

IN THE CIRCUIT COURT
OF THE NINTH JUDICIAL CIRCUIT
HENDERSON COUNTY, ILLINOIS

RICKY HARMON, et al.,

Plaintiffs,

v.

ATLANTIC RICHFIELD COMPANY,
et al.,

Defendants.

Cause No: 08-LL-0005

FILED
MAY 11 2010
Andria Heane
CLERK OF THE CIRCUIT COURT
THE NINTH JUDICIAL COUNTY
HENDERSON COUNTY ILLINOIS

FIFTH AMENDED COMPLAINT

COME NOW Plaintiffs, Ricky and Thais Harmon, Betty Jones, Natalie Harmon, Trevor Harmon, Charles Hawley, Ronald and Ruth Logan, Ted Logan, Timothy Logan, Milford and Beatrice Pence, Chad Pence, Jimmy Pence, Johnny Pence, Timmy A. and Tressa Pence, Teanna Pence, Kaylee Gittings, by and through her next friend Teanna Pence, Timothy J. Pence, Troy Pence, Henry and Peggy Rockhold, Jeffery and Leslie Roberts, Jeffery C. Roberts, Lukas and Emily Roberts, Jack Scott, Karen Shumaker, Brandie Walker, Joshua Walker, Adrienne Worley, Jenifer Worley, Brian Worley, by and through his Next Friend, Grace Worley, Kelly and Grace Worley, Kendall Worley, Krystal Worley, Kevin and Betty Worley, Plutarco and Hortencia Hinojosa, Sr., Plutarco and Christa Sue Hinojosa, Jr., Olivia Nicole Hinojosa, by and through her next friend Christa Sue Hinojosa, Avery M. Pence, by and through her next friend Karen Shumaker, Deana Stout-Sutton, Barbara Manning, Danny L. Weinreich, Sherry Weinreich, Jamey J. Weinreich, Sr., Austin Roberts by and through his next friend, Emily Roberts, Hayden Roberts by and through his next friend Emily Roberts, Kirsten Roberts by and through her next

friend Emily Roberts, Timmy Lynn Tucker, Matt Tucker, Danny C. Weinreich, Jessica Weinreich, Haylee Walker by and through her next friend Brandie Walker, Lucas W. Jones, Bobbi D. Jones, Crystal Yeomans, Owen D. Jones, Debra Walker, Wendi Worley, Dallas Rural Water District, Lomax Township and Village of Lomax, Illinois, (collectively referred to as “Plaintiffs”) by and through their undersigned counsel, and for their cause of action against Defendants, Atlantic Richfield Company, BP Products North America Inc., BP Pipelines (North America) Inc. (collectively “BP Defendants”) and Buckeye Partners, LP, Buckeye Pipe Line Services Company, NORCO Pipe Line Company, LLC, TransMontaigne, Inc. and TransMontaigne Product Services, Inc. (collectively “Buckeye Defendants) (BP Defendants and Buckeye Defendants are collectively referred to as “Pipeline Defendants”), state as follows:

PARTIES

1. Plaintiffs Rick and Thais Harmon are, and were at all relevant times herein, citizens of the State of Illinois and residents of Lomax, Illinois. The Harmons own real property in Henderson County located at 871 E. Atchison, Lomax, Illinois 61454.
2. Plaintiffs Ronald and Ruth Logan are, and were at all relevant times herein, citizens of the State of Illinois and residents of Lomax, Illinois. The Logans own real property in Henderson County located at 775 E. Main Street, Lomax, Illinois 61454.
3. Plaintiffs Milford and Beatrice Pence are, and were at all relevant times herein, citizens of the State of Illinois and residents of Lomax, Illinois. Milford and Beatrice Pence own real property in Henderson County located at 751 E. Main Street, Lomax, Illinois 61454.
4. Plaintiff Timmy A. Pence is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Timmy A. Pence is the son of Milford Pence

who owns real property in Henderson County located at 751 E. Main St., Lomax, Illinois 61454. Timmy lived at his parents' Main Street residence for 14 years.

5. Plaintiffs Timmy A. and Tressa Pence are, and were at all relevant times herein, citizens of the State of Illinois and residents of Lomax, Illinois. Timmy A. and Tressa Pence own real property in Henderson County located at 721 E. Main Street, Lomax, Illinois 61454.

6. Plaintiffs Henry and Peggy Rockhold are, and were at all relevant times herein, citizens of the State of Illinois and residents of Lomax, Illinois. The Rockholds own real property in Henderson County located at 891 E. Atchison, Lomax, Illinois 61454.

7. Plaintiff Kendall Worley is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Kendall Worley is the son of Peggy Rockhold who owns real property in Henderson County located at 891 E. Atchison, Lomax, Illinois 61454. Kendall lived at his mother's Atchison residence for approximately 20 years.

8. Plaintiff Kendall Worley is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Kendall owns real property in Henderson County located at 818 E. 4th Street, Lomax, Illinois 61454.

9. Plaintiffs Jeffery and Leslie Roberts are, and were at all relevant times herein, citizens of the State of Illinois and residents of Lomax, Illinois. The Roberts own real property in Henderson County located at 861 E. Atchison, Lomax, Illinois 61454.

10. Plaintiff Lukas Roberts is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Lukas Roberts is the son of Jeff and Leslie Roberts who own real property in Henderson County located at 861 E. Atchison, Lomax, Illinois 61454. Lukas lived at his parents' Atchison residence for approximately 22 years.

11. Plaintiffs Lukas and Emily Roberts are, and were at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. The Roberts own real property in Henderson County located at 201 N. Jefferson, Lomax, Illinois 61454.

12. Plaintiff Kevin Worley is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Kevin Worley is the son of Peggy Rockhold who owns real property in Henderson County located at 891 E. Atchison, Lomax, Illinois 61454. Kevin lived at his mother's Atchison residence for approximately 15 years.

13. Plaintiffs Kevin and Betty Worley are, and were at all relevant times herein, citizens of the State of Illinois and residents of Lomax, Illinois. The Worleys own real property in Henderson County located at 791 E. Main, Lomax, Illinois 61454.

14. Plaintiff Kelly Worley is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Kelly Worley is the son of Peggy Rockhold who owns real property in Henderson County located at 891 E. Atchison, Lomax, Illinois 61454. Kelly lived at his mother's Atchison residence for approximately 15 years.

15. Plaintiffs Kelly and Grace Worley are, and were at all relevant times herein, citizens of the State of Illinois and residents of Lomax, Illinois. The Worleys own real property in Henderson County located at 881 E. Atchison, Lomax, Illinois 61454.

16. Plaintiff Jack Scott is, and was at all relevant times herein, citizen of the State of Illinois and resident of Lomax, Illinois. Jack Scott owns real property in Henderson County Located at 715 E. 5th Street, Lomax, Illinois 61454.

17. Plaintiff Joshua Walker is and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Joshua Walker previously lived with his

parents who owned real property in Henderson County located at 771 Main Street, Lomax, Illinois 61454.

18. Plaintiff Brandie Walker (f/ka Brandie Tucker) is and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Brandie lived with her parents who own real property in Henderson County located at 880 Main St, Lomax, Illinois 61454. Brandie lived at her parents' Main Street residence for approximately 12 years.

19. Plaintiffs Joshua Walker and Brandie Walker are and were at all relevant times herein, citizens of the State of Illinois and residents of Lomax, Illinois. Joshua and Brandie own real property in Henderson County located at 181 Aviston, Lomax, Illinois 61454.

20. Plaintiff Charles Hawley is, and was at all relevant times herein, a citizen of the State of Illinois. Charles is a resident of Lomax, Illinois. Charles Hawley previously resided at property owned by Beatrice Pence in Henderson County located at 851 E. Atchison, Lomax, Illinois. Charles lived at the Atchison residence for approximately 3 years.

21. Plaintiff Charles Hawley is and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Charles owns real property in Henderson County located at 778 E. Main, Lomax, Illinois 61454.

22. Plaintiffs Plutarco and Hortencia Hinojosa, Sr. are, and were at all relevant times herein, citizens of the State of Illinois and residents of Lomax, Illinois. Plutarco and Hortencia Hinojosa, Sr. own real property in Henderson County located at 571 East 5th Bonfield, Lomax, Illinois 61454.

23. Plaintiff Plutarco Hinojosa, Jr. is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Plutarco Hinojosa, Jr. is the son of Plutarco

and Hortencia Hinojosa, Sr. who own real property in Henderson County located at 571 East 5th Bonfield, Lomax, Illinois 61454. Plutarco, Jr. lived at his parents' East 5th Bonfield residence for approximately 12 years.

24. Plaintiffs Plutarco and Christa Sue Hinojosa, Jr. are, and were at all relevant times herein, citizens of the State of Illinois and residents of Lomax, Illinois. Plutarco and Christa Sue Hinojosa, Jr. own real property in Henderson County located at R.R. 1, Box 4, Lomax, Illinois 61454.

25. Plaintiff Barbara Manning is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Barbara Manning owns real property in Henderson County located at 771 Main Street, Lomax, Illinois, 61454. Barbara Manning resided at her 771 Main Street residence for approximately 12 years. Barbara Manning currently resides at 1021 Aviston, Lomax, Illinois 61454.

26. Plaintiffs Danny L. Weinreich and Sherry Weinreich are, and were at all relevant times herein, citizens of the State of Illinois and residents of Lomax, Illinois. Danny L. and Sherry Weinreich own real property in Henderson County located at 861 E. Main St., Lomax, Illinois, 61454.

27. Plaintiff Jamey J. Weinreich, Sr. is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Jamey J. Weinreich, Sr. is the son of Danny L. and Sherry Weinreich. Jamey lived at his parents 861 E. Main St. residence for approximately 18 years.

28. Plaintiff Jamey J. Weinreich, Sr. is and was at all relevant times herein, a citizen of the State of Illinois and resident of Lomax, Illinois. Jamey J. Weinreich, Sr. owns real property

in Henderson County located at 920 E. Main St., Lomax, Illinois 61454.

29. Plaintiff Timmy Lynn Tucker is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Timmy Lynn Tucker owns real property in Henderson County located at 880 East Main St., Lomax, Illinois 61454.

30. Plaintiff Matt Tucker is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Matt Tucker is the son of Timmy Lynn Tucker. Matt previously lived at his father's 880 East Main St. residence.

31. Plaintiff Matt Tucker is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Matt Tucker owns real property in Henderson County located at 824 E. 3rd St., Lomax, Illinois 61454.

32. Plaintiff Chad Pence is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Chad Pence is the son of Milford and Beatrice Pence. Chad Pence previously resided at his parents' property at 751 E. Main Street in Lomax, Illinois for approximately 18 years. Chad Pence owns real property in Henderson County consisting of his residence and 3 rental properties, all of which are located at 716, 718 and 720 E. 5th Street, Lomax, Illinois, 61454, and 3rd & Bonfield, Lomax, Illinois, 61454.

33. The individual plaintiffs described in Paragraphs 1 – 32 are hereinafter referred to collectively as "Property Plaintiffs."

34. Plaintiff Jeffery C. Roberts is a citizen of the State of Iowa and was, at all relevant times herein, a resident of Lomax, Illinois. Jeffery C. Roberts is the son of Jeff and Leslie Roberts who own real property in Henderson County located at 861 E. Atchison, Lomax, Illinois 61454. Jeffery lived at his parents' Atchison residence for approximately 20 years.

35. Plaintiff Natalie Harmon is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Natalie Harmon is the daughter of Rick and Thais Harmon who own real property in Henderson County located at 871 E. Atchison, Lomax, Illinois 61454. Natalie lived at her parents' Atchison residence for approximately 20 years.

36. Plaintiff Trevor Harmon is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Trevor Harmon is the son of Rick and Thais Harmon who own real property in Henderson County located at 871 E. Atchison, Lomax, Illinois 61454. Trevor has lived at his parents' Atchison residence since his birth, and he is now approximately 24 years old.

37. Plaintiff Ted Logan is, and was at all relevant times herein, a citizen of the State of Illinois. Ted Logan is the son of Ronald and Ruth Logan who own real property in Henderson County located at 775 E. Main Street, Lomax, Illinois 61454. Ted lived at his parents' Main Street residence for approximately 24 years. He is now a resident of Bloomington, Illinois.

38. Plaintiff Timothy Logan is, and was at all relevant times herein, a citizen of the State of Illinois. Timothy Logan is the son of Ronald and Ruth Logan who own real property in Henderson County located at 775 E. Main Street, Lomax, Illinois 61454. Timothy lived at his parents' Main Street residence for approximately 24 years. He is now a resident of Moline, Illinois.

39. Plaintiff Johnny Pence is, and was at all relevant times herein, a citizen of the State of Illinois. Johnny Pence is the son of Milford Pence who owns real property in Henderson County located at 751 E. Main Street, Lomax, Illinois 61454. Johnny has lived at several residences in Lomax during childhood and specifically, lived at his father's Main Street residence

for approximately 10 years. He is now a resident of La Harpe, Illinois.

40. Plaintiff Jimmy Pence is, and was at all relevant times herein, a citizen of the State of Illinois. Jimmy Pence is the son of Milford Pence who owns real property in Henderson County located at 751 E. Main Street, Lomax, Illinois 61454. Jimmy has lived at several residences in Lomax during his childhood and specifically, lived at his parents' Main Street residence for approximately 7 years. He is now a resident of Dallas City, Illinois.

41. Plaintiff Teanna Pence is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Teanna Pence is the daughter Timmy A. and Tressa Pence who own real property in Henderson County located at 721 E. Main Street, Lomax, Illinois 61454. Teanna lived at her parents' Main Street residence for 18 years. She is currently resides at 831 Atchison Street, Lomax, Illinois 61454.

42. Plaintiff Kaylee Gittings is the minor child of Teanna Pence, a citizen of the State of Illinois and resident of Lomax, Illinois. Plaintiff Gittings resides with her mother at 831 Atchison Street, Lomax, Illinois 61454.

43. Plaintiff Troy Pence is, and was at all relevant times herein, a citizen of the State of Illinois. Troy Pence is the son of Timmy A. and Tressa Pence who own real property in Henderson County located at 721 E. Main Street, Lomax, Illinois 61454. Troy lived at his parents' Main Street residence for approximately 10 years. He currently resides on Highway 96 in Lomax, Illinois.

44. Plaintiff Timothy J. Pence is, and was at all relevant times herein, a citizen of the State of Illinois. Timothy J. Pence is the son of Timmy A. and Tressa Pence who own real property in Henderson County located at 721 E. Main Street, Lomax, Illinois 61454. Timothy

lived at his parents' Main Street residence for approximately 8 years. He is now a resident of Quincy, Illinois.

45. Plaintiff Adrienne Worley is, and was at all relevant times herein, a citizen of the State of Illinois. Adrienne was a resident of Lomax, Illinois. Adrienne Worley is the daughter of Jeff and Leslie Roberts who own real property in Henderson County located at 861 E. Atchison, Lomax, Illinois 61454. Adrienne lived at her parents' Atchison residence for approximately 23 years. Adrienne is now a resident of Dallas City, Illinois.

46. Plaintiff Jenifer Worley is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Jenifer Worley is the daughter of Kevin and Betty Worley who own real property in Henderson County located at 791 E. Main, Lomax, Illinois 61454. Jenifer has lived at her parents' Main Street residence for approximately 15 years.

47. Plaintiff Krystal Worley is, and was at all relevant times herein, a citizen of the State of Illinois. Krystal Worley is the daughter of Kevin and Betty Worley who own real property in Henderson County located at 791 E. Main, Lomax, Illinois 61454. Krystal lived at her parents' Main Street residence for approximately 13 years. Krystal is now a resident of West Burlington, Iowa.

48. Plaintiff Karen Shumaker is, and was at all relevant times herein, a citizen of the State of Illinois. Karen Shumaker is the daughter of Kevin and Betty Worley who own real property in Henderson County located at 791 E. Main, Lomax, Illinois 61454. Karen lived at her parents' Main Street residence for approximately 13 years. Karen is now a resident of La Harpe, Illinois.

49. Plaintiff Betty Jones is, and was at all relevant times herein, a citizen of the State

of Illinois. Betty Jones is the daughter of Kevin and Betty Worley who own real property in Henderson County located at 791 E. Main, Lomax, Illinois 61454. Betty lived at her parents' Main Street residence for approximately 5 years. Betty is now a resident of La Harpe, Illinois.

50. Plaintiff Brian Worley is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Brian Worley, a minor, is the son of Grace and Kelly Worley who own real property in Henderson County located at 881 E. Atchison, Lomax, Illinois 61454.

51. Plaintiff Olivia Nicole Hinojosa is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Olivia Nicole Hinojosa, a minor, is the daughter of Plutarco and Christa Sue Hinojosa, Jr. who own real property in Henderson County located at R.R. 1, Box 4, Lomax, Illinois 61454. Olivia has lived at her parents' R.R. 1, Box 4 residence since the age of 6 months and she is now approximately 10 years old.

52. Plaintiff Avery M. Pence is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Avery M. Pence, a minor, is the granddaughter of Kevin and Betty Worley, who own real property in Henderson County located at 791 E. Main, Lomax, Illinois 61454. Avery lived with her mother, Karen Shumaker, at her grandparents' 791 E. Main Street residence for approximately 1 year. Avery Pence is also the granddaughter of Timmy A. and Tressa Pence, who own real property in Henderson County located at 721 E. Main Street, Lomax, Illinois 61454. Avery visits her grandparents' 721 E. Main Street address approximately every other weekend and she is now approximately 4 years old.

53. Plaintiff Deana Stout-Sutton is, and was at all relevant times herein, a citizen of the State of Illinois. Deana previously resided at property in Henderson County located at 821 E.

Atchison Street, Lomax, Illinois 61454, for approximately 18 years. She is now a resident of Dallas City, Illinois.

54. Plaintiff Austin Roberts is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Austin Roberts, a minor, is the son of Lukas and Emily Roberts who own real property in Henderson County located at 201 N. Jefferson St., Lomax, Illinois 61454. Austin has lived at his parents' 201 N. Jefferson St. residence since the approximate age of 20 months and he is now approximately 8 years old.

55. Plaintiff Hayden Roberts is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Austin Roberts, a minor, is the son of Lukas and Emily Roberts who own real property in Henderson County located at 201 N. Jefferson St., Lomax, Illinois 61454. Hayden has lived at his parents' 201 N. Jefferson St. residence since his birth and he is now approximately 5 years old.

56. Plaintiff Kirsten Roberts is, and was at all relevant times herein, a citizen of the State of Illinois and a resident of Lomax, Illinois. Kirsten Roberts, a minor, is the daughter of Lukas and Emily Roberts who own real property in Henderson County located at 201 N. Jefferson St., Lomax, Illinois 61454. Kirsten has lived at her parents' 201 N. Jefferson St. residence since her birth and she is now approximately 3 years old.

57. Plaintiff Danny C. Weinreich is, and was at all relevant times herein, a citizen of the State of Illinois. Danny C. Weinreich is the son of Danny L. and Sherry Weinreich who own real property in Henderson County, Illinois located at 861 E. Main Street, Lomax, Illinois 61454. Danny lived at his parents' 861 E. Main Street residence for approximately 19 years. He currently he resides in Henderson County, Illinois at 998 E. Route 96, Apartment 2, Lomax,

Illinois 61454.

58. Plaintiff Jessica Weinreich is, and was at all relevant times herein, a citizen of the State of Illinois. Jessica is the daughter-in-law of Danny L. and Sherry Weinreich, who own real property in Henderson County, Illinois, located at 861 E. Main Street, Lomax, Illinois, 61454. Jessica lived at her in-law's 861 E. Main Street residence for approximately 1 year. She is married to Danny C. Weinreich and she currently resides in Henderson County, Illinois at 998 E. Route 96, Apartment 2, Lomax, Illinois 61454.

59. Plaintiff Haylee Walker is, and was at all relevant times herein, a citizen of the State of Illinois. Haylee Walker, a minor, is the daughter of Brandie Walker and Joshua Walker, who own real property in Henderson County, Illinois located at 181 Aviston, Lomax, Illinois 61454. Haylee has resided at her parents' 181 Aviston residence since age 1 and she is now approximately 7 years old.

60. Plaintiff Lucas Jones is, and was at all relevant times herein, a citizen of the State of Illinois. Lucas Jones previously resided with his mother, Barbara Manning, who owns real property in Henderson County, Illinois located at 771 Main Street, Lomax, Illinois. Lucas resided at his mother's 771 Main Street residence for approximately 12 years. Lucas Jones currently resides with his mother at 1021 Aviston, Lomax, Illinois 61454.

61. Plaintiff Bobbi D. Jones is, and was at all relevant times herein, a citizen of the State of Illinois. Bobbi D. Jones previously resided with her mother, Barbara Manning, who owns real property in Henderson County, Illinois located at 771 Main Street, Lomax, Illinois. Bobbi resided at her mother's 771 Main Street residence for approximately 8 years. Bobbi currently resides in Dallas City, Illinois.

62. Plaintiff Crystal Yeomans is, and was at all relevant times herein, a citizen of the State of Illinois. Crystal Yeomans previously resided with her mother, Barbara Manning, who owns real property in Henderson County, Illinois located at 771 Main Street, Lomax, Illinois. Crystal resided at her mother's 771 Main Street residence for approximately 6 years. Crystal currently resides in Galesburg, Illinois.

63. Plaintiff Owen D. Jones is, and was at all relevant times herein, a citizen of the State of Illinois. Owen Jones previously resided with his mother, Barbara Manning, who owns real property in Henderson County, Illinois located at 771 Main Street, Lomax, Illinois. Owen resided at his mother's 771 Main Street residence for approximately 12 years. Owen Jones currently resides with his mother at 1021 Aviston, Lomax, Illinois, 61454.

64. Plaintiff Debra K. Walker is at all relevant times herein a citizen of the State of Illinois. Debra Walker currently resides in a rural area of Lomax in Henderson County, Illinois, and previously resided at 771 Main Street, Lomax, Illinois, 61454, for approximately 12 years.

65. Plaintiff Wendi Worley is at all relevant times herein a citizen of the State of Illinois. Wendi Worley currently resides in a rural area of Lomax in Henderson County, Illinois, and previously resided with her mother, Debra K. Walker, at 771 Main Street, Lomax, Illinois, 61454, for approximately 12 years.

66. The individual plaintiffs described in Paragraphs 1–65 are hereinafter referred to collectively as “Injury Plaintiffs,” with the exception of Plaintiffs Jack Scott, Plutarco Hinojosa, Sr. and Hortencia Hinojosa, who are “Property Plaintiffs” only and who are not claiming personal injuries.

67. Plaintiff Village of Lomax, Illinois (the “Village”) is, and was at all relevant times

herein, a local government located in Henderson County, Illinois. The Village owns properties throughout Lomax, including, but not limited to the following properties: all the streets in Lomax, including Atchison and Main, the Village Park, the Lomax Recreation Center at 967 E. 4th Street, the Lomax Village Hall at 115 Aviston Street, the Lomax Ball Park at 1147 H Route 96, Property adjacent to Senior Housing at S22 T8 R6 PT ½ NW & PT SW15-8-6, the former RR ROW West of Road, the Old White Property at 965 E. Route 96, and Village Lots on Rte 96, including 5 lots West of 735 E. Route 96. The tax identification numbers for the Village owned properties are: 10-170-028-00, 10-357-008-00, 10-356-006-00, 10-170-027-00, 10-170-003-10, 10-356-002-00, 10-356-001-00 and 10-357-008-00.

68. Plaintiff Dallas Rural Water District is a local government entity that provides water service for various communities in Henderson County, Illinois, and is in the process of supplying Lomax, Illinois with water. The Dallas Rural Water District owns easements and water pipelines that pass through the contamination in the Village of Lomax.

69. Plaintiff Lomax Township is, and was at all relevant times herein, a local government located in Henderson County, Illinois and owns real property throughout Henderson County and Lomax, Illinois 61454. The Lomax Township owns the maintenance building and property located at Aviston Street and Second Street in block 1000 of the Village of Lomax, Illinois.

70. The plaintiffs described in Paragraphs 67 – 69 are hereinafter referred to collectively as “Entity Plaintiffs.”

71. The Property Plaintiffs are persons who own property in Lomax, Illinois, as described in Paragraphs 1 -32. The Injury Plaintiffs are persons who reside or have resided in

Lomax, Illinois and have been exposed to petroleum contamination in the water, soil and/or air in Lomax, Illinois as described in paragraph 66. Injury Plaintiffs also include the Property Plaintiffs, with the exception of Jack Scott, Plutarco Hinojosa, Sr. and Hortencia Hinojosa. The Entity Plaintiffs are not persons, and consist of Plaintiffs Lomax Township, the Dallas Rural Water District and the Village of Lomax.

72. Defendant Buckeye Partners, L.P. is a master limited partnership with its principal operating and technical service office located in Pennsylvania and who does business in the State of Illinois. Defendant Buckeye Pipe Line Services Company is a corporation organized under the laws of the State of Pennsylvania and who does business in the State of Illinois. Defendants Buckeye Partners, L.P. and Buckeye Pipe Line Services Company are hereafter referred to collectively as “Buckeye.”

73. Defendant Atlantic Richfield Company (“Atlantic Richfield”) is a corporation organized under the laws of the State of Delaware and who does business in the State of Illinois.

74. Defendant BP Products North America Inc. is a corporation organized under the laws of the State of Maryland and who does business in the State of Illinois and is successor in interest to Sinclair Oil Corporation and Atlantic Richfield. Its principal place of business is in Illinois.

75. Defendant BP Pipelines (North America) Inc. is a corporation organized under the laws of the State of Maine and who does business in the State of Illinois. Its principal place of business is in Illinois.

76. Defendant NORCO Pipe Line Company, LLC (“NORCO”) is a corporation organized under the laws of the State of Arkansas and who does business in the State of Illinois.

77. Defendants TransMontaigne, Inc. and TransMontaigne Product Services, Inc. (“TransMontaigne”), are corporations organized under the laws of the State of Delaware and whose principal places of business are in the State of Colorado. The Defendants identified in paragraphs 72-77 are collectively referred to as the “Pipeline Defendants.”

JURISDICTION AND VENUE

78. This court has subject matter jurisdiction over this cause and personal jurisdiction over these Pipeline Defendants by virtue of their having manufactured, sold, distributed, transported or otherwise handled gasoline and other petroleum products or byproducts; and/or their having conducted processes containing those products in Illinois; and/or by distributing those products in Illinois; and/or by reason of having placed those products into the stream of commerce for use or distribution in Illinois; and/or by performing other affirmative acts by which they have availed themselves of the protection, privileges and benefits of the laws of Illinois; and/or by reason of having committed tortious acts against Plaintiffs.

79. Venue is proper in this court under 735 ILCS § 5/2-101(2) because Henderson County is the county in which the actions or omissions, or some parts thereof, occurred, and it is the county out of which the Plaintiffs’ causes of action arose.

GENERAL ALLEGATIONS

80. There are several hundred individual hydrocarbon chemicals defined as petroleum-based and each petroleum product has its own mix of constituents. Some of these constituents include, but are not limited to the following: benzene, ethylbenzene, xylenes, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, isopropylbenzene, cyclohexane, nButylbenzene, npropoylbenzene, p-isopropyltoulene, sec-butlybenzene, toluene, hexane, acenaphthene,

acennaphthylene, anthracene, benzo(ghi)pyrilene, fluoranthene, fluorine, naphthalene, 1-Me-Naphthalene, 2-Me-Naphthalene, phenanthrene, pyrene, benz[a]anthracene, benzo[a]pyrene, benzo[e]pyrene, benzo[b]fluoranthene, benzo[k]fluoranthene, chrysene, ideno(1,2,3-c-d)pyrene, and 5-Me-chrysene], arsenic, nickel and vanadium. Exposure to crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes poses a threat to human health and the environment. The health effects associated with petroleum are caused by its associated hydrocarbon mixtures. Exposure to soil, vapors and water containing petroleum contamination can cause multiple health complications and illnesses, including but not limited to, respiratory conditions and illnesses, gastrointestinal conditions and illnesses, dermatological conditions and illnesses, neurological conditions and illnesses, immunological conditions and illnesses, and a host of other health complications and illnesses. Sensitivity to these effects can vary greatly from one person to the next, with children, the elderly, and people with pre-existing respiratory problems most affected. Long-term exposures pose a risk of cancer and damage to the respiratory tract, gastrointestinal tract, urinary tract, and other organs of the body, as well as immunological and neurological problems and damage to the nervous system. People exposed to petroleum in soil, water and vapors over a period of time may gradually lose their ability to notice the petroleum, which can lead to greater exposures and health problems over time.

81. A number of pipelines operated by Pipeline Defendants traverse the Village of Lomax.

82. BP Defendants own at least 3 pipelines that traverse the Village of Lomax, including two 12 inch lines and one eight inch crude line.

83. BP Defendants' eight inch crude pipeline ("Crude Pipeline") was shut down in 1968, but left junked in place.

84. Buckeye Defendants own at least one pipeline that traverses Lomax.

85. Buckeye operates approximately 1200 miles of pipeline and provides bulk storage services at terminals in six states, including Illinois and currently owns and/or operates pipelines in Lomax, Illinois.

86. Upon information and belief, Pipeline Defendants, and their affiliates, have failed to notify the Illinois Environmental Protection Agency of the transfer of their respective interests in the land underlying the pipelines or obtain a permit with conditions to address the released oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes prior to the transfer of their respective interests in the pipelines.

87. Pipeline Defendants have stored, transported distributed and/or released oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes from the aforementioned pipelines located in Lomax, Illinois.

88. Pipeline releases over decades of operation have created a layer of crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes on top of and in the groundwater under Lomax, including but not limited, Plaintiffs' residences. As the groundwater table moves, rising and falling with varying seasonal rainfall, the petroleum layer moves with it. These petroleum products, crude oil, petroleum constituents, petroleum by products, and/or toxic and hazardous substances and wastes have contaminated the ground water and soil beneath Lomax in the affected areas. Vapors from these substances invade these homes by way of crawl spaces, sumps, drains and cracks in foundations.

Further, contaminated groundwater migrated throughout Lomax affecting previously uncontaminated areas.

89. Until recently, all of the homes in Lomax were on sand-point wells approximately thirty feet deep. Because the Village of Lomax is a rural, well water community, for decades Plaintiffs inadvertently pumped petroleum contaminated well water into their homes and buildings and Injury Plaintiffs consumed, bathed, cooked and otherwise used, ingested, inhaled, and were exposed to petroleum contamination from their well-water unaware of their exposure to the contamination.

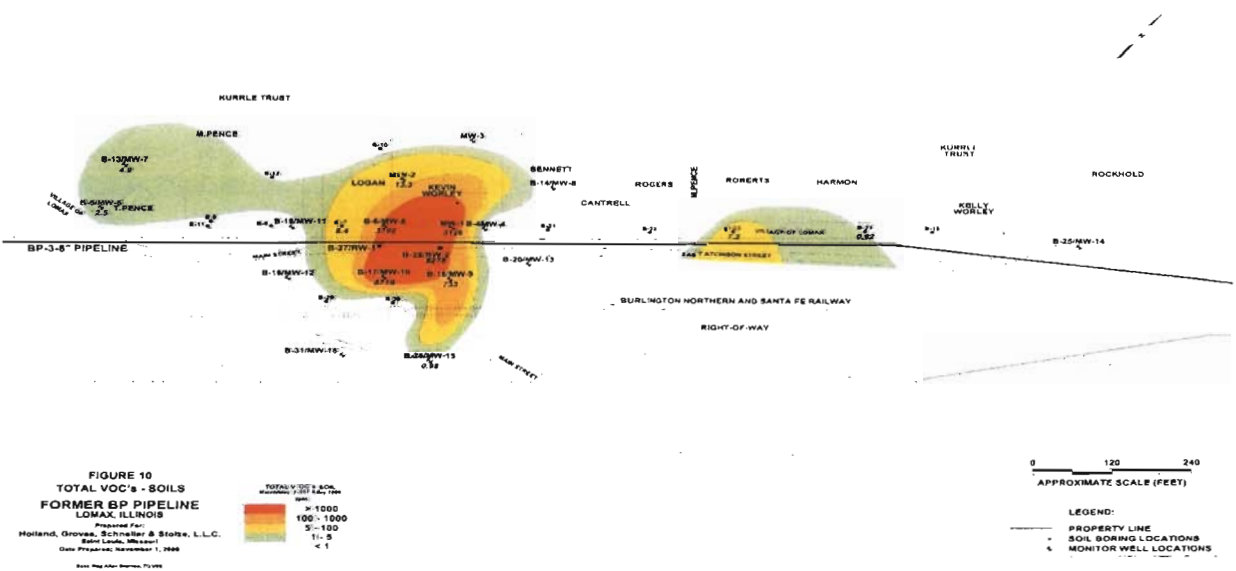
90. The crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes processed, manufactured refined, stored, transported, and/or otherwise handled by the Pipeline Defendants have been and are being released from their respective sites and pipelines in the Lomax area creating hazardous contamination. Crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes have migrated and continue to migrate from these sites and pipelines into residential soils, groundwater and surface water. All property in Lomax, to varying degrees, has been affected by the contamination. Furthermore, the ambient air has become and continues to be contaminated both through sub-surface vapor migration into residences and other structures and through the use of contaminated well water in cooking, bathing, showing and other household uses. Dermal absorption and inhalation of the contamination during cooking, bathing, and showering causes exposures to harmful substances and toxins at high levels.

91. At least one major source of the petroleum contamination are leaks from BP

Defendants' 8 inch Crude Pipeline that occurred prior to the line being shut down in 1968. As a result, the unknowing residents of Lomax have been exposed to crude products and chemicals for over forty years primarily through drinking the water, cooking with it, bathing, and showering with it, using it in common household setting such as watering plants and gardens, for consumption by pets, for summer recreation (particularly for children), for cleaning purposes both in and outside of their homes, and in a variety of other similar settings.

92. While the BP Defendants removed the Crude Pipeline on either side of Lomax in or around 1974, BP Defendants failed to remove the Crude Pipeline in Lomax.

93. There currently exists a plume of weathered liquid crude and contaminated soil, emanating from the 8 inch Crude Pipeline around the BNSF railroad tracks towards the North of Lomax. To date, experts have identified 100,000 square feet of contaminated soil containing weathered crude oil that extends nearly 30 feet below ground surface based on BP's testing. The following figure shows the current extent of soil and liquid crude oil contamination, which was compiled based on BP Defendants' testing data:



94. Because crude oil is made up of hundreds of chemical constituents that are soluble in water, those chemicals wash into the groundwater in accordance with their effective solubility rates. The following figure, which was compiled based on BP Defendants' testing North of the BNSF railroad tracks, shows the current extent of PAH groundwater contamination North of the BNSF railroad tracks. The figure does not address ground water contamination South of the BNSF railroad tracks' right of way.

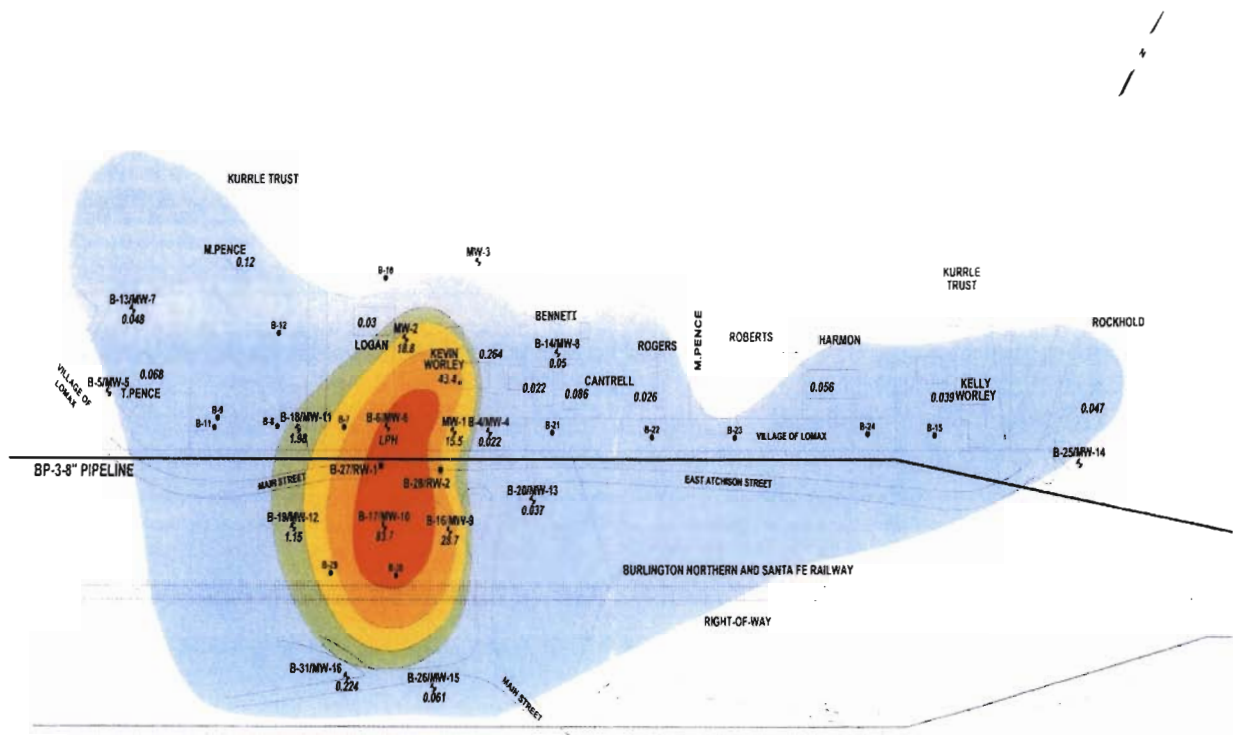
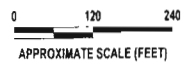
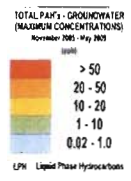
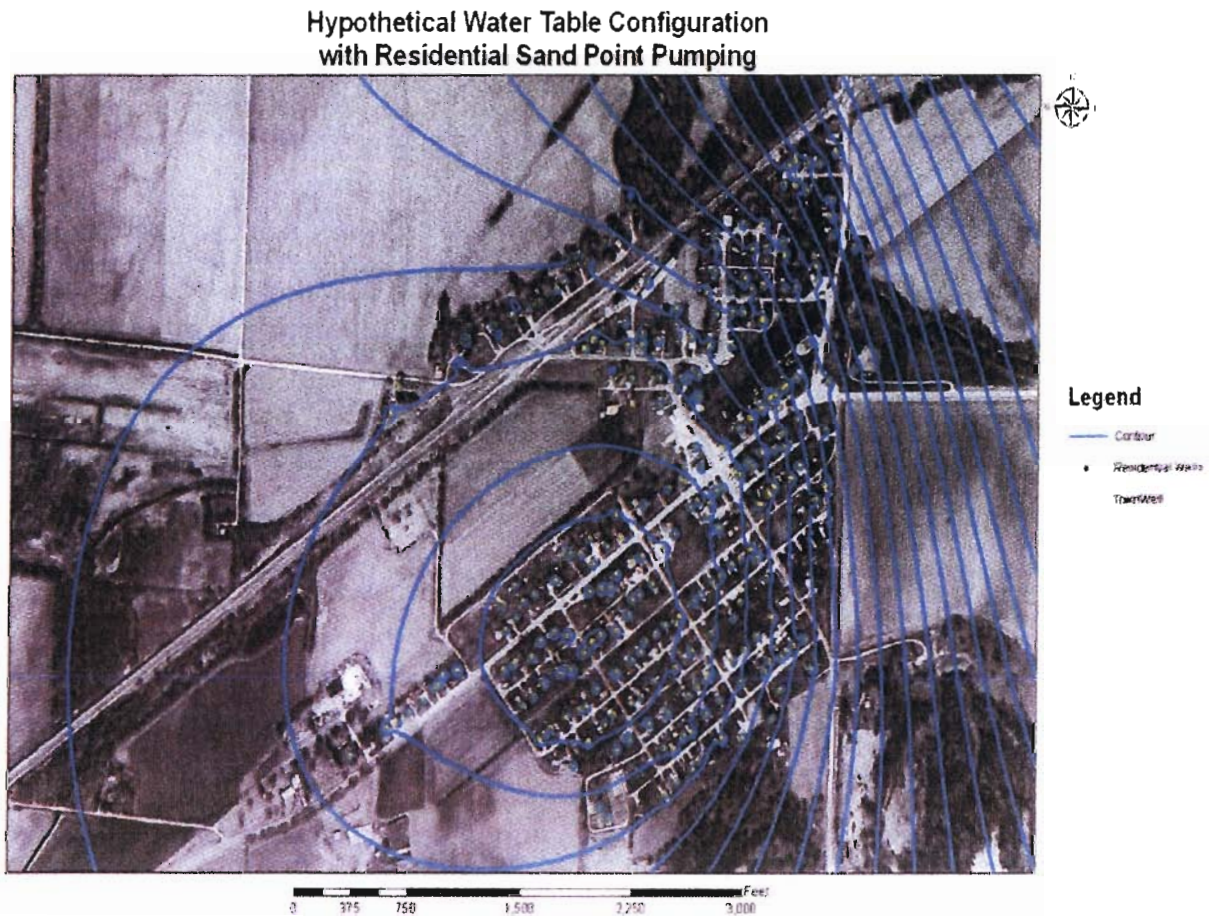


FIGURE 13
TOTAL PAH's - GROUNDWATER
FORMER BP PIPELINE
LOMAX, ILLINOIS
 Prepared For:
 Holland, Groves, Schneller & Stolze, L.L.C.
 Saint Louis, Missouri
 Date Prepared: November 1, 2009
 Base Map Also Shows: 13148



- LEGEND:
- PROPERTY LINE
 - SOIL BORING LOCATIONS
 - ◊ MONITOR WELL LOCATIONS

95. The extent of groundwater contamination extends throughout Lomax, Illinois. Water contaminated by the crude oil has been pulled South throughout all of Lomax over the last forty years due to the admitted and recognized ground water flow and hydrogeology of the region. In addition, the following figure shows the individual and cumulative effect of sand-point wells pulling contaminated ground water into homes throughout the Village of Lomax:



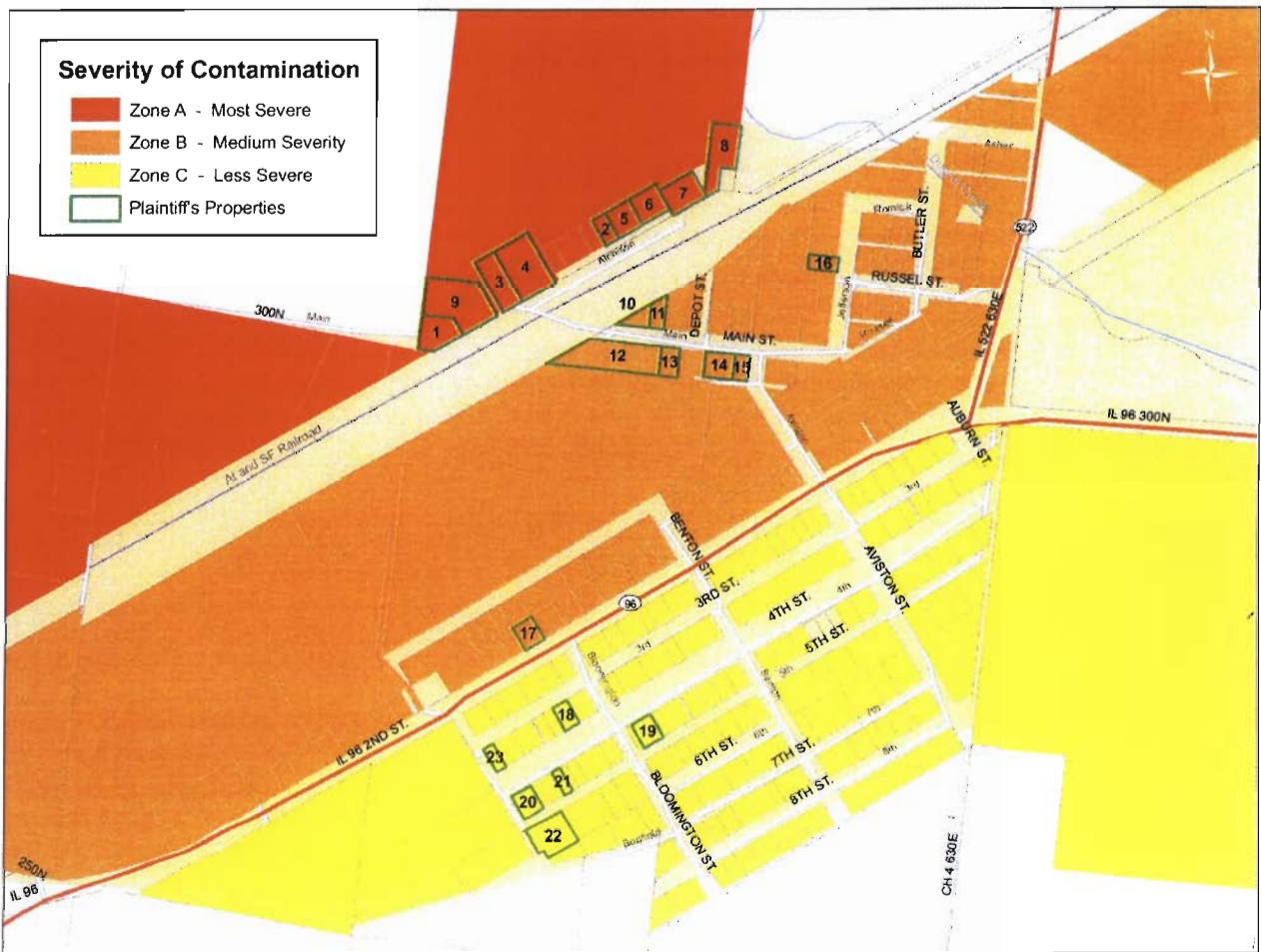
96. The ground water in Lomax has been contaminated for over forty years to varying extents depending on their proximity to the leaking 8 inch Crude Pipeline and other scientific factors, including but not limited to, the effective solubility of the component chemicals in the petroleum contamination.

97. Following extensive testing, monitoring, modeling and mapping performed by leading experts in a number of specialties, it has been determined that there are three identifiable zones of contamination:

- a. Zone A is located north of the BNSF railroad tracks where there is still weathered liquid crude oil, soil that has been contaminated by the crude oil, the leaking Crude Pipeline (which still contains petroleum contaminated water) and water that has been contaminated for more than forty years. Zone A is closest to the leaking pipeline and is the area where exposure to contamination has been most severe. Plaintiffs who have lived in Zone A have suffered long-term exposure to hazardous chemicals in their drinking water, soil and air.
- b. Zone B is located just South of the BNSF railroad tracks and North of Second Street where the water has been contaminated for over forty years at concentrations that have posed a significant health risk and caused personal injuries. The soil is also contaminated South of the railroad tracks, but to a lesser extent than Zone A. Zone B is in close proximity to the leaking Crude Pipeline. Plaintiffs who have lived in Zone B have suffered long-term exposure to hazardous chemicals in their drinking water, soil and air.
- c. Zone C is located South of second street where the water has been contaminated for over forty years, but at lower concentrations. Plaintiffs who have lived only in Zone C have had their properties directly impacted by contaminated groundwater, suffered property damage and diminution in the value of their homes and are at risk of being exposed to contamination.

98. Injury Plaintiffs have resided (and some continue to reside) in the homes located in either Zone A or Zone B for significant periods of their lives and have suffered long-term exposure to the contaminated ground water, soil and air.

99. Property Plaintiffs own property in all three zones of contamination. The following figure depicts the respective zones of contamination:



100. Pipeline Defendants have failed to clean up and remediate the soil, groundwater and surface water contamination that leaked from their pipelines.

101. Pipeline Defendants failed to offer bottled water to most of the residents in Zone A until 2007. When Pipeline Defendants offered bottled water to residents in Zone A, they

misled residents by telling them that their water was safe and they were only offering the water for the residents' "peace of mind."

102. The contaminated groundwater in Zone A and Zone B is not safe to consume.

103. Pipeline Defendants failed to offer bottled water to residents in Zone B.

104. Although BP Defendants experienced a series of leaks on the Crude Pipeline prior to junking the line in place in 1968, BP Defendants failed to inspect, close or remove the Crude Pipeline and failed to remove the crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes from the soil and groundwater beneath and around the real property in the Village of Lomax.

105. Pipeline Defendants either directly, through their affiliates and subsidiaries or through their employees and/or agents acted in an extreme and outrageous manner by routinely, negligently and intentionally engaging in numerous activities which allowed the leaking and migration of crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes, in and around real property in Lomax, thereby causing contamination to residential areas. These activities include, but are not limited to:

- a. Improper and unreasonable handling, storage, processing, manufacturing, refining, transportation distribution, and/or disposal of crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes;
- b. Allowing pipelines to decay, spill and leak, which allowed crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes to migrate from the pipelines,

- thereby contaminating the environment and nearby properties;
- c. Failing to design, construct, maintain, inspect, monitor or close pipelines, thus allowing spills and releases of crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes;
 - d. Negligently performing work around pipelines and causing spills and releases of oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes;
 - e. Failing to take reasonable and appropriate measures to protect Plaintiffs from crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes from their pipelines;
 - f. Failing to offer bottled water to residents and, when offering bottled water, misleading residents that their water was safe and representing that BP Defendants were only providing bottled water for “peace of mind”;
 - g. Failing to initiate, undertake, continue or maintain efforts and activities to clean up, remediate or remove crude oil, petroleum products, petroleum constituents, petroleum byproducts, and/or toxic and hazardous substances and wastes released onto or into the ground in, around and under the Property Plaintiffs’ and Entity Plaintiffs’ property;
 - h. Negligently installing poet water filtration systems and exposing the following plaintiffs to MEK and other contaminants: Timmy A. Pence,

Tressa Pence, Teanna Pence, Avery Pence, Milford Pence, Beatrice Pence, Ronald Logan, Ruth Logan, Kevin Worley, Betty Eva Worley, Jenifer Worley, Kyrstal Worley, Karen Shumaker, Avery Pence, Jeff M. Roberts, Leslie Roberts, Rick Harmon, Thais Harmon, Natalie Harmon, Trevor Harmon, Kelly Worley, Grace Worley, Brian Worley, Henry Rockhold, and Peggy Rockhold; and

- i. Continuing to refuse to accept responsibility for their aforementioned acts and/or omissions that have caused contamination in, around and under the Property Plaintiffs' and Entity Plaintiffs' property and exposing Injury Plaintiffs to hazardous soil, water and vapors from such contamination.

DAMAGES SUFFERED BY THE DALLAS RURAL WATER DISTRICT AS A DIRECT AND PROXIMATE CAUSE OF PIPELINE DEFENDANTS' ACTS AND OMISSIONS

106. Since its inception, the Village of Lomax has been a rural, well-water community and its residents have relied on shallow sand point wells for their water.

107. As a result of the petroleum contamination, residents of Lomax, Illinois need to use Dallas Rural Water in lieu of their well water.

108. The Dallas Rural Water District does not tax any of its customers.

109. While the Dallas Rural Water District can apply for grants like any other person or entity, the Dallas Rural Water District does not receive tax revenue.

110. The Dallas Rural Water District is an entity created pursuant to statute to provide a utility (namely water) to its customers for a fee.

111. The Dallas Rural Water District enters into contracts with residents to supply

water in exchange for paying connection fees and ongoing monthly usage fees.

112. After the discovery of petroleum contamination, the Dallas Rural Water District constructed the water line in Lomax in 2008-2009.

113. The Dallas Rural Water District borrowed significant sums of money to pay for the construction of water mains into Lomax, Illinois.

114. As a direct and proximate result of Pipeline Defendants' acts and omissions, Dallas Rural Water District spent more than \$2,000,000 to construct water mains to provide Lomax and its residents with safe drinking water.

115. In addition to constructing the water lines into Lomax, the Dallas Rural Water district was forced to expend more than \$100,000 to protect its water lines with special coating and pipes to ensure that the contamination in Lomax would not infiltrate into its water lines and contaminate the potable water supply.

116. As a direct and proximate result of Pipeline Defendants' acts and omissions, the Dallas Rural Water District will continue to incur on-going costs to maintain the water lines and to protect them from the contamination in the Village of Lomax.

**DAMAGES SUFFERED BY THE VILLAGE OF LOMAX AND LOMAX TOWNSHIP AS
A DIRECT AND PROXIMATE CAUSE OF PIPELINE DEFENDANTS' ACTS AND
OMISSIONS**

117. As described above in the General Allegations (supra paragraph 80-105), the Pipeline Defendants' acts, omissions and misconduct caused leaks of crude oil and petroleum products that contaminated the ground water throughout all of Lomax for more than forty years, including all of the properties (supra paragraphs 67 and 69) owned by the Village of Lomax and the Lomax Township.

118. As a direct and proximate result of Pipeline Defendants' acts and omissions, the Village of Lomax and the Lomax Township properties, as described above, have been damaged by the contamination and have diminished in value.

119. The Village of Lomax and the Lomax Township have lost use and enjoyment of their properties due to the presence of contamination, including but not limited to, the ongoing disturbance from remediation activities, the inability to use or enjoy their properties, and being unable to use an unlimited, well water supply.

120. The properties owned by the Village of Lomax and the Lomax Township have been damaged by the contamination and the future remediation of the soil and ground-water in Lomax will be costly and extensive.

121. As a direct and proximate result of Pipeline Defendants' acts and omissions, the Village of Lomax and Lomax Township have and will continue to lose tax revenue and sustain other damages.

122. As a direct and proximate result of Pipeline Defendants' acts and omissions, the Village of Lomax and Lomax Township will continue to suffer from the stigma of being contaminated, the loss of businesses, the inability to attract new business and development, the loss of residents, the inability to attract new residents and growth, and the resulting loss of future tax revenue and damage to the Village of Lomax and the Lomax Township.

DAMAGES SUFFERED BY PROPERTY PLAINTIFFS AS A DIRECT AND PROXIMATE CAUSE OF PIPELINE DEFENDANTS' ACTS AND OMISSIONS

123. As described above in the general allegations (supra paragraph 80-105), the Pipeline Defendants' acts, omissions and misconduct caused leaks of crude oil and petroleum

products that contaminated the ground water throughout all of Lomax for more than forty years, including all of the properties owned by the Property Plaintiffs (supra paragraphs 1-32).

124. As a direct and proximate result of Pipeline Defendants' acts and omissions, which caused the groundwater contamination throughout all of Lomax, the Property Plaintiffs have or will be forced to pay for water from the Dallas Rural Water District or use bottled water in lieu of an abundant, unlimited and free supply of well-water.

125. As a direct and proximate result of Pipeline Defendants' acts and omissions, which caused the groundwater contamination throughout all of Lomax, the Property Plaintiffs' properties have diminished in value to the point that they are no longer saleable or are only saleable at a nominal price.

126. As a direct and proximate result of Pipeline Defendants' acts and omissions, which caused the groundwater contamination throughout all of Lomax, the Property Plaintiffs have lost use and enjoyment of their property and life, as described herein.

127. As a direct and proximate result of Pipeline Defendants' acts and omissions, which caused the groundwater contamination throughout all of Lomax, the Property Plaintiffs suffer from the stigma of living in a contaminated community.

128. As a direct and proximate result of Pipeline Defendants' acts and omissions, which caused the groundwater contamination throughout all of Lomax, the Property Plaintiffs' property and homes have been damaged by the contamination and seek the cost to remediate the contamination.

LOSS USE AND ENJOYMENT SUFFERED BY PLAINTIFFS AS A DIRECT AND PROXIMATE CAUSE OF PIPELINE DEFENDANTS' ACTS AND OMISSIONS

129. As described above in the general allegations (supra paragraph 80-105), the Pipeline Defendants' acts, omissions and misconduct caused leaks of crude oil and petroleum products that contaminated the ground water throughout all of Lomax for more than forty years, including all of the properties owned by the Property Plaintiffs (supra paragraphs 1-32).

130. As a direct and proximate result of Pipeline Defendants' acts and omissions, which caused the groundwater contamination throughout all of Lomax, the Plaintiffs have lost use and enjoyment of their properties due to the presence of contamination, including but not limited to, the ongoing disturbance from remediation activities, the inability to use or enjoy their properties, such as being unable or unwilling to proceed with improvements to their properties as a result of the uncertainty caused by the contamination, and being unable to use, much less enjoy an unlimited, well water supply.

131. The Property Plaintiffs and Injury Plaintiffs lost use and enjoyment of their lives and properties, includes but is not limited to: (i) loss of the ability to use their water for recreation, such as swimming in a pool or gardening; (ii) disruption to life and property and lost time spent obtaining water, worrying about the health impacts from exposure to contamination, implementing defensive measures, such as securing safe water or using filtration systems, attending meetings or learning about the contamination, avoiding outdoor activities and avoiding inviting guests to their homes, (iii) the loss of an unlimited, free water supply for consumption, cooking, gardening, showering, laundry, and bathing, among other activities, without risk to health; (iv) being unable to breathe the air without risk to health; (v) the shame and stigma of

living in a contaminated community; (vi) worry for the welfare and well-being of self, family and friends from long term exposure to the contamination; (vii) worry about financial well-being and decreasing property values of homes in the Village of Lomax, including the homes of Property Plaintiffs; (viii) worry about the welfare of the Village of Lomax and its families, businesses and community; (ix) worry about safety and well-being of pets; and (x) frustration from damage to home, appliances and clothes from the water.

PERSONAL INJURIES SUFFERED BY INJURY PLAINTIFFS AS A DIRECT AND PROXIMATE CAUSE OF PIPELINE DEFENDANTS' ACTS AND OMISSIONS

132. As described above in the general allegations (supra paragraph 80-105) and as a direct and proximate result of Pipeline Defendants' acts and omissions, Injury Plaintiffs were exposed, throughout the time they lived in the Village of Lomax, to prolonged contamination caused by the Pipeline Defendants, including but not limited to, exposure to contamination from drinking, bathing, cooking, and using their petroleum contaminated well water, exposure to petroleum contamination from inhalation of vapors, and exposure to petroleum contamination existing in the soil, water and air in the Village of Lomax, Illinois.

133. As a result of the long term exposure to contamination caused by the acts and omissions of Pipelines Defendants, Injury Plaintiffs have sustained personal injuries caused by the contamination.

134. After the Injury Plaintiffs discovered the contamination, they started to suffer from severe mental anguish, distress and anxiety, including the present fear of cancer, fear for their own well-being, fear for the well-being of their family and friends, loss of use and enjoyment of their homes and quality of life, fear that they will no longer be able to live in their

community or sell their homes and fear for the welfare of Lomax as a community, among other fears.

135. The Injury Plaintiffs have recently learned that their fear of cancer is real because they have an increased risk of getting cancer in the future as a result of their long term exposure to contamination in their drinking water and other exposure pathways. As a result, Injury Plaintiffs' severe mental anguish, distress and anxiety has continued to increase as they have learned more about their long term exposure and the real risk of cancer to them, their family and friends.

136. As a result of their severe mental anguish, distress and anxiety, including the present fear of cancer, plaintiffs' symptoms have been made worse and manifested themselves in physical injury, such as insomnia, fatigue, mood swings, skin problems, and other symptoms and manifestations.

137. As a result of the exposure to contamination caused by the acts and omissions of Pipelines Defendants, Injury Plaintiffs have sustained personal injuries proximately caused by the contamination and caused and/or aggravated by the resulting emotional distress, including, but not limited to, the following personal injuries:

a. Plaintiff Natalie Harmon has suffered pneumonia and chronic respiratory problems including asthma, shortness of breath, chest tightness, cough, irritation of nose, throat and eyes, recurrent sinusitis and colds, runny nose and bronchitis; gastrointestinal problems including daily heartburn, abdominal pain, constipation and diarrhea; skin problems, including rashes, dry and itchy skin, and eczema; recurrent urinary tract inflammation and infections, recurrent kidney infections and renal cystitis; extreme fatigue and insomnia, migraine headaches, mood swings, irritability and anxiety. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has

further manifested itself in increased insomnia, mood swings, anxiety and rashes, among other manifestations.

b. Plaintiff Ricky Harmon has suffered gastrointestinal problems including GERD, indigestion, chronic diarrhea, constipation, loss of appetite, nausea, and abdominal pain, swelling and bloating; respiratory problems including chronic sinusitis and nasal congestion, chronic cough, shortness of breath and wheezing; eye, nose and throat irritation; swelling of lower extremities; skin irritations including cysts and red patches on face; poor bladder control, urinary urgency, difficulty with voiding and urinary tract infections; chronic anxiety, depression, insomnia, fatigue, irritability, memory problems and decreased libido. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased depression, insomnia, mood swings, anxiety and skin irritations, among other manifestations.

c. Plaintiff Thais Harmon has suffered thyroid cancer, damaged salivary gland and laryngeal spasm; digestive and gastrointestinal problems including chronic IBS, spastic colon, chronic GERD, nausea, pain, swelling and bloating of the stomach, diarrhea, constipation, indigestion, chronic throat irritation and discomfort, and painful and difficult swallowing and inflamed esophagus and stomach; respiratory and neurological problems including chronic headaches, shortness of breath, wheezing sinusitis, cough, dry and irritated mouth, nose and throat, extreme fatigue and insomnia, irritability, dizziness, lack of concentration, memory problems, decreased libido, pins and needles and/or numbness sensations of left foot and left arm, and chronic anxiety; urinary tract problems including poor bladder control, urinary urgency and urinary tract infections; chronic skin problems including rashes, redness, dryness, itching and lesions. Plaintiff has undergone a total thyroidectomy and ablation requiring lifetime thyroid replacement therapy, and removal of submandibular gland. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased insomnia, mood swings, anxiety and rashes, among other manifestations.

d. Plaintiff Trevor Harmon has suffered gynecomastia; digestive and gastrointestinal problems including chronic indigestion and upper GI pain, diarrhea, and constipation; respiratory problems including dry and irritated mouth, nose and throat, sinus congestion, sinus pressure and sinus mucous; psychological problems of mood instability, and anxiety, headaches; skin problems including dry

and itchy skin and scalp and red rashes. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased mood instability, anxiety and rashes, among other manifestations.

e. Plaintiff Charles Hawley has suffered recurrent gastrointestinal problems including abdominal pain, nausea, vomiting, diarrhea and bloody stools; respiratory problems including frequent sinusitis, constant runny nose, earaches, sore throat, cough and irritation of mouth, nose, throat and eyes; urinary tract infections; itchy skin rashes, headaches and fatigue. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased fatigue, headaches and rashes, among other manifestations.

f. Plaintiff Christa Sue Hinojosa has suffered chronic allergies, chronic sinusitis and rhinitis, diarrhea, depression and anxiety, Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased depression and anxiety, among other manifestations.

g. Plaintiff Plutarco Hinojosa, Jr. has suffered respiratory problems including chronic bronchitis, chronic allergies, chronic rhinosinusitis, upper respiratory infections, cough, shortness of breath, wheezing, chest pain, neck and facial swelling, eye, nose and throat irritation; skin problems including red itchy rashes; headaches, fatigue and trouble sleeping; gastrointestinal problems including elevated liver enzymes and fatty liver disease, GERD, nausea, indigestion, and abdominal pain. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased fatigue, skin problems, and trouble sleeping, among other manifestations.

h. Plaintiff Olivia Nicole Hinojosa has suffered skin problems including flaking and itching, respiratory problems including pneumonia, bronchitis, ear infections, sinusitis, and upper respiratory infections; nausea, constipation and stomach pain. Plaintiff suffers from severe mental anguish, distress and anxiety,

the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, among other manifestations.

i. Plaintiff Betty Jones has suffered respiratory problems including bronchitis, shortness of breath, wheezing, chronic productive cough, sinusitis, recurrent sore throat, eye infections, throat, nose and eye irritations including dryness and burning; gastrointestinal problems including chronic abdominal pain, nausea, vomiting, diarrhea and GERD; female reproductive problems including breast lumps, pelvic pain, irregular periods and ovarian cysts; skin problems including rashes, boils, excessive redness and dryness and numular eczema; recurrent urinary tract infections; chest pain; neurologic problems, including swelling in lower extremities, numbness and tingling in upper extremities, dizziness, migraine headaches, lightheadedness, memory problems, extreme fatigue, insomnia, irritability, mood instability and decreased libido; and dental problems. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased insomnia, irritability, mood instability and anxiety, among other manifestations.

j. Plaintiff Bobbi Jones has suffered abdominal pain; respiratory problems including allergies, nose bleeds, constant runny nose, sinusitis, sore throats, ear aches and productive cough; severe migraines and somnolence; and red, itchy, dry and peeling skin and toe and finger nails. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased migraines and rashes, among other manifestations.

k. Plaintiff Lucas Jones has suffered chest pain, heart murmur and bradycardia; gastrointestinal problems including abdominal pain and nausea; respiratory problems including nosebleeds and reduced sense of smell and tonsillitis; testicular discomfort, blood in urine and kidney infections; skin problems including recurrent cyst on wrist and dry itchy skin; headaches and dizziness, spells of weakness and lightheadedness, extreme fatigue and depression; and low iron. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has

further manifested itself in increased headaches, fatigue, and depression, among other manifestations.

l. Plaintiff Owen Jones has suffered upper respiratory problems including sinusitis, sinus pressure, headaches, sore throat, and problems with hearing; allergies and mood problems including irritability. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in mood problems and irritability, among other manifestations.

m. Plaintiff Ronald Logan has suffered prostate cancer and has undergone a prostatectomy as a result; urinary dysfunction, ureteral and kidney stones, poor bladder control, and kidney stent placement; peripheral neuropathy and numbness in both feet, numb fingers, restless leg syndrome; trans ischemic attack, and left side numbness; pulmonary problems including granulomatous disease, shortness of breath, and obstructive sleep apnea; digestive and gastrointestinal problems including chronic GERD, abdominal pain, blood in stools, diarrhea, colonic diverticula, trouble swallowing, ulceration of esophagus, hiatal hernia and erosive necrotizing esophagus; hypertension; gout; heart palpitations; dizziness and lightheadedness; memory problems and irritability; headaches, sinusitis, cough and occasionally blood with coughing, sore throat, dryness of mouth, nose and throat, and eye irritations; skin problems including redness and itching; and anxiety. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased irritability, headaches, skin problems and anxiety, among other manifestations.

n. Plaintiff Ruth Logan has suffered digestive and gastrointestinal problems including dysphagia, sore throat, IBS, stomach ulcers, chronic gastritis, GERD, intestinal metaplasia, erosion of antrum, abdominal pain and burning, abdominal swelling and bloating, nausea, helicobacter pylori, colonic spasms, duodenitis, constipation, chronic diarrhea, hiatal hernia and loss of appetite; urinary tract problems, including UTI's, urinary incontinence, burning and frequency, cystitis and bladder suspension surgery; chronic pain, including fibromyalgia, osteoarthritis, spinal stenosis, lumbosacral radiculopathy, joint swelling, swelling of lower extremities; hypertension, chest pain, heart palpitations and PVC's; anemia and abnormal liver enzymes; respiratory problems, including chronic bronchitis, pneumonia, shortness of breath, wheezing, chronic sinusitis, chronic productive cough; skin irritation and itching including redness boils and cyts; eye irritations,

including burning and tearing; migraine headaches, lightheadedness, lack of coordination and concentration, memory problems, extreme fatigue and insomnia, irritability, and anxiety. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased headaches, fatigue, irritability and anxiety, among other manifestations.

o. Plaintiff Ted Logan has suffered chronic skin problems including dryness and redness of skin, painful and recurrent cysts all over Plaintiff's body, removal of cysts from tailbone, inside of thigh and back of neck; recurrent sore throat resulting in tonsillectomy and recurrent sinusitis; irregular heart beat, heart murmur and heart palpitations; gastrointestinal problems including frequent bowel movements, excessive gassiness and stomach pain and cramping; fatigue, insomnia, and problems with memory and concentration. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, fatigue and insomnia, among other manifestations.

p. Plaintiff Timothy Logan has suffered heart disease including but not limited to cardiomyopathy, palpitations, shortness of breath, and mild pulmonary hypertension; hypertension; urinary tract problems including kidney stones, abnormal urine and poor bladder control;; gastrointestinal problems including IBS, abdominal pain, chronic urgent and explosive diarrhea, indigestion, bloating and gas, nausea, blood in stools; numbness in extremities and peripheral neuropathy; loss of sexual function, decreased libido and low testosterone; low blood counts; skin problems including rashes, redness and breakouts; respiratory problems including chronic sore throat and dry cough, blurry vision, reduced sense of smell, shortness of breath, and sinusitis; headaches, dizziness, fatigue, lightheadedness, loss of balance, problems with memory, mood instability, lack of concentration and irritability. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased fatigue, irritability and skin problems, among other manifestations.

q. Plaintiff Barbara Manning has suffered cervical cancer resulting in total hysterectomy; skin problems including red, itchy rashes, dry skin, psoriasis and eczema; respiratory problems including bronchitis, cough, shortness of breath,

sinusitis, recurrent colds and flu, chronic cough and runny nose, dryness of the mouth and throat, and reduced sense of smell; gastrointestinal problems including loss of appetite, stomach bloating, stomach swelling and diarrhea; depression, mood instability, fatigue, insomnia, headaches, problems with concentration and memory; appendicitis requiring appendectomy; pleural densities, fibrosis, and pulmonary lesion; heart palpitations; and dental problems resulting in oral surgeries and removal of all of Plaintiff's teeth. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased fatigue, insomnia, headaches and skin problems, among other manifestations.

r. Plaintiff Avery Pence has suffered respiratory problems including asthma, pneumonia, bronchitis, wheezing, runny nose, chronic ear infections and sinusitis, allergies, and recurrent sore throat; skin problems including dry skin and skin rashes; gastrointestinal problems including loss of appetite, diarrhea, vomiting, stomach pain, and urinary tract infections; and hyperactivity. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, among other manifestations.

s. Plaintiff Beatrice Pence has suffered cancer of both breasts resulting in two mastectomies; Alzheimer's disease, dementia and memory loss; worsening of Type II diabetes; hypertension; gastrointestinal problems including GERD, gastritis, bloody stools, diarrhea, constipation, abdominal pain and swelling, nausea, indigestion, and diverticulosis; respiratory problems including bronchitis, pleurisy, upper respiratory infection, chronic sinusitis, shortness of breath, burning and irritation of eyes, nose and throat, and chronic cough; urinary tract infections; chronic migraine headaches, dizziness and balance and coordination problems, fainting, lack of concentration and difficulty with speech; mood instability including irritability, depression and anxiety; chest pain and tightness with heart palpitations; incontinence of urine and stool; chronic fatigue; venous insufficiency and swelling of lower extremities; skin redness, dryness and itching;. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, irritability, depression and anxiety, among other manifestations.

t. Plaintiff Chad Pence has suffered diabetes, foot numbness and blurred

vision; irritation and dryness of the mouth, nose and throat; irritability; memory problems; decreased libido; gastrointestinal problems including indigestion, stomach pain, nausea, chronic diarrhea and constipation; and skin rashes. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems and irritability, among other manifestations.

u. Plaintiff Jimmy Pence has suffered recurrent kidney infections, urinary retention, urinary infections, burning with urination, difficulty urinating, bladder obstruction, chronic prostatitis and benign prostatic hyperplasia; respiratory problems including recurrent sinusitis; gastrointestinal problems including diarrhea. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased gastrointestinal problems and anxiety, among other manifestations.

v. Plaintiff Johnny Pence has suffered respiratory problems including sore throats, sinus problems, headaches, chronic bronchitis and cough, nosebleeds and runny nose; skin problems including sudden loss of hair, chronic dry, red and itchy skin, and itchy bumps on scalp; gastrointestinal problems, including severe heartburn and nausea; lightheadedness and insomnia. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems and insomnia, among other manifestations.

w. Plaintiff Milford Pence has suffered hypertension, heart palpitations, coronary artery disease requiring heart catheterization, left ventriculography, bilateral coronary arteriography and coronary artery bypass graft surgery; urinary tract problems including urinary urgency, benign prostatic hypertrophy or hyperplasia, impotence and enlarged prostate; gastrointestinal problems including GERD, heartburn, abdominal cramping and gastritis; respiratory problems including nosebleeds, blurred vision and eye irritation, shortness of breath, dryness and irritation of the mouth, nose and throat, chronic sore throat, constant runny nose, sinusitis and frequent colds and flu; skin problems including dry, red and itchy skin, rash on cheeks and fingernail changes; neurological problems including insomnia, somnolence, memory loss, difficulty concentrating, mood instability, decreased deep tendon reflexes and fatigue. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present

need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, fatigue and insomnia, among other manifestations.

x. Plaintiff Teanna Pence has suffered respiratory problems including pneumonia; eye irritations with burning, recurrent dry cough and sinusitis; urinary tract problems including recurrent urinary tract infections and poor bladder control; recurrent skin irritations including redness, itchy rashes and scalp sores; neurological problems including migraine headaches, dizziness, lightheadedness, insomnia, fatigue and variable deep tendon reflexes; gastrointestinal problems including indigestion, stomach pain and burning, nausea, diarrhea, vomiting and constipation; female reproductive problems including irregular periods. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, insomnia and fatigue, among other manifestations.

y. Plaintiff Timmy A. Pence has suffered respiratory problems including throat irritation with swelling, inflammation and trouble swallowing; chronic cough and sinusitis, runny nose, ear aches, blurry vision, eye and nose irritation and burning, recurrent nose bleeds and reduced sense of smell; gastrointestinal problems including heart burn and chest pain, indigestion, stomach pain and bloating, loss of appetite, diarrhea, constipation, rectal pain, blood stools and nausea; migraine headaches and problems with memory and concentration; dizziness and lack of coordination; mood changes, anxiety, depression, lack of interest and desire, fatigue, insomnia, finger numbness, and irritability; skin problems including redness, rashes, burning and itching skin, nodes and bumps behind the ear; shortness of breath and bladder control problems. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, mood changes, anxiety, depression, lack of interest and desire, fatigue and insomnia, among other manifestations.

z. Plaintiff Timothy J. Pence has suffered recurrent nose bleeds; eye, nose and throat irritation, including cough and dryness of the eyes with blurred vision, nose and throat; sinusitis; skin problems including redness, rashes and itchy skin; allergies; occasional headaches and lightheadedness; fatigue; mood instability; and occasional constipation. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical

monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, mood instability and fatigue, among other manifestations.

aa. Plaintiff Tressa Pence has suffered hypertension and heart palpitations; respiratory problems including cough, trouble swallowing, chest tightness and burning, and recurrent sinusitis, recurrent sore throats and ear infections, dryness and irritation of nose, throat and eyes, reduced sense of smell and blurry vision; recurrent urinary tract infections; chronic migraine headaches, fatigue and insomnia, dizziness, lightheadedness, difficulties with concentration, balance, memory and speech, mood instability, depression, irritability, feet and ankle swelling and numbness of fingers; skin problems including, rashes, cysts, lesions on face and body, redness, itching and irritation; gastrointestinal problems including acid reflux, indigestion, nausea, diarrhea, constipation, stomach pain and bloating, recurrent salivary duct stones and inflammation of salivary glands. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, mood instability, depression, fatigue and insomnia, among other manifestations.

bb. Plaintiff Troy Pence has suffered respiratory problems including recurrent upper respiratory infections, ear infections, irritation and dryness of mouth, nose and throat, mouth sores, blurry vision, and constant runny nose; numbness in fingers; skin problems including redness, burning and itching; tightness, burning and pain in the chest; headaches, dizziness, lightheadedness, inability to concentrate, difficulty with speech, memory problems, fatigue, mood instability and irritability, and allergic reactions; gastrointestinal problems including reflux and indigestion; and occasional problems with bladder control. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, fatigue, mood instability and irritability, among other manifestations.

cc. Plaintiff Austin Roberts has suffered respiratory problems including recurrent eye infections and irritation, severe ear infections sinusitis, nosebleeds, and recurrent sore throat; gastrointestinal problems including diarrhea, constipation and poor bladder control; skin dryness and skin redness; and hyperactivity and concentration problems. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going

medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, among other manifestations.

dd. Plaintiff Emily Roberts has suffered respiratory problems such as wheezing, shortness of breath, recurrent sinusitis, irritation and dryness of mouth, nose and throat, and cough; allergies; recurrent migraines, irritability and decreased libido; gastrointestinal problems including GERD, nausea, indigestion and diarrhea; skin problems including redness, rashes and hives; and anemia. Plaintiff has given birth to a child with a form of autism. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, irritability and headaches, among other manifestations.

ee. Plaintiff Hayden Roberts has suffered respiratory problems including chronic asthma, allergic rhinitis and allergic conjunctivitis, constant and severe ear infections requiring placement of ear tubes, shortness of breath, productive cough, dryness and irritation of the mouth, nose and throat, and eye irritation, chronic sore throat requiring tonsillectomy and adnoidectomy, and sinusitis; atypical autism, Pervasive Development Disorder (PDD), speech delays and difficulties with sensory input; severe skin problems including, staphylococcal dermatitis due to chronic eczema, atopic dermatitis, hives and very itch rashes. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, among other manifestations.

ff. Plaintiff Jeff Roberts has suffered diabetes; respiratory problems including chronic runny nose, sinusitis, chest pain, shortness of breath, wheezing, cough, throat irritation and throat dryness, eye irritation, and reduced sense of smell; gastrointestinal problems including indigestion, nausea, constipation, and poor bladder control; migraine headaches, dizziness, lightheadedness, balance problems, fatigue, insomnia, irritability, memory problems, lack of concentration, decreased libido and mood swings; and skin irritations and rashes. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, fatigue, insomnia and irritability, among other manifestations.

gg. Plaintiff Jeffrey C. Roberts has suffered respiratory problems including sinusitis, nose bleeds, and dryness and irritation of mouth, nose, throat, and eyes; allergies, migraine and tension headaches lightheadedness and trouble concentrating; gastrointestinal problems including indigestion, inflammation of esophagus, abdominal pain, and diarrhea; skin conditions including excessive dryness, skin tags, and frequent, recurrent and persistent cysts. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, among other manifestations.

hh. Plaintiff Kirsten Roberts has suffered respiratory problems including sinusitis, constant runny nose allergies, bronchitis, recurrent eye and ear infections, nosebleeds, and eye, nose and throat irritations; skin conditions including eczema, recurrent rashes and red, itchy skin; and gastrointestinal problems including recurrent loose stools, sometimes with blood, and poor bladder control. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, among other manifestations.

ii. Plaintiff Leslie Roberts has suffered high blood pressure; female reproductive problems including heavy periods and ovarian cysts; skin problems including facial rashes, eczema and deformed and splitting fingernails; digestive and gastrointestinal problems including abdominal pain, bloating and swelling, diarrhea, constipation, diverticulosis, diverticulitis, irritable bowel syndrome, and poor bladder control; respiratory problems including daily nose bleeds, chronic sinusitis, migraine headaches, chronic sore throats and cough, and eye, mouth, nose and throat irritation; decreased libido, lightheadedness, lack of coordination and insomnia. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems and insomnia, among other manifestations.

jj. Plaintiff Lukas Roberts has suffered skin problems including cysts, redness, severe rashes and dry, itchy skin; respiratory problems including frequent sinusitis, tonsillitis, and frequent colds and flu; migraine headaches and fatigue; gastrointestinal problems including urinary frequency, abdominal pain, indigestion, diarrhea, constipation and irritable bowel syndrome. Plaintiff suffers

from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, fatigue and headaches, among other manifestations.

kk. Plaintiff Henry Rockhold has suffered digestive and gastrointestinal problems including abdominal pain, diarrhea, constipation, chronic gastritis, GERD, colon polyps, perforated colon requiring colon resection, diverticulosis, duodenitis of esophagus, hiatal hernia, and esophagitis; coronary artery disease, pericarditis, PVC's, high blood pressure, chest pain, and plaque in carotid artery; hypothyroidism; headaches, dizziness, weakness, fatigue, insomnia, anxiety, irritability, decreased libido, and problems with memory and concentration; respiratory conditions, including pneumonia, lung disease, fibrosis in lung, chronic productive cough, wheezing, chronic sinusitis, reduced sense of smell, constant runny nose and eye irritation; cysts in kidneys, urinary problems and prostate problems; skin lesions and skin rashes. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, fatigue, insomnia, anxiety and irritability, among other manifestations.

ll. Plaintiff Peggy Rockhold has suffered digestive and gastrointestinal problems including heartburn, nausea, abdominal pain, abdominal bloating and swelling, constipation, blood in stool, GERD, inflamed colonic polyps, diverticulosis, diverticulitis, ischemic colitis, GI bleeds, intestinal metaplasia, esophagitis, esophageal stricture, hoarseness, rawness and discomfort of throat, mouth sores, and coughing with blood; osteopenia, numb and painful toes, joint pain; headaches; respiratory problems including recurrent sinusitis, chronic bronchitis, pneumonia, shortness of breath, dryness of mouth, nose and throat, recurrent sore throats and runny nose; female reproductive problems including fibroid uterus and breast tumor; bladder control problems; hypertension, and chest pain and palpitations; renal cysts; skin conditions including chronic skin soreness, redness, rashes, dry-itchy skin, growth on nose and scaly patches; face tingling, depression, dizziness, lightheadedness, anxiety, memory problems and fatigue. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, depression, anxiety and fatigue, among other manifestations.

mm. Plaintiff Karen Shumaker has suffered respiratory problems including

chronic bronchitis, pneumonia, sinusitis, allergies, recurrent sore throats, throat irritation, mouth sores and blisters, eye irritation, cough and nosebleeds; high blood pressure, urinary tract infections and inflamed appendix; swelling of feet and ankles and low blood count; neurological problems such as anxiety, depression, irritability, migraine headaches, difficulties with balance, coordination, memory, concentration and speech, female reproduction problems including endometriosis and painful ovarian cysts; gastrointestinal problems including chronic abdominal pain, swelling, bloating and chronic pelvic pain; skin irritations including itchy and scaly rashes and acne. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, anxiety, depression, irritability and migraine headaches, among other manifestations.

nn. Plaintiff Deana Sutton has suffered an autoimmune disorder; neurological problems including sensations of tingling, numbness and burning, headaches, dizziness, lightheadedness, problems with memory, concentration, balance and confusion, decreased libido, mood swings, fatigue, insomnia and somnolence; visual disturbances and blurred vision; respiratory problems including cough, chronic bronchitis, chest discomfort, shortness of breath, chronic sinusitis, irritation and/or dryness of eye, nose mouth and throat; skin irritations including rashes, redness and sensitivity; digestive and gastrointestinal problems including abdominal pain, abdominal bloating, indigestion, nausea, heartburn, throat irritation, diarrhea, constipation, poor bladder control and a spastic esophagus; high blood pressure, swelling of extremities and face, and frequent urinary tract infections. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, mood swings, fatigue and insomnia, among other manifestations.

oo. Plaintiff Matt Tucker has suffered respiratory problems including cough, dryness of mouth and nose, dryness and irritation of throat, runny nose, nosebleeds, reduced sense of smell, mouth sores and a large maxillary cyst extending into sinuses, which required surgical removal resulting in loss of bone structure; problems with memory, concentration, headaches, and lightheadedness; gastrointestinal problems including indigestion and diarrhea. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased headaches,

among other manifestations.

pp. Plaintiff Timmy Lynn Tucker has suffered skin problems including redness and persistent itchy rashes; respiratory problems including shortness of breath, recurrent cough and runny nose, dryness and irritation of nose, throat, eyes and mouth, and reduced sense of smell; gastrointestinal problems including and loss of appetite, occasional constipation and blood in stool; migraine headaches, dizziness, lightheadedness, lack of coordination and concentration, difficulties with memory, fatigue, insomnia, decreased libido, and irritability. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased headaches, fatigue, insomnia and irritability, among other manifestations.

qq. Plaintiff Brandi Walker has suffered urinary tract problems including recurrent painful urination, urinary tract infections and cystitis; respiratory problems including asthma, recurrent bronchitis, cough, headaches, sinusitis, constant runny nose, shortness of breath, current cold sores and allergies; gastrointestinal problems including abdominal pain, recurrent gastroenteritis, chronic diarrhea, reflux esophagitis and throat irritation; skin problems including redness, rashes, eczema and acne; anxiety, panic attacks, depression, fatigue, irritability and difficulties with sleep; pain in extremities and possible bone marrow suppression. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, fatigue, irritability, depression and anxiety, among other manifestations.

rr. Plaintiff Debra K. Walker has suffered digestive and gastrointestinal problems including GERD, severe colitis with recurrent diarrhea, cramping, burning and constant pain in her abdomen, gastritis, pre-cancerous polyps, hiatal hernia, and ulcer; respiratory problems including recurrent sinusitis, and difficulties with memory. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased abdominal pain, among other manifestations.

ss. Plaintiff Haylee Walker has suffered respiratory problems including asthma, recurrent bronchitis, shortness of breath, allergies and recurrent upper respiratory infections and sinus infections, sore throat, cough, pneumonia, and

throat irritation; nausea, diarrhea and abdominal pain; skin problems including redness, recurrent dermatitis, verruca lesions (warts) and eczema; and problems with concentration, poor school performance and social skills; small head circumference and impaired brain development. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, among other manifestations.

tt. Plaintiff Joshua Walker has suffered respiratory problems including chronic asthma, bronchitis, allergies, runny nose, sinusitis, productive cough, cough with blood and chronic throat irritations, chest pains, chest tightness and burning and shortness of breath; migraines, changes in mood and irritability, lightheadedness, fatigue, lack of concentration, difficulty with memory and decreased libido; skin problems, including redness and itching; gastrointestinal problems including nausea, indigestion, GERD, loss of appetite, painful and chronic diarrhea, abdominal pain and cramping and irritable bowel; and an episode of low blood sugar with fainting. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems and irritability, among other manifestations.

uu. Plaintiff Danny C. Weinreich has suffered respiratory problems including bronchitis, chronic cough, sinusitis, recurrent sore throat, mouth, nose and throat irritation and dryness, frequent colds and cold sores, and constant runny nose; migraines, depression, fatigue, insomnia, lack of coordination, problems with balance and concentration, and loss of memory; skin problems including redness, itching, scaly and patchy skin, hives, lesions and cyst; gastrointestinal problems including stomach pain with bloating and swelling, chronic explosive diarrhea, chronic indigestion and sigmoid diverticulosis; fatty infiltrate of liver. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, depression, fatigue and insomnia, among other manifestations.

vv. Plaintiff Danny L. Weinreich has suffered diabetes, hypertension and hyperlipidemia; respiratory problems including chronic runny nose, chronic cough and sore throats, dryness and irritation of nose, throat and eyes, blurry vision, reduced sense of smell; skin problems including redness, dryness and itching;

gastrointestinal problems including chest pain and chest burning; indigestion, abdominal pain, stomach bloating, acid reflux, and frequent diarrhea and explosive diarrhea; headaches, fatigue, insomnia, difficulty with memory, and decreased libido. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, fatigue and insomnia, among other manifestations.

ww. Plaintiff Jamey Jay Weinreich has suffered urinary tract problems including bladder disease, bladder spasms, difficult, painful and burning urination; respiratory problems including chronic sinusitis, chronic cough, shortness of breath, allergies, headaches, irritation and burning sensation and dryness of nose, eyes and throat, blurry vision and reduced sense of smell; skin rashes and boils; gastrointestinal problems including abdominal pain with bloating, acid reflux and chronic indigestion; dizziness, lightheadedness, fatigue, trouble sleeping, irritability and problems with memory and concentration. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, irritability and trouble sleeping, among other manifestations.

xx. Plaintiff Jessica Weinreich has suffered chronic body pain, fibromyalgia and lower extremity swelling; respiratory problems including bronchitis, chest pains, asthma, shortness of breath, upper respiratory infections, cough, dry and irritated mouth, nose and throat, eye irritation, headaches and chronic sinusitis; hypertension; gastrointestinal problems including GERD, chronic heartburn, diarrhea, constipation, and stomach pain, swelling and bloating, loss of appetite and gall bladder pain – removal of gallbladder; chronic migraine headaches, problems with memory and concentration, fatigue, insomnia, decreased libido, depression and anxiety; skin problems including lesions, rashes, persistent skin and scalp sores, moles, and cysts; urinary tract infections. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, anxiety, depression and insomnia, among other manifestations.

yy. Plaintiff Sherry Weinreich has suffered digestive and gastrointestinal problems including GERD, rectal bleeding, colon polyps, refractory reflux with chronic and persistent cough, hoarseness, regurgitation of gastric contents,

dysphagia, narrowing of esophagus, inflammation and mucosa irregularity of esophagus, reflux esophagitis, chronic gastritis, constipation, and hypotensive esophageal sphincter requiring surgical repair; hypertension, mitral valve prolapse, irregular heart beat and heart palpitations; density and lesions in breast; respiratory problems including, bronchitis, allergies and sinusitis; and swelling of feet and ankles; depression, fatigue and memory problems; skin problems including persistent itchy and red sores on body, face and scalp. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, depression and fatigue, among other manifestations.

zz. Plaintiff Adrienne Worley has suffered digestive and gastrointestinal problems including active chronic colitis, ulcerative proctitis, rectal bleeding, rectal pressure and urgency, abnormal bowel habits, diarrhea, bloody stools, constipation, acid reflux, severe colon polyps, nausea, stomach pain, bloating and swelling, inflamed esophagus, and coccygeal pain; respiratory problems including recurrent sinus infections, runny nose, throat, mouth and nose irritation and dryness, recurrent sore throat, dysphagia, dry and productive coughing, sometimes tinged with blood, shortness of breath, uveitis (arthritis of the eyes) and eye irritation; urinary tract problems including protein in urine, bladder spasms, and recurrent urinary tract infections; headaches, dizziness, lightheadedness, lack of concentration, memory problems, fatigue, irritability, and decreased libido; skin problems including red and itchy skin rashes and fingernail changes. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, fatigue and irritability, among other manifestations.

aaa. Plaintiff Betty Eva Worley has suffered digestive and gastrointestinal problems including chronic throat pain and irritation, persistent hoarseness, vocal cord cysts, pain in neck and ear area, chronic cough, GERD, diverticulosis, diverticulitis, abdominal pain, burning, bloating and cramping, diarrhea with blood, constipation, nausea, colon spasms, granular mucosa/gastritis, chronic duodenitis, colon polyps, enteric gastric reflux, IBS, laryngoesophageal reflux disease, and heartburn; fatty infiltration of liver and appendicitis requiring appendectomy, and abnormal gallbladder; respiratory problems including asthma, allergies, chronic bronchitis, recurrent upper respiratory infections and sinusitis, lung nodule, eye and nose irritations; gynecologic problems, including dysfunctional uterine bleeding and pelvic pain; urinary tract problems including recurrent UTI's, frequent and painful urination and difficulty with urinating; skin

problems including redness, itchy rashes, sun sensitive skin and lesions; migraine headaches, hypothyroidism, pain in extremities, antibody deficiency, chest pain, lightheadedness, memory problems, fatigue, insomnia, depression, anxiety, mood instability and irritability. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, fatigue, insomnia, depression, anxiety, mood instability and irritability, among other manifestations.

bbb. Plaintiff Brian Worley has suffered respiratory problems including bronchitis, recurrent upper respiratory infections, chronic sore throat, tonsillitis, chronic cough with mucous, headaches, eye irritations, shortness of breath, wheezing, irritation and dryness of the mouth, nose and throat, pleurisy, and chronic sinusitis; severe allergies including anaphylaxis; gastrointestinal problems including episodes of acute gastroenteritis and recurrent abdominal pain with nausea, vomiting and diarrhea, acid reflux and chest burning; recurrent skin problems including rashes, redness, boils all over the body and bad acne; concentration problems and he was born premature. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, among other manifestations.

ccc. Plaintiff Grace Worley has suffered gastrointestinal problems including indigestion, acid reflux, GERD, abdominal pain, nausea, and loss of appetite; urinary tract problems including poor bladder control and recurrent UTI's; respiratory problems including pneumonia, bronchitis, allergies, hoarseness, shortness of breath, upper respiratory infections, chronic dry cough, cough with mucous, sinusitis, recurrent sore throat, and irritation, dryness and burning of nose, throat and eyes with blurry vision; heart palpitations and irregular periods; fatigue, insomnia; irritability, decreased libido, lack of concentration, headaches and dizziness; skin problems including redness, recurrent rashes and boils and itchy skin. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, fatigue, insomnia, and irritability, among other manifestations.

ddd. Plaintiff Jenifer Worley has suffered respiratory problems including asthma, recurrent upper respiratory infections, allergies, sinusitis, bronchitis,

constant cough, ear infections, sore throat, eye infections, and shortness of breath; gastrointestinal problems including chronic abdominal pain, nausea, vomiting, and diarrhea; increased bilirubin; painful ovarian cysts; skin problems including rashes, boils, excessive redness and dryness; recurrent urinary tract infections; chest pain, depression, anxiety, bi-polar disorder, dizziness, lightheadedness, balance problems, memory problems, extreme fatigue, irritability and anger problems. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, depression and irritability, among other manifestations.

eee. Plaintiff Kelly Worley has suffered respiratory problems including asthma, shortness of breath, wheezing, chronic cough, cough with blood, chronic tonsillitis, chronic sinusitis and runny nose, irritation and dryness of mouth, nose and throat, cold sores, eye irritation, reduced sense of smell; hypertension, chest pain and heart palpitations; migraines, dizziness, lightheadedness, balance problems, problems with memory and concentration, slurred speech, depression, panic attacks, chronic anxiety, fatigue, insomnia and irritability; chronic skin problems including, boils, rashes, redness, itching, eczema, lichen simplex, folliculitis, hives; digestive and gastrointestinal problems including nausea, indigestion, heartburn, stomach pain with bloating and swelling, diarrhea, constipation, GERD and laryngopharyngeal reflux; urinary tract problems including recurrent bladder infections and urinary tract infections, and enlarged prostate. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, depression, anxiety and irritability, among other manifestations.

fff. Plaintiff Kendall Worley has suffered asthma, bronchitis, cough, hypertrophic adenoids, ear infections, rhinitis and sinusitis; gastrointestinal problems such as loss of appetite and acute gastroenteritis; chest pain and tightness and heart palpitations; skin rashes with redness and itching; eye irritation and blurry vision; balance problems, memory problems, insomnia; and loss of appetite. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems and insomnia, among other manifestations.

ggg. Plaintiff Kevin Worley has suffered respiratory problems including upper respiratory infections, bronchitis, bronchopneumonia; recurrent ear and sinus infections, chronic runny nose, recurrent sore throat, difficulty swallowing, and chronic cough, and oral fistula with chronic drainage; gastrointestinal problems including indigestion and stomach swelling and bloating; skin problems including skin redness, itchy skin, body rashes and facial rashes; mood instability, insomnia, fatigue, irritability, and problems with memory and concentration. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, fatigue, insomnia and irritability, among other manifestations.

hhh. Plaintiff Krystal Worley has suffered recurrent upper respiratory infections, chronic and prolonged sore throats, recurrent strep throat, recurrent sinusitis, recurrent bronchitis, hoarseness, coughing, and shortness of breath; female reproduction problems including painful ovarian cysts and irregular periods; gastrointestinal problems including GERD, gastritis, chronic abdominal pain, diarrhea, nausea, and vomiting; mild mitral valve and tricuspid regurgitation with associated chest pain; skin and facial rashes, cysts and boils; recurrent urinary tract infections; depression, concentration problems, mood instability, anxiety attacks and fatigue. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, depression and anxiety, among other manifestations.

iii. Plaintiff Wendi Worley has suffered digestive and gastrointestinal problems including acid reflux, stomach pain with gas, diarrhea, constipation and hoarseness; respiratory problems including asthma, recurrent sinusitis, recurrent upper respiratory infections, allergies and pneumonia; thyroid disorder including extreme fatigue; skin problems including boils and dry and itchy skin, and she has undergone removal of her gallbladder. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, among other manifestations.

jjj. Plaintiff Crystal Yeomans has suffered gastrointestinal problems including abdominal pain, nausea, irritable bowel syndrome, bloody stools, frequent and explosive diarrhea, gallstones and heartburn; skin problems including red rashes,

sun sensitive skin and boils; respiratory problems including pain on deep breaths, wheezing, sinusitis, runny nose and blurry vision; fatigue and insomnia. Plaintiff suffers from severe mental anguish, distress and anxiety, the present fear of cancer, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer. Plaintiff's severe mental anguish, distress and anxiety has further manifested itself in increased skin problems, fatigue and insomnia, among other manifestations.

kkk. Plaintiff Kaylee Gittings is a minor child that suffers from upper respiratory infections, skin irritation, present need for on-going medical monitoring, and the increased risk of future harm, including the increased risk of contracting cancer.

COUNT I.
PLAINTIFFS' NEGLIGENCE CLAIM AS TO PIPELINE DEFENDANTS

138. Plaintiffs repeat, reallege and incorporate herein Paragraphs 1 – 137 as though fully set forth herein.

139. Pipeline Defendants have managed, maintained and/or were otherwise responsible for the storage, distribution, disposal and/or transportation of the crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes located in their pipelines, in the State of Illinois which have been released into the environment and are contaminating Property Plaintiffs' and Entity Plaintiffs' properties and exposing Injury Plaintiffs to contamination in their water, soil and air, as alleged in the "General Allegations" section *supra* herein.

140. Pipeline Defendants managed, supervised or were otherwise responsible for the improper and unreasonable disposal, transportation, distribution, and management of crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes flowing through their pipelines.

141. Pipeline Defendants had a duty to act reasonably and use due care in the

management, handling, storage, distribution, transportation and/or disposal of the crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes in a manner which would not allow said products, substances, and/or wastes to cause contamination.

142. Pipeline Defendants had a duty to exercise due care not to pollute the environment in Lomax. Further, Pipeline Defendants had a duty to exercise due care to prevent these crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes from continuing to migrate and contaminate Property Plaintiffs' and Entity Plaintiffs' properties and expose Injury Plaintiffs to contamination in their water, soil and air.

143. Pipeline Defendants knew, or should have known, of the potential danger of contamination in handling, storage, processing, transportation, distribution and/or disposal of crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes and knew, or should have known, that said products, substances, and/or wastes could cause contamination in and around Lomax.

144. Pipeline Defendants knew of the dangers posed by the crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes and knew, or should have known, that said products, substances, and/or wastes would and did leak and/or migrate from their pipelines, thereby causing said contamination.

145. Pipeline Defendants knew, or in the exercise of ordinary care, should have known, of repeated crude oil or petroleum releases, improper storage, improper disposal, improper transport and distribution in their pipelines and improper repair, construction and maintenance of

their pipelines.

146. Contrary to their duty of care, Pipeline Defendants breached their duty of care to Plaintiffs in one or more of the following ways:

- a. Pipeline Defendants negligently and carelessly stored crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes generated from their operations and/or transported in their pipelines in an unreasonable and unsafe manner, which allowed said products, substances and/or wastes to spill/leak from their pipelines, thereby contaminating Property Plaintiffs' and Entity Plaintiffs' properties, and exposing Injury Plaintiffs to contamination;
- b. Pipeline Defendants negligently and carelessly allowed pipelines to decay, spill and leak, which allowed crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes to migrate from the pipelines, thereby contaminating the environment and nearby properties, including Property Plaintiffs' and Entity Plaintiffs' properties, and exposing Injury Plaintiffs to contamination;
- c. Pipeline Defendants negligently and carelessly failed to take reasonable and appropriate measures to protect Injury Plaintiffs and Property Plaintiffs' and Entity Plaintiffs' properties from the migration of crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes from their pipelines;

- d. Pipeline Defendants negligently and carelessly failed to reasonably maintain, monitor, inspect, repair or close their pipelines containing crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes, which allowed said products, substances and/or wastes to migrate from their pipelines, thereby contaminating the environment and nearby properties, including Property Plaintiffs' and Entity Plaintiffs' properties, and exposing Injury Plaintiffs to contamination;
- e. Pipeline Defendants negligently and carelessly failed to initiate, undertake, continue or maintain efforts and activities to clean up, remediate or remove crude oil, petroleum products, petroleum constituents, petroleum byproducts, and/or toxic and hazardous substances and wastes released onto or into the ground including, in, around and under the Property Plaintiffs' and Entity Plaintiffs' properties, and exposing Injury Plaintiffs to contamination; and
- f. Pipeline Defendants negligently installed poet water filtration systems and as a result exposed certain plaintiffs, identified above, to MEK and other contaminants, as discussed in paragraph 105(h), *supra* herein.

147. The negligent acts and/or omissions of Pipeline Defendants, as set forth in subparagraphs a. through f. above, are continuing in nature.

148. As a direct and proximate result of one or more of the foregoing negligent acts and/omissions by Pipeline Defendants, Plaintiffs have been injured in one or more of the

following ways:

- a. Property Plaintiffs' and Entity Plaintiffs' properties have been damaged by the contamination, as described in paragraphs 80 to 105 *supra* herein;
- b. Property Plaintiffs' and Entity Plaintiffs' properties have diminished in value, as described in paragraphs 117 to 128 *supra* herein;
- c. Plaintiffs have lost the use and enjoyment of their properties, as described in paragraphs 129 to 131 *supra* herein;
- d. Plaintiffs have suffered other damages, including but not limit to, personal property damages from the death of dogs, cats and pets who were exposed to the contamination, and damage to clothes, appliances and other personal property;
- e. Property Plaintiffs, the Village of Lomax and the Lomax Township are unable to use and enjoy their well-water, and have or will be forced to pay for Dallas Rural Water;
- f. Injury Plaintiffs have suffered in the past and will continue to experience severe emotional distress, personal injuries, increased risk of future harm, increased risk of cancer, present fear of cancer, anxiety and irritation, inconvenience, and mental anguish, as described in paragraphs 132 to 137 *supra* herein;
- g. Injury Plaintiffs have incurred in the past and will continue to incur costs for medical monitoring of their physical condition as a result of their exposure to the environmental hazards in Lomax, as described in Count

VII *infra* herein;

- h. Injury Plaintiffs and Property Plaintiffs have lost use and enjoyment of their properties and lives, as described in paragraphs 129 to 131 *supra* herein;
- i. The Village of Lomax and Lomax Township have and will continue to lose tax revenue and sustain other damages, as described in paragraphs 117 to 122 *supra* herein; and
- j. The Dallas Rural Water District has spent more than \$2,000,000.00 in constructing the water lines to bring potable water to the Village of Lomax, more than \$100,000 to protect the water lines from contamination, and will continue to incur additional costs and expenses in constructing, designing and maintaining its water lines and related facilities, as described in paragraphs 106 to 116 *supra* herein.

WHEREFORE, Plaintiffs pray for judgment against Pipeline Defendants, for a fair and just award in excess of Fifty Thousand Dollars (\$50,000) each, equitable and/or injunctive relief requiring Pipeline Defendants to clean up and remediate the contamination in an expeditious manner, and for such other relief as this Court deems just and proper.

COUNT II.
PLAINTIFFS' TRESPASS CLAIM AS TO PIPELINE DEFENDANTS

149. Plaintiffs repeat, reallege and incorporate Paragraphs 1 – 148 as though fully set forth herein.

150. Property Plaintiffs, as owners of their residential properties, and Entity Plaintiffs

had and continue to have a protectable right to the exclusive possession, physical condition, use and enjoyment of their properties, free from contamination.

151. Injury Plaintiffs (who are not also Property Plaintiffs), as tenants, family members and household members of Property Plaintiffs, had, and/or continue to have, a protectable right to use and enjoy property.

152. Pipeline Defendants managed, maintained or were otherwise responsible for the storage, distribution, disposal and/or transportation of the crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes located in their pipelines.

153. Pipeline Defendants knew of the proximity of real property owned by persons or other entities near their pipelines. Further, at all times relevant, Pipeline Defendants knew that if the crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes were allowed to leak out of their pipelines, migration of these products, substances and/or wastes would constitute a substantial and unreasonable invasion onto the properties of Plaintiffs, including Property Plaintiffs' and Entity Plaintiffs' properties, and real property inhabited by Injury Plaintiffs.

154. Pipeline Defendants acted unreasonably in that they failed to take the necessary precautions to prevent crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes from being released into the ground, water and air and later, failed to clean up, remediate, and/or remove such substances. Based upon their expertise with these crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes, Pipeline Defendants knew that if the

aforementioned petroleum products, substances and/or wastes were allowed to leak from their pipelines and they failed to clean up, remediate and/or remove such substances, contamination would result on the neighboring properties, including that of Property Plaintiffs and Entity Plaintiffs described herein, and real property inhabited by Injury Plaintiffs.

155. Moreover, Pipeline Defendants acted with knowledge that the unreasonable release of these crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes and failure to clean up, remediate, and or remove such substances on land in close proximity to residential areas, including Property Plaintiffs' and Entity Plaintiffs' properties, and real property inhabited by Injury Plaintiffs, was substantially certain to result in the contamination of these properties, including Property Plaintiffs' and Entity Plaintiffs' properties, and real property inhabited by Injury Plaintiffs.

156. Property Plaintiffs' and Entity Plaintiffs' properties and real property inhabited by Injury Plaintiffs have and continue to be contaminated with these crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes, as described in the "General Allegations" section *supra* herein.

157. The migration of crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes onto Property Plaintiffs' and Entity Plaintiffs' properties and real property inhabited by Injury Plaintiffs has and continues to constitute a substantial invasion of Plaintiffs' exclusive interest in the physical condition of their land, as described in the "General Allegations" section *supra* herein.

158. The crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes continue to migrate onto Property Plaintiffs'

and Entity Plaintiffs' properties and real property inhabited by Injury Plaintiffs, constituting a continuous substantial invasion of Plaintiffs' exclusive interest in the physical condition of their land, as described in the "General Allegations" section *supra* herein.

159. As a direct and proximate cause of Pipeline Defendants' releases of crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes and failure to clean up, remediate, and/or remove such substances, Property Plaintiffs, Injury Plaintiffs, and Entity Plaintiffs have been injured in that their interest in their properties have been contaminated by said products, substances, and/or wastes.

160. BP Defendants left the abandoned Crude Pipeline and petroleum contamination buried in place in Lomax, Illinois, thus exposing unaware residents to prolonged exposure to and dangers from petroleum contamination, as described in the "General Allegations" section *supra* herein.

161. BP Defendants intentionally trespassed by engaging in the acts and omissions described herein, including but not limited to, failing to inspect, maintain, remove or close the Crude Pipeline and failing to report, remove, remediate or abate the petroleum contamination in Lomax, as described in the "General Allegations" section *supra* herein and as described in the Punitive Damages Count VI, *infra* herein.

162. As a direct and proximate result of Pipeline Defendants' trespass, the Plaintiffs have been damaged in one or more of the following ways:

- a. Property Plaintiffs' and Entity Plaintiffs' properties have been damaged by the contamination, as described in paragraphs 80 to 105 *supra* herein;
- b. Property Plaintiffs' and Entity Plaintiffs' properties have diminished in

- value, as described in paragraphs 117 to 128 *supra* herein;
- c. Plaintiffs have lost the use and enjoyment of their properties, as described in paragraphs 129 to 131 *supra* herein;
 - d. Plaintiffs have suffered other damages, including but not limit to, personal property damages from the death of dogs, cats and pets who were exposed to the contamination, and damage to clothes, appliances and other personal property;
 - e. Property Plaintiffs, the Village of Lomax and the Lomax Township are unable to use and enjoy their well-water, and have or will be forced to pay for Dallas Rural Water;
 - f. Injury Plaintiffs have suffered in the past and will continue to experience severe emotional distress, personal injuries, increased risk of future harm, increased risk of cancer, present fear of cancer, anxiety and irritation, inconvenience, and mental anguish, as described in paragraphs 132 to 137 *supra* herein;
 - g. Injury Plaintiffs have incurred in the past and will continue to incur costs for medical monitoring of their physical condition as a result of their exposure to the environmental hazards in Lomax, as described in Count VII *infra* herein;
 - h. Injury Plaintiffs and Property Plaintiffs have lost use and enjoyment of their properties and lives, as described in paragraphs 129 to 131 *supra* herein;

- i. The Village of Lomax and Lomax Township have and will continue to lose tax revenue and sustain other damages, as described in paragraphs 117 to 122 *supra* herein; and
- j. The Dallas Rural Water District has spent more than \$2,000,000.00 in constructing the water lines to bring potable water to the Village of Lomax, more than \$100,000 to protect the water lines from contamination, and will continue to incur additional costs and expenses in constructing, designing and maintaining its water lines and related facilities, as described in paragraphs 106 to 116 *supra* herein.

WHEREFORE, Plaintiffs pray for judgment against Pipeline Defendants, for a fair and just award in excess of Fifty Thousand Dollars (\$50,000) each, punitive damages against BP Defendants for intentional trespass, equitable and/or injunctive relief requiring Pipeline Defendants to clean up and remediate the contamination in an expeditious manner, and for such other relief as this Court deems just and proper.

**COUNT III.
PLAINTIFFS' NUISANCE CLAIM AS TO PIPELINE DEFENDANTS**

163. Plaintiffs repeat, reallege and incorporate Paragraphs 1-162 as though fully set forth herein.

164. Property Plaintiffs and Entity Plaintiffs had and continue to have a protectable right to the exclusive possession, physical condition, use and enjoyment of their properties, free from contamination.

165. Injury Plaintiffs (who are not also Property Plaintiffs), as tenants, family members

and household members of Property Plaintiffs, had, and/or continue to have, a protectable right to use and enjoy property.

166. Pipeline Defendants managed, stored, transported, distributed, disposed, and released crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes on land in close proximity to residential areas, allowing said products, substances and/or wastes to leak and migrate onto nearby properties in and around Lomax.

167. The Pipeline Defendants knew or should have known that their management, transportation, distribution, and disposal of gasoline and other petroleum products, byproducts and hydrocarbons that caused or contributed to cause the creation of and/or maintenance of the underground hydrocarbons referred to herein would unreasonably and significantly interfere with the Property Plaintiffs' and Entity Plaintiffs' properties and/or would cause a condition that would unreasonably and significantly interfere with the Property Plaintiffs' and Entity Plaintiffs' properties.

168. Specifically, Pipeline Defendants knew or should have known that the release of, and/or failure to properly eliminate and clean up the underground hydrocarbons, containing poisonous chemicals and compounds such as benzene, PAHs and alkyl PAHs, would substantially serve to result in an invasion of another's interest, including but not limited to, Plaintiffs' use and enjoyment of the land contiguous, adjacent and/or proximate to the underground hydrocarbons.

169. Pipeline Defendants' intentionally invaded the Plaintiffs' and their families' interest in the use and enjoyment of their properties in that they managed stored, disposed,

transported, distributed, and released crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes and failed to clean up, remediate, and/or remove such substances on land in close proximity to residential areas, including the Property Plaintiffs' and Entity Plaintiffs' properties, in a manner which they knew was substantially certain to result in the contamination of these properties, including Property Plaintiffs' and Entity Plaintiffs' properties.

170. Alternatively, or, in addition to the above allegations, Plaintiffs' interest in the use and enjoyment of their property was diminished because Pipeline Defendants failed to manage, transport, distribute, and dispose of crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes and failed to clean up, remediate, and or remove such substances in a manner which would protect the areas surrounding it, including Property Plaintiffs' and Entity Plaintiffs' properties.

171. The migration of crude oil, petroleum products, petroleum constituents, petroleum byproducts, and/or toxic and hazardous substances and wastes onto properties in and around Lomax has constituted and continues to constitute a substantial invasion of Property Plaintiffs' and Entity Plaintiffs' exclusive interest in the physical condition of their land, as described in the "General Allegations" section *supra* herein.

172. Properties in Lomax have been and continue to be contaminated with these crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes. As a result, Plaintiffs and their families have been unable to use and enjoy their property, as described in the "General Allegations" section *supra* herein, and as described in paragraphs 129-131, *supra* herein.

173. The conditions created by the Pipeline Defendants are endangering Injury Plaintiffs' and their families' health and lives, offending the senses of Injury Plaintiffs and their families, damaging the properties, and preventing the comfortable and reasonable use and enjoyment of properties in Lomax, including Property Plaintiffs' and Entity Plaintiffs' properties and real property inhabited by Injury Plaintiffs, as described in paragraphs 117 to 131 *supra* herein.

174. The Pipeline Defendants' substantial and unreasonable interference with the Plaintiffs' use and enjoyment of their property constitutes a public and private nuisance for which the Pipeline Defendants are jointly and severally liable to the Plaintiffs for their damages legally caused by this nuisance and described more fully herein.

175. As a direct and proximate result of the Pipeline Defendants' invasion of Plaintiffs' right to the use and enjoyment of their property, Plaintiffs have been damaged in one or more of the following ways:

- a. Property Plaintiffs' and Entity Plaintiffs' properties have been damaged by the contamination, as described in paragraphs 80 to 105 *supra* herein;
- b. Property Plaintiffs' and Entity Plaintiffs' properties have diminished in value, as described in paragraphs 117 to 128 *supra* herein;
- c. Plaintiffs have lost the use and enjoyment of their properties, as described in paragraphs 129 to 131 *supra* herein;
- d. Plaintiffs have suffered other damages, including but not limit to, personal property damages from the death of dogs, cats and pets who were exposed to the contamination, and damage to clothes, appliances and other personal

- property;
- e. Property Plaintiffs, the Village of Lomax and the Lomax Township are unable to use and enjoy their well-water, and have or will be forced to pay for Dallas Rural Water;
 - f. Injury Plaintiffs have suffered in the past and will continue to experience severe emotional distress, personal injuries, increased risk of future harm, increased risk of cancer, present fear of cancer, anxiety and irritation, inconvenience, and mental anguish, as described in paragraphs 132 to 137 *supra* herein;
 - g. Injury Plaintiffs have incurred in the past and will continue to incur costs for medical monitoring of their physical condition as a result of their exposure to the environmental hazards in Lomax, as described in Count VII *infra* herein;
 - h. Injury Plaintiffs and Property Plaintiffs have lost use and enjoyment of their properties and lives, as described in paragraphs 129 to 131 *supra* herein;
 - i. The Village of Lomax and Lomax Township have and will continue to lose tax revenue and sustain other damages, as described in paragraphs 117 to 122 *supra* herein; and
 - j. The Dallas Rural Water District has spent more than \$2,000,000.00 in constructing the water lines to bring potable water to the Village of Lomax, more than \$100,000 to protect the water lines from contamination,

and will continue to incur additional costs and expenses in constructing, designing and maintaining its water lines and related facilities, as described in paragraphs 106 to 116 *supra* herein.

176. Pipeline Defendants have, to date, failed and refused to properly and completely remediate the toxic contamination of the Village of Lomax, despite having received demands to do so.

177. Pipeline Defendants' wrongful conduct, unless and until enjoined and restrained by order of this court, will cause great and irreparable injury to the Plaintiffs in that:

- a. The present and continuing adverse health consequences of the underground hydrocarbons caused to be created or maintained by Pipeline Defendants will continue to exist, and become worse over time;
- b. The damage to Plaintiffs' private property rights including the quiet use and enjoyment of their respective real properties and caused by the underground hydrocarbons will continue and become worse with time; and
- c. The reputation of the Village of Lomax as a contaminated toxic waste site will be cemented in the general public's mind permanently destroying its appeal as a potential home for businesses and families.

178. The underground hydrocarbons located under and near Lomax, Illinois are a public health threat and nuisance. BP Defendants' acts and omissions in creating and/or permitting the nuisance, including but not limited to, its failure to inspect, maintain, remove or close the Crude Pipeline and its failure to report, investigate, remove, remediate or abate the petroleum contamination in Lomax, were willful, wanton, and intentional.

WHEREFORE, Plaintiffs pray for judgment against Pipeline Defendants, for a fair and just award in excess of Fifty Thousand Dollars (\$50,000) each, punitive damages against BP Defendants for their willful, wanton and intentional acts and omissions in creating and/or permitting the nuisance, equitable and/or injunctive relief requiring Pipeline Defendants to clean up and remediate the contamination in an expeditious manner, and for such other relief as this Court deems just and proper.

COUNT IV.
INJURY PLAINTIFFS' INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS CLAIM AS TO PIPELINE DEFENDANTS

179. Plaintiffs repeat, reallege and incorporate Paragraphs 1-178 though fully set forth herein.

180. Pipeline Defendants managed, supervised or were otherwise responsible for the improper and unreasonable management, storage, transportation, distribution, disposal and release of crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes from their pipelines.

181. Plaintiffs and their properties have been directly impacted by and exposed to crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes released from pipelines, as described in the General Allegations section *supra* herein.

182. Pipeline Defendants' maintenance, transport, distribution, storage, disposal, and release of crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes and failure to clean up, remediate, and/or remove such substances was conducted in an extreme and outrageous manner.

183. Pipeline Defendants' maintenance, transport, distribution, storage, disposal, and release of crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes and failure to clean up, remediate, and/or remove such substances was willful, wanton, intentional and reckless, as described in the "General Allegations" section *supra* herein and as described in Punitive Damages Count VI, *infra* herein.

184. Pipeline Defendants knew there was a high probability that such conduct would cause Injury Plaintiffs severe emotional distress.

185. Pipeline Defendants acted with intentional and reckless disregard for the safety of the residents of the Village of Lomax knowing their actions would cause severe emotional distress.

186. As a direct and proximate result of Pipeline Defendants' extreme and outrageous conduct, the Injury Plaintiffs have been directly impacted by and suffered personal injuries from their exposure to Pipeline Defendants' contamination, as described in paragraphs 132 to 137 *supra* herein.

187. As a direct and proximate result of Pipeline Defendants' extreme and outrageous conduct, the Injury Plaintiffs have experienced severe emotional distress in addition to their other personal injuries and in addition to their increased risk of contracting cancer, as described in paragraphs 132 to 137 *supra* herein.

188. As a result of their mental anguish, distress and anxiety, including the present fear of cancer and increased likelihood of contracting cancer, many of plaintiffs' symptoms have been made worse and manifested themselves in physical injury, such as insomnia, fatigue, mood swings, skin problems, and other symptoms and manifestations, as described in paragraphs 132

to 137 *supra* herein.

WHEREFORE, Injury Plaintiffs pray for judgment against Pipeline Defendants, for a fair and just award in excess of Fifty Thousand Dollars (\$50,000) each, equitable and/or injunctive relief requiring Pipeline Defendants to clean up and remediate the contamination in an expeditious manner, and for such other relief as this Court deems just and proper.

**COUNT V.
INJURY PLAINTIFFS' NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS CLAIM AS TO PIPELINE DEFENDANTS**

189. Plaintiffs repeat, reallege and incorporate Paragraphs 1-188 though fully set forth herein.

190. Pipeline Defendants managed, supervised or were otherwise responsible for the improper and unreasonable management, storage, transportation, distribution, disposal and release of oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes from their pipelines.

191. Plaintiffs and their properties have been and continue to be directly impacted by and exposed to crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes released from pipelines, as described in the "General Allegations" section *supra* herein.

192. Pipeline Defendants were aware of the hazard posed by these oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes and knew or should have known, that said products, constituents and/or wastes would and did migrate from their pipelines to the Property Plaintiffs' and Entity Plaintiffs' properties. Pipeline Defendants were aware of repeated petroleum releases, improper storage and improper

disposal at the pipelines owned by them and located in the neighboring properties.

193. Pipeline Defendants knew, or in the exercise of ordinary care, should have known, of repeated petroleum releases, improper storage, improper disposal, and improper maintenance and construction of their pipelines.

194. Pipeline Defendants knew or should have known of the potential danger of contamination in their handling, storage, processing, transportation, distribution, release, and/or disposal of crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes.

195. Pipeline Defendants had a duty to act reasonably and maintain, distribute and transport the crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes in a manner which would not allow said products, substances, and/or wastes to cause contamination. Further, Pipeline Defendants had a duty to exercise due care to prevent these oil, petroleum products, petroleum constituents, petroleum byproducts, and/or toxic and hazardous substances and wastes from continuing their migration and contamination of Property Plaintiffs' and Entity Plaintiffs' properties.

196. Pipeline Defendants breached their duty of care to Plaintiffs in one or more of the following ways:

- a. Failing to reasonably maintain, monitor, inspect or properly close their pipelines containing crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes; and/or
- b. Allowing pipelines to decay, spill and leak, thereby permitting crude oil,

petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes to leak from said pipelines, polluting the environment and nearby properties, including the Property Plaintiffs' and Entity Plaintiffs' properties, thereby exposing the Injury Plaintiffs directly to said products, substances and/or wastes; and/or

- c. Failing to initiate, undertake, continue or maintain efforts and activities to clean up, remediate or remove crude oil, petroleum products, petroleum constituents, petroleum by-products, and/or toxic and hazardous substances and wastes released onto or into the ground in, around and under the Injury Plaintiffs directly to said products, substances and/or wastes; and/or

197. As a direct and proximate result of Pipeline Defendants' negligent conduct, the Injury Plaintiffs have been directly impacted by and suffered personal injuries from their exposure to Pipeline Defendants' contamination, as described in paragraphs 132 to 137 *supra* herein.

198. As a direct and proximate result of Pipeline Defendants' extreme and outrageous conduct, the Injury Plaintiffs have experienced severe emotional distress in addition to their other personal injuries and in addition to their increased risk of contracting cancer, as described in paragraphs 132 to 137 *supra* herein.

199. As a result of their severe mental anguish, distress and anxiety, including the present fear of cancer and increased likelihood of contracting cancer, many of plaintiffs' symptoms have been made worse and manifested themselves in physical injury, such as

insomnia, fatigue, mood swings, skin problems, and other symptoms and manifestations, as described in paragraphs 132 to 137 *supra* herein.

WHEREFORE, Injury Plaintiffs pray for judgment against Pipeline Defendants, for a fair and just award in excess of Fifty Thousand Dollars (\$50,000) each, for equitable and/or injunctive relief requiring Pipeline Defendants to clean up and remediate the contamination in an expeditious manner, and for such other relief as this Court deems just and proper.

**COUNT VI
PLAINTIFFS' PUNITIVE DAMAGES CLAIM VERSUS BP DEFENDANTS**

200. Plaintiffs repeat, reallege and incorporate Paragraphs 1 – 199 as though fully set forth herein.

BP's Prior Knowledge of its Contamination & its Failure to Protect the Health, Safety and Welfare of the Residents of Lomax, Illinois

201. Petroleum products contaminate the water, soil and air in the Village of Lomax, as described in the "General Allegations" section *supra* herein.

202. BP Defendants' internal documents admit the contamination is an old weathered petroleum product that has been present for decades.

203. BP Defendants have represented that they first became aware of the contamination after receiving a notice of violation from the IEPA on or around October 20, 2005.

204. BP Defendants were aware of petroleum contamination from pipeline leaks from the BP Defendants' pipelines in the Village of Lomax before October 20, 2005.

205. BP Defendants "junked in place" the Crude Pipeline in 1968.

206. Prior to shutting down the Crude Pipeline, there were numerous leaks along the Crude Pipeline, including documented leaks near Lomax, in Henderson County.

207. While BP Defendants subsequently removed other sections of the Crude Pipeline in Henderson County, BP Defendants left the Crude Pipeline and the contamination buried in place in the Village of Lomax, Illinois.

208. BP Defendants did not notify any State or Federal authorities about the contamination or the leaks in Lomax, Illinois.

209. BP Defendants did not notify the residents in Lomax about the contamination affecting their properties and their health.

210. Instead, BP Defendants left the Crude Pipeline and the contamination buried in place, thus exposing unaware residents to the prolonged exposure to and dangers from petroleum contamination.

211. BP failed to properly shut down the Crude Pipeline in 1968.

212. From the time BP Defendants shut down the Crude Pipeline in 1968 until present, BP Defendants failed to follow their own policies and procedures and best practices of inspecting the Crude Pipeline to make sure it was properly closed.

213. After junking the Crude Pipeline in 1968, BP Defendants failed to inspect, monitor or maintain the Crude Pipeline in the Village of Lomax, Illinois. BP Defendants have still failed to properly close or remove the Crude Pipeline in Lomax, Illinois.

214. For nearly forty years, BP Defendants failed to take any action to protect the health and safety of the residents of Lomax from the contamination in Lomax. Even after receiving a notice of violation from the IEPA in October of 2005, BP Defendants failed to offer bottled water to most of the residents North of the railroad tracks (Zone A) until sometime in 2007. BP failed to offer bottled water to other residents (i.e. those residents in Zone B or Zone

C) at any time.

215. When BP offered to provide bottled water to some residents in Zone A, BP Defendants misled the residents by advising them that their water was safe to drink and they were only providing bottled water for the residents' "peace of mind."

216. BP Defendants' conduct of leaving the Crude Pipeline and the contamination buried in place, failing to inspect its abandoned Crude Pipeline for more than forty years, failing to notify authorities and residents of the contamination, mis-leading residents that their water was safe, and failing to take action for forty years to protect the health and safety of the residents of Lomax, Illinois from BP Defendants' contamination was willful, wanton, malicious and demonstrated a profound and reckless disregard for the safety and well-being of the residents of the Village of Lomax.

BP Defendants Systematically Failed to Maintain, Inspect or Repair its Pipelines

217. BP Defendants and its affiliate companies operate pipelines throughout the United States of America and the world.

218. BP Defendants willfully, wantonly, intentionally and/or recklessly failed to properly maintain, inspect, repair and close its pipelines in Lomax, Illinois.

219. BP systematically, willfully, and wantonly failed to properly maintain its pipelines, including the pipelines at issue in the Village of Lomax.

220. BP systemically, willfully, and wantonly failed to inspect its pipelines, including the pipelines at issue in the Village of Lomax.

221. BP systematically, willfully, and wantonly failed to properly close abandoned pipelines, including the pipelines at issue in the Village of Lomax.

222. The following are some examples of BP Defendants' widespread practice of willfully, wantonly and recklessly failing to invest money to maintain, repair, close and/or inspect its pipelines:

- a. In Prudhoe Bay, Alaska, BP Defendants were fined by the State of Alaska and face civil suits stemming from leaks from more than 6 miles of corroded pipelines. BP failed to inspect the corroded pipeline at issue in Prudhoe Bay for decades. Similarly here, BP Defendants failed to inspect, repair, maintain or properly close the pipelines in Lomax.
- b. BP Defendants pled guilty to a criminal violation of the Clean Water Act and paid a \$20 million fine in criminal penalties from a 2006 spill from its Alaskan pipeline that resulted because BP failed to heed many red flags and warning signs of imminent internal corrosion, similar to how BP junked in place and failed to properly close its Crude Pipeline (for over 40 years).
- c. BP Defendants even mislead their investors about the integrity of their pipelines, which resulted in a securities class action federal lawsuit that ultimately settled for over \$40,000,000.00.
- d. BP Defendants' cost-cutting measures are so wide-spread and prevalent that they led to a fatal explosion at its Texas City, Texas Refinery in 2005. BP pled guilty to a felony violation of the Clean Water Act, which resulted in a criminal fine of \$50,000,000.00 (and much more in civil settlements and in addition to a \$87 million OSHA fine).

e. Recently, on or around April 20, 2010, BP was again involved in another preventable environmental disaster, the crude oil spill impacting the Gulf of Mexico that started when an off-shore oil rig exploded. Among other lapses, BP failed to require or otherwise install a \$500,000.00 acoustic remote control switch in the oil rig (which is required by countries such as Brazil) that could have prevented the massive, uncontrollable spill.

223. Although BP Defendants earn billions of dollars in profits every year, BP Defendants failed to invest sufficient resources and money to maintain, inspect, repair and properly close its pipelines.

224. In Lomax, Illinois, BP Defendants junked in place the Crude Pipeline and left the contamination buried in place in 1968. After shutting down the Crude Pipeline in 1968, BP Defendants failed to inspect, maintain, repair or properly close its pipelines in the Village of Lomax.

225. The acts and omissions of BP Defendants demonstrate its systematic failure to properly maintain, repair, inspect and close its pipelines. BP's acts and omissions of junking the Crude Pipeline and leaving the contamination in place and failing to investigate, remove or notify authorities was willful, wanton, malicious and demonstrated a profound reckless disregard for the safety and well-being of the residents of the Village of Lomax.

WHEREFORE, Plaintiffs seek the maximum award of punitive damages allowed by law.

**COUNT VII
MEDICAL MONITORING**

226. Injury Plaintiffs repeat, reallege and incorporate Paragraphs 1 – 225 as though

fully set forth herein.

227. Injury Plaintiffs have been exposed to long-term significant exposure to hundreds of chemicals in crude oil, including benzene, ethylbenzene, xylenes, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, isopropylbenzene, cyclohexane, nButylbenzene, npropylbenzene, p-isopropyltoluene, sec-butylbenzene, toluene, hexane, acenaphthene, acennaphthylene, anthracene, benzo(ghi)pyriline, fluoranthene, fluorine, naphthalene, 1-Me-Naphthalene, 2-Me-Naphthalene, phenanthrene, pyrene, benz[a]anthracene, benzo[a]pyrene, benzo[e]pyrene, benzo[b]fluoranthene, benzo[k]fluoranthene, chrysene, ideno(1,2,3-c-d)pyrene, and 5-Me-chrysene], arsenic, nickel and vanadium.

228. Injury Plaintiffs have been exposed to significantly elevated levels of multiple toxic emissions, including PAHs, short and long chain alkane hydrocarbons and aromatic hydrocarbons.

229. Injury Plaintiffs have been exposed through drinking, cooking, bathing and using their contaminated ground water and through the inhalation of vapors that migrated from the sub-surface into their homes and through using their ground water in showering, cooking and other uses, as described in the “General Allegations” section *supra* herein.

230. Injury Plaintiffs’ long term exposures to these chemicals, as described in paragraph 227, far exceed background levels.

231. These chemical are known toxins, carcinogens and hazardous substances.

232. Injury Plaintiffs were exposed to these chemicals due to Defendants’ acts, omissions, negligence and willful and wanton conduct, as discussed in Count I *supra*.

233. As a proximate and direct result of exposure, Injury Plaintiffs have suffered

exposure-related personal injuries, medical conditions and diseases, as described in paragraphs 132 to 137 *supra* herein).

234. As a proximate and direct result of exposure, Injury Plaintiffs have an increased risk of contracting serious latent diseases, including cancer and other future non-cancerous harm.

235. Dr. Jim Dahlgren, M.D. has developed a detailed monitoring procedure designed for each plaintiff that makes early detection of cancer or other disease possible. The medical monitoring procedure includes regular and frequent rectal exams, stool occult blood, testicular physical exams, breast physical exams, pelvic exams with PAP smear, oral/dental exams, otolaryngology evaluations, urinalysis, urine cytology, complete blood counts, blood chemistry, thyroid function tests, mammography, helical CT, helical CT of chest and abdomen with virtual colonoscopy, regular colonoscopy, lung function testing, and EMG nerve conduction studies, among other procedures.

236. The monitoring regime, which has been provided to Pipeline Defendants, is considerably different from that recommended for normal healthy adults or children with no known toxic exposures.

237. The monitoring regime is reasonably necessary according to modern standards of environmental medicine and indicated for the Injury Plaintiffs, who were exposed to a crude oil leak in their domestic water.

WHEREFORE, Injury Plaintiffs specifically seek recovery of the ongoing costs to implement a comprehensive medical monitoring program that:

- a. Aids Injury Plaintiffs in the early diagnosis of treatment of resulting injuries through ongoing testing and monitoring

associated with symptoms, disorders, disease and other conditions caused by gasoline exposure;

- b. Provides for accumulation and analysis of all relevant medical and demographic information from Injury Plaintiffs including, but not limited to, the results of all appropriate medical testing performed on Injury Plaintiffs;
- c. Provides for the creation, maintenance, and operation of a “registry” in which relevant demographic and medical information is gathered, maintained and analyzed;
- d. Provides for medical research concerning the incidents, problems, diagnosis and treatment of gasoline exposure-related diseases and illnesses;
- e. Publishes and otherwise disseminates all such information to the Lomax, Illinois community and physicians; and
- f. For any other further orders and relief this court deems just and proper;

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment in their favor against Pipeline Defendants, and award Plaintiffs the following relief:

- a. Compensatory damages for the personal injuries, lost use and enjoyment of properties and quality of life, increased risk of future harm, emotional distress, present fear of cancer and other compensable injuries suffered by

the Injury Plaintiffs as proven by the evidence at or before trial in an amount in excess of Fifty Thousand Dollars (\$50,000) each;

- b. Damages for the Plaintiffs for the loss of the useful and quiet enjoyment of property;
- c. Damages for the Property Plaintiffs because their properties have been damaged by the contamination, damages for the diminution in value and impairment of salability of property and losses related to residual toxic contamination and the stigma damage to property value, damages from the lost use and enjoyment of properties and quality of life, and damages due to the actual or perceived health threats associated with living in proximity to the pipelines owned and/or operated by Pipeline Defendants;
- d. Damages for the Property Plaintiffs for the ongoing cost to use potable water in lieu of well-water;
- e. Plaintiffs have suffered other damages, including but not limited to, personal property damages from the death of dogs, cats and pets who were exposed to the contamination, and damage to clothes, appliances and other personal property;
- f. Damages for the Village of Lomax and Lomax Township because their properties have been damaged by the contamination, for decreased tax revenue, diminution in value and the loss of useful and quiet enjoyment of property, impairment of salability of property and losses related to residual toxic contamination and the stigma damage to property value, because of

the actual or perceived health threats associated with living in proximity to the pipelines owned and/or operated by Pipeline Defendants;

- g. Damages for the Dallas Rural Water District for expending more than \$2,000,000.00 to design and construct the water lines to bring safe, potable water to the Lomax, more than \$100,000 in damages to protect the water lines from contamination, and for damages the Dallas Rural Water District will continue to incur in maintaining its water lines and related facilities;
- h. Pre-judgment and post-judgment interest on all damages as may be allowed by law;
- i. Costs of suit, including discretionary court costs of this cause, and those costs recoverable under the law, that are incurred by the Plaintiffs in the prosecution of this action;
- j. Damages and costs to implement a comprehensive medical monitoring program that:
 - i. Aids Injury Plaintiffs in the early diagnosis of treatment of resulting injuries through ongoing testing and monitoring associated with symptoms, disorders, disease and other conditions caused by gasoline exposure;
 - ii. Provides for accumulation and analysis of all relevant medical and demographic information from Injury Plaintiffs including, but not limited to, the results of all appropriate medical testing performed on Injury Plaintiffs;

- iii. Provides for the creation, maintenance, and operation of a “registry” in which relevant demographic and medical information is gathered, maintained and analyzed;
 - iv. Provides for medical research concerning the incidents, problems, diagnosis and treatment of gasoline exposure-related diseases and illnesses;
 - v. Publishes and otherwise disseminates all such information to the Lomax, Illinois community and physicians; and
 - vi. For any other further orders and relief this court deems just and proper;
- k. Equitable and/or injunctive relief requiring the Pipeline Defendants to clean up and remediate the contamination in a manner that the court determines will appropriately and safely remediate the environmental damage and abate the nuisance and/or trespass caused or maintained by the Pipeline Defendants;
- l. Punitive Damages sufficient to punish and deter BP Defendants from engaging in Acts and Omissions as described herein; and/or
- m. For any further orders and relief this Court deems just and proper.

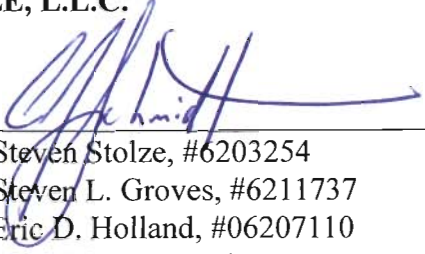
JURY DEMAND

COME NOW all Plaintiffs, by and through their attorneys, and hereby request a trial by jury of all causes of action in this mater.

Respectfully submitted,

**HOLLAND, GROVES, SCHNELLER &
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing has been served upon parties of record by mailing a copy thereof via first-class U.S. Mail with postage prepaid this 10th day of May, 2010, to:

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A handwritten signature in blue ink is written over a horizontal line. The signature is stylized and appears to be 'J. Smith'.