KING LAW

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

RACHAEL M. CHANEY, CARRIE LEWIS, STEVEN LEWIS, LISA KING, and CLARK BLACKBURN, Plaintiffs, v. PERDUE FARMS INC., FPP BUSINESS SERVICES INC. d/b/a PERDUE FARMS INC., PERDUE AGRIBUSINESS LLC, PERDUE AGRIBUSINESS INCORPORATED d/b/a PERDUE AGRIBUSINESS LLC, PERDUE AGRIBUSINESS GRAIN LLC d/b/a PERDUE AGRIBUSINESS LLC, PERDUE FOODS LLC, PERDUE FOODS INCORPORATED d/b/a PERDUE FOODS LLC, JOHNSON CONTROLS, INC., JOHNSON CONTROLS FIRE PROTECTION LP, TYCO FIRE PRODUCTS, LP as successor-in-interest to THE ANSUL COMPANY, CHEMGUARD, INC., and 3M COMPANY (A/K/A MINNESOTA MINING AND MANUFACTURING COMPANY), Defendants.	C.A. No.: 1:24-cv-2975 COMPLAINT AND DEMAND FOR JURY TRIAL

FIRST AMENDED COMPLAINT

NOW COME the Plaintiffs, Rachael M. Chaney, Carrie Lewis, Steven Lewis, Lisa King, and Clark Blackburn, (collectively "Plaintiffs"), by and through the undersigned counsel, and complaining of the Defendants, Perdue Farms Inc., FPP Business Services Inc. d/b/a Perdue Farms Inc, Perdue Agribusiness LLC, Perdue Agribusiness Incorporated d/b/a Perdue Agribusiness LLC, Perdue Agribusiness Grain LLC d/b/a Perdue Agribusiness LLC, Perdue Foods LLC, and Perdue

Foods Incorporated d/b/a Perdue Foods LLC, (collectively "Perdue" or "Perdue Defendants"), Johnson Controls, Inc., Johnson Controls Fire Protection LP, Tyco Fire Products, LP, Chemguard, Inc., and 3M Company (collectively "AFFF Manufacturer Defendants") (all Defendants referred to collectively as "Defendants") hereby allege and state as follows:

THE PARTIES

1. Plaintiff Rachael M. Chaney is an adult individual who resides at 508 Barnsdale Drive, Salisbury, Maryland 21804 in Wicomico County.

2. Plaintiff Carrie Lewis is an adult individual who resides at 6943 Amber Fields Court, Salisbury, Maryland 21804 in Wicomico County.

3. Plaintiff Steven Lewis is an adult individual who resides at 6943 Amber Fields Court, Salisbury, Maryland 21804 in Wicomico County.

4. Plaintiff Lisa King is an adult individual who resides at 515 Barnsdale Drive, Salisbury, Maryland 21804 in Wicomico County.

5. Plaintiff Clark Blackburn is an adult individual who resides at 804 Bradford Court, Salisbury, Maryland 21804 in Wicomico County.

a. Perdue Farms Defendants

6. Perdue Farms Inc., is a Maryland corporation that identifies its principal place of business as 31149 Old Ocean City Road, Salisbury, Maryland. Defendant Perdue Farms Inc. is authorized to conduct business within the State of Maryland. Defendant Perdue Farms Inc.'s registered agent for service in the state of Maryland is The Corporation Trust, Incorporated located at 2405 York Road, Suite 201, Lutherville Timonium, Maryland 21804.

7. FPP Business Services Inc. d/b/a Perdue Farms Inc. is a Maryland corporation that identifies its principal place of business as 31149 Old Ocean City Road, Salisbury, Maryland

21804. Its registered agent is The Corporation Trust, Incorporated located at 2405 York Road, Suite 201, Lutherville Timonium, Maryland 21093. Defendant FPP Business Services merged into Perdue Farms Inc. effective December 31, 2012.

8. Collectively Perdue Farms Inc. and FPP Business Services Inc. d/b/a Perdue Farms Inc. are referred to as "Perdue Farms" in this Complaint.

b. Perdue Agribusiness Defendants

9. Perdue Agribusiness LLC is a wholly-owned division of Perdue Farms engaged in the processing, sale and transport of grains, oil, and feed ingredients. Perdue Agribusiness LLC is a limited liability company registered to do business in the State of Maryland. Perdue Agribusiness LLC's principal place of business is 31149 Old Ocean City Road, Salisbury, Maryland 21804 and has a registered agent of The Corporation Trust, Incorporated located at 2405 York Road, Suite 201, Lutherville Timonium, Maryland 21093.

10. Perdue Agribusiness Incorporated d/b/a Perdue Agribusiness LLC is a wholly-owned division of Perdue Farms Inc. Perdue Agribusiness Incorporated is a Maryland corporation authorized to do business in the State of Maryland with a principal place of business located at 31149 Old Ocean City Road, Salisbury, Maryland 21804. Its registered agent is The Corporation Trust, Incorporated located at 2405 York Road, Suite 201, Lutherville Timonium, Maryland 21093. Perdue Agribusiness Incorporated merged into Perdue Agribusiness LLC in September 2012.

11. Perdue Agribusiness Grain LLC d/b/a Perdue Agribusiness LLC is a wholly owned division of Perdue Farms Inc. Perdue Agribusiness Grain is a Maryland limited liability company registered to do business in the State of Maryland with a principal place of business located at 31149 Old Ocean City Road, Salisbury, Maryland 21804. Its registered agent is: The Corporation

Trust, Incorporated located at 2405 York Road, Suite 201, Lutherville Timonium, Maryland 21093. Perdue Agribusiness Grain LLC merged into Perdue Agribusiness LLC in October 2022.

12. Collectively, Perdue Agribusiness LLC, Perdue Agribusiness Incorporated d/b/a Perdue Agribusiness LLC, and Perdue Agribusiness Grain LLC d/b/a Perdue Agribusiness LLC are referred to as "Perdue Agribusiness" in this complaint.

c. Perdue Foods Defendants

13. Perdue Foods LLC is a wholly owned division of Perdue Farms Inc. Perdue Foods LLC is a Maryland limited liability company registered to do business in the State of Maryland with a principal place of business located at 31149 Old Ocean City Road, Salisbury, Maryland 21804. Its registered agent is The Corporation Trust, Incorporated located at 2405 York Road, Suite 201, Lutherville Timonium, Maryland 21093.

14. Perdue Foods Incorporated d/b/a Perdue Foods LLC is a wholly owned division of Perdue Farms Inc. Perdue Foods Incorporated is a Maryland corporation registered to do business in the State of Maryland with a principal place of business located at P.O. Box 1537, Salisbury, Maryland 21801. Its registered agent is Pelham B. Lawrence located at P.O. Box 1537, Old Ocean City Road, Salisbury, Maryland 21801. Perdue Foods Incorporated merged into Perdue Foods LLC in 1987.

15. Collectively Perdue Foods LLC and Perdue Foods Incorporated d/b/a Perdue Foods LLC are referred to as "Perdue Foods" in this complaint.

16. Perdue Agribusiness and Perdue Foods, both subsidiaries of Perdue Farms, are the owners and operators of an industrial property, comprised of over 250 acres of real property located in 6906 Zion Church Road, Salisbury, Maryland 21804 (the "Salisbury Agribusiness Facility" or "Agribusiness Facility").

17. Perdue Farms is a privately-held company and a major chicken, turkey, and pork processing and poultry farming company, which has reported annual sales of more than $10 billion.

18. Perdue Agribusiness ranks among the largest United States grain operations.

19. Perdue states in its 2024 Company Stewardship Report that "we know we must go beyond compliance to actively address the full range of environmental stewardship challenges related to animal agriculture and food production."

20. At all times relevant to the facts and allegations set forth herein, the Perdue Defendants: (a) maintained licenses and registrations to do business in the State of Maryland; (b) regularly conducted business in the State of Maryland; (c) maintained continuous and systematic contacts with the State of Maryland; (d) committed acts and/or omissions within the State of Maryland which gave rise to the instant action; (e) injected their products and/or materials into the stream of commerce within the State of Maryland; and/or (f) acted as one entity with a parent or subsidiary which, at all times relevant to the facts and allegations set forth herein, had continuous and systematic contacts with the State of Maryland.

21. Defendants Perdue Agribusiness and Perdue Foods were acting as Defendant Perdue Farms' actual or apparent agent when the Agribusiness Facility contaminated the air, soil, groundwater, and surface waters as described in this Complaint.

22. Defendant Perdue Farms had, or appeared to have, control over Defendants Perdue Agribusiness and Perdue Foods through its relationship as the parent company.

23. Defendant Perdue Farms is vicariously liable for the actions of its subsidiaries, Defendants Perdue Agribusiness and Perdue Foods.

24. This vicarious liability stands in addition to Defendant Perdue Farms' liability for its own tortious conduct, as set forth elsewhere in this Complaint, which was a but-for cause, a proximate cause, and a substantial factor in causing Plaintiffs' and class members' injuries, having set in motion a series of events that resulted in the alleged harm.

d. AFFF Manufacturer Defendants

25. Defendant Johnson Controls, Inc. is a Delaware corporation that does business throughout the United States, including the State of Maryland. Johnson Controls, Inc. has its principal place of business in Milwaukee, Wisconsin. Johnson Controls, Inc. is the parent of Defendants Tyco Fire Products, LP and Chemguard, Inc. At all times relevant to this action, Johnson Controls, Inc. developed, manufactured, marketed, distributed, released, sold, and/or used PFAS and products containing PFAS in AFFF/Class B foams, including in Maryland.

26. Johnson Controls Fire Protection LP ("JCFP") is a Delaware Foreign Limited Partnership with its principal place of business in Milwaukee, Wisconsin. JCFP designs, installs, and services fire suppression systems, including systems that utilized AFFF. JCFP does and/or has done business throughout the United States, including the State of Maryland. Johnson Controls, Inc., and JCFP are referred to collectively as "Johnson Controls" in this Complaint.

27. Defendant Tyco Fire Products, LP as Successor-In-Interest to The Ansul Company ("Tyco") is a Delaware corporation that does business throughout the United States, including the State of Maryland. Tyco has its principal place of business in Exeter, New Hampshire. At all times relevant to this action, Tyco developed, manufactured, marketed, distributed, released, sold, and/or used PFAS and products containing PFAS in AFFF/Class B foams, including Ansul- and Chemguard-branded AFFF products.

28. Tyco is a successor-in-interest of The Ansul Company ("Ansul"), having acquired Ansul in 1990. Beginning in or around 1975, Ansul manufactured and/or distributed and sold AFFF containing PFAS. After Tyco acquired Ansul in 1990, Tyco/Ansul continued to manufacture, distribute, and sell AFFF containing PFAS. In or around 2009, Tyco merged with Ansul LLC, the successor of Ansul. Tyco was the surviving entity and is responsible for all the liabilities of Ansul LLC and its predecessors.

29. Defendant Chemguard, Inc. ("Chemguard") is a Delaware corporation that does business throughout the United States, including the State of Maryland. Chemguard has its principal place of business in Marinette, Wisconsin. At all times relevant to this action, Chemguard developed, manufactured, marketed, distributed, released, sold, and/or used PFAS and products containing PFAS in AFFF/Class B foams. Tyco acquired Chemguard in 2011.

30. Defendant 3M Company (a/k/a Minnesota Mining and Manufacturing Company) ("3M") is a Delaware corporation that does business throughout the United States, including the State of Maryland. 3M has its principal place of business in St. Paul, Minnesota. Defendant 3M is engaged in the business of developing, manufacturing, marketing distributing, releasing, selling, and/or using PFAS, PFAS materials, and products containing PFAS in AFFF/Class B foams, throughout the United States, including within Maryland. In addition, upon information and belief, Defendant 3M has conducted substantial, ongoing business in this state and has extensive, intentional, and specific contacts with Maryland.

JURISDICTION AND VENUE

31. The state law claims asserted in this Complaint are brought pursuant to Maryland common law.

32. On information and belief, this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 of the Class Action Fairness Act of 2005 because: (i) there are 100 or more class members, (ii) the aggregate amount in controversy exceeds $5,000,000 exclusive of costs and interest, and (iii) there is minimal diversity because at least one plaintiff and one defendant are citizens of different states.

33. This Court also has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 because the amount in controversy exceeds the sum or value of $75,000, exclusive of interest and costs, and is between citizens of different States. This Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.

34. This Court has personal jurisdiction over Defendants, as Defendants caused and continue to cause tortious injury in the State of Maryland, performed and continue to perform acts or omissions within the State of Maryland which caused and continue to cause such tortious injury, regularly conduct and/or solicit business within the State of Maryland, engage in other persistent courses of conduct in the State of Maryland, and/or derive substantial revenue from goods, services, and/or manufactured products used and consumed within the State of Maryland.

35. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) as Defendants are considered residents of the State of Maryland, under 28 U.S.C. § 1391(c)(2), and thus are entities over which this Court has personal jurisdiction. Venue is further proper under 28 U.S.C. § 1391 (b)(2), because the acts and/or omissions of Defendants giving rise to Plaintiffs' claims occurred in Maryland, and the property which is the subject of the action is situated in Maryland.

JURY DEMAND

36. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs demand a trial by jury of any and all issues in this action so triable.

GENERAL FACTUAL ALLEGATIONS

Background Regarding PFAS

37. Per- and polyfluoroalkyl substances ("PFAS") are a large group of over four thousand (4,000) chemical compounds, including but not limited to perfluorooctane sulfonic acid ("PFOS"), perfluorooctanoic acid ("PFOA") and Perfluorohexane Sulfonic Acid ("PFHxS").

38. Due to their chemical structure, PFAS are biologically and chemically stable in the environment and resistant to environmental degradation processes, and thus remain present in the environment long after they are initially released.

39. PFAS bioaccumulate in living organisms, primarily in the blood serum, kidney, and liver, and remain in the human body.

40. PFAS also bioaccumulate in the tissues of fish and shellfish, and the consumption of fish and shellfish that contain PFAS poses a risk to human health.

Toxicity of PFAS

41. PFOA, PFOS, and PFHxS are highly carcinogenic and otherwise toxic and/or harmful to human beings (and other living creatures) who inhale, ingest, or otherwise absorb PFOA, PFOS, PFHxS, and other PFAS chemicals.

42. Specifically, PFOA, PFOS, and PFHxS are readily absorbed after ingestion or inhalation exposure, binds to albumen in an individual's blood serum, and are concentrated in the liver and kidneys.

43. When released into the environment, PFOA, PFOS, and PFHxS are particularly persistent in water and soil and, because of their solubility in water, can readily migrate from soil to groundwater.

44. Moreover, due to their resistance to biodegradation, hydrolysis and photolysis and high resistance to virtually all methods of traditional purification and/or eradication, PFOA, PFOS, and PFHxS remain in the environment—and in the human body—long after their initial discharge and/or consumption/absorption.

45. PFOA, PFOS, and PFHxS are especially concerning from a human health standpoint precisely because the chemicals can stay in the environment and in the human body for long periods of time.

46. Myriad health risks associated with exposure to PFOA, PFOS, and PFHxS exist, and such risks are present even when PFOA, PFOS, and PFHxS are ingested at very low levels.

47. Specifically, PFOA is associated with, *inter alia*, increased risk in humans of testicular cancer, kidney cancer, prostate cancer, endometrial/uterine cancer, breast cancer, along with thyroid disease, ulcerative colitis, pregnancy-induced hypertension, Type-2 diabetes, pre-eclampsia, developmental delays in children, and other health conditions.

48. PFOS is associated with increased risk for certain cancers, including liver and kidney cancer, changes in liver function, preeclampsia, increased risks of low birth weights, decreased antibodies in children, hypothyroidism and increase thyroid disease, immunosuppression, infertility and increased cholesterol.

49. PFHxS is associated with liver function disruptions, thyroid and hormone level changes, developmental effects, decreased antibody response and memory impairment.

50. Upon information and belief, PFOA, PFOS, and PFHxS have the ability to cause other cancers and illnesses not yet associated with human exposure.

History of PFAS Regulation

51. In 2009, the U.S. Environmental Protection Agency ("EPA") identified PFOA and PFOS, among other PFAS, as an emerging contaminant of concern and issued provisional health advisories ("HAs") under the Safe Drinking Water Act stating that exposure to concentrations of PFOA at 400 parts per trillion ("ppt") or more or PFOS of 200 ppt or more in drinking water can cause adverse human health effects.

52. The EPA updated its health advisories for PFOA and PFOS, including setting a lifetime health advisory of 70 ppt for both substances in 2016.

53. The body of science establishing the danger of PFAS continued to expand and, in April 2021, EPA created an EPA Council on PFAS to establish a strategy for accelerated regulation of PFAS, among other things.

54. In May 2021, the Agency for Toxic Substances and Disease Registry finalized toxicological profiles for PFOA, PFOS, and PFHxS (among other PFAS) that established minimal risk levels based on the danger presented by PFAS. The minimal risk level ("MRL") is defined as an "estimate of daily human exposure to a hazardous substance that is likely to be without an appreciable risk of adverse noncancer health effects over a specified route and duration of exposure." The MRL for intermediate oral exposures was 0.000003 mg/kg/day for PFOA, 0.000002 mg/kg/day for PFOS, and 0.00002 mg/kg/day for PFHxS. Agency for Toxic Substances & Disease Registry, U.S. Dep't of Health & Hum. Servs., *Toxicological Profile for Perfluoroalkyls* 20-21 (2021).

55. On June 15, 2022, in accordance with the danger presented by these substances, EPA set interim lifetime health advisories of 0.004 ppt for PFOA and 0.02 ppt for PFOS that took into account drinking water, air, food, and products. These limits were established to provide

guidance and "to protect all people, including sensitive populations and life stages, from adverse health effects resulting from exposure throughout their lives to a compound."

56. In March 24, 2023, the EPA established preliminary guidance determinations for PFHxS, PFNA, HFPO-DA, and PFBS in accordance with the Safe Drinking Water Act regulatory development process for a regulatory limit of 10 ppt for PFHxS either individually, or in combination through a mixture with any of the following compounds: PFNA, HFPO-DA and/or PFBS. The EPA proposed to regulate PFOA and PFOS with individual MCLs and PFHxS, PFNA, HFPO-DA, and PFBS using a Hazard Index which accounts for co-occurring mixtures of these four PFAS."

57. In February 2024, the EPA proposed to list 9 PFAS (including PFOA and PFOS) as "hazardous constituents," under the Resource Conservation and Recovery Act ("RCRA"). The effect of including these substances in the RCRA hazardous constituent list appearing at 40 CFR Section 261, Apdx VIII is to bring PFAS contaminated sites within RCRA's corrective action authority, available to the EPA and to citizens.

58. In April 2024, the EPA established a National Primary Drinking Water Standard for PFAS, including PFOA and PFOS. Unlike the prior Health Advisories, Safe Drinking Water standards must also take into consideration cost of implementation and practical enforceability. EPA set the standards for PFOA and PFOS at 4 ppt. Certain other PFAS were set at 10 ppt. These standards became the operative Maximum Contaminant Levels ("MCLs") for drinking water. The EPA also set a non-enforceable health-based goal of zero for both PFOA and PFOS.

59. Additionally, the EPA established an MCL of 10 ppt for PFHxS either individually, or in combination through a mixture with any of the following compounds: PFNA, HFPO-DA and/or PFBS. The EPA stated that decades of research showed that some chemicals, such as

PFHxS, can combine in mixtures and have additive health effects, even if the individual chemicals were present at lower levels.

60. The EPA said in April 2024 that the new MCLs would prevent thousands of deaths and reduce tens of thousands of serious PFAS-attributable illnesses.

61. In April 2024, the EPA designated PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). This has the effect of making sites contaminated with these substances subject to clean up under the Superfund law. It also requires that releases of these harmful chemicals be reported.

62. In September 2024, the EPA established PFOS and PFOA freshwater ambient surface water quality criteria and saltwater benchmarks for fish, which have also been contaminated by PFAS discharges. The EPA also established ambient surface water quality benchmarks for the broader array of PFAS substances that are harmful to fish.

63. In December 2024, the EPA published draft recommended PFAS human health criteria concerning the consumption of fish and shellfish. The draft human health criterion for consuming fish or shellfish was 0.00036 ng/L for PFOA and 0.07 ng/L for PFOS. For consuming both water and fish or shellfish, the draft human health criterion was 0.009 ng/L for PFOA and 0.06 ng/L for PFOA. Draft National Recommended Ambient Water Quality Criteria for the Protection of Human Health for Perfluorooctanoic Acid, Perfluorooctane Sulfonic Acid, and Perfluorobutane Sulfonic Acid, 89 Fed. Reg. 105,041, 105,042 (Dec. 26, 2024).

64. Maryland, having detected PFAS in fish tissue from the Chesapeake Bay, has also set a fish consumption advisory.

65. Peggy Branch, a stream originating at the Salisbury Agribusiness Facility, and Middle Neck Branch, which borders the Salisbury Agribusiness Facility to the north, are both

designated as Use Class I bodies of water by the State of Maryland, which means that they have designated uses including swimming, fishing, the growth and propagation of fish and other aquatic life, agricultural water supply, and industrial water supply. *See* Md. Code Regs. 26.08.02.02(B)(1).

66. Peggy Branch and Middle Neck Branch join together and discharge into Johnson Pond, another Use Class I body of water, which is additionally designated as a Special Fisheries Management Area with special rules governing the fishing of bass. *See id.* 08.02.11.03.

67. The North Prong Wicomico River downstream of Johnson Pond is designated as a Use Class II body of water with designated uses including those for Use Class I plus shellfish harvesting. *See id.* 26.08.02.02(B)(3), 26.08.02.08(E)(2)(d). The website for Maryland's Department of the Environment ("MDE") describes PFAS, including PFOA, as chemicals that "are persistent in the environment and the human body, meaning they do not break down easily and accumulate over time."

68. MDE has placed a fish consumption advisory on Johnson Pond for Black Crappie, Large and Smallmouth Bass, and Northern Snakehead due to PFOS contamination. MDE has advised women and children to completely avoid consuming Black Crappie and Large and Small mouth Bass over 15 inches. For the rest of the population and other fish on the advisory list, MDE has advised to not exceed consuming 1-2 eight-ounce meals per month.

69. MDE has also placed a fish consumption advisory on Blue Catfish, Brown Bullhead, Channel Catfish, and Spot in the Wicomico River due to PFOS contamination.

70. MDE has published on its website that, "According to the Agency for Toxic and Disease Registry (ATSDR) some, but not all, studies in humans with PFAS exposure have shown that certain PFAS may: affect growth, learning and behavior of infants and older children, lower a

woman's chance of getting pregnant, interfere with the body's nature hormones, increase cholesterol levels, affect the immune system, [and] increase the risk of cancer."

PFAS-Containing AFFF/Class B Foam

71. Class B foam is one of the primary tools used for fire suppression, including those commonly found at manufacturing facilities.

72. Class B foam is also used in structural or other types of non-chemical fires when water cannot penetrate deeply enough to ensure that unseen fire is extinguished. The most common Class B foam is aqueous film-forming foam ("AFFF").

73. AFFF and other Class B foams contain PFAS.

74. To use AFFF/Class B foam in a facility fire suppression system, the foam concentrate must first be stored in tanks, bladders, reservoirs, or other system components and mixed with water during operation.

75. Upon activation, the fire suppression system draws or releases the foam concentrate and combines it with water to create a foam solution designed to suppress flammable liquid fires.

76. The AFFF/Class B foam and related system components may be stored, handled, tested, discharged, released, or otherwise maintained at the facility in a manner that can result in PFAS-containing foam entering drains, wastewater systems, soil, groundwater, surface water, and/or other environmental media.

77. In facilities equipped with fire suppression systems that use AFFF, the foam is designed to be discharged through fixed system components, including sprinklers, nozzles, monitors, deluge systems, or other discharge devices, to blanket areas where flammable liquid fires may occur.

78. During activation, testing, maintenance, or accidental discharge, AFFF may be released onto floors, walls, equipment, containment areas, drains, and other facility surfaces.

79. Because AFFF is designed to spread and suppress flammable liquid fires, discharged foam can migrate beyond the immediate application area and enter floor drains, wastewater systems, soil, groundwater, surface water, and/or other environmental media.

80. At facilities equipped with AFFF fire suppression systems, PFAS-containing foam may be released during system activation, testing, maintenance, calibration, accidental discharge, leaks, spills, tank failures, piping failures, valve failures, or improper storage and handling.

81. Once released, AFFF can flow across facility floors, containment areas, loading areas, and other surfaces into floor drains, storm drains, sewer systems, retention ponds, wastewater treatment systems, soil, groundwater, surface water, and/or drinking water sources.

82. Because PFAS are persistent and mobile in the environment, such releases can migrate through water systems and contaminate groundwater, surface water, drinking water supplies, process water, and other environmental media.

83. The technology to develop safer, effective, and economical fluorine-free AFFF/Class B foam is and has been available for, at least, over 20 years. In fact, many foam manufacturers and distributors companies manufacture, market and/or sell fluorine-free foams, including Defendants Tyco, Chemguard, and Johnson Controls.

84. The alternative fluorine-free designs are far safer because they eliminate or substantially reduce the risk of PFAS releases, migration, and contamination of drinking water, groundwater, surface water, process water, soil, wastewater systems, and other environmental media, as well as the serious health risks associated with PFAS exposure.

85. Despite the long-standing existence of safer alternatives, Defendants' continued manufacture, marketing, sale, distribution, use, storage, discharge, release, testing, and/or disposal of PFAS-containing AFFF/Class B foam has caused or contributed to the contamination of drinking water, groundwater, surface water, soil, wastewater systems, fish, shellfish, and/or other environmental media, thereby exposing Plaintiffs and others to toxic PFAS chemicals.

86. Despite the availability of safer alternatives, Perdue did not cease using AFFF/Class B foam and reportedly switch to a fluorine-free firefighting foam at its Agribusiness Facility until approximately November 2025.

Perdue's Use of PFAS-Containing AFFF/Class B Foam

87. On information and belief, Perdue first installed an AFFF fire suppression system in 1986 featuring a 900- gallon foam bladder tank manufactured by Arrow Tank & Engineering Co. and contained 3M AFFF FC-203CE. In later years, the system utilized other AFFF formulations, including 3M FC-783F.

88. On information and belief, as early as 2011 Perdue purchased Ansul-branded AFFF/Class B Foam to be used in the fire suppression system at Perdue's Agribusiness Facility, including the specific products Ansulite 3% AFFF AFC3B and Ansulite 3% AFFF AFC-3A.

89. On information and belief, as early as 2012 Perdue purchased AFFF/Class B Foam from Johnson Controls to be used in the fire suppression system at Perdue's Agribusiness Facility.

90. On information and belief, as early as June 2014, Johnson Controls supplied services to Perdue to maintain, inspect, repair, and test Perdue's fire suppression system. These services provided by Johnson Controls involved the release of large volumes of PFAS-containing AFFF/Class B foam at Perdue's Agribusiness Facility.

91. Johnson Controls was acting as Perdue's actual or apparent agent when it contributed to the PFAS contamination identified at and migrating away from the Agribusiness Facility, including the contamination detected in groundwater, surface water, process water, wastewater, sludge, residential drinking water wells, and other environmental media, through Johnson Controls' maintenance, inspection, repair, and testing of Perdue's fire suppression system.

92. Perdue had, or appeared to have, control over Johnson Controls when Johnson Controls supplied services to Perdue to maintain, inspect, repair, and test Perdue's fire suppression system at the Agribusiness Facility.

93. Perdue is vicariously liable for the actions of Johnson Controls when Johnson Controls supplied services to Perdue to maintain, inspect, repair, and test Perdue's fire suppression system at the Agribusiness Facility.

94. This vicarious liability stands in addition to Perdue's liability for its own tortious conduct, as set forth elsewhere in this Complaint, which was a but-for cause, a proximate cause, and a substantial factor in causing Plaintiffs' and class members' injuries, having set in motion a series of events that resulted in the alleged harm.

95. On information and belief, Johnson Controls' AFFF/Class B foam products included those distributed under the brands Ansul, Ansulite, and/or Chemguard.

96. On information and belief, before it contracted with Johnson Controls, Perdue directly maintained, inspected, repaired, tested, and otherwise used its fire suppression system.

97. Perdue stored, handled, tested, discharged, released, or otherwise maintained the AFFF/Class B foam products at the Agribusiness Facility over a period spanning decades in a manner that resulted in PFAS-containing foam entering drains, wastewater systems, soil, groundwater, surface water, and/or other environmental media.

98. On information and belief, throughout the period during which it purchased, stored, handled, tested, discharged, released, or otherwise maintained the AFFF/Class B foam products Perdue knew or should have known that the foam contained chemicals that were persistent in the environment, bioaccumulative, and associated with serious risks to human health and the environment, such that due care was necessary for its use and disposal.

99. The PFAS-containing AFFF/Class B foam products discharged, released, or otherwise used at the Agribusiness Facility are a source and/or substantial contributing factor to the PFAS contamination identified at and migrating away from the Agribusiness Facility, including the contamination detected in groundwater, surface water, residential drinking water wells, and other environmental media.

Excessive Levels of PFAS in the Groundwater at Defendants' Facility

100. Defendants Perdue Farms, Perdue Agribusiness, and Perdue Foods own and operate approximately 300 acres of real property at 6906 Zion Church Road, northeast of Salisbury, Maryland, on which they have constructed and operate a large industrial complex for grain storage, a feed mill, soybean extraction plant, an oilseeds refinery and hatcheries. This facility is comprised of a series of contiguous parcels of land, occupying the land which extends approximately to Route 50 to the west, Morris Leonard Road to the north, Zion Church Road to the east, and extending slightly beyond rail tracks utilized by the Defendants to the south. Property records identify Perdue Foods LLC, and Perdue Agribusiness LLC, both wholly owned subsidiaries of Perdue Farms, as the owners of this real property.



Figure 1: Sourced from Google Earth

101. On information and belief, each Perdue Defendant has participated in the operation of the facility at 6906 Zion Church Road and in the conduct alleged herein, during the relevant period for which each entity existed. On information and belief, since 1968, this facility has been operated by Perdue Farms or one of its subsidiaries: Perdue Foods and Perdue Agribusiness LLC.

102. On information and belief, for the past 20 years or more, approximately 175,000 gallons of wastewater have been generated at the Agribusiness Facility each day where it has been treated and either discharged to the adjacent Peggy Branch, spray irrigated on-site on approximately 40 acres of crop land or approximately 25 acres of forest, or stored for subsequent discharge or spray irrigation.

103. On information and belief, wastewaters generated by operations at the Agribusiness Facility that have been spray irrigated on the onsite cropland and forest include hatchery process wastewater, refinery wastewater, soybean extraction wastewater, vehicle wastewater, sanitary wastewater and non-contact boiler blowdown and cooling water.

104. On information and belief, as early as February 2023, Defendants were aware that the drinking water at the Agribusiness Facility contained elevated levels of PFOA and PFHxS.

105. On information and belief, MDE discovered in September 2023 that Perdue's wastewater that has been disposed on cropland and forested areas by spray irrigation at the Agribusiness Facility contained highly elevated levels of PFAS compounds, including 694 ppt of PFOS, 40 ppt of PFOA, and 319 ppt of PFHxS. On information and belief, a portion of this same wastewater also is directly discharged to Peggy Branch which originates on the Perdue Agribusiness property and flows west through Plaintiffs' and class members' communities.

106. On information and belief, subsequent testing of the groundwater at the Agribusiness Facility in January 2024 revealed highly elevated levels of PFAS compounds, including 1370 ppt of PFOS, 159 ppt of PFOA, and 1520 ppt of PFHxS. The safe drinking water levels for these PFAS compounds as proposed by EPA in June 2022 and finalized by EPA in April 2024 are 4 ppt for PFOA and PFOS and 10 ppt for PFHxS.

107. An interim remedial measures report ("IRM report") prepared in July 2025 by S.S. Papadopulos & Associates, Inc. ("SSPA") and a team of experts in hydrogeology, remediation engineering, geochemistry, soybean processing technology, and wastewater treatment with more than 175 years of collective experience with site remediation experience is attached as Exhibit A.

108. On information and belief, the Agribusiness Facility overlies a shallow unconfined aquifer, known as the Salisbury Aquifer, that is susceptible to contamination from surface sources such as wastewater and other wastes disposed at or from the Agribusiness Facility. *See* Ex. A at 3.

109. On information and belief, groundwater in the Salisbury Aquifer in the vicinity of the Agribusiness Facility is moving to the west and southwest, across U.S. Rt 50, at a rate of approximately 300 to 600 feet per year towards homes with shallow private wells, some of which are less than 1000 feet from the Facility's wastewater spray irrigation field.

110. According to the IRM Report, the PFAS groundwater plume has migrated at least a mile downgradient of the Agribusiness Facility and is estimated to have been migrating for at least a decade. Ex. A at ES-2, 5.

111. Over 500,000 gallons of PFAS-contaminated groundwater is estimated to be migrating from the Agribusiness Facility every day. Ex. A at 15.

112. On information and belief, Defendants are emitting PFAS through aerosols generated by the on-site aeration basins as well as through air emissions from Defendants' soybean oil extraction plant and refinery. Ex. A at 40.

113. On information and belief, there are more than 500 homes with private shallow wells used for potable water located within two miles or more in the downgradient flow direction of the Facility's wastewater disposal spray field and Peggy Branch. The groundwater flow direction of the Salisbury Aquifer, based on available literature, and the residential areas with private wells downgradient from the Agribusiness Facility are depicted in Figure 2 below.

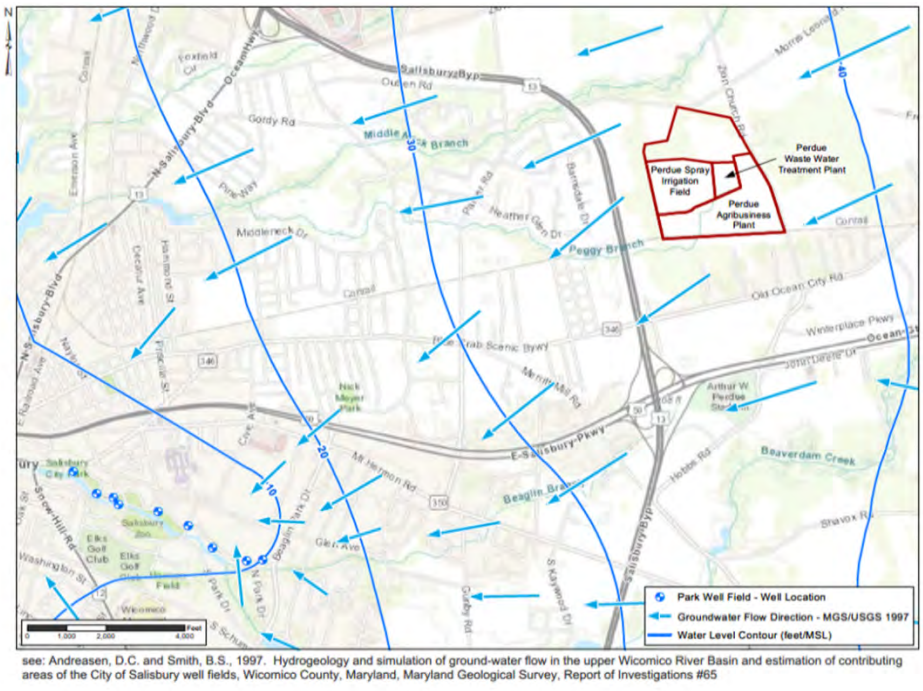


Figure 2

114. On information and belief, the groundwater at Perdue's Facility that is migrating towards Plaintiffs' and class members' wells exceeds the EPA's safe drinking water standard for PFOS by over 340 times, exceeds the EPA's safe drinking water standard for PFOA by up to 39 times, and exceeds the EPA's safe drinking water standard for PFHxS by over 150 times.

115. On information and belief, the safe levels for multiple PFAS compounds, including PFOS, PFOA, and PFHxS, have been, are presently or will in the future be exceeded in Plaintiffs' and class members' wells used for potable water, as a result of the Defendants' wrongful conduct.

116. On information and belief, testing conducted on the drinking water wells in the Heather Glen community and other nearby communities has shown that at least 170 drinking water wells exceed the maximum allowable drinking water levels set by EPA for one or more PFAS chemicals, often at levels that are 10 to 100 times the regulatory limits, as a result of Defendants' ongoing PFAS contamination.

117. On information and belief, testing conducted on Peggy Branch downstream from Perdue's Agribusiness Facility has indicated concentrations of PFAS as high as 73 ppt for PFOS, 8.7 ppt for PFOA, and 26 ppt of PFHxS.

118. On information and belief, testing conducted on Middle Neck Branch downstream from Perdue's Agribusiness Facility has indicated concentrations of PFAS as high as 150 ppt for PFOS, 9.6 ppt for PFOA, and 133 ppt for PFHxS.

119. On information and belief, on or about September 30, 2024, approximately twenty months after it first learned that the water on-site was contaminated with PFAS, Perdue sent letters to residents in the communities west of U.S. Rt 50 advising them that Perdue would test their well water and offer to supply bottled water for drinking purposes. *See* Exhibit B.

120. During years when Perdue was spray irrigating or otherwise discharging its wastewater to surrounding fields, it failed to perform adequate testing of the wastewater, so as to ensure it did not have excessive levels of PFAS and other hazardous substances. Perdue understood that the water had the ability to migrate into groundwater and reach community drinking water supplies, including private wells. During this time Plaintiffs and class members continued to drink contaminated water.

121. Perdue did begin to perform testing and understood as of September of 2023 that its wastewater, which it had been using for spray irrigation and otherwise discharging to the environment, was highly contaminated with excessive levels of PFAS chemicals. Despite this knowledge, Perdue took no action to correct its contamination or notify residents that their drinking water had potential to be, and likely was, contaminated with toxic PFAS chemicals. During this time Plaintiffs continued to drink contaminated water.

122. As of April of 2024, if not earlier, Perdue knew or should have known that its negligence had resulted in the PFAS in its wastewater entering groundwater at high levels, and that it was migrating downgradient to be used by homeowners' private wells. Despite this knowledge, Perdue took no action to correct its contamination or notify residents that their drinking water had the potential to be, and likely was, contaminated with toxic PFAS chemicals. During this time Plaintiffs continued to drink contaminated water.

123. Perdue took no action to alert the community until September 30, 2024, when it first notified a resident that their drinking water had been contaminated.

124. At the same time, Perdue continued to discharge hundreds of thousands of gallons of wastewater each day and has applied for a permit to increase that volume to one million gallons daily. Ex. A at 2, 20.

125. Perdue has not adequately investigated or addressed suspected sources of continuing contamination such as leaking lagoons, contaminated soils, and former spray fields, which continue to release PFAS into groundwater and surface waters that impact Plaintiffs and hundreds of other properties and streams that course through their neighborhoods. *See* Ex. A at 13–14.

126. The IRM report identifies straightforward interim measures, including excavation of contaminated soil, reconstruction of lagoons with proper liners, and installation of groundwater treatment systems. Ex. A at 17–32.

127. The total cost to implement the initial measures detailed in the IRM report, including capital costs as well as operations and maintenance, is estimated to be $92.8 million. Ex. C.

128. Additional more permanent remedial measures, which may include measures such as a permanent public water system, will also be necessary to protect the public health and environment from the Defendants' ongoing failure to eliminate and/or contain the multiple sources of PFAS contamination leaving its property.

FACTS RELATED TO PLAINTIFFS

129. Rachael Chaney ("Ms. Chaney") resides at her home located at 508 Barnsdale Drive, Salisbury, Maryland 21804 in Wicomico County and has resided at that residence since 2022. She previously resided at 506 Barnsdale Drive, Salisbury, Maryland 21804 from approximately 2013 to 2022. Plaintiff was the owner of 506 Barnsdale from 2007 to 2025. Plaintiff previously resided at 30785 Hambrook Court, Salisbury, Maryland 21804 from approximately 2004 to 2013. Plaintiff is the owner of 30785 Hambrook Court and has owned it since 2004. Plaintiff previously resided at 508 Barnsdale Drive from approximately 1999 to 2004.

130. Ms. Chaney lives approximately 1000 feet away from the Agribusiness Facility.

131. Ms. Chaney's residence utilizes a well system for use and delivery of its potable water from the time that she moved into her residences.

132. On or around October 15, 2024, the well water at Ms. Chaney's residence of 508 Barnsdale Drive was tested and showed results of 46 ppt of PFOS, 4.2 ppt of PFOA, and 27 ppt of PFHxS.

133. On or around October 28, 2024, the well water at Ms. Chaney's residence of 508 Barnsdale Drive was tested and showed results of 48.1 ppt of PFOS, 3.85 ppt of PFOA, and 28.9 ppt of PFHxS.

134. Ms. Chaney drinks, bathes in, cooks with, irrigates her properties with, washes her hands with, brushes her teeth with, provide(d) her animals with, and otherwise uses water from her well, drawn from the groundwater contaminated by Defendants.

135. Ms. Chaney's consumption of contaminated water has exposed her to increased risk of developing adverse health conditions, including cancer, which will require medical monitoring in the future.

136. Steven Lewis and Carrie Lewis ("Mr. and Mrs. Lewis") have owned and resided at 6943 Amber Fields Court, Salisbury, Maryland since 1999.

137. Mr. and Mrs. Lewis reside approximately 2000 feet from the Agribusiness Facility.

138. Mr. and Mrs. Lewis's residence utilizes a well system for use and delivery of its potable water for the entirety of their time residing at 6943 Amber Fields Court.

139. On or around October 14, 2024, the well water at Mr. and Mrs. Lewis's residence of 6943 Amber Fields Court was tested and showed results of 152 ppt of PFOS, 9.57 ppt of PFOA, and 102 ppt of PFHxS.

140. Mr. and Mrs. Lewis drink, bathe in, cook with, irrigate their property with, wash their hands with, brush their teeth with, provided their animals with, and otherwise use water from the well, drawn from the groundwater contaminated by Defendants.

141. Mr. and Mrs. Lewis's consumption of contaminated water has exposed them to increased risk of developing adverse health conditions, including cancer, which will require medical monitoring in the future.

142. Mrs. Lewis has suffered from kidney cancer, which is known to be caused by exposure to PFAS and other constituents discharged from Defendants' operations.

143. Mrs. Lewis's kidney cancer was proximately caused by consumption and use of contaminated water and drinking water, drawn from the groundwater contaminated by Defendants.

144. At the time Mrs. Lewis was diagnosed with kidney cancer in 2020, she and Mr. Lewis were husband and wife, resided together and continue to reside together as husband and wife with all of the legal and natural consequences attendant to such marital status.

145. By reason of the negligence, gross negligence, recklessness, and intentional conduct of the Defendants, Plaintiff spouse Mr. Lewis has been caused to lose comfort, companionship, society, services, and consortium caused by the illness and injuries his spouse has suffered.

146. Lisa King ("Ms. King") owns and resides at her home located at 515 Barnsdale Drive, Salisbury, Maryland 21804. She has resided at her current residence since 2001.

147. Ms. King resides approximately 800 feet from the Agribusiness Facility.

148. Ms. King's residence currently utilizes a well system for use and delivery of its potable water and has done so from the time she moved into her residence.

149. On or around October 28, 2024, the well water at Ms. King's residence of 515 Barnsdale Drive was tested and showed results of 84 ppt of PFOS, 6.2 ppt of PFOA, and 47 ppt of PFHxS.

150. Ms. King drinks, bathes in, cooks with, washes her hands with, brushes her teeth with, provides her animal(s) with, and otherwise uses water from the well, drawn from the groundwater contaminated by Defendants.

151. Ms. King's consumption of contaminated water has exposed her to increased risk of developing adverse health conditions, including cancer, which will require medical monitoring in the future.

152. Clark Blackburn ("Mr. Blackburn") owns and resides at his home located at 804 Bradford Court, Salisbury, Maryland 21804 in Wicomico County. Mr. Blackburn has owned his home at 804 Bradford Court continuously since 2012 and has resided at this property from approximately 2012 to 2019 and then again from approximately 2022 to the present.

153. Mr. Blackburn resides approximately 500 feet from the Agribusiness Facility.

154. Mr. Blackburn's residence utilizes a well system for use and delivery of its potable water for the entirety of his time residing at 804 Bradford Court.

155. On or around October 17, 2024, the well water at Mr. Blackburn's residence of 804 Bradford Court was tested and showed results of 124 ppt of PFOS, 11 ppt of PFOA, and 159 ppt of PFHxS.

156. Mr. Blackburn drinks, bathes in, cooks with, irrigates his property with, washes his hands with, brushes his teeth with, provides his animals with, and otherwise uses water from the well, drawn from the groundwater contaminated by Defendants.

157. Mr. Blackburn's consumption of contaminated water has exposed him to increased risk of developing adverse health conditions, including cancer, which will require medical monitoring in the future.

CLASS ALLEGATIONS

158. Plaintiffs incorporate the foregoing paragraphs as though the same were set forth at length herein.

159. Plaintiffs bring this lawsuit as a class action on their own behalf and on behalf of all other persons similarly situated as members of the proposed classes pursuant to Federal Rules of Civil Procedure 23(a), 23(b)(2), 23(b)(3), and 23(c)(4). This action satisfies the numerosity, commonality, typicality, adequacy, predominance, and superiority requirements of those provisions.

160. Plaintiffs bring this class action on behalf of the following classes, hereinafter respectively referred to as Class (a), Class (b), and Class (c), as set forth below,:

a. All individuals who are owners of real property located in the Contamination Zone, or who were owners of real property located in the Contamination Zone as of October 1, 2024.

b. All individuals who (a) lived, resided, worked or attended school in the Contamination Zone for a period of at least six months, between January 1, 1985 and the date of certification in this case; (b) during that time, ingested PFAS-contaminated water at their residence, work, or school from a PFAS-contaminated private well or contaminated community well within the Contamination Zone; and (c) have not been diagnosed with testicular cancer, kidney cancer, prostate cancer, endometrial/uterine cancer, breast cancer, liver cancer, thyroid cancer, thyroid

disease, kidney disease, ulcerative colitis, pregnancy-induced hypertension, high blood pressure, high cholesterol, Type-2 diabetes, pre-eclampsia, polycystic ovary syndrome ("PCOS"), or developmental delays, as of the date this Class is certified.

c. All individuals who (a) lived, resided, worked or attended school in the Contamination Zone for a period of at least six months, between January 1, 1985, and the date of certification in this case; (b) during that time, ingested PFAS-contaminated water at their residence, work or school from a PFAS-contaminated private well or contaminated community well within the Contamination Zone; and (c) have been diagnosed with testicular cancer, kidney cancer, prostate cancer, endometrial/uterine cancer, breast cancer, liver cancer, thyroid cancer, thyroid disease, kidney disease, ulcerative colitis, pregnancy-induced hypertension, high blood pressure, high cholesterol, Type-2 diabetes, pre-eclampsia, polycystic ovary syndrome ("PCOS"), or developmental delays, as of the date this Class is certified, or is the spouse of such an individual.

161. As referred to in the class definitions above, the "Contamination Zone" shall mean all properties within the State of Maryland that are located within the mapped impacted area shown in Figure 3 and attached hereto as Exhibit D.

162. The boundaries of the mapped Contamination Zone in Figure 3 were generated using GIS data and property boundaries. Additional boundary details for any specific location can be provided as needed to clarify whether a particular property falls within the Contamination Zone.

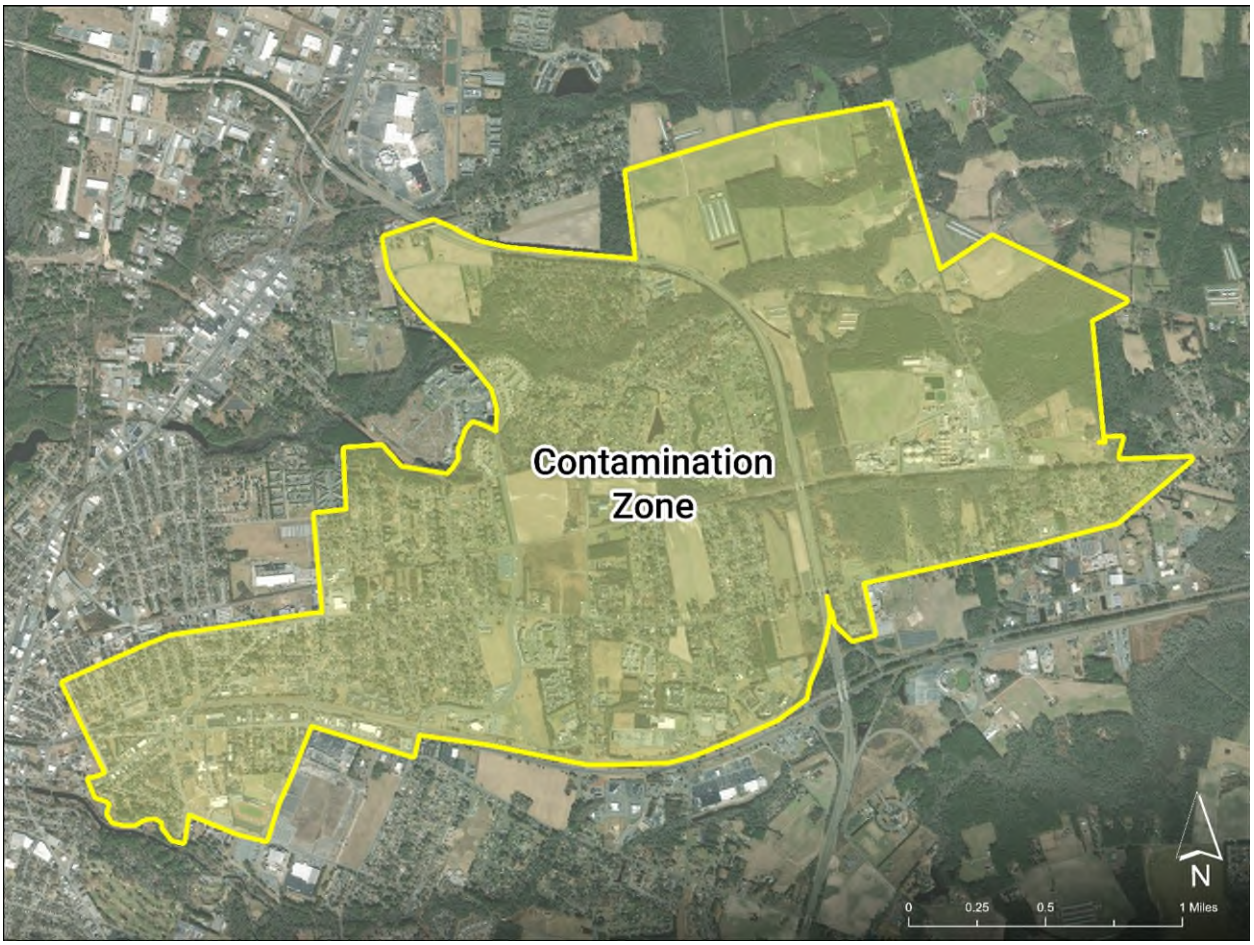


Figure 3

163. Excluded from the definition of the Classes as set forth above are: (a) Defendants, any entity or division in which any Defendant has a controlling interest, and its legal representatives, officers, directors, assigns, and successors.

164. Plaintiffs reserve the right to revise the Class definition, including temporal aspects of the Class definition, and the Contamination Zone, based on facts developed through the continued litigation of this action, including expert investigation and discovery from, among other sources, Defendants, MDE, and the EPA, as well as groundwater monitoring and modeling data. In particular, the class definition may be amended, expanded or contracted in certain regions based upon expert evaluation of information obtained through discovery and other relevant considerations.

165. Upon information and belief, the number of members of each Class exceeds 1,000 or more, and therefore, the Classes are so numerous that joinder of all members is impracticable.

166. The questions of law and fact in this case are uniquely common as to all members of one or more of the Classes.

167. There are common questions of law and fact in this action which are not only common as to the Classes, but which predominate over any question affecting only individuals. The predominating questions include, but are not limited to:

a. Determination of the role and responsibilities of the Perdue Defendants in the contamination from the Perdue Agribusiness Facility;

b. Determination and/or modeling of the migration of PFAS and other contaminants from the Perdue Agribusiness Facility into the surrounding environment;

c. Determination and/or modeling of the travel of PFAS and other contaminants from the Perdue Agribusiness Facility into surrounding air, soil, groundwater and surface water bodies;

d. Whether and over what periods of time the Perdue Defendants negligently and/or improperly emitted PFAS from the facilities it operated at the Agribusiness Facility;

e. Whether and over what periods of time the Perdue Defendants negligently and/or improperly discharged PFAS to the air, soil, surface water and groundwater beneath the facilities it operated at the Agribusiness Facility;

f. Whether and over what periods of time the Perdue Defendants mishandled and disposed of PFAS-containing wastes inappropriately;

g. Whether the Perdue Defendants utilized appropriate pollution controls at the facilities it operated at the Agribusiness Facility;

h. Whether and what periods of time the Perdue Defendants knew or should have known that it was unreasonably dangerous to dispose of PFAS into the environment;

i. Whether injunctive relief may be necessary to prevent current and future water and air pollution caused by the Perdue Defendants, including necessary upgrades to the Perdue Agribusiness Facility;

j. Whether injunctive relief may be necessary to prevent future contamination from the Perdue Agribusiness Facility;

k. Whether injunctive relief may be necessary to prevent the use or generation of PFAS at the Perdue Agribusiness Facility;

l. Whether and what type of corrective action is necessary to remedy the environment and property damage caused by Perdue's conduct in contaminating the air, land, groundwater and surface waters;

m. Whether and what periods of time the Perdue Defendants breached a legal duty to Plaintiffs and the Classes by disposing of PFAS in the manner described herein;

n. Whether and what periods of time the Perdue Defendants breach of a legal duty caused class members' potable water, soil, surface water, and air to become contaminated with PFAS;

o. Whether and what periods of time it was foreseeable that the Perdue Defendants' use and/or disposal of PFAS would cause class members' potable water, soil,

surface water, and air to become contaminated and/or unreasonably dangerous for normal and foreseeable human consumption or use;

p. Whether and what periods of time the Perdue Defendants were negligent, grossly negligent, reckless, and/or acted in a willful or wanton manner with respect to their manufacturing operations and pollution controls used at the facilities it operated at the Agribusiness Facility;

q. Whether and what periods of time the Perdue Defendants were negligent, grossly negligent, reckless and/or acted in a willful or wanton manner with respect to their handling, treatment and disposal of wastewater generated at the Agribusiness Facility;

r. Whether and what periods of time the PFAS contamination described herein substantially interfered with Plaintiffs' and class members' use and enjoyment of their properties;

s. Whether and what periods of time the PFAS contamination described herein caused, and continues to cause, a continuous invasion of the property rights of Plaintiffs and the Classes;

t. Whether and what periods of time Perdue caused the devaluation of Plaintiffs' and class members' property;

u. Whether and what periods of time Perdue caused PFAS to enter, invade, intrude upon or injure the property rights of Plaintiffs and the Classes;

v. The measure of damages for diminution or devaluation of property for members of Class (a);

w. Whether the toxic invasion and accumulation of PFAS in class members' blood constitutes an injury under Maryland law;

x. Whether Plaintiffs and the Classes are at increased risk of illness and harm as a result of the PFAS accumulation they have sustained in their bodies from using private well water or from coming into contact with PFAS-contaminated air, soil, or surface water, including consumption of PFAS-contaminated fish or shellfish;

y. Whether medical monitoring and surveillance of Plaintiffs and the Classes is reasonable and necessary to assure early diagnosis and treatment of PFAS-related illnesses and conditions, and the parameters and costs of such a program;

z. The type of conditions which may be caused as a result of the PFAS accumulation that Plaintiffs and Classes have sustained in their bodies from drinking water contaminated by Defendants or from coming into contact with PFAS-contaminated air, soil, or surface water, including consumption of PFAS-contaminated fish or shellfish;

aa. Whether early diagnosis and treatment of the conditions caused by PFAS will be beneficial to Plaintiffs.

bb. Whether the AFFF Manufacturer Defendants designed, manufactured, formulated, tested, marketed, promoted, sold, supplied, distributed, or otherwise placed PFAS-containing AFFF/Class B foam into the stream of commerce.

cc. Whether the AFFF Manufacturer Defendants' products contained PFAS that are toxic, persistent, bioaccumulative, highly mobile, and capable of contaminating water supplies and the environment.

dd. Whether the AFFF Manufacturer Defendants knew or should have known that their PFAS-containing AFFF products could contaminate drinking water, groundwater, surface water, soil, wastewater systems, properties, and surrounding communities.

ee. Whether the AFFF Manufacturer Defendants' PFAS-containing AFFF products were defectively designed, defectively formulated, or unreasonably dangerous.

ff. Whether safer feasible alternatives to PFAS-containing AFFF existed and could have reduced or avoided the risk of PFAS contamination.

gg. Whether the AFFF Manufacturer Defendants breached duties owed to Plaintiffs and Class Members as foreseeable property owners, water owners, water users, and persons exposed to PFAS-contaminated water, soil, property, and the environment.

hh. Whether the AFFF Manufacturer Defendants' conduct caused or contributed to PFAS contamination affecting Plaintiffs' and Class Members' properties, water supplies, and surrounding environment.

168. The claims of the named Plaintiffs, who are representative parties, are typical of the claims of the members of the respective Classes.

169. Plaintiffs will fairly and adequately represent and pursue the interests of the Class. Plaintiffs understand the nature of their claims herein, have no disqualifying conditions, and will vigorously represent the interests of the Class members.

170. Plaintiffs' counsel are experienced in Class Actions and other complex litigation. Thus, Plaintiffs' counsel will adequately represent the interests of the Class.

171. This action is properly maintainable as a Class Action pursuant to Federal Court Civil Rule 23(b)(2) in that the Defendants have refused to act on grounds that apply generally to

the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.

172. This action is also properly maintainable as a Class Action pursuant to Federal Court Civil Rule 23(b)(3) in that questions of law and fact common to members of the Classes predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of this controversy between the Classes and Perdue.

173. The predominance of common issues of law and fact in this case is clear. The questions of law and fact common to members of the Classes, set forth hereinabove, represent the overwhelming majority of evidence that must be presented in this case.

174. The difficulties likely to be encountered in the management of a Class Action in this litigation are insignificant, especially when weighed against the virtual impossibility of affording adequate relief to the members of the Classes through more than a thousand separate actions, which would necessarily include evidence and testimony relating to the conduct of Defendants and include testimony from a multitude of experts on liability and damages, and potentially tens of thousands of pages of exhibits.

175. Plaintiffs and the Classes also seek a declaration that Defendants acted with negligence, gross negligence, and/or willful, wanton, and careless disregard for the health and safety of Plaintiffs and members of the Classes.

176. In the alternative to certification under Rule 23(b)(2) or 23(b)(3), Plaintiffs and the classes seek to maintain a class action with respect to particular issues under Rule 23(c)(4), including: (1) Defendants' roles in creating the aforementioned PFAS contamination; (2) the foreseeability of the subsequent injuries resulting from Defendants' conduct; (3) Perdue's

abnormally dangerous activity related to the discharge or spray of PFAS from the Agribusiness Facility and whether Perdue is strictly liable for same; (4) whether the PFAS contamination from the Agribusiness Facility underlies contamination of the class region(s); (5) whether Defendants' conduct caused potential for the intrusion of PFAS into the air and potable water of class members; and (6) whether Perdue's failure to investigate its discharges, spray or disposal of PFAS was negligent.

177. For Class (c), the diagnosed illness Class, Plaintiffs seek to bring and maintain the action under Rules 23(b)(3) and 23(c)(4) as a class action with respect to all issues pertaining to the character and culpability of Defendants' conduct, the scope of contamination, damages for medical monitoring, and to general causation of the types of illness the Class (c) Plaintiffs allege have been suffered by Class (c) members. Following the trial of common issues, discovery and trial will proceed on individualized issues for participating members of Class (c), including specific medical causation and personal injury damages.

CAUSES OF ACTION

COUNT I

Strict Liability – Design Defect Against AFFF Manufacturer Defendants

178. Plaintiffs and class members incorporate by reference all prior paragraphs of this complaint, as though fully set forth herein.

179. Each AFFF Manufacturer Defendant, their predecessors-in-interest, alter egos, and/or entities they have acquired, engaged in the business of manufacturing, designing, selling, distributing, supplying, testing, inspecting, labeling, promoting, and/or advertising PFAS chemicals, PFAS-containing products, AFFF/Class B foam, and/or related materials.

180. Through that conduct, the AFFF Manufacturer Defendants knowingly placed PFAS-containing products into the stream of commerce with full knowledge that such products would be used, stored, discharged, released, disposed of, or otherwise handled in a manner that could contaminate drinking water, groundwater, surface water, soil, wastewater systems, and/or other environmental media, thereby exposing Plaintiffs and class members to PFAS through ordinary and foreseeable environmental pathways.

181. The AFFF Manufacturer Defendants intended, expected, and/or reasonably foresaw that the PFAS chemicals, PFAS-containing products, AFFF/Class B foam, and/or related materials that they manufactured, designed, sold, distributed, supplied, tested, inspected, labeled, promoted, and/or advertised would be used, stored, discharged, released, disposed of, or otherwise handled without substantial change in the condition of the products from when they were initially manufactured, sold, distributed, and marketed by the AFFF Manufacturer Defendants, and that such ordinary and foreseeable uses could result in the contamination of drinking water, groundwater, surface water, soil, wastewater systems, and/or other environmental media.

182. The AFFF Manufacturer Defendants' PFAS chemicals, PFAS-containing products, AFFF/Class B foam, and/or related materials are and/or were defective and unreasonably dangerous because they contain toxic PFAS chemicals which, as detailed above, are highly mobile, persistent, bioaccumulative, and associated with serious adverse health effects, and which pose a substantial likelihood of harm to Plaintiffs, class members, the public, property, water supplies, and/or the environment when used, stored, discharged, released, disposed of, or otherwise handled in an ordinary and foreseeable manner.

183. PFAS chemicals, PFAS-containing products, and/or AFFF/Class B foam designed, manufactured, marketed, tested, inspected, labeled, advertised, promoted, sold, supplied, and/or

distributed by the AFFF Manufacturer Defendants are and/or were unreasonably dangerous and defective in design or formulation because, at the time these products left the hands of the manufacturers and/or distributors, the utility and benefit of the products did not outweigh the risks inherent in their design or formulation, including the risk that PFAS would be released into and contaminate drinking water, groundwater, surface water, soil, wastewater systems, and/or other environmental media.

184. Plaintiffs, class members, and their communities rely on drinking water, groundwater, surface water, and other natural resources for ordinary and foreseeable daily uses. The AFFF Manufacturer Defendants have known for decades that PFAS and PFAS-containing materials are toxic to humans and animals and are associated with significant, and often catastrophic, health effects, including cancer, ulcerative colitis, thyroid disease, and birth defects.

185. This risk is heightened where exposure is repeated or prolonged because PFAS are persistent, bioaccumulative, and have long half-lives in the human body. The risk of these serious health and environmental harms was not, and is not, outweighed by the utility or benefit of PFAS or PFAS-containing products, particularly in light of the availability of safer and feasible PFAS-free alternatives.

186. The PFAS-containing products, AFFF/Class B foam, and/or related materials designed, manufactured, marketed, tested, inspected, labeled, advertised, promoted, sold, and/or distributed by the AFFF Manufacturer Defendants were dangerous and defective in design or formulation because, when these products left the hands of the manufacturers and/or distributors, they posed significant risks to human health, property, water supplies, and the environment, and were unreasonably dangerous during their ordinary and foreseeable use, storage, discharge, release, disposal, or handling.

187. Further, despite knowing of the dangerous and hazardous properties of PFAS chemicals, PFAS-containing products, AFFF/Class B foam, and/or related materials, the AFFF Manufacturer Defendants could have manufactured, marketed, distributed, and/or supplied safer alternative designs or formulations, including fluorine-free chemicals, fluorine-free foams, and other PFAS-free products that would have reduced or avoided the risk of water contamination and environmental harm.

188. These alternative designs and/or formulations were already practical, similar in cost, technologically feasible and/or available.

189. The use of these alternative designs would have reduced or prevented the substantial likelihood of harm to Plaintiffs and class members that was caused by the AFFF Manufacturer Defendants' design, manufacture, testing, inspecting, labeling, marketing, advertising, promotion, sale and/or distribution AFFF/Class B foam and/or PFAS chemicals.

190. Additionally, the PFAS-containing products, AFFF/Class B foam, and/or related materials designed, manufactured, marketed, tested, inspected, labeled, advertised, promoted, sold, supplied, and/or distributed by the AFFF Manufacturer Defendants contained PFAS or other PFAS-containing substances that were so toxic and unreasonably dangerous to human health and the environment, and so highly mobile and persistent, that the designing, formulating, manufacturing, testing, labeling, marketing, distributing, and/or selling of those products was itself unreasonably dangerous.

191. The foreseeable risks that these products would contaminate drinking water, groundwater, surface water, soil, wastewater systems, fish, shellfish, and/or other environmental media, and thereby cause serious health and environmental harm, exceeded any benefits associated with their design or formulation.

192. The AFFF Manufacturer Defendants' design and/or formulation of PFAS chemicals, PFAS-containing products, AFFF/Class B foam, and/or related materials was unreasonably dangerous and was a substantial factor in causing Plaintiffs' and class members' injuries, including injuries resulting from PFAS contamination of drinking water, groundwater, surface water, soil, fish, shellfish, and/or other environmental media.

193. As a result of the AFFF Manufacturer Defendants' defective design, the AFFF Manufacturer Defendants are strictly liable for damages to Plaintiffs and class members.

194. As a direct and proximate result of the AFFF Manufacturer Defendants' actions and omissions described herein, Plaintiffs and class members have suffered illnesses and injuries caused by the accumulation of PFAS in their bodies, entitling them to economic and non-economic compensatory and consequential damages, including the past, present and future cost of medical care, lost earnings and diminished earnings capacity, the cost of medical monitoring, and severe mental anguish and psychological distress.

195. As a direct and proximate result of the AFFF Manufacturer Defendants' actions and omissions described herein, Plaintiffs and class members have suffered the lost comfort, companionship, society, services and consortium caused by these illnesses and injuries suffered by their spouse.

196. As a direct and proximate result of the AFFF Manufacturer Defendants' actions and omissions described herein, Plaintiffs and class members have also suffered the loss of property value as a result of contamination to their properties.

197. The AFFF Manufacturer Defendants acted with willful or conscious disregard for the rights, health, and safety of Plaintiffs and class members, as described herein, thereby entitling Plaintiffs and class members to an award of punitive damages.

198. Plaintiffs and class members demand judgment against the AFFF Manufacturer Defendants, jointly and severally, for all actual and compensatory damages suffered, as well as for punitive damages in an amount sufficient to keep such wrongful conduct from being repeated, together with interest, if applicable, and all costs of this action and for such other and further relief as this Honorable Court and/or jury may deem just and proper.

COUNT II

Negligence – Design Defect Against AFFF Manufacturer Defendants

199. Plaintiffs and class members incorporate by reference all prior paragraphs of this complaint, as though fully set forth herein.

200. Each AFFF Manufacturer Defendant, their predecessors-in-interest, alter egos, and/or entities they have acquired, engaged in the business of manufacturing, designing, selling, distributing, supplying, testing, inspecting, labeling, promoting, and/or advertising PFAS chemicals, PFAS-containing products, AFFF/Class B foam, and/or related materials.

201. Through that conduct, the AFFF Manufacturer Defendants knowingly placed PFAS-containing products into the stream of commerce with full knowledge that such products would be used, stored, discharged, released, disposed of, or otherwise handled in a manner that could contaminate drinking water, groundwater, surface water, soil, wastewater systems, and/or other environmental media, thereby exposing Plaintiffs and the class members to PFAS through ordinary and foreseeable environmental pathways.

202. The AFFF Manufacturer Defendants intended, expected, and/or reasonably foresaw that the PFAS chemicals, PFAS-containing products, AFFF/Class B foam, and/or related materials that they manufactured, designed, sold, distributed, supplied, tested, labeled, promoted, and/or advertised would be used, stored, discharged, released, disposed of, and/or otherwise handled

without any substantial change in the condition of the products from when they were initially manufactured, distributed, and/or marketed by the AFFF Manufacturer Defendants, and that such ordinary and foreseeable use, storage, discharge, release, disposal, and/or handling could result in PFAS contamination of drinking water, groundwater, surface water, soil, wastewater systems, and/or other environmental media.

203. The AFFF Manufacturer Defendants also knew or should have known that Plaintiffs and class members would be exposed to PFAS through the ordinary and foreseeable use, storage, discharge, release, disposal, migration, and/or handling of these products, including through contamination of drinking water, groundwater, surface water, soil, wastewater systems, and/or other environmental media.

204. The AFFF Manufacturer Defendants had a duty not to endanger the health and safety of Plaintiffs, class members, and other persons foreseeably exposed to PFAS contamination originating from Perdue's facility, including contamination of drinking water, groundwater, surface water, soil, wastewater systems, and/or other environmental media resulting from Defendants' manufacture, design, use, storage, handling, discharge, release, disposal, testing, labeling, promotion, and/or distribution of PFAS chemicals, PFAS-containing products, and/or AFFF/Class B foam

205. The AFFF Manufacturer Defendants' duty required that they exercise reasonable care in the manufacturing, designing, selling, distributing, supplying, testing, labeling, promoting, and/or advertising of AFFF/Class B foam.

206. The AFFF Manufacturer Defendants breached their duty of reasonable care by negligently manufacturing, designing, selling, distributing, supplying, testing, inspecting, labeling,

promoting, and/or advertising PFAS-containing AFFF/Class B foam and/or related PFAS-containing products, which were defective and unreasonably dangerous.

207. The AFFF/Class B foam contained toxic PFAS chemicals which, as detailed above, are highly mobile, persistent, known or suspected carcinogens and immune system disruptors that pose a substantial likelihood of harm to Plaintiffs, class members, and others through the foreseeable contamination of drinking water, groundwater, surface water, soil, wastewater systems, and/or other environmental media.

208. PFAS and/or PFAS-containing AFFF/Class B foam designed, manufactured, marketed, tested, advertised, promoted, and distributed by the AFFF Manufacturer Defendants are and/or were unreasonably dangerous and defective in design or formulation because, at the time in which the products left the hands of the manufacturer or distributors, the utility and benefit of these products did not outweigh the risks inherent in the design or formulation of the PFAS-containing AFFF/Class B foam.

209. Plaintiffs, class members, and other affected persons were exposed to PFAS through contaminated drinking water, groundwater, surface water, soil, wastewater systems, fish, shellfish, and/or other environmental media resulting from the ordinary and foreseeable use, storage, discharge, release, disposal, and migration of PFAS or PFAS-containing materials.

210. The AFFF Manufacturer Defendants have known for decades that exposure to PFAS or PFAS-containing materials is toxic to humans and animals and can result in significant, often catastrophic, health effects, including cancer, ulcerative colitis, thyroid disease, and birth defects.

211. This risk is heightened for persons with consistent or prolonged exposure to PFAS-contaminated water and environmental media because PFAS chemicals are persistent, bioaccumulative, have long biological half-lives, and can impact the body on a cellular level.

212. The risk of such serious health effects is and/or was not outweighed by the utility and benefit of PFAS or PFAS-containing products, particularly in light of the availability of feasible PFAS-free alternatives.

213. Further, knowing of the dangerous and hazardous properties of PFAS and/or PFAS-containing AFFF/Class B foam, each AFFF Manufacturer Defendant could have manufactured, marketed, distributed, and/or alternative designs or formulations of fluorine-free foam.

214. These alternative designs for AFFF/Class B foam were already practical, similar in cost, technologically feasible and/or available.

215. Indeed, a viable replacement for PFOA that was less toxic and less-bio-accumulative was identified in the 1990s. In the 2000s, multiple companies developed safer, effective fluorine-free foams.

216. The use of these alternative designs would have reduced or prevented the substantial likelihood of harm to Plaintiffs and class members that was caused by the AFFF Manufacturer Defendants' design, manufacture, marketing, advertising, promotion, sale and/or distribution of PFAS-containing AFFF/Class B Foam.

217. Additionally, PFAS-containing AFFF/Class B foam that was designed, manufactured, marketed, tested, inspected, labeled, advertised, marketed, promoted, and/or distributed by the AFFF Manufacturer Defendants contained PFAS or PFAS-containing materials that were so toxic and unreasonably dangerous to human health and the environment, with the toxic chemicals being highly mobile and persistent, that the act of designing, formulating,

manufacturing, marketing, distributing, and/or selling these products was unreasonably dangerous and the foreseeable risks of causing serious health consequences exceeded the benefits associated with the design or formulation of PFAS-containing AFFF/Class B foam.

218. Each AFFF Manufacturer Defendant breached a duty it owed to the Plaintiffs and class members via its respective negligent and/or grossly negligence design of the toxic PFAS chemicals and/or the PFAS-containing AFFF/Class B foam, and these breaches were a substantial factor in causing Plaintiffs' and class members' injuries.

219. As a result of the AFFF Manufacturer Defendants' defective, unreasonably dangerous PFAS-containing AFFF/Class B foam, each AFFF Manufacturer Defendant is liable for such injuries and damages to Plaintiffs and class members.

220. As a direct and proximate result of the AFFF Manufacturer Defendants' actions and omissions described herein, Plaintiffs and class members have suffered illnesses and injuries caused by the accumulation of PFAS in their bodies, entitling them to economic and non-economic compensatory and consequential damages, including the past, present and future cost of medical care, lost earnings and diminished earnings capacity, the cost of medical monitoring, and severe mental anguish and psychological distress.

221. As a direct and proximate result of the AFFF Manufacturer Defendants' actions and omissions described herein, Plaintiffs and class members have suffered the lost comfort, companionship, society, services and consortium caused by these illnesses and injuries suffered by their spouse.

222. As a direct and proximate result of the AFFF Manufacturer Defendants' actions and omissions described herein, Plaintiffs and class members have also suffered the loss of property value as a result of contamination to their properties.

223. Each AFFF Manufacturer Defendant acted with willful or conscious disregard for the rights, health, and safety of Plaintiffs and class members, as described herein, thereby entitling Plaintiffs and class members to an award of punitive damages.

224. As a direct and proximate result of the AFFF Manufacturer Defendants' collective and respective negligence in the design, distribution, and sale of their PFAS chemicals and/or AFFF/Class B foams containing PFAS or PFAS-containing materials, Plaintiffs and class members have been injured, sustained severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life, loss of care, comfort, economic loss and damages including, but not limited to medical expenses, lost income, and/or other damages.

225. Plaintiffs and class members demand judgment against the AFFF Manufacturer Defendants, jointly and severally, for all actual and compensatory damages suffered, as well as for punitive damages in an amount sufficient to keep such wrongful conduct from being repeated, together with interest, if applicable, and all costs of this action and for such other and further relief as this Honorable Court and/or jury may deem just and proper.

COUNT III

Strict Liability for Abnormally Dangerous Activity Against Perdue Defendants

226. Plaintiffs and class members incorporate by reference the allegations above as if fully stated herein.

227. This Claim is brought under Maryland law.

228. Perdue's processes at the Agribusiness Facility and its negligent, reckless, and/or intentional handling of PFAS constituted an abnormally dangerous activity for which Perdue is strictly liable.

229. Perdue's use and disposal of PFAS or PFAS-containing material, as described herein, was inappropriate for the place where it was carried out, especially given the close proximity of the Agribusiness Facility to residences, schools, neighborhoods, churches, retail establishments, and to sources of potable water relied upon by residents of Salisbury and those utilizing its schools, neighborhoods, churches, and retail establishments.

230. Perdue's use and disposal of PFAS or PFAS-containing material, as described herein, was additionally inappropriate for the place where it was carried out due to the likelihood for PFAS contamination to impact the soil, surface water, and air relied upon and enjoyed by such residents of Salisbury and those utilizing its schools, neighborhoods, churches, and retail establishments.

231. Furthermore, Perdue's use and disposal of PFAS or PFAS-containing material, and reckless disregard for the consequences of those actions, carried a high degree of risk of harm to others and a likelihood that any such harm would be great.

232. As a result of Perdue's abnormally dangerous activities, Plaintiffs and class members have suffered harm to their properties and have suffered and continue to suffer injuries to their bodies and have been forced to mitigate damages as set forth herein, as well as below.

233. As a direct and proximate result of Perdue's actions and omissions described herein, Plaintiffs and class members have suffered illnesses and injuries caused by the accumulation of PFAS in their bodies, entitling them to economic and non-economic compensatory and consequential damages, including the past, present and future cost of medical care, lost earnings and diminished earnings capacity, the cost of medical monitoring, and severe mental anguish and psychological distress.

234. As a direct and proximate result of Perdue's actions and omissions described herein, Plaintiffs and class members have suffered the lost comfort, companionship, society, services and consortium caused by these illnesses and injuries suffered by their spouse.

235. As a direct and proximate result of Perdue's actions and omissions described herein, Plaintiffs and class members have also suffered the loss of property value as a result of contamination to their properties.

COUNT IV

Negligence Against All Defendants

236. Plaintiffs and class members incorporate by reference the allegations above as if fully stated herein.

237. This Claim is brought under Maryland law.

238. Defendants knew or should have known that PFAS contained in materials used in the processes at the Agribusiness Facility, including materials used in the fire suppression system, would result in the release of PFAS into the environment, the contamination of the groundwater, surface water, soil and air, ingestion of the groundwater and contaminated fish by the surrounding communities, accumulation of PFAS in the bodies of members of those communities, including Plaintiffs and class members, and adverse health effects to those people, including Plaintiffs and class members.

239. Defendants knew or should have known that the use and disposal of PFAS-containing materials into the air, soil, groundwater and surface water was potentially hazardous to human health and the environment and required Defendants to take adequate safety precautions to ensure that PFAS was not released into the surrounding environment.

240. Defendants had a duty to take all reasonable measures to ensure that PFAS would be effectively contained and not discharged into the surrounding environment.

241. The AFFF Manufacturer Defendants' duty required that they exercise reasonable care in the manufacturing, designing, selling, distributing, supplying, testing, labeling, promoting, and/or advertising of AFFF/Class B foam.

242. The AFFF Manufacturer Defendants breached their duty of reasonable care by negligently manufacturing, designing, selling, distributing, supplying, testing, inspecting, labeling, promoting, and/or advertising PFAS-containing AFFF/Class B foam and/or related PFAS-containing products, which were defective and unreasonably dangerous.

243. Throughout the period during which it purchased, stored, handled, tested, discharged, released, or otherwise maintained the AFFF/Class B foam products Perdue knew or should have known that the foam contained chemicals that were persistent in the environment, bioaccumulative, and associated with serious risks to human health and the environment, such that due care was necessary for its use and disposal.

244. Both during the periods for which Perdue was solely responsible for discharging, releasing, or otherwise using AFFF/Class B foam at the Agribusiness Facility, and during the periods during which it contracted with Johnson Controls to perform such services, Perdue had a duty to ensure that all processes it chose to employe at the Agribusiness Facility did not unreasonably endanger the potable water, surface water, and soil relied upon by the residents of surrounding communities, including the Plaintiffs and class members.

245. Johnson Controls had a duty to ensure that the processes at the Agribusiness Facility, including the processes for discharging, releasing, or otherwise using AFFF/Class B foam, it chose to employ did not unreasonably endanger the potable water, surface water, and soil

relied upon by the residents of surrounding communities, including the Plaintiffs and class members.

246. Perdue and Johnson Controls breached their above-stated duties by unreasonably disposing of PFAS in a manner that guaranteed PFAS would enter the air, soil, surface water, and the groundwater ingested by Plaintiffs, class members and residents of the surrounding community.

247. Perdue also breached its duty to warn Plaintiffs, class members, and the surrounding community of the dangers of releasing PFAS into the environment and breached that duty by failing to disclose information they possessed about the health hazards associated with PFAS exposure, the propensity of PFAS to cause environmental contamination of air, soil, surface water and potable water, and the bioaccumulation of PFAS in people who are exposed to PFAS.

248. Had Perdue provided adequate warnings and instructions of the known health hazards and risk of environmental contamination of PFAS to Plaintiffs, class members, and the surrounding community, it is more likely than not that the injuries and damages of Plaintiffs and class members would not have occurred or would have been lessened.

249. Additionally, Defendants breached their duties to properly train and supervise the employees of its subsidiaries to ensure that its subsidiaries complied with all federal, state, and local laws.

250. As a result of Defendants' breaches of the various duties set forth above, the air, soil, surface water and potable water in and around Salisbury, Maryland became contaminated with unsafe levels of PFAS which was ingested and used for other purposes by Plaintiffs and class members, resulting in the harms for which this action is brought.

251. Upon information and belief, Defendants were grossly negligent, acted with reckless indifference to the health and safety of the public, and/or failed to prevent PFAS from being released into the environment and failed to inform the Plaintiffs, class members, and surrounding community of the potential that its PFAS was contaminating their properties, streams, fish, shellfish, and drinking water supplies.

252. As a direct and proximate result of Defendants' actions and omissions described herein, Plaintiffs and class members have suffered illnesses and injuries caused by the accumulation of PFAS in their bodies, entitling them to economic and non-economic compensatory and consequential damages, including the past, present and future cost of medical care; lost earnings and diminished earnings capacity; the cost of medical monitoring; and severe mental anguish and psychological distress.

253. As a direct and proximate result of Defendants' actions and omissions described herein, Plaintiffs and class members have suffered the lost comfort, companionship, society, services and consortium caused by these illnesses and injuries suffered by their spouse.

254. As a direct and proximate result of Defendants' actions and omissions described herein, Plaintiffs and class members have also suffered the loss of property value as a result of contamination to their properties.

COUNT V

Trespass Against All Defendants

255. Plaintiffs and class members hereby incorporate by reference the allegations set forth as if fully stated herein.

256. This Claim is brought under Maryland law.

257. PFAS chemicals are harmful and noxious substances.

258. Defendants had connections with and control over the release of PFAS into the air and water in and around Plaintiffs' and Class Members' real properties.

259. Plaintiffs and Class Members of the Property Class, Class (a), each own, occupy, and/or possess real property in and around Salisbury, Maryland.

260. Through Defendants' negligent, reckless, and/or intentional conduct described above, it has caused and continues to cause PFAS to enter onto the real properties owned, occupied, and/or possessed by Plaintiffs and Class Members in that the wells and lands located on said real properties are contaminated with PFAS chemicals.

261. Defendants' negligent, reckless, and/or intentional conduct described above has and continues to interfere with Plaintiff's and Class Members' use, possession, and enjoyment of their real properties in that Defendants' conduct has reduced their property value and caused them to suffer monetary damages associated with monitoring and remediation of their water supplies, and reduced or eliminated their use and enjoyment of their properties.

262. The entry and deposit of PFAS chemicals onto said real properties of Plaintiffs by Defendants was done without the authority, permission, and/or consent of Plaintiffs.

263. Defendants' entry and deposit of PFAS chemicals onto said real properties of Plaintiffs and Class Members has proximately caused damages to Plaintiffs and Class Members.

264. As a direct and proximate result of Defendants' actions and omissions described herein, Plaintiffs and class members have suffered illnesses and injuries caused by the accumulation of PFAS in their bodies, entitling them to economic and non-economic compensatory and consequential damages, including the past, present and future cost of medical care, lost earnings and diminished earnings capacity, the cost of medical monitoring, and severe mental anguish and psychological distress.

265. As a direct and proximate result of Defendants' actions and omissions described herein, Plaintiffs and class members have suffered the lost comfort, companionship, society, services and consortium caused by these illnesses and injuries suffered by their spouse.

266. As a direct and proximate result of Defendants' actions and omissions described herein, Plaintiffs and class members have also suffered the loss of property value as a result of contamination to their properties.

RELIEF SOUGHT BY PLAINTIFFS AND CLASS MEMBERS

267. Plaintiffs and class members hereby incorporate by reference the allegations contained in the preceding paragraphs of this Complaint as if they were set forth at length herein.

268. Plaintiffs and class members have sustained and will continue to sustain damages to their property and health as a result of Defendants' actions and failure to take action. As a result, Plaintiffs and the class members seek monetary damages for each violation and tortious act or omission set forth in this Complaint.

269. Plaintiffs and the class members seek monetary damages to compensate class members for the diminution in value of their property caused by Defendants' conduct.

270. Plaintiffs and the class members seek monetary damages to compensate class members for the loss of the use and enjoyment of their properties caused by Defendants' conduct.

271. Plaintiffs and the class members seek monetary damages to compensate class members for the loss of quality of life caused by Defendants' conduct.

272. Plaintiffs and the class members seek consequential damages sufficient to fund a medical monitoring program that is reasonably tailored to the exposure risks posed by PFAS to Plaintiffs and the class members.

273. Plaintiffs and the class members seek injunctive relief requiring Defendants to stop, prevent, and contain any further release or emission of PFAS from Perdue's property into the air, soil, groundwater, surface water and other environmental media that impact areas in which Plaintiffs and class members live, work, and attend school, and to remediate all existing PFAS contamination found on Plaintiffs' and class members' properties or in groundwater and surface waters that flow through Plaintiffs' and class members' communities , including the provision of permanent adequate treatment of Plaintiffs' and class members' water supplies and/or a permanent safe alternative water supply.

274. In addition to the above, Plaintiffs and the class members seek injunctive relief to establish a biomonitoring protocol for class members of Classes (b) and (c) to monitor their health and diagnose at an early stage any ailments associated with exposure, inhalation or ingestion of PFAS.

275. Leave to amend this Complaint to conform to the evidence produced at trial.

276. For all other relief as may be appropriate under the circumstances and/or permitted by law or as the Court deems just and proper, whether compensatory, punitive, injunctive, or declaratory.

Signature block on following page.

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