 1997 corresponds with documented industrial activity and emissions of vinyl chloride, EDC, and other hazardous substances from those facilities, and with documented disposal and incineration of hazardous waste at the Bluegrass Incineration Property.

57. During Plaintiff's residence, the Westlake Plants emitted vinyl chloride, EDC, and other hazardous substances into the ambient air, and the Bluegrass Incineration Property emitted vinyl chloride into the ambient air, in concentrations sufficient to cause cumulative exposure adequate for chemical carcinogenesis and cancer development in residentially exposed individuals.

58. During Plaintiff's residence, she was exposed to levels of vinyl chloride sufficient to cause her angiosarcoma.

***C. Plaintiff's diagnosis with hepatic angiosarcoma and the rarity of the disease.***

59. On or about August 3, 2021, Plaintiff underwent core needle biopsy of a liver lesion at Baptist Health Paducah. The biopsy specimen was sent for outside consultation at the Mayo Clinic. On or about August 12, 2021, the pathology report rendered through Mayo Clinic

consultation identified the liver tissue as angiosarcoma. The initial pathology report did not specify whether the angiosarcoma was primary to the liver or metastatic from another site and did not address the etiology of the disease.

60. On or about April 14, 2026, an independent qualified pathologist reviewed Plaintiff's August 2021 liver biopsy specimens and confirmed that the histologic features and immunohistochemical profile were consistent with angiosarcoma. The pathological evaluation identified that the malignant cells were positive for p53, CD31, and ERG, supporting an endothelial cell phenotype, and that mitotic figures were conspicuous and Ki-67 was relatively high.

61. The histologic and immunohistochemical findings establish that Plaintiff suffers from angiosarcoma. The pathological findings, however, do not by themselves establish the etiology of Plaintiff's disease — that is, the specific cause or contributing cause of her angiosarcoma. Determining specific causation in an individual patient with angiosarcoma requires expert evaluation by a qualified specialist in occupational and environmental liver disease applying the methodology of differential diagnosis and causation analysis.

62. Hepatic angiosarcoma is exceptionally rare, with only approximately 200 cases occurring per year worldwide. Because of its rarity and its specific etiology, hepatic angiosarcoma is recognized in the medical community as a “signature tumor” of vinyl chloride exposure.

63. Plaintiff's diagnosis with hepatic angiosarcoma manifested decades after her 1989–1997 residence near the Westlake Plants and the Bluegrass Incineration Property. The temporal interval between Plaintiff's residential exposure to vinyl chloride and other hazardous substances and her diagnosis is consistent with, and characteristic of, the long latency period between vinyl chloride exposure and clinical manifestation of hepatic angiosarcoma documented in the peer-reviewed medical and scientific literature.

64. Because hepatic angiosarcoma is so rare and its causation in any individual patient depends on specialized analysis of exposure history, alternative risk factors, and the timing and dosage of exposure to known carcinogens, specific causation in any individual patient cannot be determined without evaluation by a qualified medical expert in occupational and environmental liver disease applying the methodology of differential diagnosis and causation analysis.

65. None of the known alternative risk factors for hepatic angiosarcoma is present in Plaintiff's medical, occupational, or social history. Plaintiff has no personal history of viral hepatitis, androgen medication use, or liver disease other than her hepatic angiosarcoma. Plaintiff has not consumed alcohol significantly and has not used tobacco products. Plaintiff has no family history of liver disease or hemangiosarcoma. Plaintiff has not worked in a chemical plant, has not worked as a cosmetologist or been exposed to vinyl chloride propellant in hair spray, has not had significant exposure to ionizing radiation, has not been exposed to thorotrast or arsenic, and has not had significant pesticide exposure.

***D. Plaintiff's reasonable diligence and the medical confirmation of causation.***

66. Following the August 2021 angiosarcoma finding, Plaintiff exercised reasonable diligence in seeking medical evaluation and care. Plaintiff consulted with multiple physicians, including her treating oncologist and other specialists, but none of them was able to tell her the cause of her angiosarcoma. By reading certain publicly available information from regulatory authorities and public-health representatives, including the EPA and the Kentucky Department for Environmental Protection, Plaintiff learned that the Westlake Plants may emit vinyl chloride, EDC, and other hazardous substances, and Plaintiff sought information from publicly available sources concerning the health risks posed by chemical emissions from Westlake.

67. Prior to May 2026, no physician had affirmatively concluded, to a reasonable degree of medical and scientific certainty, that Plaintiff's angiosarcoma was more likely than not caused by her residential exposure to vinyl chloride, ethylene dichloride, and other hazardous substances emitted from the Westlake Plants.

68. Because hepatic angiosarcoma is exceptionally rare and its specific etiology in any individual patient requires specialist medical evaluation, reasonable diligence by a lay person in Plaintiff's circumstances did not, and could not, produce the degree of medical and scientific certainty necessary to support a personal-injury action until May 2026.

***E. Defendants' concealment of material facts concerning emissions, monitoring, and community exposure.***

69. Throughout the period of Plaintiff's residence and continuing to date, Defendants have concealed from Plaintiff, from regulators, and from the public material facts concerning the magnitude, frequency, pathways, and health risks of hazardous substance emissions from the Westlake Plants.

70. Westlake's emissions reporting to the EPA, the Kentucky Department for Environmental Protection, and other regulators rests on emissions calculations produced by Westlake's outside consultant rather than on direct measurement of actual emissions at emission points. Westlake's calculations rely on assumed destruction efficiencies, assumed operating parameters, and generic emission-factor tables that are not supported by stack testing or other measured data at the relevant emission points. The methodology by which Westlake produces the reported emissions figures is not disclosed to regulators or to the public in a form that would allow a layperson to evaluate whether the reported figures correspond to actual emissions. The reported figures, viewed in the form in which Westlake presents them, create the false impression of measured and validated compliance with applicable emission limits.

71. With respect to the PVC Plant, Westlake does not directly measure emissions of vinyl chloride from the principal emission point—the resin stripping columns—where residual vinyl chloride is removed from the polyvinyl chloride product during manufacturing. Instead, Westlake calculates emissions from periodic samples of vinyl chloride concentration in slurry leaving the stripping columns, taken at intervals of at least eight hours, and from throughput. Westlake does not directly measure fugitive vinyl chloride emissions at all; rather, Westlake calculates fugitive emissions from generic emission-factor tables applied to equipment counts. Westlake reports emissions from the PVC plant vent incinerator as a maximum potential to emit rather than as actual emissions. Westlake does not continuously monitor vinyl chloride emissions from the PVC plant vent incinerator; compliance is verified only through periodic performance tests on a five-year certification cycle, the methodology of which has been the subject of an unresolved regulatory dispute between Westlake and the Kentucky Department for Environmental Protection since 2022.

72. With respect to the Vinyls Plant: Westlake emits vinyl chloride, EDC, and other hazardous substances from multiple simultaneous emission points, including monitored fugitives in the monomers area, the south synthesis high point vent, EDC shore tanks, the oxy incinerator, the primary incinerator, the vinyl chloride flare, and the equalization tank. The vinyl chloride flare emits approximately one percent of the vinyl chloride to the atmosphere even when functioning at the assumed 99 percent combustion efficiency. The Vinyls plant's assumed 99 percent destruction efficiency for the vinyl chloride flare is not based on stack testing or other measured data.

73. Westlake maintains a leak detection and repair (“LDAR”) program at the Westlake Plants that incorporates area monitoring as the primary mechanism for detecting fugitive emissions. Westlake's area monitoring has known structural blind spots. For instance, a single component leaking at concentrations of 5,000 parts per million or higher may not be detected if

overall area concentration is below the trigger level. Defendants do not deploy infrared camera technology that is commercially available and that has been used by EPA inspectors to detect leaks at the Westlake Plants. In 2022, EPA inspectors deploying infrared camera technology at the Vinyls Plant identified an untagged valve leaking at concentrations exceeding 10,000 parts per million and a flange leaking at nearly 7,000 parts per million, neither of which had been detected by Westlake's LDAR program. Westlake has been on notice of the LDAR detection blind spots since at least 2022 and has continued to rely on the same monitoring methodology that produces lower numbers than the more capable methodology EPA demonstrated would find significant emissions.

74. Westlake has known for many years that the best way to ensure the community is protected from excessive emissions of vinyl chloride, ethylene dichloride and other substances in air emissions is to monitor levels of these chemicals at its fencelines. Yet, Westlake did not begin any fenceline monitoring in Calvert City until required to monitor for benzene by EPA and Kentucky DEP as part of the 2022 Consent Decree. The Consent Decree requires benzene levels to be disclosed to these agencies and the public. Westlake lobbied the federal government through the Vinyl Institute trade association to drop fenceline monitoring from new regulations for the chemical industry.

75. Westlake has also conducted a secret fenceline monitoring program for vinyl chloride and ethylene dichloride emissions from the Westlake Plants since 2023. The program uses EPA Methods TO-15 (canisters) and 325B (sorbent tubes) at multiple monitoring locations around both the Vinyls Plant and the PVC Plant on a weekly basis.

76. The applicable action levels for the substances monitored are 4 micrograms per cubic meter for ethylene dichloride and 3 micrograms per cubic meter for vinyl chloride under the Hazardous Organic National Emissions Standards for Hazardous Air Pollutants ("HON") rule that

will go into effect in July 2026. On information and belief, Defendants' fenceline monitoring data show concentrations of ethylene dichloride and vinyl chloride at the fenceline of the Westlake Plants that have exceeded the applicable action levels by multiples of the action level on a regular basis.

77. Westlake has not disclosed the secret fenceline monitoring program for vinyl chloride and EDC or its data to the EPA, to the Kentucky Department for Environmental Protection, to the residents of Calvert City, to Plaintiff, or in any other publicly available form. Westlake has not posted the fenceline monitoring data on Westlake's corporate website. Nor has Westlake provided any information to the regulatory agencies or the public about the risks of exposure to the chemicals it is emitting into the community.

78. Westlake knew that its emission controls were insufficient to prevent unauthorized releases at its Vinyls Plant, yet it delayed installation of new treatment units despite a pattern of high point vent releases at the Vinyls Plant during the period 2020 through 2024. Westlake documented at least seven oxy incinerator shutdowns resulting in reportable-quantity releases during this period. These releases included, without limitation: a December 28, 2020 event releasing approximately 683 pounds of ethylene dichloride and 2,758 pounds of vinyl chloride; a December 23, 2022 event releasing approximately 2,163 pounds of ethylene dichloride and 25 pounds of vinyl chloride; an April 13, 2023 event releasing approximately 179 pounds of vinyl chloride, 139 times the reportable quantity; a January 15, 2024 furnace coil crack event releasing approximately 238 pounds of ethylene dichloride and 100 pounds of vinyl chloride, for which the Kentucky Division of Air Quality found that the event "occurred because Westlake failed to conduct routine inspections of the factory air check valves"; a June 6, 2024 power outage event releasing approximately 507 pounds of ethylene dichloride pre-combustion and 56.5 pounds post-

combustion; and a September 6, 2024 voltage sag event releasing additional vinyl chloride and ethylene dichloride through the high point vent. Westlake reported these events to regulators framed as isolated incidents with discrete root causes rather than disclosing the underlying insufficiency in its emission controls.

79. In or about 2020, Westlake applied for and obtained a Prevention of Significant Deterioration permit revision authorizing expansion of permitted vinyl chloride production at the Westlake Vinyls plant to approximately 1.9 billion pounds per year. On information and belief, Defendants' permit application did not adequately disclose the air quality impact of the expansion on the surrounding community, including the cumulative cancer risk attributable to ethylene dichloride and vinyl chloride emissions to residents of Calvert City. On information and belief, at the time of the permit application, Defendants possessed internal data and information concerning emissions magnitude and community exposure that materially exceeded what was disclosed in the permit application.

80. In January 2024, EPA published the Calvert City Air Quality Risk Assessment identifying the Westlake Vinyls plant as the primary source of ethylene dichloride driving community cancer risk in Calvert City. EPA convened a public meeting in Calvert City in or about February 2024 to discuss the assessment with residents. Throughout EPA's investigation and public engagement, Westlake possessed fence-line monitoring data showing ethylene dichloride and vinyl chloride concentrations exceeding applicable action levels at the Westlake Plants. Westlake did not disclose this data to EPA, to the Kentucky DEP, to the residents of Calvert City, or to Plaintiff during the EPA risk assessment process or at any time thereafter.

81. Westlake has continued to downplay the health risk of the community's exposure to its chemicals. In or about April 2024, following EPA's public release of the Calvert City Air Quality Risk Assessment, Westlake engaged consultants, including the international consulting

firm WSP, to prepare a private rebuttal report contesting EPA's findings, which Westlake presented to the Kentucky DEP in a non-public meeting. At the same time, on its public website, Westlake sought to refute EPA's characterization of the risks identified in the Calvert City Air Quality Risk Assessment, stating that "the risks cited by EPA are very low" and asserting, misleadingly, that the highest levels found "were still below what would be considered a short-term health concern." For carcinogens like vinyl chloride and EDC, however, short-term community exposures are not the concern, as cancer results from long-term exposures.

82. In Westlake's Toxic Release Inventory submissions to EPA for reporting year 2024, Westlake reported substantial decreases in ethylene dichloride and vinyl chloride emissions from the Westlake Plants as compared to prior reporting years, including approximately 27,000 to 28,000 pounds in apparent annual emission reductions for each chemical at the respective plants. The apparent decreases were the result of a methodology change in Westlake's emissions calculations from the EPA Synthetic Organic Chemical Manufacturing Industry ("SOCMI") emission factors to a different calculation methodology identified as "LeakDAS," advised by Westlake's same outside consultant Tricord that administers the privileged fence-line monitoring program. The apparent decreases were not the result of any process change, any pollution control change, or any actual reduction in emissions at the Westlake Plants. Westlake did not disclose to the public, to the residents of Calvert City, or to Plaintiff that the apparent emission reductions reflected a methodology change rather than actual reductions. Westlake's TRI submissions, viewed in their public form on the EPA TRI Explorer database, created the false impression that emissions from the Westlake Plants had substantially decreased. Westlake amplified this false impression to the public on its website by stating, "Westlake has traditionally used conservative methods to estimate emissions for the NEI. We've since reviewed actual emissions and found that real emissions are significantly lower."

83. In December 2024, EPA issued a Notice of Proposed Violations to Westlake identifying eight categories of potential violations spanning fourteen pages. Westlake responded to the Notice only in an in-person “show cause” meeting in 2025, without any written response. Upon information and belief, EPA has not, to date, acted on any of the eight potential violations identified in the December 2024 Notice, nor has Westlake disclosed any of these violations and responses to the public.

84. In February 2026, Defendants submitted a request to the U.S. Department of Justice and EPA to terminate the 2022 consent decree, certifying compliance with the decree’s provisions. The termination request addressed only the benzene fenceline monitoring required by the 2022 consent decree; the request did not disclose the secret fenceline monitoring program for vinyl chloride and ethylene dichloride or the data produced by that program.

85. The continuing concealment described in this Section has prevented Plaintiff and the residents of Calvert City from learning the magnitude, frequency, pathways, and health risks of hazardous substance emissions from the Westlake Plants. The information has been and still is in the exclusive possession of Defendants and was not reasonably available to Plaintiff through any diligent investigation.

## **V. PLAINTIFF’S DISCOVERY OF THE CAUSE OF HER INJURY**

86. Prior to May 2026, Plaintiff did not know, and could not reasonably have known, the cause of her angiosarcoma, which would have required a qualified physician to conclude, within a reasonable degree of medical and scientific certainty, that Plaintiff’s residential exposure to vinyl chloride, ethylene dichloride, and other hazardous substances released from the Calvert City facility was more likely than not a substantial contributing factor in the development of her angiosarcoma.

87. Plaintiff's hepatic angiosarcoma did not manifest until decades after her 1989–1997 residency near the Calvert City facility and the Bluegrass Incineration Property, before which, she had no reason to investigate this latent disease.

88. Upon manifestation of the disease, Plaintiff exercised reasonable diligence in seeking medical evaluation, reviewing publicly available information from regulatory authorities and public-health representatives, and seeking information from publicly available sources concerning the air emissions from the Westlake Plants and the cause of her disease. As a lay person without medical, scientific, or industrial-chemistry training, Plaintiff could not, through her own investigation, identify or confirm the specific cause of her rare cancer — particularly given Defendants' concealment of material facts necessary to make that connection.

89. Defendants have engaged in continuing concealment of material facts concerning the magnitude, frequency, pathways, and health risks of hazardous substance emissions from the Westlake Plants, as set forth in Section IV.E above. The specific technical data necessary to establish the magnitude and source attribution of Plaintiff's residential exposure is in the exclusive possession of Defendants and was not, and is not, reasonably available to Plaintiff through any diligent investigation.

90. Under Kentucky law, where an injury does not manifest itself immediately, a cause of action for personal injury does not accrue until the plaintiff knew, or in the exercise of reasonable diligence should have known, both that she had been injured and that her injury was caused by the conduct of the defendant. This discovery rule governs actions for injury from a latent disease caused by exposure to a harmful substance. Accordingly, the one-year limitations period of KRS 413.140(1)(a) did not begin to run on Plaintiff's claims until she knew, or reasonably should have known, that her hepatic angiosarcoma was caused or contributed to by her residential exposure to vinyl chloride, ethylene dichloride, and other hazardous substances and that this

exposure was the result of Defendants' wrongful conduct. For the reasons set forth above, that date was no earlier than May 2026.

91. Independently, the commencement of the limitations period applicable to Plaintiff's claims is governed by the federally required commencement date established by 42 U.S.C. § 9658. That provision applies to any action brought under state law for personal injury caused or contributed to by exposure to a hazardous substance released into the environment from a facility. Where the commencement date specified by the applicable state statute of limitations is earlier than the federally required commencement date, the limitations period instead commences on the federally required commencement date in lieu of the earlier state date, and the federal commencement date preempts the earlier state date. 42 U.S.C. § 9658(a)(1). The federally required commencement date is the date the plaintiff knew, or reasonably should have known, that her personal injury was caused or contributed to by the hazardous substance concerned. 42 U.S.C. § 9658(b)(4)(A). Plaintiff's hepatic angiosarcoma was caused or contributed to by her exposure to vinyl chloride, ethylene dichloride, and other hazardous substances released into the environment from the Westlake Plants and the Bluegrass Incineration Property, and the federally required commencement date for her claims was no earlier than May 2026.

92. Plaintiff's claims are timely under both the Kentucky discovery rule and the federally required commencement date of 42 U.S.C. § 9658. Under either standard, her causes of action did not accrue until she knew, or reasonably should have known, that her hepatic angiosarcoma was caused or contributed to by her exposure to the hazardous substances released from these facilities, which did not occur before May 2026. To the extent any commencement date applicable under Kentucky law is inconsistent with, or earlier than, the federally required commencement date, the federally required commencement date governs and preempts the state

commencement date. 42 U.S.C. § 9658(a)(1). This action having been commenced within one year of May 2026, Plaintiff's claims are timely.

93. Moreover, the limitations period has been tolled under KRS 413.190(2) because Defendants, by the concealment and misrepresentation of material facts set forth in Section IV.E above, obstructed the prosecution of Plaintiff's action.

94. In addition, to the extent Plaintiff's claims would otherwise be deemed untimely, all Defendants are equitably estopped under Kentucky law from asserting the statute of limitations as a defense. As set forth in Section IV.E above, Defendants concealed and misrepresented material facts concerning their emissions and the resulting risks to the community. Plaintiff lacked knowledge of and any reasonable means to discover those facts, and Defendants' concealment caused Plaintiff to delay the filing of this action in reliance thereon and to her detriment.

## **VI. CAUSES OF ACTION**

### **COUNT I (Negligence)**

95. Plaintiff incorporates by reference each preceding paragraph as if fully set forth herein.

96. Defendants owed a duty of reasonable care to Plaintiff and to other persons foreseeably exposed to emissions from the Westlake Plants and the Bluegrass Incineration Property. That duty included the duty to operate, maintain, monitor, and control emissions from those facilities so as not to cause foreseeable harm to persons residing in the surrounding community.

97. Defendants knew or should have known that vinyl chloride is a potent human carcinogen and that residential exposure to vinyl chloride at the concentrations emitted from the

Westlake Plants posed a foreseeable risk of cancer, including hepatic angiosarcoma, to persons residing in close proximity to those facilities.

98. Defendants breached their duty of care by failing to operate, maintain, monitor, and control emissions from the Westlake Plants and the Bluegrass Incineration Property in a manner consistent with industry standards and regulatory requirements; by failing to adequately monitor and report emissions; by failing to warn nearby residents of the nature and extent of emissions and their associated health risks; and by otherwise failing to exercise reasonable care.

99. As a direct and proximate result of Defendants' negligence, Plaintiff has suffered the personal injuries described herein, including the development of hepatic angiosarcoma, and is entitled to compensatory damages and punitive damages pursuant to KRS 411.184 and 411.186.

**COUNT II**  
**(Negligence Per Se — KRS Chapter 224 and 401 KAR 63:020(3))**

100. Plaintiff incorporates by reference each preceding paragraph as if fully set forth herein.

101. KRS Chapter 224, including the regulations promulgated thereunder by the Kentucky Department for Environmental Protection, governs the emission of air contaminants in the Commonwealth of Kentucky. 401 KAR 63:020(3) provides in relevant part that “no owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants.”

102. KRS Chapter 224 and the regulations promulgated thereunder, including 401 KAR 63:020(3), are public-protection statutes and regulations designed to protect the health and welfare of persons such as Plaintiff who reside in the vicinity of regulated emission sources. Plaintiff is

within the class of persons the statute and regulation are designed to protect, and her hepatic angiosarcoma is within the type of harm the statute and regulation are designed to prevent.

103. Defendants violated KRS Chapter 224 and 401 KAR 63:020(3) by emitting vinyl chloride, EDC, and other hazardous substances from the Westlake Plants and the Bluegrass Incineration Property in quantities and durations harmful to the health and welfare of Plaintiff and other Calvert City residents.

104. Defendants' violations of KRS Chapter 224 and 401 KAR 63:020(3) constitute negligence per se under KRS 446.070.

105. As a direct and proximate result of Defendants' negligence per se, Plaintiff has suffered the personal injuries described herein, including the development of hepatic angiosarcoma, and is entitled to compensatory damages and punitive damages pursuant to KRS 411.184 and 411.186.

### **COUNT III (Gross Negligence)**

106. Plaintiff incorporates by reference each preceding paragraph as if fully set forth herein.

107. Defendants' conduct in operating the Westlake Plants and the Bluegrass Incineration Property and in emitting vinyl chloride, EDC, and other hazardous substances into the ambient air surrounding those facilities was undertaken with conscious or reckless disregard for the rights, safety, and welfare of Plaintiff and other Calvert City residents.

108. At all relevant times, Defendants had actual or constructive knowledge that vinyl chloride is a Group 1 human carcinogen, that vinyl chloride is uniquely and strongly associated with hepatic angiosarcoma, that residential exposure to vinyl chloride emissions poses a foreseeable risk of cancer to nearby residents, and that the Westlake Plants were emitting vinyl

chloride and other hazardous substances at concentrations sufficient to pose a risk to nearby residents.

109. Despite this knowledge, Defendants continued to operate the Westlake Plants and the Bluegrass Incineration Property in a manner that exposed Plaintiff and other Calvert City residents to known and substantial risks of cancer and other serious health effects.

110. Defendants' conduct constitutes gross negligence under Kentucky law and entitles Plaintiff to compensatory damages and punitive damages pursuant to KRS 411.184 and KRS 411.186.

**COUNT IV**  
**(Strict Liability for Abnormally Dangerous Activity)**

111. Plaintiff incorporates by reference each preceding paragraph as if fully set forth herein.

112. The storage, processing, manufacture, and emission of vinyl chloride, EDC, and other hazardous substances in industrial quantities at the Westlake Plants, and the incineration of hazardous waste at the Bluegrass Incineration Property, constitute abnormally dangerous activities within the meaning of Restatement (Second) of Torts §§ 519–520, which Kentucky has adopted.

113. These activities involve a high degree of risk of harm to persons in the vicinity, including residents such as Plaintiff; the gravity of that harm is high, including the risk of cancer and death; the risk cannot be eliminated by the exercise of reasonable care; the activities are not common usage; the activities are inappropriate to the residential character of the surrounding community; and the value of the activities to the community is outweighed by their dangerous attributes.

114. Defendants are strictly liable for the harm to Plaintiff caused by their abnormally dangerous activities, regardless of any exercise of care.

115. As a direct and proximate result of Defendants' abnormally dangerous activities, Plaintiff has suffered the personal injuries described herein, including the development of hepatic angiosarcoma, and is entitled to damages.

#### **VII. DAMAGES**

116. As a direct and proximate result of Defendants' conduct as alleged herein, Plaintiff has suffered, and will continue to suffer, the following damages:

- a. Past and future medical expenses, including expenses for hospitalization, surgery, chemotherapy, radiation therapy, palliative care, prescription medications, and ongoing medical monitoring;
- b. Past and future lost wages and lost earning capacity;
- c. Past and future physical pain and suffering;
- d. Past and future mental anguish and emotional distress;
- e. Past and future loss of enjoyment of life;
- f. Past and future disability and impairment;
- g. Such other and further compensatory and consequential damages as may be proven at trial.

117. Defendants' conduct as alleged herein was undertaken with conscious or reckless disregard for the rights, safety, and welfare of Plaintiff and entitles Plaintiff to punitive damages pursuant to KRS 411.184 and KRS 411.186.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Rhonda Fratzke respectfully prays that this Court enter judgment in her favor and against Defendants, jointly and severally, and award the following relief:

- A. Compensatory damages in an amount to be proven at trial;

- B. Punitive damages in an amount sufficient to punish Defendants and deter similar conduct in the future;
- C. Pre-judgment and post-judgment interest at the maximum rate allowed by law;
- D. Costs of suit, including reasonable attorneys' fees to the extent permitted by law;
- E. Such other and further relief as the Court deems just and proper.

### JURY DEMAND

Plaintiff Rhonda Fratzke demands a trial by jury on all issues so triable.

Respectfully submitted,

/s/ David G. Bryant

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*Counsel for Plaintiff Rhonda Fratzke*



### CIVIL SUMMONS

*Plaintiff, FRATZKE, RHONDA VS. WESTLAKE VINYL, INC. ET AL, Defendant*

**TO: WESTLAKE PVC CORPORATION  
2801 POST OAK RD  
SUITE 600  
HOUSTON, TX 77056**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Marshall Circuit Clerk  
Date: **6/15/2026**

### Proof of Service

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: \_\_\_\_\_

Not Served because: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Served By

\_\_\_\_\_  
Title





### CIVIL SUMMONS

*Plaintiff, FRATZKE, RHONDA VS. WESTLAKE VINYLS, INC. ET AL, Defendant*

**TO: LWD, INC.  
P.O. BOX 327  
CALVERT CITY, KY 42029**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Marshall Circuit Clerk

Date: **6/15/2026**

### Proof of Service

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Served by delivering a true copy and the Complaint (or other initiating document)

To: \_\_\_\_\_

Not Served because: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_ Served By

\_\_\_\_\_ Title



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Presiding Judge: HON. ANDREA MOORE (642445)

CI : 000001 of 000001



**CIVIL SUMMONS**

*Plaintiff, FRATZKE, RHONDA VS. WESTLAKE VINYLS, INC. ET AL, Defendant*

**TO: CT CORPORATION SYSTEM  
306 W. MAIN ST  
SUITE 512  
FRANKFORT, KY 40601**

Memo: Related party is WESTLAKE VINYLS, INC.

The Commonwealth of Kentucky to Defendant:  
**WESTLAKE VINYLS, INC.**

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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Marshall Circuit Clerk  
Date: **6/15/2026**

**Proof of Service**

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: \_\_\_\_\_

Not Served because: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Served By

\_\_\_\_\_  
Title





### CIVIL SUMMONS

*Plaintiff, FRATZKE, RHONDA VS. WESTLAKE VINYL, INC. ET AL, Defendant*

**TO: CT CORPORATION SYSTEM  
306 W. MAIN ST  
SUITE 512  
FRANKFORT, KY 40601**

Memo: Related party is WESTLAKE CHEMICAL CORPORATION

The Commonwealth of Kentucky to Defendant:  
**WESTLAKE CHEMICAL CORPORATION**

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Marshall Circuit Clerk  
Date: **6/15/2026**

### Proof of Service

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: \_\_\_\_\_

Not Served because: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Served By

\_\_\_\_\_  
Title





### CIVIL SUMMONS

*Plaintiff, FRATZKE, RHONDA VS. WESTLAKE VINYLs, INC. ET AL, Defendant*

**TO: CT CORPORATION SYSTEM  
306 W. MAIN ST  
SUITE 512  
FRANKFORT, KY 40601**

Memo: Related party is GOODRICH CORPORATION

The Commonwealth of Kentucky to Defendant:  
**GOODRICH CORPORATION**

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Marshall Circuit Clerk  
Date: **6/15/2026**

### Proof of Service

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Served by delivering a true copy and the Complaint (or other initiating document)

To: \_\_\_\_\_

Not Served because: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_ Served By

\_\_\_\_\_ Title





### CIVIL SUMMONS

*Plaintiff, FRATZKE, RHONDA VS. WESTLAKE VINYLs, INC. ET AL, Defendant*

**TO: ROBERT KATTULA  
P.O. BOX 81  
MARION, KY 42064**

Memo: Related party is BLUEGRASS INCINERATION SERVICES, LLC

The Commonwealth of Kentucky to Defendant:  
**BLUEGRASS INCINERATION SERVICES, LLC**

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Marshall Circuit Clerk  
Date: **6/15/2026**

### Proof of Service

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To: \_\_\_\_\_

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\_\_\_\_\_  
Served By

\_\_\_\_\_  
Title



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Presiding Judge: HON. ANDREA MOORE (642445)

CI : 000001 of 000001



**Commonwealth of Kentucky**  
**Tiffany Fralix Griffith, Marshall Circuit Clerk**

Case #: 26-CI-00259

Envelope #: 13992467

Received From: DAVID G BRYANT

Account Of: DAVID G BRYANT

Case Title: FRATZKE, RHONDA VS. WESTLAKE VINYLs, II Confirmation Number: 222418466

ET AL  
 Filed On 6/15/2026 4:10:31PM

#	Item Description	Amount
1	Court Facilities Fee	\$10.00
2	Access To Justice Fee	\$20.00
3	Money Collected For Others(Court Tech. Fee)	\$20.00
4	Money Collected For Others(Postage)	\$106.90
5	Money Collected For Others(Attorney Tax Fee)	\$5.00
6	Money Collected For Others(Secretary of State Electronic Services)	\$10.00
7	Money Collected For Others(Secretary of State Service Copies)	\$3.70
8	Library Fee	\$1.00
9	Civil Filing Fee	\$150.00
10	Charges For Services(Attestation)	\$0.50
11	Charges For Services(Copy - Photocopy)	\$18.50
12	Charges For Services(Jury Demand / 12)	\$70.00
<b>TOTAL:</b>		<u>\$415.60</u>

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