

**IN THE COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO**

SYDNEY ANN PETTY, individually and
on behalf of all others similarly situated,
15 West Crawford Avenue
Toledo, Ohio 43612

Plaintiff,

v.

M.C. TANK TRANSPORT INC.,
c/o Statutory Agent CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, Ohio 43219

and

KENAN ADVANTAGE GROUP INC.,
c/o Statutory Agent CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, Ohio 43219

Defendants.

Case No: **CI2026-04500**

Judge: **Judge Lindsay D. Navarre**

Complaint

(Jury Demand Endorsement)

CLASS ACTION COMPLAINT

1. Plaintiff Sydney Petty individually and on behalf of all others similarly situated (the “Class,” as more fully defined below), by their undersigned counsel, brings this class action lawsuit against Defendants MC Tank Transport, Inc. (“MC Tank”) and Kenan Advantage Group, Inc. (“KAG”) (collectively, “Defendants”) arising from a hazardous and toxic chemical emergency at the MC Tank facility at 1266 Progress Avenue, Toledo, Ohio (“Facility”).

2. This hazardous and toxic chemical release has triggered evacuations and shelter in place orders affecting residents across multiple cities and posed a significant risk of explosion from tanks containing glycidyl methacrylate (“GMA”) a highly volatile, reactive, and flammable chemical that is harmful to human health when inhaled.

3. As a result of the preventable hazardous and toxic chemical release (“Hazardous Release”), Plaintiff and the other Class members have suffered a variety of damages including loss of use and enjoyment of their properties, interference with daily activities; out-of-pocket expenses for relocation, transportation, shelter, food, and childcare; business interruption; loss of income and profits; diminution of property value; as well as anxiety and emotional distress. Defendants’ negligence, recklessness, and failure to prevent the Hazardous Release caused and continues to cause harm to Plaintiff and the other Class members.

4. Plaintiff makes the following allegations upon personal knowledge as to Defendants’ acts and/or omissions, upon information and belief where noted, and upon Plaintiff’s attorneys’ investigation as to all other matters:

I. GENERAL ALLEGATIONS

A. Parties

5. Plaintiff Sydney Ann Petty has been a resident of Toledo, Ohio since approximately 2019, and a citizen of Ohio since no later than 2019.

6. On October 20, 2026, Plaintiff Sydney Ann Petty resided at 15 West Crawford Avenue, Toledo, Ohio 43612, approximately 1.7 miles from Defendants' Facility, as defined below.

7. Plaintiff Sydney Ann Petty lived within an area covered by a shelter-in-place order at the time of the Hazardous Release from Defendants' Facility.

8. Plaintiff Sydney Ann Petty was forced to evacuate her home in the early hours of October 21, 2026, as a result of intolerable odors and smoke inside of her home caused by the Hazardous Release from Defendants' Facility.

9. Plaintiff Sydney Ann Petty attempted to return to her home once on October 21, 2026, but could not remain there because of the conditions resulting from the Hazardous Release from Defendants' Facility.

10. Plaintiff Sydney Ann Petty was forced to miss work as a result of the Hazardous Release from Defendants' Facility.

11. Plaintiff Sydney Ann Petty is a member of the proposed Class.

12. Defendant MC Tank is an Ohio corporation that, upon information and belief, owned, operated, managed, and/or controlled the terminal at 1266 Progress Avenue, Toledo, Ohio on October 20, 2026. Defendant MC Tank identifies this address as its Toledo terminal.

13. Defendant MC Tank's principal place of business is West Chester, Ohio.¹

14. Defendant KAG is a transportation and logistics provider which acquired MC Tank on March 31, 2025.²

15. Defendant KAG is headquartered in North Canton, Ohio.³

¹ MC Tank, <https://www.mctank.com/> (last visited Oct. 21, 2026).

² *Id.*

³ Contact Us, <https://www.thekag.com/contact/> (last visited Oct. 21, 2026).

B. Jurisdiction and Venue

16. This action is brought on behalf of Plaintiff and Class members for real property-related losses and damages in and around Lucas County, Ohio as a result of Defendants' negligence, recklessness, willful and wanton conduct, and creation of a nuisance in and around Lucas County, Ohio. No claims for personal injury are asserted.

17. The principal injuries of Plaintiff and the other Class members were incurred in Lucas County, Ohio.

18. Plaintiff's and the other Class members' economic injuries resulted directly from Defendants' acts or omissions at and around the Facility in Lucas County, Ohio.

19. Plaintiff, individually and on behalf of the other Class members, is seeking significant relief from MC Tank and KAG in the form of injunctive and monetary relief.

20. Two-thirds or more of the members of the proposed Class in the aggregate, and the primary defendants, are citizens of Ohio.

21. This Court has subject-matter jurisdiction over this action pursuant to Article IV, Section 4(B) of the Ohio Constitution and Ohio Revised Code § 2305.01.

22. This Court has personal jurisdiction over Defendants pursuant to Ohio Rev. Code § 2307.382(A)(1), (3), and (8) because they maintain a principal place of business in Ohio, regularly transact business within the state of Ohio, were engaged in business within the state of Ohio prior to and at the time of the Hazardous Release, because the claims asserted herein arise from the business activities and tortious conduct of Defendants within the state of Ohio prior to and at the time of the Hazardous Release, and because Defendants have an interest in, use, or possess real property in Ohio.

23. Venue is proper in this Court pursuant to Rule 3(C)(3) and (6) of the Ohio Rules of Civil Procedure because Defendants conducted activities giving rise to Plaintiff's claims in this

County, and all or a substantial part of the events and omissions giving rise to Plaintiff's claims occurred in this County, including the Hazardous Release from Defendants' Facility.

C. Background Facts

24. MC Tank specializes in transporting liquid bulk chemicals and providing tank container transportation, storage, and maintenance services. Defendant MC Tank became a subsidiary of KAG on March 31, 2025.⁴

25. MC Tank operated the Facility at 1266 Progress Avenue, Toledo, Ohio on October 20, 2026. MC Tank identifies this address as its Toledo terminal.⁵

26. The Facility is a transport hub in an industrial area of north Toledo near residential communities. MC Tank receives and temporarily stores chemical products there before shipping them to their destination by rail or road.⁶

27. The tank involved in the Hazardous Release had a reported capacity of 5,500 gallons.

28. According to Toledo Fire & Rescue official Michael Posadny, MC Tank takes chemicals, including GMA, stores them at its Ohio terminal, and then transports them.⁷

⁴ MC Tank, *supra* note 1.

⁵ Andrew Bailey & Victoria Dugger, Chemical Leak in Toledo: Live Updates on Conditions, Evacuations, Shelter-in-Place, WTOL 11 (Oct. 20, 2026, updated Oct. 21, 2026, 8:15 a.m. EDT), <https://www.wtol.com/article/news/local/north-toledo-hazmat-situation-evacuations/512-23d84bbb-60fc-4c49-aaf4-57ca35a7f8c6>.

⁶ *Id.*; Rebecca Cohen, Toledo Chemical Explosion Prompts Evacuations and Shelter-in-Place Orders, NBC News (Oct. 21, 2026, updated 10:45 a.m. EDT), <https://www.nbcnews.com/news/us-news/evacuations-shelter-place-orders-issued-toledo-ohio-chemical-release-rcna604739>.

⁷ Jeanine Santucci, Ohio Toxic Chemical Release Prompts Evacuations, Widespread Smell: Updates, USA Today (Oct. 21, 2026, updated 11:29 a.m. ET), <https://www.usatoday.com/story/news/nation/2026/10/21/toledo-hazardous-materials-chemical-explosion/92359046007/>.

29. At approximately 9:30 p.m. on October 20, 2026, GMA was released from a tanker at the Facility, which produced a large chemical plume and a hazardous materials emergency that continued overnight and into the following morning.⁸

30. An employee at MC Tank first called 911 to alert authorities to the release. On October 21, 2026, MC Tank acknowledged that equipment associated with its operations was involved in the Hazardous Release and identified GMA as the chemical involved.⁹

31. GMA is an industrial chemical used in certain plastics, paints, and coatings. It can cause burning of the eyes, nose, mouth, and skin. Symptoms of overexposure include headache, dizziness, tiredness, nausea, and vomiting.¹⁰

32. By the morning of October 21, 2026 emergency officials remained concerned that the tank was continuing to emit GMA and could explode. Public officials described a potential explosion risk during the twelve hours following the initial incident.¹¹

33. Because of that risk, first responders and hazardous materials teams initially remained away from the tank. Officials planned to reassess conditions at approximately 9:30 a.m. on October 21, 2026, to determine whether responders could safely approach and begin efforts to contain the release.¹²

⁸ Santucci, USA Today, *supra* note 7.

⁹ Santucci, USA Today, *supra* note 7; Karma Sabbah, Chemical Leak in Toledo Forces Hazardous Materials Evacuation, Shelter-in-Place Orders, CBS Detroit (Oct. 21, 2026, updated 11:05 a.m. EDT), <https://www.cbsnews.com/detroit/news/hazardous-materials-evacuation-shelter-in-place-orders-toledo/>.

¹⁰ Sabbah, *supra* note 9; Santucci, *supra* note 7.

¹¹ Sara Molina & Max White, Chemical Leak Forces Evacuation for One-Mile Radius in Toledo, 3-Mile Shelter-in-Place, WXYZ (Oct. 21, 2026), <https://www.wxyz.com/news/hazmat-incident-forces-evacuation-for-one-mile-radius-of-northern-toledo-area>.

¹² Bailey & Dugger, *supra* note 5; Cohen, *supra* note 6.

34. Emergency officials initially directed people within one-half mile of the Facility to evacuate. That area included approximately 300 residents of Raintree Village in Washington Township. Officials subsequently expanded the evacuation zone to one mile.¹³

35. At 10:48 p.m. on October 20, 2026, Toledo Fire & Rescue ordered everyone within a one-mile radius of the Facility to evacuate. The order required nearby residents to leave their homes during the night with little warning.¹⁴

36. The expanded evacuation zone encompassed approximately 983 residents in Toledo and Washington Township. Officials also reported that the surrounding industrial area could have as many as 5,000 people working there during a normal workday.¹⁵

37. At 4:24 a.m. on October 21, 2026, Toledo Fire & Rescue issued a separate shelter-in-place order. People outside the one-mile evacuation zone but within three miles of the Facility were directed to shelter indoors.¹⁶

38. People subject to the shelter-in-place order were instructed to remain indoors, close windows and doors, turn off ventilation that drew in outside air, and keep pets inside. Drivers passing through the area were advised to close their windows and recirculate the air inside their vehicles.¹⁷

39. Officials explained that the one-mile evacuation zone addressed the potential for an explosion, while the broader shelter-in-place zone addressed the risk of chemical exposure and

¹³ Bailey & Dugger, *supra* note 5.

¹⁴ Sabbah, *supra* note 9.

¹⁵ Bailey & Dugger, *supra* note 5.

¹⁶ Sabbah, *supra* note 9; Bailey & Dugger, *supra* note 5.

¹⁷ Sabbah, *supra* note 9; Bailey & Dugger, *supra* note 5.

irritation. The broader guidance followed an increase in calls from residents reporting symptoms and a recommendation from the U.S. Environmental Protection Agency.¹⁸

40. The emergency required temporary shelter arrangements for displaced residents. Shoreland Elementary School was made available as a shelter, and the American Red Cross and Toledo Area Regional Transit Authority (“TARTA”) buses provided assistance at the Meijer parking lot off East Alexis Road.¹⁹

41. Toledo Public Schools were forced to close on October 21, 2026 because of the chemical emergency. Some schools in the affected area have delayed opening.²⁰

42. By Wednesday morning, City officials reported that, to their knowledge, all residents subject to evacuation had left the area. Toledo Mayor Wade Kapszukiewicz did not announce when the evacuation and shelter-in-place orders would be lifted.²¹

43. Mayor Kapszukiewicz reported that people even beyond the evacuation and shelter-in-place zones could smell or taste something unnatural and might experience eye irritation.²²

44. Defendant MC Tank stated that it was working with the fire department and other emergency authorities. It acknowledged the serious disruption to nearby residents and businesses, particularly those required to evacuate their homes, and stated that it was committed to assisting those affected.²³

¹⁸ Bailey & Dugger, *supra* note 5.

¹⁹ Sabbah, *supra* note 9.

²⁰ Sabbah, *supra* note 9; Cohen, *supra* note 6.

²¹ Cohen, *supra* note 6.

²² Santucci, *supra* note 7.

²³ Jeanine Santucci, Ohio Toxic Chemical Release Prompts Evacuations, Widespread Smell Updates, USA Today, republished by MSN (Oct. 21, 2026), <https://www.msn.com/en-us/news/other/ohio-toxic-chemical-release-prompts-evacuations-widespread-smell-updates/ar-AA2fJL0g>.

45. The release and resulting emergency orders have displaced residents and restricted their use of property. Residents subject to evacuation could not remain in their homes, while those subject to shelter-in-place restrictions were directed to remain indoors and limit the entry of outside air.²⁴

46. Upon information and belief, as a commercial transporter and handler of bulk chemicals operating near homes and other businesses and its owner, Defendants knew or should have known that a hazardous chemical release from equipment associated with its operations could require neighboring residents to evacuate or shelter in place and interfere with their use and enjoyment of property.

II. CLASS ACTION ALLEGATIONS

47. Plaintiff brings this action pursuant to Rule 23 of the Ohio Rules of Civil Procedure and all other applicable laws and rules, individually and on behalf of a class of all other similarly situated individuals for direct, proximate, and foreseeable losses caused by the October 20, 2026, chemical release at the Facility. Plaintiff seeks to certify and represent a class defined as:

All owners, lessees, and other occupants of real property within the evacuation and shelter in place zones established by Toledo Fire & Rescue as a result of the hazardous and toxic chemical release involving the GMA storage tank at the Facility located at 1266 Progress Avenue, Toledo, Ohio (“Class”); that is, the area within three miles of the Facility in any direction (“Class Area”).

48. Specifically excluded from the Class are Defendants, including any parent, subsidiary, affiliate, or controlled person of Defendant; Defendant’s officers, directors, agents, or employees; all persons who make a timely election to be excluded from the Class; insurers and insurance syndicates whose claims for damages regarding the October 20, 2026 chemical release at the Facility arise out of a right of subrogation, whether equitable, contractual or otherwise. the

²⁴ Sabbah, *supra* note 9; Bailey & Dugger, *supra* note 5.

judicial officers assigned to this litigation and any members of their staffs and immediate families, Court staff assigned to this case, and any juror assigned to this action.

49. Plaintiff reserves the right to amend or modify the Class definition with greater specificity or division after having had an opportunity to conduct discovery.

50. **Numerosity and Ascertainability:** The members of the Class are so numerous and geographically dispersed that the joinder of all members is impractical.

51. While the exact number of Class Members is unknown to Plaintiff at this time, it is ascertainable; the proposed Class includes thousands of residents and businesses who were unlawfully exposed to GMA or who had property contaminated by unlawful exposure to GMA and suffered damages. Class Members may be notified of the pendency of this action by recognized, Court-approved notice dissemination methods, which may include U.S. mail, electronic mail, internet postings, and/or published notice.

52. **Predominance of Common Issues:** Common questions of law and fact predominate in this matter. Defendants' conduct towards Plaintiff and class members is uniform. Common questions of law and fact predominate over any questions affecting only individual class members.

- (a) Whether Defendants engaged in the wrongful conduct alleged herein;
- (b) Whether Defendants caused the Hazardous Release at the Facility in violation of rules, regulations, and customs;
- (j) Whether Defendants caused the release of GMA into the Class Area;
- (k) Whether Defendants failed to exercise reasonable care in allowing the Hazardous Release to occur;

- (l) Whether Defendants failed to exercise reasonable care in causing the release of GMA into the Class Area;
- (m) Whether Defendants failed to follow required, reasonable, or minimal safety measures resulting in the Hazardous Release from the Facility;
- (n) Whether Defendants failed to follow required, reasonable, or minimal safety measures that would have mitigated the Hazardous Release;
- (o) Whether Defendants were negligent;
- (q) Whether Defendants created a nuisance;
- (r) Whether Defendants engaged in trespass to Class members' properties;
- (s) Whether a medical monitoring fund is an appropriate remedy to provide Plaintiff and Class members with the resources needed to cover the costs of diagnostic tests or examinations that are medically necessary for them to obtain early detection and treatment of latent injuries arising from their exposure to GMA from the October 20, 2026, Hazardous Release at the Facility;
- (t) Whether Defendants knew or should have known that exposure to GMA at the Facility, and contamination resulting from their release, would pose significant health risks to Plaintiff and Class members;
- (u) Whether Plaintiff and the other Class members suffered injury and damages as a result of Defendants' conduct; and
- (v) Whether Plaintiff and the other Class members are entitled to damages, equitable relief, and other remedies.

53. **Typicality:** Plaintiff's claims are typical of Class members' claims and arise from the same course of conduct by Defendants.

54. Plaintiff and the other Class members' claims arise from the same single event, namely, the Hazardous Release from the Facility, followed by the creation of a large plume of GMA emitted from the Facility, which spread throughout the Class Area. The material facts underlying each Class member's claim are the same material facts as those supporting Plaintiff's claims alleged herein and require proof of the same material facts. Plaintiff's claims are based on the same legal theories as those of other Class members.

55. Plaintiff and the other Class members sustained damages as a direct and proximate result of the same wrongful acts and/or omissions by Defendants.

56. Plaintiff's damages and injuries are akin to those of Class members, and Plaintiff seeks relief consistent with the relief of class members.

57. **Adequacy:** Plaintiff can and will adequately represent the other Class members and her interests are common to and coincident with them. By proving her individual claims, Plaintiff will necessarily prove the other Class members' claims and prove Defendants' class-wide liability. Plaintiff has no known conflicts of interest with any of the other Class members, her interests and claims are not antagonistic to those of any other Class member, nor are her claims subject to unique defenses.

58. Plaintiff can and will fairly and adequately protect and represent the other Class members' interests.

59. Plaintiff's counsel have extensive experience in environmental class action litigation and have adequate financial resources to ensure that the interests of the Class will be adequately represented.

60. If appointed as a Class representative, Plaintiff is aware of, and is committed to, faithfully upholding her fiduciary duties to absent Class members.

61. Plaintiff and her counsel are committed to the vigorous prosecution of this action and will allocate the appropriate time and resources to ensure that the Class is fairly represented.

62. Plaintiff and her counsel will, therefore, fairly and adequately assert and protect the interests of the Class.

63. **Superiority:** A class action is superior to other available methods for the fair and efficient adjudication of this controversy. Resolution of the common issues of fact and law affecting Plaintiff's and Class members' claims, including, but not limited to the common issues discussed above, in a single action will eliminate the chance of inconsistent and/or varying adjudications. Such resolution will further allow Class members to present their claims efficiently; share the costs of litigation, experts, and discovery; and preserve judicial time and resources.

64. The expense and burden of individual litigation would make it very difficult for all individual Class members to seek redress individually, such that many class members would have no rational economic interest in individually controlling the prosecution of specific actions, and the burden imposed on the judicial system by individual litigation by even a small fraction of the Class would be enormous, making class adjudication the superior alternative.

65. The prosecution of this case as a class action presents fewer management difficulties, better conserves judicial resources and the parties' resources, and more effectively protects the rights of each class member than would piecemeal litigation. Any challenges of managing this action as a class action are substantially outweighed by the benefits to the legitimate interests of the parties, the Court, and the public.

66. Plaintiff is not aware of any obstacles likely to be encountered in the management of this action that would preclude its maintenance as a class action. Rule 23 provides the Court

with authority and flexibility to maximize the efficiencies and benefits of the class mechanism and reduce management challenges.

67. The prosecution of individual actions could also result in adjudications with respect to individual Class members that would as a practical matter be dispositive of the interests of non-party Class members or substantially impair or impede non-party Class members' ability to protect their interests.

III. CLAIMS ALLEGED

COUNT I – Negligence

68. Plaintiff adopts and incorporates paragraphs 1 through 67 above as though fully set forth herein.

69. Defendants transport, store, ship, service, and maintain tanks and other containers containing hazardous industrial chemical products, such as GMA, at the Facility.

70. Upon information and belief, at all relevant times, Defendants owned, controlled, managed, and operated the Facility.

71. At all relevant times, Defendants knew or should have known of the risk of a potential chemical leak and hazardous chemical reaction in the tanks and containers storing GMA at the Facility.

72. At all relevant times, Defendants knew or should have known that improper handling, storage, and maintenance of GMA and other chemicals poses a risk of a leak of GMA and other chemicals.

73. At all relevant times, Defendants knew or should have known that an uncontrollable increase in the temperature and/or pressure inside any of the tanks and containers storing GMA at the Facility would create a risk of a leak or catastrophic explosion and that such a leak or catastrophic explosion, or risk thereof, would cause: (1) public health and emergency response

officials to take precautionary actions to protect the public, including but not limited to ordering mandatory evacuation of members of neighboring communities and/or ordering members of neighboring communities to shelter-in-place; and (2) damages to such persons.

74. Defendants had a duty to Plaintiff and the other Class members to exercise reasonable care to prevent foreseeable harm to them stemming from a leak of GMA and Hazardous Release, including but not limited to interference with the use and enjoyment of their properties and diminution of the value of their properties.

75. Defendants had a duty to Plaintiff and the other Class members to operate and oversee the Facility in a manner that would not cause Plaintiff and the other Class members damages or harm.

76. Defendants breached the duties that they owe to Plaintiff and the other Class members by, among other things:

- a. Choosing not to take sufficient precautions to prevent a hazardous materials and/or chemical emergency at the Facility;
- b. Choosing not to take sufficient precautions to prevent a chemical leak and/or explosion;
- c. Failing to ensure that chemicals were stored and/or transported in a manner that would prevent them from leaking or otherwise being released into the environment;
- d. Failing to maintain equipment used in the storage and transport of chemicals in a manner that would prevent a chemical leak and/or explosion;
- e. Failing to create and/or implement corporate policies and procedures that would prevent explosions, chemical reactions, and chemical leaks from occurring.

77. As a direct and proximate cause of one or more of the aforementioned acts or omissions and breaches of Defendants' duties, Defendants created a Hazardous Release and released GMA and other chemical byproducts onto Plaintiff's and Class members' properties or otherwise contaminated their properties.

78. As a direct and proximate cause of one or more of the aforementioned acts or omissions and breaches of Defendants' duties, Plaintiff and Class members suffered and incurred, and will continue to suffer and incur, loss of use and enjoyment of their properties; interference with daily activities; diminution of property value; evacuation and shelter-in-place costs; increased risk of suffering from a disease or illness associated with exposure to released chemicals and their byproducts, as well as annoyance, discomfort, and inconvenience;

79. Defendants' conduct alleged herein shows that Defendants acted willfully and wantonly, maliciously, with aggravated or egregious fraud, with gross neglect, and/or intentionally disregarded Plaintiff's and the Class members' rights so as to warrant the imposition of punitive damages.

COUNT II – Private Nuisance

80. Plaintiff adopts and incorporates paragraphs 1 through 67 above as though fully set forth herein.

81. Defendants transport, store, ship, service, and maintain tanks and other containers containing hazardous industrial chemical products, such as GMA, at the Facility.

82. Upon information and belief, at all relevant times, Defendants owned, controlled, managed, and operated the Facility.

83. At all relevant times, Defendants knew or should have known of the risk of a potential chemical leak and hazardous chemical reaction in the tanks and containers storing GMA at the Facility.

84. At all relevant times, Defendants knew or should have known that improper handling, storage, and maintenance of GMA and other chemicals poses a risk of a leak of GMA and other chemicals.

85. At all relevant times, Defendants knew or should have known that GMA and other combustible liquids were hazardous and harmful to real property and human beings, and it was substantially certain that improper transportation, handling, storage, shipping, and maintenance of these materials was hazardous, harmful, and would cause injury to Plaintiff and Class members and their property.

86. Defendants, through the negligent, reckless and/or intentional acts and omissions alleged herein, created a Hazardous Release resulting in widespread evacuation and shelter-in-place orders, which led to substantial and continuing disruption to nearby neighborhoods and communities.

87. The Hazardous Release, including the evacuation orders and other disruptions it caused, constitutes a substantial and unreasonable interference with the Plaintiff's and Class members' use and enjoyment of land. As a direct and proximate result of the emergency, Plaintiff and the other Class members have been unable to comfortably enjoy their life and property.

88. Defendants, through the negligent, reckless, and/or intentional acts and omissions alleged herein, released GMA and its vapors, aerosols, residues, and byproducts onto Plaintiff's and the Class Members' land and into their homes, and have contaminated Plaintiff's and the Class Members' real property.

89. Defendants' release of GMA onto Plaintiff's and the Class members' property has unreasonably and substantially interfered with the rights of Plaintiff and the Class Members to use and enjoy their property.

90. Defendants' negligent, reckless and/or intentional acts and omissions alleged herein were unreasonable and constitute an invasion of the property rights of Plaintiff and the Class members.

91. As a direct and proximate result of the Hazardous Release and the contamination of Plaintiff's and the Class members' property with GMA, Plaintiff and the other Class members have incurred, and will continue to incur, damages arising from loss of use and enjoyment of their properties; interference with daily activities; out-of-pocket expenses for relocation, transportation, shelter, food, and child care; diminution of property value; increased risk of suffering from a disease or illness associated with exposure to released chemicals and their byproducts; as well as annoyance, discomfort, and inconvenience.

92. Plaintiff and the Class members, unlike the public generally, have suffered specific injuries as a result of Defendants' tortious, illegal, and wrongful conduct, including the pollution of their land and real property and to their property rights.

93. Defendants' conduct alleged herein shows that Defendants acted willfully and wantonly, maliciously, with aggravated or egregious fraud, with gross neglect, and/or intentionally disregarded Plaintiff's and the Class members' rights so as to warrant the imposition of punitive damages.

COUNT III – Public Nuisance

94. Plaintiff adopts and incorporates paragraphs 1 through 67 above as though fully set forth herein.

95. Defendants transport, store, ship, service, and maintain tanks and other containers containing hazardous industrial chemical products, such as GMA, at the Facility.

96. Upon information and belief, at all relevant times, Defendants owned, controlled, managed, and operated the Facility.

97. At all relevant times, Defendants knew or should have known of the risk of a potential chemical leak and hazardous chemical reaction in the tanks and containers storing GMA at the Facility.

98. At all relevant times, Defendants knew or should have known that improper handling, storage, and maintenance of GMA and other chemicals poses a risk of a leak of GMA and other chemicals.

99. At all relevant times, Defendants knew or should have known that GMA and other combustible liquids were hazardous and harmful to real property and human beings, and it was substantially certain that improper transportation, handling, storage, shipping, and maintenance of these materials was hazardous and harmful to people living in nearby areas.

100. Plaintiff, Class members, and the general public have a common right to enjoy their real property free from hazardous chemicals, to breathe clean air, and to be free from exposure to toxic chemicals.

101. Defendants' improper transportation, handling, storage, shipping, and maintenance of GMA and other combustible liquids substantially and unreasonably infringed upon Plaintiff's, Class members', and the general public's common public right to enjoy their real property free from hazardous chemicals, to breathe clean air, and to be free from exposure to toxic chemicals.

102. As a direct and proximate result of Defendants' improper transportation, handling, storage, shipping, and maintenance of GMA and other combustible materials, Plaintiff and other Class members suffered, and will continue to suffer, loss of use and enjoyment of their real property, diminution in their property values, and annoyance, discomfort, and inconvenience.

103. The injuries suffered by Plaintiff and Class Members are distinct from the public at large because their property rights have been unreasonably interfered with.

104. Defendants' conduct alleged herein shows that Defendants acted willfully and wantonly, maliciously, with aggravated or egregious fraud, with gross neglect, and/or intentionally disregarded Plaintiff's and the Class members' rights so as to warrant the imposition of punitive damages.

IV. REQUEST FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the other Class members, prays for judgment against Defendants, jointly and severally, for not less than \$25,000.00, and respectfully requests that this Court:

A. Certify this lawsuit as a class action, that Plaintiff be designated as class representative of the Class, and that Plaintiff's counsel be appointed as counsel for the Class;

B. Issue a class-wide judgment holding Defendants liable for the reasons described above for their unlawful conduct causing Plaintiff and the other Class members to sustain damages resulting therefrom;

C. Enter a judgment declaring that Defendants have committed the violations of law alleged herein;

D. Award Plaintiff and the other Class members compensatory damages in an amount that is fair, just, and reasonable, to be determined at trial;

E. Award Plaintiff and the other Class members punitive damages in an amount that is fair, just, and reasonable, to be determined at trial;

F. Award pre-judgment and post-judgment interest to Plaintiff and the other Class members as permitted by law;

G. Award reasonable attorneys' fees and costs of suit; and

H. Any such other relief as authorized by law.

V. JURY DEMAND

Plaintiff, individually and on behalf of the other proposed Class members, demands a trial by jury on all issues herein so triable.

DATED: October 21, 2026

/s/ Kenneth P. Abbarno

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**Pro Hac Vice* Motions Forthcoming